

AGENDA
VALLEY CITY COUNCIL
April 20, 2021 4:30 PM

Anyone desiring to speak on any item on the Agenda is invited to do so, but will be limited to three minutes. After being recognized by the Mayor, please state your name and address for the record. Anyone desiring to speak for a longer period of time should make arrangements with the City Clerk prior to the meeting.

--A copy of the Open Meetings Act is located on the north wall of the Council Chamber--

The Mayor and Council reserve the right to adjourn into executive session on any agenda item per Nebraska Revised Statutes 84-1410.

One copy of all reproducible written material to be discussed at this meeting is available for examination or copying.

1. CALL TO ORDER
2. PROOF OF PUBLICATION
3. PUBLIC HEARING
 - 3.A. Rezoning of 223 W Meigs Street from Residential (RM) to Transitional Ag (TA)
 - Open Public Hearing
 - Public comments: proponents and opponents
 - Close public hearing
 - Discussion and questions by Planning Commission Members
 - Vote on recommendation to City Council
4. Adjourn

* For April 20, 2021
P.C. meeting

APPLICATION FOR A CHANGE OF ZONING
Valley, Nebraska

Date 3/9/21

Form must be filled out completely before acceptance of this application for processing. Please print.

Applicant's Name Kelly Hinrichs Telephone No. 402-490-1811

Applicant's Address 223 W. Meigs St, Valley, NE 68064

Present Use of Subject Property Personal Home Residential

Desired Use of Subject Property Personal Home Transitional Ag

Present Zoning Residential RM Requested Zoning Transitional Ag

Legal Description of Property Requested to be rezoned Waldron Acres Add Lot 1 Block 0 IRREG

Area of Subject Property, Square Feet and/or Acres 4.28 Acres

How are Adjoining Properties Used (Actual Use)

North Residential

South Residential

East Residential

West Residential

If Exhibits are furnished, please describe and enumerate. (Furnish Plot or Site Plan showing existing and proposed structures, easements, water courses, curb cutbacks, etc.)

The Zoning Administrator, who may be accompanied by others is hereby authorized to enter upon the property during normal working hours for the purpose of becoming familiar with the proposed situation.

Justification

You must justify your request. Questions 1 through 4 must be answered completely. Use separate sheet if necessary.

1. What is the general character of the area? Describe. Large lot containing house and 4.28 Acres, pasture land to rear of house, similar to the signified
2. Can soil conditions support the kinds of development in the proposed zoning district? What is the soil classification of the area? Yes
3. What type of sewer and water system will be used? Existing/City sewer & water
4. How will the proposed Zoning District affect traffic in the area? Will streets or roads need to be updated for access to the area? If yes, what will the requirements be? Traffic will not be affected

Signature of Owner [Signature] or Signature of Agent _____

OFFICE USE ONLY

File No. _____ Fee paid Yes () No () _____

Date _____ Approved _____ Disapproved _____

paid 3-9-21 CLK #6382 150.00

Chair, Valley Planning Commission.

Date _____ Approved _____ Disapproved _____

Mayor

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Our current zoning district of RM needs to be changed no matter what because our property no longer fits that description.

030 Residential medium density (**RM**) **zone**. ... The residential medium density **zone** is intended primarily to provide for moderate intensity housing development, such as duplexes or townhouses, mixed with smaller lot single-family homes.

The city code for accessory structures states that any property over 3 acres should consider rezoning.

I have included signatures from my neighbors in support of our request.

Thank you for your consideration and we look forward to meeting with you.

Kelly and Susan Hinrichs
223 West Meigs St
Valley, NE 68064
402-490-1811

I support the rezoning of the property at 223 West Meigs St, Valley, NE from residential RM to Transitional AG

Name Carolyn Kay Peterson

Address 225 West Meigs St.

Signature Carolyn Kay Peterson

Name Nick Goldapp

Address 805 S Valleyview St

Signature [Signature]

Name James Kulman

Address 809 S. Valley View St

Signature James Kulman

Name Tyler Johnson

Address 903 S. VALLEY VIEW ST

Signature [Signature]

Name Mike Dye

Address 907 S. Valley View St.

Signature [Signature]

Name Charles E Dutton

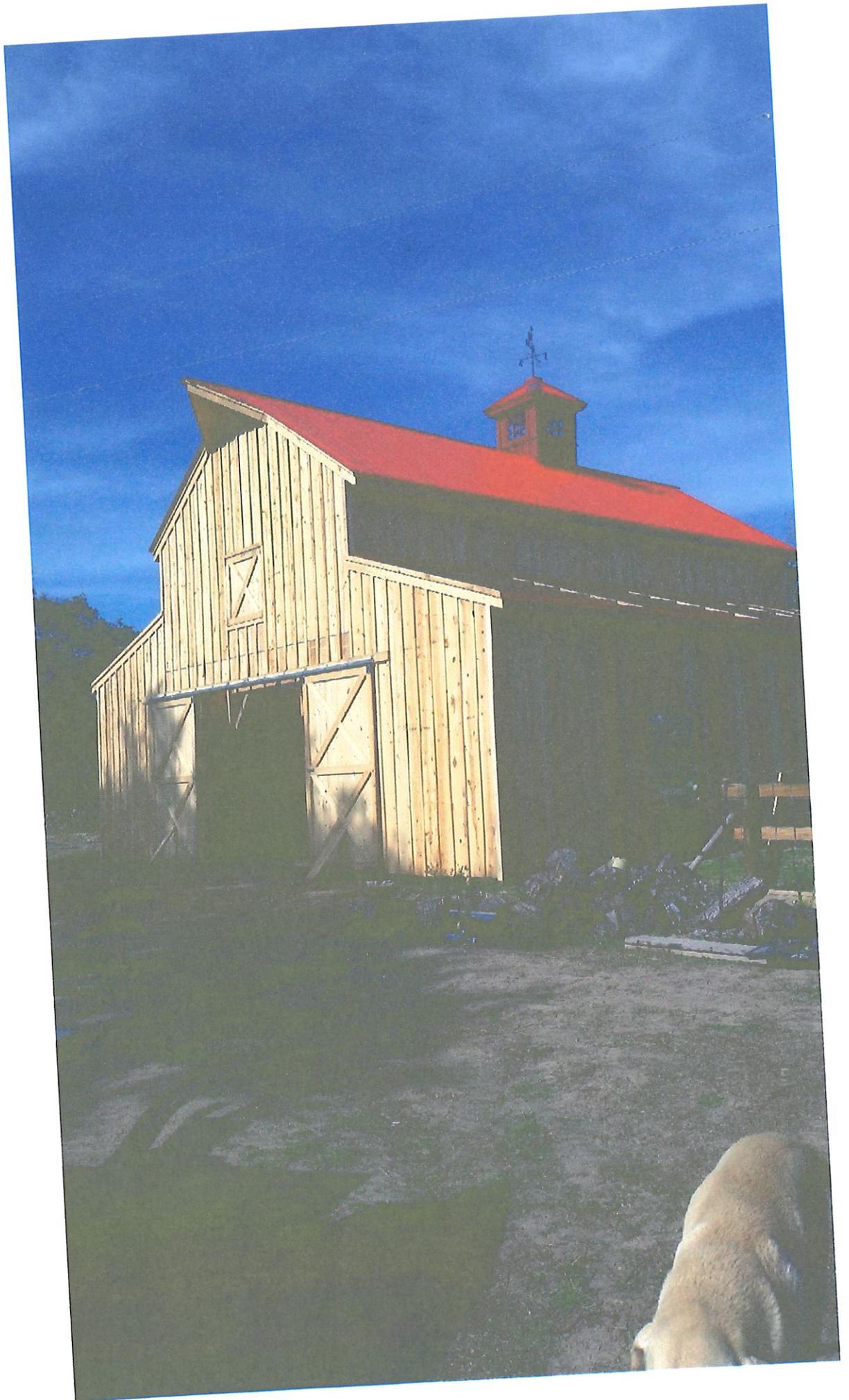
Address 215 W. Meigs St. lot 38

Signature Charles E Dutton

Name _____

Address _____

Signature _____



Google Maps 223 W Meigs St



Imagery ©2021 Maxar Technologies, U.S. Geological Survey, Map data ©2021 100 ft



223 W Meigs St

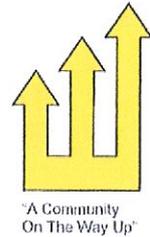
Building

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 223 W Meigs St, Valley, NE 68064

Photos

CITY OF VALLEY



Kelly Henrichs
223 W. Meigs St.
Valley, NE 68064

December 15, 2020

Reference: Review of plans for proposed garage at the property located at 223 W. Meigs St.

Dear Kelly Henrichs:

I have reviewed the submitted construction drawings with the following comments regarding the proposed garage addition:

Driveway

- Driveways and parking areas to the proposed structure must be constructed of Portland cement or an Asphaltic concrete surface.

Zoning

- Current Zoning District only allows for a maximum of 2 accessory structures located upon any lot. The combined maximum square footage of accessory structures allowed for this lot is 2,500 sq. feet. You need to provide a better plot plan which needs to include all structures, setbacks from lot lines and other structures and proposed driveway design.
- Zoning District only allows for the following accessory designs:

Detached private garages and outbuildings in the Residential Districts within the corporate limits of Valley for automobiles and/or storage use and other structures customary and appurtenant to the permitted uses and detached accessory garages shall be constructed of materials customarily used in residential construction and meet the following:

1. Be constructed of materials that are in good repair,
2. The sidewalls of said building shall not exceed 10 feet in height,
3. Garages shall have an overhang of at least six inches,
4. Garages shall have a maximum width of 36 feet,
5. Garages shall be constructed and finished in materials customary to residential construction.

Your proposed structure has sidewalls exceeding 10 feet in height, overall height of the proposed structure is well over the maximum 17 feet allowed and the maximum width of 36 feet has been exceeded.

Foundation

- An appropriate UFER ground for the electrical system is required

4.12.8 Accessory Buildings. No more than two (2) accessory buildings shall be permitted for residential use whose combined total area shall not exceed the following size limitations:

<u>Lot Size</u>	<u>Maximum Building Size</u>
0 to 10,000 square feet	720 square feet
10,001 to 20,000 square feet	960 square feet
20,001 to 30,000 square feet	1,200 square feet
30,001 to 40,000 square feet	1,440 square feet
40,001 square feet to 2 acres	1,680 square feet
2.01 acres to 3 acres	2,500 square feet
Larger than 3.01 acres may need to be rezoned	

The size of the residential lot will determine the maximum size of the residential accessory building. Buildings exceeding the maximum size indicated on parcels less than 20 acres are non-residential and would require consideration for rezoning for the anticipated commercial or industrial use.

Section 4.13 Permitted Modifications of Height Regulations

4.13.01 The height limitations of this Ordinance shall not apply to the following, provided that the appropriate yard setbacks are increased by one foot for every two feet in excess of the maximum height requirement for the given zoning district

Church Steeples	Public Monuments	Flag Poles
Chimneys	Ornamental Towers and Spires	Church Spires
Silos	Cooling Towers	Smoke Stacks
Elevator Bulkheads	Necessary Mechanical Devices	Fire Towers
Water Towers and Standpipes	Air-Pollution Prevention Devices	

4.13.02 When permitted in a district, public or semi-public service buildings, hospitals, institutions, or schools may be erected to a height not exceeding 60 feet, provided, each required yard line shall be increased by at least one foot for each one foot of additional building height above the height regulations for the district in which the building is located.

Section 4.14 Occupancy of Basements and Cellars

No basement or cellar shall be occupied for residential purposes until the remainder of the building has been completed.

Section 4.15 Non-Conforming, General Intent

It is the intent of this ordinance to permit lawful non-conformities to continue until they are removed, but not encourage their survival. Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this ordinance that non-conformities shall not be enlarged upon, expanded or extended nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district except as may be authorized in this title.

Section 4.16 Nonconforming Lots of Record

In any district where buildings and structures are permitted, notwithstanding limitations imposed by other provision of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both that are generally applicable in the district provided that the yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located; that such lot has been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size and width at such location would have been lawful; and has remained in separate and individual ownership from adjoining lots or tracts of land continuously during the entire period in which this or previous Ordinance would have prohibited creation of such lot. Variance of area, width and yard requirements shall be obtained only through action of the Board of Adjustment.

provided, however, that noncommercial radio towers not exceeding 100 feet in height shall not be considered broadcast towers.

2.03.79 **BUFFER** shall mean a strip of land established to protect one type of land use from another incompatible land use or between a land use and a private or public road. Also see "Screenings."

2.03.80 **BUFFER ZONE** shall mean an area of land that separates two zoning districts and/or land uses that acts to soften or mitigate the effects of one use on the other.

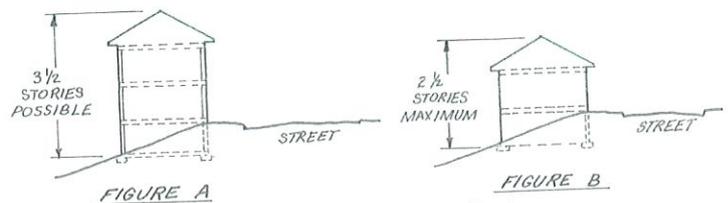
2.03.81 **BUILDING** shall mean any structure built and maintained for the support, shelter or enclosure of persons, animals, chattels, or property of any kind, but shall not include temporary buildings as defined in "Structure, Temporary". Operable and licensed trailers, with wheels, shall not be considered as buildings.

2.03.82 **BUILDING ACCESSORY** shall mean any detached subordinate building that serves a function customarily incidental to that of the main building or main use of the premises. Customary accessory building includes farm buildings, garages, carports, and small storage sheds.

2.03.83 **BUILDING, AREA OF** shall mean the sum in square feet of the ground areas occupied by all buildings and structures on a lot.

2.03.84 **BUILDING CODE** shall mean the various codes of the City that regulate construction and requires Building Permits, electrical permits, mechanical permits, plumbing permits, and other permits to do work regulated by the adopted building code of the City, and other codes adopted by the City that pertain to building construction.

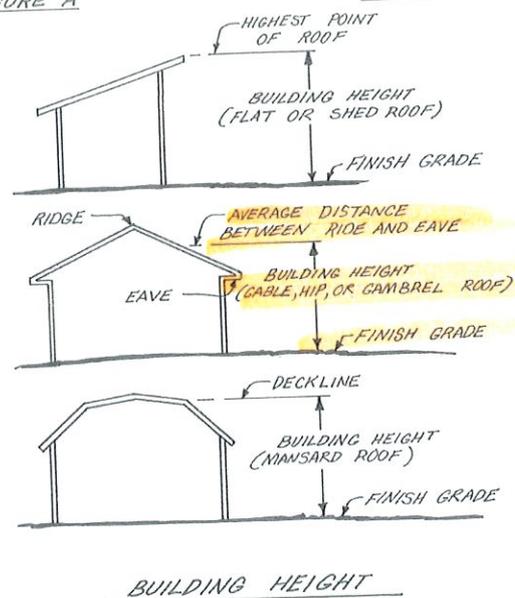
2.03.85 **BUILDING, HEIGHT** shall mean the vertical distance measured from the curb level to the highest point of a roof surface, if a flat roof, to the deck line of mansard roofs, and to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.



2.03.86 **BUILDING INSPECTOR** shall mean the Building Inspector(s) for the City of Valley, Nebraska.

2.03.87 **BUILDING PRINCIPAL** shall mean a building within which the main or primary use of the lot or premises is located. Also, see "Principal Use."

2.03.88 **BUILDING SETBACK LINE** shall mean the minimum of distance as prescribed by this regulation between any property line and the closest point of the building line or face of any building or structure related thereto.



2.03.89 **CAMPGROUND** shall mean a parcel of land intended for the temporary occupancy of tents, campers, and major recreational vehicles and which primary purpose is recreational, having open areas that are natural in character.

Section 4.11 Permitted Obstructions in Required Yards

The following shall not be considered to be obstructions when located in the required yards:

- 4.11.01 *All Yards*: Steps and accessibility ramps used for wheelchair and other assisting devices which are four feet or less above grade which will not exceed minimum requirements of the Americans with Disabilities Act and are necessary for access to a permitted building or for access to a lot from a street or alley; an open, uncovered porch or paved terrace, not over six inches in height, projecting up to 10 feet, provided such projection does not extend to any lot line; chimneys projecting 24 inches or less into the yard; recreational equipment and clothes lines; approved freestanding signs; arbors and trellises; flag poles; the ordinary projections of sills, eaves, belt courses, cornices, ornamental features, and window unit air conditioners projecting not more than 18 inches into the required yard; and fences or walls subject to applicable height restrictions are permitted in all yards.
- 4.11.02 *Front Yards*: Bay windows projecting three feet or less into the yard are permitted.
- 4.11.03 *Rear and Side Yards*: Open off-street parking spaces or outside elements of central air conditioning systems.
- 4.11.04 *Double Frontage Lots*: The required front yard shall be provided on each street.
- 4.11.05 *Building Groupings*: For the purpose of the side yard regulation a group of business or industrial buildings separated by a common party wall shall be considered as one building occupying one lot.

Section 4.12 Accessory Building and Uses

- 4.12.01 No accessory building or structure shall be constructed upon a lot for more than six months prior to beginning construction of the principal building. No accessory building shall be used for more than six months unless the main building on the lot is also being used or unless the main building is under construction. However, in no event shall such building be used as a dwelling unless a certificate of occupancy shall have been issued for such use.
- 4.12.02 No detached accessory building or structure shall exceed the maximum permitted height of the principal building or structure when permitted.
- 4.12.03 No accessory building or structure shall be erected in or encroach upon the required side yard on a corner lot or the front yard of a double frontage lot.
- 4.12.04 Detached accessory buildings or structures shall be located no closer to any other accessory or principal building than 10 feet.
- 4.12.05 Accessory buildings and structures may be built within a required rear yard when located at least five feet from the rear lot line and when occupying not more than 30 percent of the area of such rear yard. Further, where vehicular access to an accessory building or structure is provided from an alley, such building or structure shall be no closer than 10 feet to the alley.
- 4.12.06 Detached garages and outbuildings in Residential Districts for storage uses and other structures customary and appurtenant to the permitted uses and detached accessory garages shall be constructed as follows:
1. Be constructed of materials that are in good repair,
 2. The sidewalls of said building shall not exceed 10 feet in height,
 3. Garages shall have an overhang of at least six inches,
 4. Garages shall be constructed and finished in materials customary to residential construction.
- 4.12.07 Regulation of accessory uses shall be as follows:
1. Except as herein provided, no accessory building shall project beyond a required yard line along any street.
 2. Service station pumps and pump islands may occupy the required yards, provided, however, that they are not less than 15 feet from street lines.
 3. Storage of any boat, camper, trailer, recreational vehicle or other vehicle shall not be permitted in any required yard.

* For April 20, 2021
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OFFICE USE ONLY

File No. _____ Fee paid Yes () No () _____

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Signature Carolyn Kay Peterson

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Name James Kulman

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X

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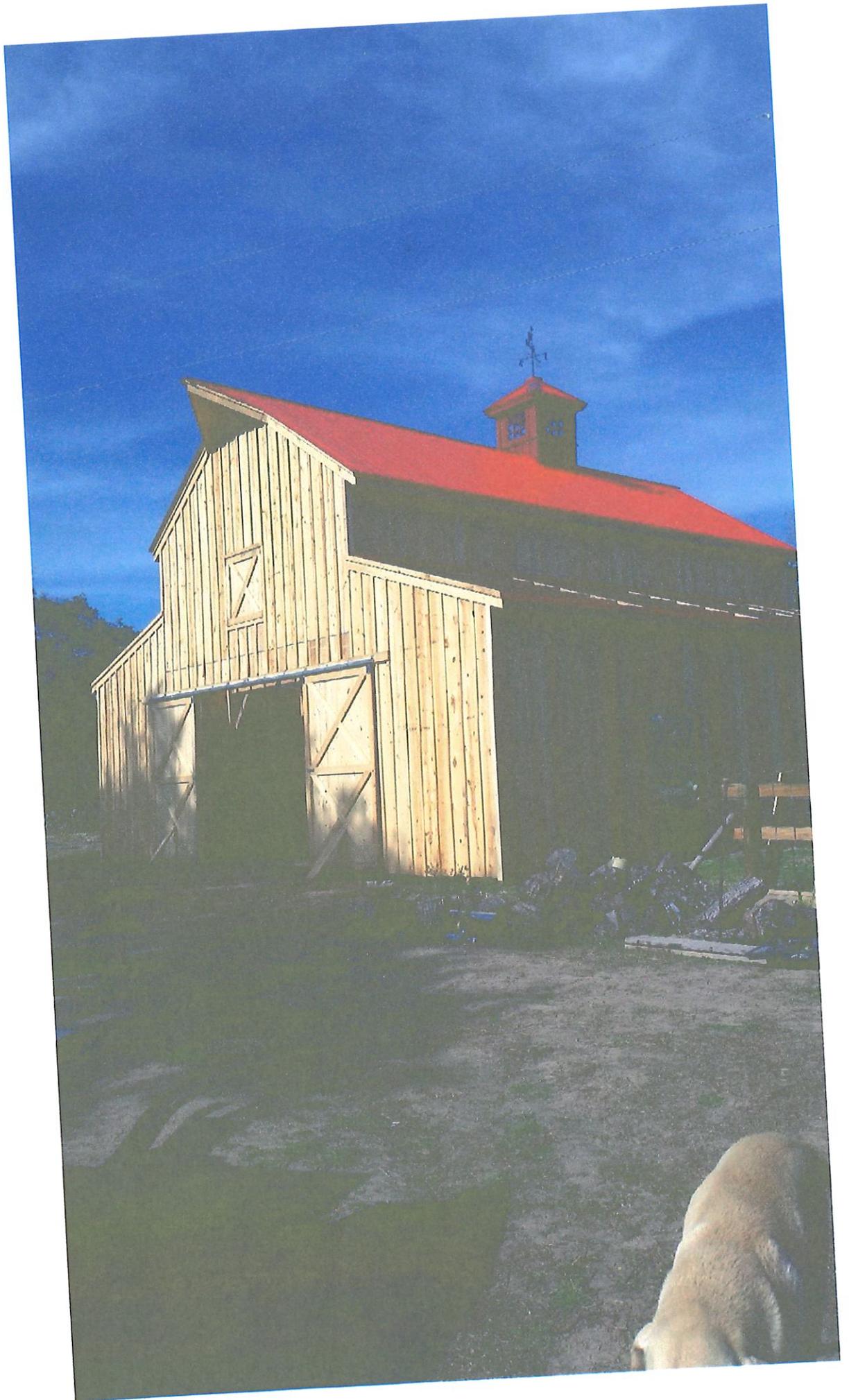
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Name _____

Address _____

Signature _____



Google Maps 223 W Meigs St



Imagery ©2021 Maxar Technologies, U.S. Geological Survey, Map data ©2021 100 ft



223 W Meigs St

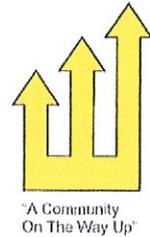
Building

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 223 W Meigs St, Valley, NE 68064

Photos

CITY OF VALLEY



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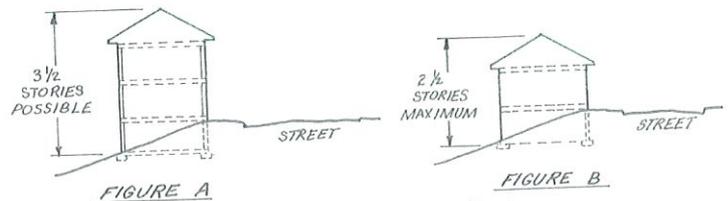
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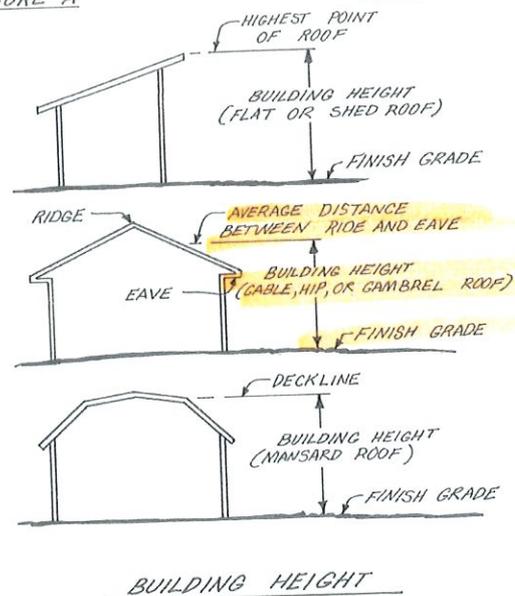
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- 4.11.02 *Front Yards*: Bay windows projecting three feet or less into the yard are permitted.
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- 4.12.04 Detached accessory buildings or structures shall be located no closer to any other accessory or principal building than 10 feet.
- 4.12.05 Accessory buildings and structures may be built within a required rear yard when located at least five feet from the rear lot line and when occupying not more than 30 percent of the area of such rear yard. Further, where vehicular access to an accessory building or structure is provided from an alley, such building or structure shall be no closer than 10 feet to the alley.
- 4.12.06 Detached garages and outbuildings in Residential Districts for storage uses and other structures customary and appurtenant to the permitted uses and detached accessory garages shall be constructed as follows:
1. Be constructed of materials that are in good repair,
 2. The sidewalls of said building shall not exceed 10 feet in height,
 3. Garages shall have an overhang of at least six inches,
 4. Garages shall be constructed and finished in materials customary to residential construction.
- 4.12.07 Regulation of accessory uses shall be as follows:
1. Except as herein provided, no accessory building shall project beyond a required yard line along any street.
 2. Service station pumps and pump islands may occupy the required yards, provided, however, that they are not less than 15 feet from street lines.
 3. Storage of any boat, camper, trailer, recreational vehicle or other vehicle shall not be permitted in any required yard.