

**AGENDA**  
**VALLEY CITY COUNCIL**  
Tuesday, December 19, 2023  
City Hall  
203 North Spruce  
Valley, NE 68064  
4:30 PM

1. **ROLL CALL**

2. **CALL TO ORDER**

3. **PROOF OF PUBLICATION**

4. **PUBLIC HEARINGS**

4.A. Ordinance Change Request - storage of utility trailers in residential districts.

- 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.B. Application for Change of Zoning - OSC Valley Meigs 1, LLC c/o Access Property Management (Valley Landing) from I-3 general industrial to C-1 (Lots 1-14); R-2 (Lots 15-16)

- 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.C. Conditional Use Permit - Kobes Enterprises - permit for outside storage

- Open Public Hearing
- Public comments: proponents and opponents
- Close public hearing

The City Council reserves the right to enter into an executive session at any time during the meeting, in accordance with the Nebraska Open Meetings Act, even though the closed session may not be indicated on the agenda.

It is the intention of the City Council to take up the items on the agenda in sequential order. However, the City Council reserves the right to take up matters in a different order to accommodate the schedules of the City Council members, persons having items on the agenda, and the public.

- Discussion and questions by Planning Commission Members
  - Vote on recommendation to City Council
5. **ORDINANCE CHANGES:**
    - **Accessory structure in highway overlay district**
    - **Amend submission time period for Conditional Use Permit application**Discussion
  6. **WAIVER REQUEST - site design standards - highway overly district**
  7. **ADJOURN**

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It is the intention of the City Council to take up the items on the agenda in sequential order. However, the City Council reserves the right to take up matters in a different order to accommodate the schedules of the City Council members, persons having items on the agenda, and the public.

**NOTICE OF MEETING  
PLANNING COMMISSION  
CITY OF VALLEY, NEBRASKA**

Notice is hereby given that a meeting of the City of Valley Planning Commission will be held on **Tuesday, December 19, 2023, at 4:30 p.m.** at Valley City Hall. PUBLIC HEARINGS will be held on the following:

1. Various Ordinance Amendments
  - Storage of utility trailers
2. Conditional use permit for outdoor storage at 29040 Garvin Road
3. Request for change of zoning
4. Waiver from site design standards - Highway overlay district

An agenda kept continually current shall be available for public inspection at Valley City Hall.

Larry Bottger, Chair  
City of Valley, Planning Commission

12/11

ZNEZ

**THE DAILY RECORD  
OF OMAHA  
JASON W. HUFF, Publisher  
PROOF OF PUBLICATION**

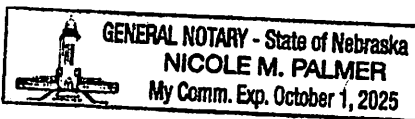
UNITED STATES OF AMERICA,  
The State of Nebraska,  
District of Nebraska,  
County of Douglas,  
City of Omaha

} ss.

JASON W. HUFF and/or JOSIE CHARRON, being duly sworn, deposes and say that they are the PUBLISHER and/or MANAGING EDITOR of THE DAILY RECORD, of Omaha, a legal newspaper, printed and published daily in the English language, having a bona fide paid circulation in Douglas County in excess of 300 copies, and a general circulation in Sarpy, Lancaster, Cass and Dodge Counties, printed in Omaha, in said County of Douglas, Nebraska for more than fifty-two weeks last past; that the printed notice here-to attached was published in THE DAILY RECORD, of Omaha, for 1 consecutive weeks on:

12/11/23

That said Newspaper during that time was regularly published and in general circulation in the County of Douglas, and State of Nebraska.



Publisher's Fee      \$28.67

Additional Copies    \$ \_\_\_\_\_

Filing Fee            \$ \_\_\_\_\_

Total \$28.67

*Jason W Huff*

Subscribed in my presence and sworn to before me this DECEMBER 11 2023

*Nicole M Palmer*

Notary Public in and for Douglas County, State of Nebraska

THE STATE OF NEBRASKA  
DEPARTMENT OF REVENUE  
DIVISION OF TAXATION

STATE OF NEBRASKA  
DEPARTMENT OF REVENUE  
DIVISION OF TAXATION  
1000 F STREET, SUITE 100  
LINCOLN, NEBRASKA 68502  
TEL: (405) 393-2000

NOTICE TO TAXPAYER: This notice is being sent to you because you have a tax liability for the year 2002. The amount of the liability is \$1,234.56. You have 30 days from the date of this notice to pay the amount in full. If you do not pay the amount in full, we will take the appropriate action to collect the amount. If you have any questions, please call the number on the back of this notice.

12/15/02

THE BOARD OF PUBLIC UTILITIES - STATE OF NEBRASKA  
1000 F STREET, SUITE 100  
LINCOLN, NEBRASKA 68502  
TEL: (405) 393-2000

STATE OF NEBRASKA  
DEPARTMENT OF REVENUE  
DIVISION OF TAXATION  
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TEL: (405) 393-2000

3. Curb cuts for straight curbs and the flare for rolled curbs shall be three feet wider than the driveway pavement on each side.
  4. Driveways shall be constructed with widths of 32 feet or less. Widths greater than 32 feet must have approval from City Council to assure compliance with acceptable engineering and traffic design principals and standards.
  5. Driveways constructed henceforth and connecting to a paved street or avenue shall be paved with asphaltic concrete or Portland concrete from the edge of the pavement to the property line, with allowances for public sidewalks.
  6. Driveway approaches shall be at a depth of not less than six inches from street or avenue to the sidewalk edge. Driveways shall have half by six-inch expansion at the sidewalk edge.
- 7.02.21 Storage of any boat, boat trailer, camp trailer, recreational vehicle, or other vehicle shall not be permitted in any required yard; except that a boat, boat trailer, camp trailer may be placed on concrete or asphaltic concrete surfacing in a side yard or rear yard.

- 7.02.21 Storage of any boat, boat trailer, camp trailer, recreational vehicle, **utility trailer**, or other vehicle shall not be permitted in any required yard; except that a boat, boat trailer, camp trailer, **utility trailer** may be placed on concrete, asphaltic concrete surfacing, or **maintained crushed rock surfacing pad** in a side or rear yard. **This section only applies to personal storage.**

**When used for storage of any of the items above, crushed rock will be counted in the impervious coverage for the lot.**

**Pad has to cover entire footprint of stored item.**

**Yearly license required for each boat, boat trailer, camp trailer, utility trailer at a fee of \$100.00 per year.**

**Maintained means the pad has to be covered in at least 90% exposed crushed rock. This can be tested by taking any 1'x1' section of the pad and checking the percentage.**

**OR**

**Maintained means the pad has to be covered in at least 100% exposed crushed rock.**

CURRENT

**YARD, FRONT** shall mean a space between the front yard setback line and the front lot line or highway setback line, and extending the full width of the lot.

PROPOSED

**YARD, FRONT** shall mean all that area between the front property line and a line drawn along the front face or faces of the principal structure on the property and extended to the side property lines.

**Utility trailer** means a trailer having a gross weight, including load thereon, of 3500lbs and no more than one axle.

or

**Utility trailer** means a trailer having a gross weight, including load thereon, of nine thousand pounds or less.



**Maintained** means the pad has to be covered in at least 90% exposed crushed rock. This can be tested by taking any 1'x1' section of the pad and checking the percentage.

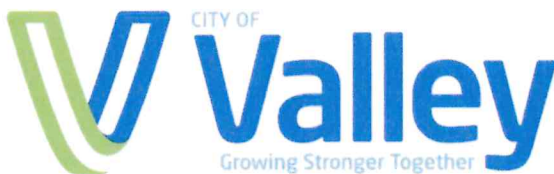
or

**Maintained** means the pad has to be covered in at least 100% exposed crushed rock.





**P.O. Box 682**  
**Valley, NE 68064**  
 Phone: 402-359-2251 Ext. 306  
 Fax-402-359-2610  
[www.valleyne.org](http://www.valleyne.org)  
 Business Hours 9 am – 5 pm M-F



**Official Use Only**  
 Planning Meeting Date \_\_\_\_\_  
 Check     Cash     Credit Card  
 Check # \_\_\_\_\_

## APPLICATION FOR A CHANGE OF ZONING

Date: 11/21/2023

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

**Applicant Name:** OSC Valley Meigs 1, LLC c/o Access Property Management      **Telephone No.** (402) 502-1983

**Applicants Address:** 10730 Pacific Street, Suite 230, Omaha, NE 68114

**Applicants Email:** rick@rwkpc.com

**Present Use of Subject Property:** Agriculture      **Desired Use of Subject Property:** Commercial and Residential

**Present Zoning:** I-3 General Industrial      **Requested Zoning** C-1 (Lots 1-14); R-2 (Lots 15-16)

**Legal Description of Property Requested to be Rezoned:** LANDS SEC-TWN-RGE 06-15-10 -EX STS & IRREG E 35.41 W 68.41 S 1310.07 N 1342.46 FT & IRREG S 1283.23 W 1066.08 FT- IRREG PT NE 1/4 BEING SW OF 264 ST (see plat for full legal description)

**Area of Subject Property (Square Foot/Acres):** 2,595,740 SF (59.59 AC)

**How are adjoining properties used (Actual Land Zoning)**

**North:** I-1 Light Industrial      **South:** R-2 Med-High Density Residential, R-3 Lakefront Residential      **East:** I-1 Light Industrial      **West:** Residential

TA Transitional Agriculture,  
 R-1 Low Density Residential,  
 R-2 Med-High Density

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 in 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. Current land use is irrigated agriculture with single-family residential to the west and south, and adjacency to DC West School. Light industrial uses currently exist to the north and east.

2. What utilities provider will be used?  
 A. Sewer City of Valley    B. Water City of Valley    C. Electric Omaha Public Power District    D. Gas Black Hills Energy

3. 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? Yes. Draft traffic study provided with preliminary plat. Coordination continuing with City of Valley engineer regarding improvements to road network.

Signature of Owner [Signature] or Signature of Agent \_\_\_\_\_

**Does this zoning change conform to the Current Future Land Use Plan? Y \_\_\_\_\_ N  \_\_\_\_\_ If not, please fill out the following page.**

I hereby state that that the information submitted on this application is accurate and correct. I recognize that the issuance of this application shall not grant approval to violate any of the provisions of the building codes or zoning ordinances enforced by this jurisdiction, state or federal law; and that this application shall not prevent the building official from requiring site to be in compliance with all applicable code provisions during field inspections.

# APPLICATION FOR A CHANGE OF FUTURE LAND USE MAP

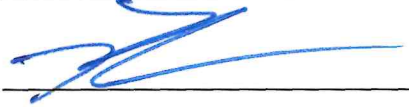
Set up a request for a pre-application conference with City Staff prior to submittal. Email ([buildinginspector@valleyne.org](mailto:buildinginspector@valleyne.org))

Date: 11/21/2023 Time: 12:00 pm

## Additional Material Required

1. Site Plan with all pertinent details to amend the Future Land Use Map
  - A. Schematic lay out, proposed lots, roadway layout, etc.
2. Does the proposed map change result in an excessive or burdensome use of public facilities such as streets, schools, transportation facilities or utilities?
3. Additional information deemed necessary by City Staff to conduct a thorough analysis of the application, which may include, but not limited to stormwater analysis, sanitary sewer analysis, traffic impact study, or environmental study.
4. Ownership record.

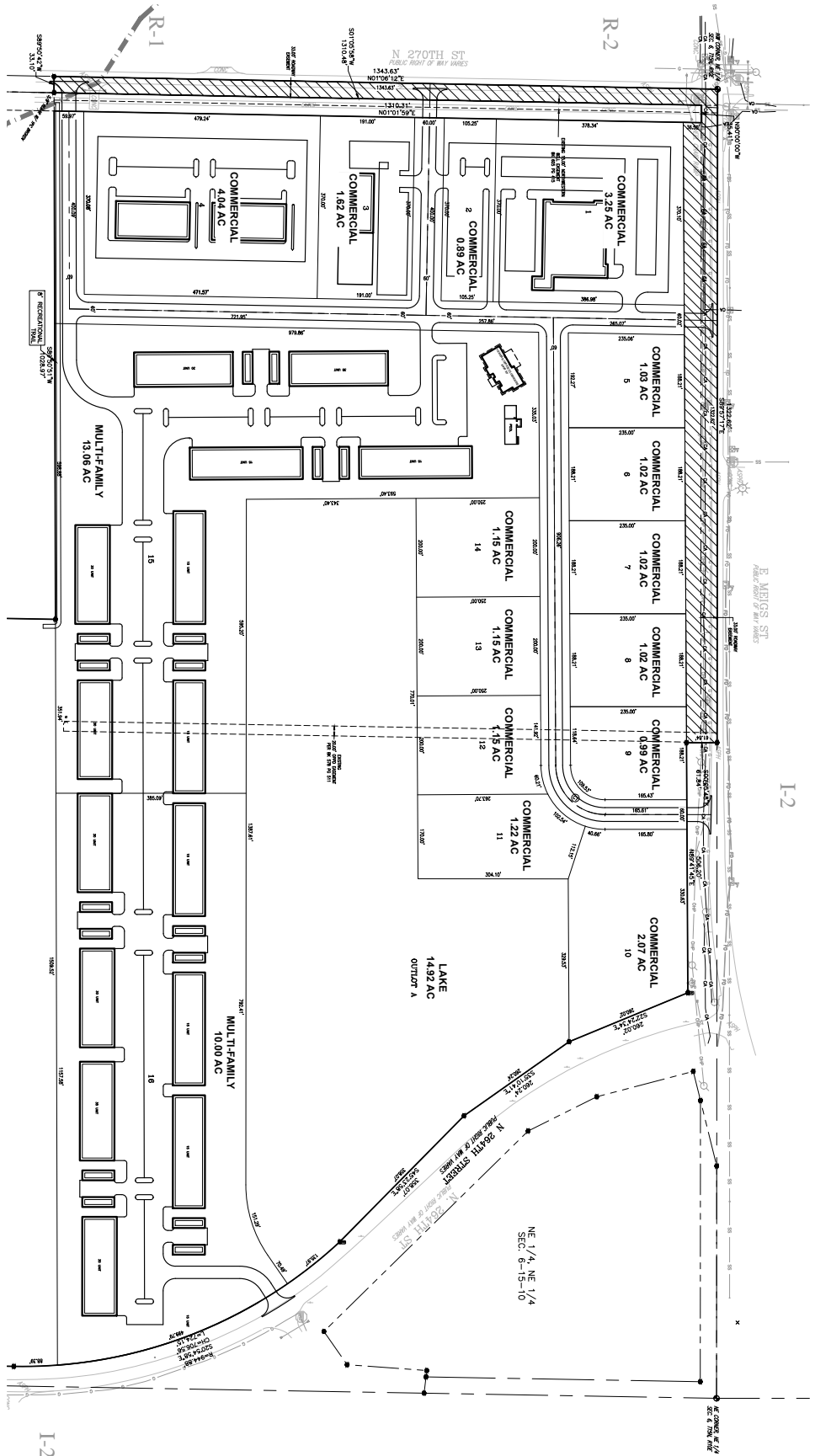
Project Narrative: Valley Landing is a mixed-use development project. The developer intends to construct the project in two phases. Phase I shall be within Lots 1-9 with all required improvements, with Phase II being within Lots 10-16 with Outlot A and all necessary improvements. The development as a whole will consist of 16 lots with an Outlot A. Outlot A is intended to be a lake that is dredged in order to bring the rest of the development site up to an elevation that meets the requirements of building in a Flood Zone AO. The lake is proposed to be 22 feet in depth with an area of 14.924 acres.

Signature of Owner  or Signature of Agent \_\_\_\_\_

I hereby state that that the information submitted on this application is accurate and correct. I recognize that the issuance of this application shall not grant approval to violate any of the provisions of the building codes or zoning ordinances enforced by this jurisdiction, state or federal law; and that this application shall not prevent the building official from requiring site to be in compliance with all applicable code provisions during field inspections.

## Responses

1. Preliminary site plan indicating proposed land use is provided.
2. Proposed map change is consistent with adjacent development. Interior road network and utilities to be provided to accommodate change of use.
3. Draft traffic study and Waters of the U.S. executive summary included with preliminary plat submittal.
4. Ownership record is provided.



I-2

I-2



PRELIMINARY

NOT RELEASED FOR CONSTRUCTION

PRELIMINARY  
MULTI-USE LAYOUT

ACCESS COMMERCIAL  
264TH AND MEIGS, VALLEY, NE

**811**  
Know what's below  
Call before you dig.  
NEBRASKA  
MISSOURI  
KANSAS  
ILLINOIS  
INDIANA  
OHIO  
PENNSYLVANIA  
MICHIGAN  
WISCONSIN  
MINNESOTA  
IOWA  
MOBILE  
ALABAMA  
LOUISIANA  
MISSISSIPPI  
ARIZONA  
CALIFORNIA  
NEVADA  
UTAH  
NEW MEXICO  
TEXAS  
OKLAHOMA  
KENTUCKY  
TENNESSEE  
MISSOURI  
ARKANSAS  
LOUISIANA  
MISSISSIPPI  
ALABAMA  
FLORIDA  
GEORGIA  
SOUTH CAROLINA  
NORTH CAROLINA  
VIRGINIA  
WEST VIRGINIA  
MARYLAND  
DELAWARE  
PENNSYLVANIA  
OHIO  
MICHIGAN  
WISCONSIN  
MINNESOTA  
IOWA  
MOBILE  
ALABAMA  
LOUISIANA  
MISSISSIPPI  
ARIZONA  
CALIFORNIA  
NEVADA  
UTAH  
NEW MEXICO  
TEXAS  
OKLAHOMA  
KENTUCKY  
TENNESSEE  
MISSOURI  
ARKANSAS  
LOUISIANA  
MISSISSIPPI  
ALABAMA  
FLORIDA  
GEORGIA  
SOUTH CAROLINA  
NORTH CAROLINA  
VIRGINIA  
WEST VIRGINIA  
MARYLAND  
DELAWARE

<p>OWNER LAND DEVELOPMENT VALLEY, NE</p> <p>DATE NOVEMBER 27, 2023</p> <p>PROJECT NO. 210719-02</p> <p>DOC AND TITLE PRELIMINARY</p>	<p>PROJECT NO. 210719-02</p> <p>DATE NOVEMBER 27, 2023</p> <p>PROJECT NO. 210719-02</p> <p>DOC AND TITLE PRELIMINARY</p>	<p>PROJECT NO. 210719-02</p> <p>DATE NOVEMBER 27, 2023</p> <p>PROJECT NO. 210719-02</p> <p>DOC AND TITLE PRELIMINARY</p>	<p>PROJECT NO. 210719-02</p> <p>DATE NOVEMBER 27, 2023</p> <p>PROJECT NO. 210719-02</p> <p>DOC AND TITLE PRELIMINARY</p>
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**LAMP RYNEARSON**  
LAMP RYNEARSON.COM  
OMAHA, NEBRASKA  
4710 W. DOUGLASS ST. SUITE 200  
PH: 402.491.4444  
FAX: 402.491.4444  
KANSAS CITY, MISSOURI  
1800 N. E. 13th St. Suite 200  
PH: 816.251.2200

SHEET  
1



Return To:  
 Ambassador Title Services  
 331 Village Pointe Plaza, Ste 102  
 Omaha, NE 68118

### SPECIAL WARRANTY DEED

G.F. Pesek, Inc., a Nebraska corporation

Grantor, whether one or more, in consideration of One Dollar and other valuable consideration, receipt of which is hereby acknowledged, does hereby grant, bargain, sell, convey and confirm unto, Grantee,

OSC Valley Meigs 1, LLC, a Nebraska limited liability company, as to an undivided 64.75% interest; and

OSC Valley Meigs 2, LLC, a Nebraska limited liability company, as to an undivided 27.75% interest; and

Omicorp Valley, LLC, a Nebraska limited liability company, as to an undivided 7.50% interest

whether one or more, the following described real estate (as defined in Neb. Rev. Stat. 76-201) in Douglas County, Nebraska, more particularly described as follows;

SEE EXHIBIT A.

Grantor covenants (jointly and severally, if more than one) with the Grantee that Grantor:

- (1) is lawfully seized of such real estate and that it is free from encumbrances, except easements, covenants and restrictions of record, if any;
- (2) has legal power and lawful authority to convey the same;
- (3) warrants and will defend the title to the real estate against the lawful claims of all persons claiming the same or any part thereof by, through, or under Grantor.

Executed this 9th day of Sept., 2022

G.F. Pesek, Inc., a Nebraska corporation

By: Gerald Pesek, Pres.  
 Gerald Pesek, President

State of NE  
 County of Douglas

The foregoing instrument was acknowledged before me on this 9th day of Sept., 2022 by Gerald Pesek as President of G.F. Pesek, Inc, a Nebraska corporation.

Tabatha M. Humphreys  
 Notary Public  
 My commission Expires: 11-13-24



EXHIBIT A

That part of Government Lots One (1) & Two (2) and the South Half of the Northeast Quarter (S1/2 NE1/4) of Section 6, Township 15 North, Range 10 East of the 6th P.M., Douglas County, Nebraska, more particularly described as follows:

Beginning at the Northwest corner of the Northeast Quarter (NE1/4) of said Section 6; thence South 89°57'17" East (bearings referenced to the Douglas County Low Distortion Coordinate System) for 1322.62 feet along the North line of the NE1/4 of said Section 6; thence South 00°05'48" East for 61.84 feet; thence North 89°41'45" East for 506.20 feet to the West right of way of N. 284th Street; thence South 22°24'34" East for 260.02 feet; thence South 35°10'41" East for 260.24 feet; thence South 45°23'58" East for 358.07 feet; thence on a curve to the Right (having a radius of 944.88 feet and a long chord bearing South 20°54'58" East for 706.56 feet) for an arc length of 724.15 feet; thence South 01°02'22" West for 251.41 feet; thence South 88°57'38" East for 39.86 feet to the East line of the NE1/4 of said Section 6; thence South 01°00'44" West for 933.29 feet along the East line of the NE1/4 of said Section 6 to the Southeast corner thereof; thence South 89°38'11" West for 1554.64 feet along the South line of the NE1/4 of said Section 6; thence North 01°03'27" East for 1279.63 feet; thence South 89°50'42" West for 1065.90 feet; thence North 01°01'59" East for 1310.31 feet; thence South 90°00'00" West for 35.41 feet; thence South 01°06'58" West for 1310.43 feet; thence South 89°45'52" West for 33.10 feet to the West line of the NE1/4 of said Section 6; thence North 01°06'12" East for 1343.63 feet along the West line of the NE1/4 of said Section 6 to the Point of Beginning, subject to road right of ways.

P.O. Box 682  
Valley, NE 68064  
Phone: 402-359-2251 Ext. 306  
Fax: 402-359-2610  
[www.valleyne.org](http://www.valleyne.org)  
Business Hours 9 am – 5 pm M-F



**Official Use Only**  
Planning Meeting Date \_\_\_\_\_  
 Check     Cash     Credit Card  
Check # 7528

**APPLICATION FOR CONDITIONAL USE PERMIT**

Date: 10/9/23

*Owen call for questions*

Form must be filled out completely before acceptance of this application for processing. Please print. 402-214-9403

Property Owner's Name: Kobes Enterprises Telephone No. 402-359-1128

Applicants Address: 29040 Garvin Road, Valley, NE 68064

Applicants Email: Owen@owensmowingelkhorn.com

Legal Description of Property: see attached

Lot Size: 18.2675 AC (Sq. Ft. / Acres)      Zoning District C-3

Will use in all other respects conform to the applicable regulations of the district in which it is located? yes

Will use conform to all other applicable regulations and laws of any governmental jurisdiction? yes

Will use have adequate water, sewer, and drainage facilities? yes

Will ingress and egress be so designed as to minimize traffic congestion in the public streets/ roads? yes

Estimated Cost of Structure \$ \_\_\_\_\_

Applicant Signature [Signature]

Enclosed(Y/N): Site Plan  Easements \_\_\_\_\_ Permit Plans (If Applicable) \_\_\_\_\_ \$150.00 (Non-Refundable) Fee

**OFFICE USE ONLY**

Permit # \_\_\_\_\_ Permit is: \_\_\_\_\_ transferable, \_\_\_\_\_ transferable upon review/renewal

X \_\_\_\_\_  
Chair, Valley Planning Commission

Date: \_\_\_\_\_ Approved \_\_\_\_\_ Approved with added condition's \_\_\_\_\_ Disapproved \_\_\_\_\_

X \_\_\_\_\_  
Mayor

X \_\_\_\_\_  
City Clerk

I hereby state that the information submitted on this application is accurate and correct. I recognize that the issuance of this application shall not grant approval to violate any of the provisions of the building codes or zoning ordinances enforced by this jurisdiction, state or federal law; and that this application shall not prevent the building official from requiring site to be in compliance with all applicable code provisions during field inspections.

EXHIBIT "A"

LEGAL DESCRIPTION

A parcel of land being part of the South Half of the Northeast Quarter of Section 23, Township 16 North, Range 9 East of the Sixth P.M., Douglas County, Nebraska, being described as follows:

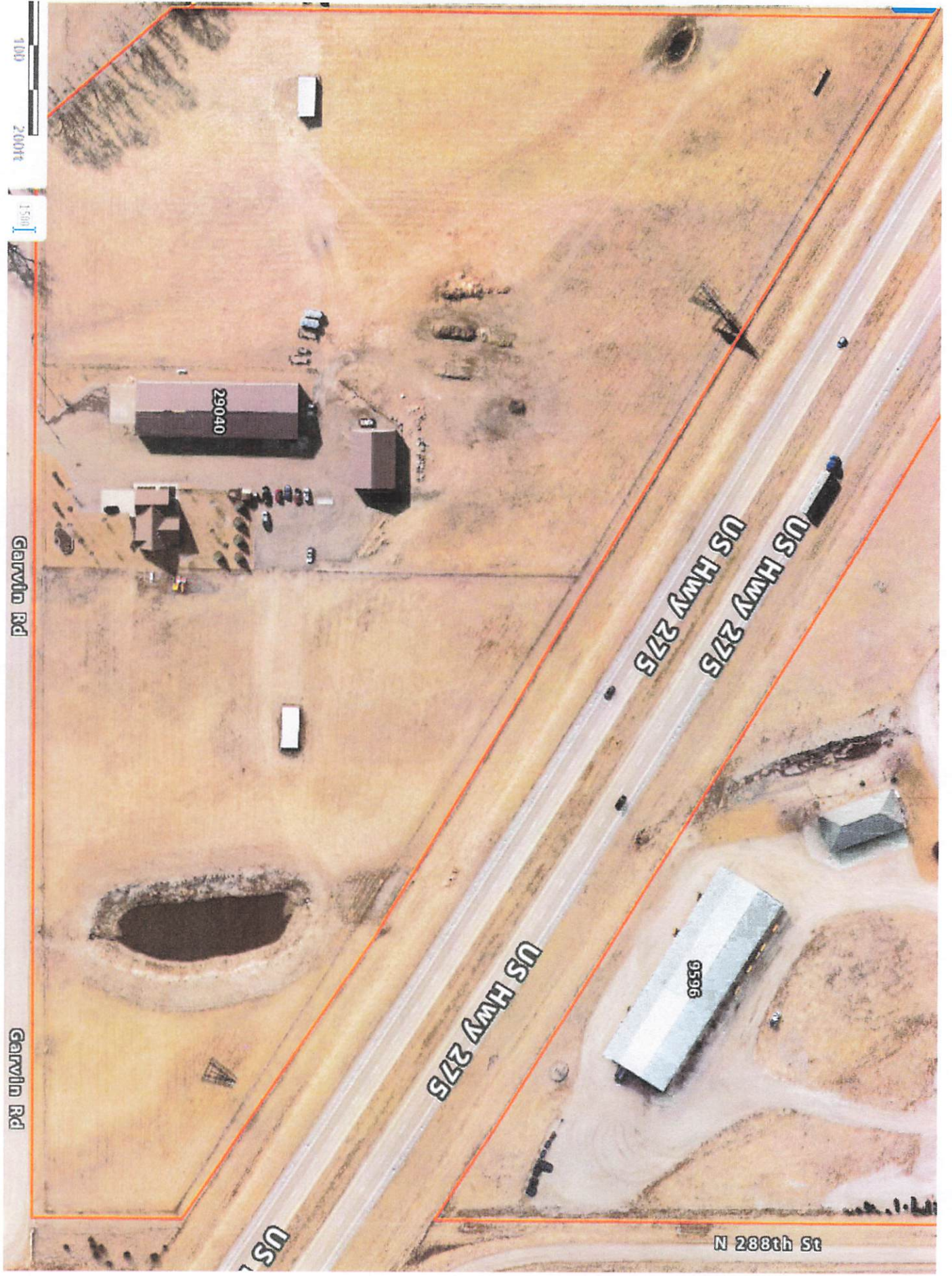
Commencing at the Southwest corner of the Northeast Quarter of said Section 23; thence N00°08'58"E (assumed bearing) on the West line of said Northeast Quarter, a distance of 1323.00 feet to the Northwest corner of the South Half of said Northeast Quarter; thence N89°55'40"E on the North Line of said South Half, a distance of 9.09 feet to a point on the East Right-of-Way line of 294th Street, this being the Northwest corner of a tract of land previously conveyed by a special warranty deed, recorded as Instrument No. 2001002862, of the Douglas County Register of Deeds records; thence continuing N89°55'40"E on the North line of said South Half, this also being the North line of said tract, a distance of 670.40 feet to a point on the Southwesterly Right-of-Way line of U.S. Highway No. 275; thence S60°52'19"E on said Southwesterly Right-of-Way line, this also being the North Line of said tract, a distance of 627.26 feet to the true point of beginning; thence continuing S60°52'19"E on said Southwesterly Right-of-Way line, this also being the North line of said tract, a distance of 81.00 feet; thence S59°04'35"E on said Southwesterly Right-of-Way line, this also being the North line of said tract, a distance of 1142.43 feet; thence S55°44'16"E on said Southwesterly Right-of-Way line, this also being the North line of said tract, a distance of 381.13 feet to point on the West Right-of-Way line of 288th Street, this being the Northeast corner of said tract; thence S00°15'47"W on said West Right-of-Way line, this also being the East line of said tract, a distance of 168.04 feet to a point on the North Right-of-Way line of Garvin Road, this being the Southeast corner of said tract; thence S89°56'34"W on said North Right-of-Way line, this also being the South Line of said tract, a distance of 1215.88 feet to the Southeast corner of a tract of land previously conveyed by a warranty deed, recorded as Instrument No. 2016057773, of the Douglas County Register of Deeds records; thence N41°44'18"W on the Northeasterly line of said tract, a distance of 208.06 feet; thence N00°22'42"W on said Northeasterly Line, a distance of 20.84 feet; thence N00°43'12"W, a distance of 834.30 feet to the true point of beginning.

DOC'S/2613469.2

100 200ft 150ft

Garvin Rd

Garvin Rd



US HWY 275  
US HWY 275

US HWY 275

US

N 288th St

29040

9596

## Article 14: Amendments and Application Process

### Section 14.01 Purpose

The Amendment Article describes the methods by which changes may be made in the text of the Zoning Ordinance (text amendment) and/ or the official boundaries of zoning districts (rezoning).

### Section 14.02 Initiation of Amendments

#### 1. Text Amendments

Text amendments may be initiated by an applicant, the Planning Commission, or the City Council.

#### 2. Map amendments

Map amendments may be initiated by a property owner or authorized agent, the Planning Commission, or the City Council

### Section 14.03 Amendment Application Requirements

An application for a Rezoning may be filed by the owner(s) of a property or the owners' authorized agent with the Planning Commission. The application must be filed, and all plans must be submitted, at least 30 days prior to the scheduled meeting of the Planning Commission at which the application is to be heard. The application shall include the following information:

1. Name and address of the applicant.
2. Owner, address and legal description of the property.
3. A description of the reason for the rezoning application and the nature and operating characteristics of the proposed use.
4. Payment of any and all fees.
5. Any graphic information, including site plans, elevations, other drawings, or other materials determined by the Planning Commission to be necessary to describe the proposed use to approving agencies. The site plan, should be drawn to scale sufficient to permit adequate review and dimensioned as necessary, showing at least the following information:
  - A. The date, scale, north point, title, name of owner, and name of person preparing the site plan.
  - B. The location and dimensions of boundary lines, easements, and required yards and setbacks of existing and proposed buildings and site improvements.
  - C. The location, size, and use of proposed and existing structures on the site.
  - D. The location of all proposed site improvements, including parking and loading areas, pedestrian and vehicular access, sewers, sidewalks, utilities, service areas, fencing, screening, landscaping, and lighting.
  - E. Location of any major site feature, including drainage and contours at no greater than five-foot intervals.

### Section 14.04 Amendment Procedures

Regulations, restrictions, and boundaries authorized to be created pursuant to Neb. Rev. Stat. §§ 19-901 to 19-915 may from time to time be amended, supplemented, changed, modified, or repealed.

#### 1. Public Hearing.

The Planning Commission and City Council shall each hold a public hearing on any proposed amendment. The Public Hearings shall be held at a reasonable hour and place for such public hearing, and they shall hold said hearings at the next regular meeting after proper notification of adjacent property owners.

#### 2. Planning Commission Review

No amendment, supplement, change or modification of this Ordinance, including the boundaries of any zoning district, shall be made by the City Council without first the consideration by the City Planning Commission, the Commission shall submit in writing its recommendations on each amendment, supplement, change or modification to the City Council. Said recommendations shall include approval, disapproval, or other suggestions and the reasons thereof, and a discussion of the effect of each amendment, supplement, change or modification on the Comprehensive Plan. Said recommendations shall be of an advisory nature only.

3. Notice of Hearings.

Public notice of hearing on a proposed amendment shall be published once in the official City newspaper and at least ten days shall elapse between the date of publication and the date set for such hearing. Such notice shall state the date, time and place of the hearing and shall contain a statement regarding the proposed change in regulations or restrictions or the zoning classification or zoning district boundaries of the property.

The provisions of Neb. Rev. Stat. § 19-904 relative to public hearings and official notice shall apply equally to all changes or amendments. In addition to the publication of the notice therein prescribed, a notice shall be posted in a conspicuous place on or near the property on which action is pending. Such notice shall not be less than 18 inches in height and 24 inches in width with a white or yellow background and black letters not less than one and one-half inches (1-1/2) in height. Such posted notice shall be so placed upon such premises that it is easily visible from the street nearest the same and shall be so posted at least 10 days prior to the date of such hearing. It shall be unlawful for anyone to remove, mutilate, destroy, or change such posted notice prior to such hearing. Any person so doing shall be deemed guilty of a misdemeanor.

If the record title owners of any lots included in such proposed change be nonresidents of the municipality, then a written notice of such hearing shall be mailed by certified mail to them addressed to their last-known addresses at least ten days prior to such hearing.

At the option of the legislative body of the municipality, in place of the posted notice provided above, the owners or occupants of the real estate to be zoned or rezoned and all real estate located within 300 feet of the real estate to be zoned or rezoned may be personally served with a written notice thereof at least 10 days prior to the date of the hearing, if they can be served with such notice within the county where such real estate is located. Where such notice cannot be served personally upon such owners or occupants in the county where such real estate is located, a written notice of such hearing shall be mailed to such owners or occupants addressed to their last-known addresses at least 10 days prior to such hearing.

4. Protests.

In case of a protest against such change, signed by the owners of 20 percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent on the sides and in the rear thereof extending 300 feet there from, and of those directly opposite thereto extending 300 feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of three-fourths (3/4) of all the members of the legislative body of such municipality.

The provisions of this section in reference to notice shall not apply (1) in the event of a proposed change in such regulations, restrictions, or boundaries throughout the entire area of an existing zoning district or of such municipality, or (2) in the event additional or different types of zoning districts are proposed, whether or not such additional or different districts are made applicable to areas, or parts of areas, already within a zoning district of the municipality, but only the requirements of Neb. Rev. Stat. § 19-904 shall be applicable.

**Section 14.05 Building Inspector**

The provisions of this Ordinance shall be administered and enforced by a Building Inspector as appointed by the City Council, who shall have the power to make inspection of buildings or premises necessary to carry out his or her duties in the enforcement of this Ordinance.

**Section 14.06 Zoning Permits**

The following shall apply to all new construction and all applicable renovations and remodels within Valley's Zoning Jurisdiction:

1. It shall be unlawful to commence the excavation for the construction of any building, or any accessory buildings, or to commence the moving or alteration of any buildings, including accessory buildings, until the Building Inspector has issued a joint building and zoning permit for such work.
2. Issuance of a zoning permit. In applying to the Building Inspector for a zoning permit, the applicant shall submit a dimensioned sketch or a scale plan indicating the shape, size and height and location of all buildings to be erected, altered or moved and of any building already on the lot. He shall also state the

## Article 6: Conditional Use Permits

### Section 6.03 Public Hearing

Before issuance of any conditional use permit, both the Planning Commission and City Council shall hold a Public Hearing after proper and legal notice of the time, place, and purpose of the hearing has been given by publication in a legal paper of general circulation in the City of Valley, one time at least 10 days prior to such hearing.

P.O. Box 682  
Valley, NE 68064  
Phone: 402-359-2251 Ext. 306  
Fax-402-359-2610  
[www.valleyne.org](http://www.valleyne.org)  
Business Hours 9 am – 5 pm M-F



**Waiver from Site Design Standards**

Date: \_\_\_\_\_

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

Property Owner's Name: Jerry Smith Telephone No. X

Applicants Address: 25050 US HWY 275 Douglas County NE 68069

Applicants Email: X

Legal Description of Property: L&J SUBDIVISION LOT 1 BLOCK 0 LOT 1 90.6 AC

Hereby request a waiver for the following:

Site Design Standards involving Article: 12 Section .05

Specifically: \_\_\_\_\_

- 6. Materials and color. The building shall have exterior building materials and colors that are aesthetically pleasing and compatible with materials and colors that are used in adjoining neighborhoods. This includes the use of high-quality materials and colors that are low reflective, subtle, neutral, or earth tone. Certain types of colors shall be avoided such as fluorescent or metallic although brighter colors in limited quantities may be used on building trim and as accents at the discretion of the City Council. Construction materials such as tilt-up concrete, smooth-faced concrete block, prefabricated steel panels, and other similar materials shall be avoided unless the exterior surface incorporates an acceptable architectural treatment. Not less than 75 percent of the front of the building and 50 percent of the sides of the building shall be brick, stone, textured CMU, or other acceptable durable modern materials as approved by the City.

The applicant is requesting the waiver for the following purpose: \_\_\_\_\_

X  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I hereby certify the information in this application is true and correct to the best of my knowledge.

Applicant Signature X Date X

I hereby state that the information submitted on this application is accurate and correct. I recognize that the issuance of this application shall not grant approval to violate any of the provisions of the building codes or zoning ordinances enforced by this jurisdiction, state or federal law; and that this application shall not prevent the building official from requiring site to be in compliance with all applicable code provisions during field inspections.