

AGENDA
VALLEY CITY COUNCIL
Tuesday, February 20, 2024
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. Various Ordinance Amendments:
 - Commercial Site Design Standards
 - Micro-distillery addition to zoning ordinances/matrixOpen Public Hearing
Public comments: proponents and opponents
Close public hearing
Discussion and questions by Planning Commission Members
Vote on recommendation to City Council
5. **Waiver from Site Design Standards - Highway Overlay District**
 - **To be held over until Accessory Structure Exclusion is resolved**
6. **ADJOURN**

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.

**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, February 20, 2024, at 4:30 p.m.** at Valley City Hall. PUBLIC HEARINGS will be held on the following:

1. Various Ordinance Amendments
 - Commercial Site Design Standards
 - Micro-distillery addition to zoning ordinances/matrix
2. Waiver from site design standards - Highway overlay district
 - To be held over until Accessory Structure Exclusion is resolved.

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

Larry Bottger, Chair
City of Valley, Planning Commission

2/12

ZNEZ

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

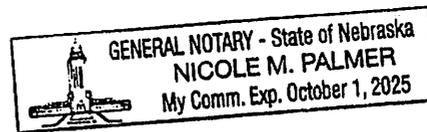
UNITED STATES OF AMERICA,
The State of Nebraska,
District of Nebraska,
County of Douglas,
City of Omaha

} 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:

2/12/24

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

\$28.00

Jason W Huff

Additional Copies

\$ _____

Subscribed in my presence and sworn to before me this FEBRUARY 12 2024

Filing Fee

\$ _____

Total \$28.00

Nicole M Palmer

Notary Public in and for Douglas County, State of Nebraska

FEDERAL BUREAU OF INVESTIGATION
DEPARTMENT OF JUSTICE
WASHINGTON, D. C. 20535

MEMORANDUM FOR THE DIRECTOR
FROM: SAC, [illegible]
SUBJECT: [illegible]

[Illegible typed text, likely the body of a memorandum]

ENCLOSURE

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Design Standard for commercial areas amendment

Original

- a. Not less than 50 percent of the front of the building and 25 percent of the sides of the building exclusive of transparent windows and doors shall be durable material including brick, stone, masonry units that are integrally colored, burnished, glazed, or textured concrete, drainable EFIS (Stucco), painted R and PBR panels, and prefinished metal panel systems (e.g., Aluminum Composite Material (ACM) panels). Cementitious lap siding may be used as an accent material only.

Proposed

- a. Not less than 50 percent of the front of the building and 25 percent of the sides of the building exclusive of transparent windows and doors shall be durable material including brick, stone, masonry units that are integrally colored, burnished, glazed, or textured concrete drainable EFIS (Stucco). Painted R and PBR panels, and prefinished metal panel systems (e.g., Aluminum Composite Material (ACM) panels) are allowed but do not count towards the required percentage stated above. Cementitious lap siding may be used as an accent material only.

Final

- a. Not less than 50 percent of the front of the building and 25 percent of the sides of the building exclusive of transparent windows and doors shall be durable material including brick, stone, masonry units that are integrally colored, burnished, glazed, or textured concrete drainable EFIS (Stucco). Painted R and PBR panels, and prefinished metal panel systems (e.g., Aluminum Composite Material (ACM) panels) are allowed but do not count towards the required percentage stated above. Cementitious lap siding may be used as an accent material only.

P = Permitted
 C = Conditional Use Permit
 T = Temporary
 "-" = not permitted
 *1 = Floodplain regulations shall be met

CURRENT

Use Category	Use Type	TA	RS	R-1	R-2	R-3	RM	C-1	C-2	C-3	I-1	I-2	I-3	Additional Requirements
	Automatic Teller Machine (ATM)	-	-	-	-	-	-	P	P	P	-	-	-	
	Brokerages	-	-	-	-	-	-	P	P	P	-	-	-	
	Credit Unions	-	-	-	-	-	-	P	P	P	-	-	-	
	Insurance offices	-	-	-	-	-	-	P	P	P	-	-	-	
	Financial advisory services	-	-	-	-	-	-	P	P	P	-	-	-	
	Specialty loan services	-	-	-	-	-	-	P	P	P	-	-	-	
Food And Beverage Services	Banquet/reception facility	-	-	-	-	-	-	C	C	C	-	-	-	
	Brew-on Premises Store	-	-	-	-	-	-	P	P	P	-	-	-	
	Brewery	-	-	-	-	-	-	C	C	C	C	C	-	
	Craft Brewery (Commercial)	-	-	-	-	-	-	C	C	C	C	C	-	
	Catering service	-	-	-	-	-	-	P	P	P	C	C	-	
	Donut and pastry shops	-	-	-	-	-	-	P	P	P	-	-	-	
	Mobile Food Units	T	-	-	-	-	-	T	T	T	T	T	-	See Section 9.18
	Restaurants	-	-	-	-	-	-	P	P	P	-	-	-	
	Roadside produce stands	T	T	-	-	-	-	T	T	T	T	T	T	
	Sidewalk Café	-	-	-	-	-	-	P	P	P	-	-	-	
	Tavern or bar	-	-	-	-	-	-	P	P	P	-	-	-	
	Coffee houses, coffee shops	-	-	-	-	-	-	P	P	P	-	-	-	
	Brew pub	-	-	-	-	-	-	P	P	P	-	-	-	
Micro-brewery (Commercial)	-	-	-	-	-	-	P	P	P	P	P	-		
Coffee kiosks	-	-	-	-	-	-	P	P	P	-	-	-		
General Commercial	Antiques and collectables shop	-	-	-	-	-	-	P	P	P	-	-	-	
	Art galleries	-	-	-	-	-	-	P	P	P	-	-	-	
	Artisan production shop	-	-	-	-	-	-	P	P	P	-	-	-	
	Artist Studio	-	-	-	-	-	-	P	P	P	-	-	-	
	Bridal sales & services	-	-	-	-	-	-	P	P	P	-	-	-	
	Clothing & accessories	-	-	-	-	-	-	P	P	P	-	-	-	
	Computer hardware/software sales	-	-	-	-	-	-	P	P	P	-	-	-	
	Dance studios & schools	-	-	-	-	-	-	P	P	P	-	-	-	
	Electronic/appliance sales & service	-	-	-	-	-	-	P	-	P	-	-	-	
	Equipment sales/storage/rental	-	-	-	-	-	-	P	-	P	-	-	-	
	Equipment repair services	-	-	-	-	-	-	P	P	P	-	-	-	
	Fabric and sewing supply stores	-	-	-	-	-	-	P	P	P	-	-	-	
	Farmer's Market	P	-	-	-	-	-	P	P	P	-	-	-	
	Firearms and ammunition sales	-	-	-	-	-	-	C	C	C	C	C	-	
	Florists	-	-	-	-	-	-	P	P	P	-	-	-	
	Food store (specialty) including bakeries, meat lockers, butchers, delicatessen, not a full-service grocery	-	-	-	-	-	-	P	P	P	-	-	-	
	Funeral homes and mortuaries, including crematoriums	-	-	-	-	-	-	P	C	P	P	P	P	
	Garden center	-	-	-	-	-	-	P	P	P	-	-	-	
	Gift store	-	-	-	-	-	-	P	P	P	-	-	-	
	Grocery	-	-	-	-	-	-	P	P	P	-	-	-	
Hardware store	-	-	-	-	-	-	P	P	P	-	-	-		
Heating and cooling sales and services	-	-	-	-	-	-	P	P	P	-	-	-		
Lawn and garden equipment sales and service	-	-	-	-	-	-	P	P	P	P	P	P		
Photographic equipment & supplies	-	-	-	-	-	-	P	P	P	-	-	-		

P = Permitted
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 "-" = not permitted
 *1 = Floodplain regulations shall be met

REDLINED

Use Category	Use Type	TA	RS	R-1	R-2	R-3	RM	C-1	C-2	C-3	I-1	I-2	I-3	Additional Requirements
	Automatic Teller Machine (ATM)	-	-	-	-	-	-	P	P	P	-	-	-	
	Brokerages	-	-	-	-	-	-	P	P	P	-	-	-	
	Credit Unions	-	-	-	-	-	-	P	P	P	-	-	-	
	Insurance offices	-	-	-	-	-	-	P	P	P	-	-	-	
	Financial advisory services	-	-	-	-	-	-	P	P	P	-	-	-	
	Specialty loan services	-	-	-	-	-	-	P	P	P	-	-	-	
Food And Beverage Services	Banquet/reception facility	-	-	-	-	-	-	C	C	C	-	-	-	
	Brew-on Premises Store	-	-	-	-	-	-	P	P	P	-	-	-	
	Brewery	-	-	-	-	-	-	C	C	C	C	C	-	
	Craft Brewery (Commercial)	-	-	-	-	-	-	C	C	C	C	C	-	
	Catering service	-	-	-	-	-	-	P	P	P	C	C	-	
	Donut and pastry shops	-	-	-	-	-	-	P	P	P	-	-	-	
	Mobile Food Units	T	-	-	-	-	-	T	T	T	T	T	-	See Section 9.18
	Restaurants	-	-	-	-	-	-	P	P	P	-	-	-	
	Roadside produce stands	T	T	-	-	-	-	T	T	T	T	T	T	
	Sidewalk Café	-	-	-	-	-	-	P	P	P	-	-	-	
	Tavern or bar	-	-	-	-	-	-	P	P	P	-	-	-	
	Coffee houses, coffee shops	-	-	-	-	-	-	P	P	P	-	-	-	
	Brew pub	-	-	-	-	-	-	P	P	P	-	-	-	
Micro-brewery/ Micro-Distillery (Commercial)	-	-	-	-	-	-	P	P	P	P	P	-	See Definition	
Coffee kiosks	-	-	-	-	-	-	P	P	P	-	-	-		
General Commercial	Antiques and collectables shop	-	-	-	-	-	-	P	P	P	-	-	-	
	Art galleries	-	-	-	-	-	-	P	P	P	-	-	-	
	Artisan production shop	-	-	-	-	-	-	P	P	P	-	-	-	
	Artist Studio	-	-	-	-	-	-	P	P	P	-	-	-	
	Bridal sales & services	-	-	-	-	-	-	P	P	P	-	-	-	
	Clothing & accessories	-	-	-	-	-	-	P	P	P	-	-	-	
	Computer hardware/software sales	-	-	-	-	-	-	P	P	P	-	-	-	
	Dance studios & schools	-	-	-	-	-	-	P	P	P	-	-	-	
	Electronic/appliance sales & service	-	-	-	-	-	-	P	-	P	-	-	-	
	Equipment sales/storage/rental	-	-	-	-	-	-	P	-	P	-	-	-	
	Equipment repair services	-	-	-	-	-	-	P	P	P	-	-	-	
	Fabric and sewing supply stores	-	-	-	-	-	-	P	P	P	-	-	-	
	Farmer's Market	P	-	-	-	-	-	P	P	P	-	-	-	
	Firearms and ammunition sales	-	-	-	-	-	-	C	C	C	C	C	-	
	Florists	-	-	-	-	-	-	P	P	P	-	-	-	
	Food store (specialty) including bakeries, meat lockers, butchers, delicatessen, not a full-service grocery	-	-	-	-	-	-	P	P	P	-	-	-	
	Funeral homes and mortuaries, including crematoriums	-	-	-	-	-	-	P	C	P	P	P	P	
	Garden center	-	-	-	-	-	-	P	P	P	-	-	-	
	Gift store	-	-	-	-	-	-	P	P	P	-	-	-	
	Grocery	-	-	-	-	-	-	P	P	P	-	-	-	
	Hardware store	-	-	-	-	-	-	P	P	P	-	-	-	
	Heating and cooling sales and services	-	-	-	-	-	-	P	P	P	-	-	-	
Lawn and garden equipment sales and service	-	-	-	-	-	-	P	P	P	P	P	P		
Photographic equipment & supplies	-	-	-	-	-	-	P	P	P	-	-	-		

P = Permitted
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PROPOSED

Use Category	Use Type	TA	RS	R-1	R-2	R-3	RM	C-1	C-2	C-3	I-1	I-2	I-3	Additional Requirements
	Automatic Teller Machine (ATM)							P	P	P				
	Brokerages							P	P	P				
	Credit Unions							P	P	P				
	Insurance offices							P	P	P				
	Financial advisory services							P	P	P				
	Specialty loan services							P	P	P				
Food And Beverage Services	Banquet/reception facility							C	C	C				
	Brew-on Premises Store							P	P	P				
	Brewery							C	C	C	C	C		
	Craft Brewery (Commercial)							C	C	C	C	C		
	Catering service							P	P	P	C	C		
	Donut and pastry shops							P	P	P				
	Mobile Food Units	T						T	T	T	T	T		See Section 9.18
	Restaurants							P	P	P				
	Roadside produce stands	T	T					T	T	T	T	T		
	Sidewalk Café							P	P	P				
	Tavern or bar							P	P	P				
	Coffee houses, coffee shops							P	P	P				
	Brew pub							P	P	P				
Micro-brewery/ Micro-Distillery (Commercial)							P	P	P	P	P		See Definition	
Coffee kiosks							P	P	P					
General Commercial	Antiques and collectables shop							P	P	P				
	Art galleries							P	P	P				
	Artisan production shop							P	P	P				
	Artist Studio							P	P	P				
	Bridal sales & services							P	P	P				
	Clothing & accessories							P	P	P				
	Computer hardware/software sales							P	P	P				
	Dance studios & schools							P	P	P				
	Electronic/appliance sales & service							P		P				
	Equipment sales/storage/rental							P		P				
	Equipment repair services							P	P	P				
	Fabric and sewing supply stores							P	P	P				
	Farmer's Market	P						P	P	P				
	Firearms and ammunition sales							C	C	C	C	C		
	Florists							P	P	P				
	Food store (specialty) including bakeries, meat lockers, butchers, delicatessen, not a full-service grocery							P	P	P				
	Funeral homes and mortuaries, including crematoriums							P	C	P	P	P	P	
	Garden center							P	P	P				
	Gift store							P	P	P				
	Grocery							P	P	P				
	Hardware store							P	P	P				
	Heating and cooling sales and services							P	P	P				
	Lawn and garden equipment sales and service							P	P	P	P	P	P	
Photographic equipment & supplies							P	P	P					



Micro Distillery Information & Guidelines

301 Centennial Mall South
PO Box 95046
Lincoln NE 68509-5046

Phone (402) 471-2571
Fax (402) 471-2814 or 2374
<https://lcc.nebraska.gov>



A license application is available online at:
<https://lcc.nebraska.gov/licensing-forms>

Distilling for personal use is illegal in the State of Nebraska 53-1,100 (2)

“Any person who manufactures spirits at any place within the state without first obtained a valid license to do so under the act shall be guilty of a Class I misdemeanor for a first offense and a Class IV felony for a second or subsequent offense.”

To legally produce spirits in Nebraska you must have a valid Nebraska Micro Distillery License and be licensed by the US Department of Treasury – Alcohol and Tobacco Tax and Trade Bureau (TTB) as a DSP. For more information on TTB, their Web Site is <https://www.ttb.gov/>

*Please review closely trade practice regulations Chapter 6, 016.

*Production Records are vital. Source documents must be retained. Batch/distilling sheets must be sequentially numbered & preprinted and ending quantities identified.

*Base ingredient invoices must be retained.

The information provided is for informational purposes only. Please consult the Nebraska Liquor Control Act Statutes and Rules and Regulations or call or write the Commission for interpretation and/or confirmation.

<https://lcc.nebraska.gov>

The Nebraska Liquor Control Commission encourages compliance of all regulations and encourages reporting of fraud, waste or abuse. Please submit complaints or tips online: <https://lcc.nebraska.gov/contact-us>
This link can be used for all questions and requests to the Nebraska Liquor Control Commission.

Form 35-7145, 47, 50, 55, 56
Rev 6/18

Micro Distillery License

- Microdistillery defined; max 100,000 gallons 53-103.22
- Microdistillery, rights of licensee 53-123.16
- Change of operating trade name notification within 30 days. (LCC 2.008.01)
- License year: May 1 - April 30. (53-124)
If Class C, Nov 1 – Oct 31
- Annual license fees: Micro Distillery-\$250 (Z) 53-124.01
- Limitations 53-169; 53-171
- License to be framed and hung in plain view on the licensed premise. (53-148)
- Transfer of corporate stock of more than 25% shall be reported. (LCC 3.002.04)
- Bond requirements 53-164.01 (6)
- Duties & other 53-132; 53-129; 53-131; 53-133; 53-134
- Ready-to-drink cocktail, defined 53-103.49
- Farmers Market 53-103.48; 53-124.16; 53-124.17
- Satellite Locations Permitted up to 5 separate locations 53-123.16

Monthly Tax Filings

- Reports and taxes due the 25th of each month 53-164.01 thru 53-165; accurate & complete records are required
- Gallons reported for tax 53-160
Spirits - \$3.75 per gallon (liquid gallon)
- Discounts and Penalties. 53-164.01(3), 53-164.01(4)
- Non Taxable Sales:
Sales made out-of-state 53-161
- All samples of spirits, wine, beer are taxable. LCC 6.002, 53-123.02

Wholesale/Retail Prohibited Interest

- Shall not pay for any license to sell alcoholic liquor at retail or advance, furnish, lend or give money for payment of such license. 53-169 (includes out-of-state suppliers/shipping licenses)
- Shall not purchase or become the owner of any note, mortgage or other evidence or indebtedness of such licensee or any form of security. 53-169
- Shall not be interested in the ownership, conduct, or operation of the business of any licensee authorized to sell alcoholic liquor at retail. 53-169
- Shall not be interested directly or indirectly, or as owner, part owner, lessee, or lessor thereof, in any premises upon which alcoholic liquor is sold at retail. 53-169
- Contract between wholesaler and retailer to sell only certain brands is illegal. 53-185

Prohibited Acts

- Extending credit on spirits and wine, not to exceed 30 days. 53-168(1), LCC 6.018.01
- Delivery to unauthorized person prohibited. 53-176
- Storing spirits, wine and beer off licensed premise. 53-123.02 & 53-123.03
- Receiving money, credit, discounts, rebates or other inducement; unlawful acts, penalty. Receiving anything of value. 53-168, LCC6-018

Reports and Records

- Submission of reports. 53-164.01 & 53-165
- Retention of records and reports must be retained for a period of three (3) years. LCC 7.002.01

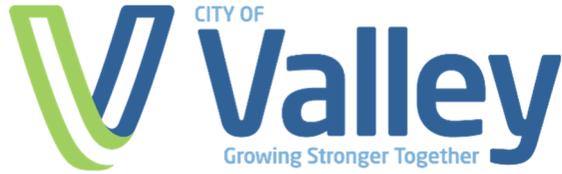
Terms Defined (53-103)

Spirits – shall mean any beverage which contains alcohol obtained by distillation...
Wine – shall mean any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables...
Beer – shall mean a beverage obtained by alcoholic fermentation of an infusion or other grain, malt and hops...
Near Beer – shall mean beer containing less than one-half of one percent of alcohol by volume...
Brand – shall mean alcoholic liquors which are identified as the product of a specific manufacturer.
Franchise or agreement – shall mean relationship between manufacturer and wholesaler...
Private label – shall mean protected use by wholesaler...
Generic label – shall mean not protected by a registered trademark...
Micro Distillery – distillery located in Nebraska licensed to distill liquor 10,000 gallons or fewer.

Things to Remember

- Dock sales: signature required of retailer or retailers agent. LCC 6.012.01
- Advertisement and signs: LCC 6-001
- All alcoholic beverages must pass through wholesale licensed premise. LCC 6.010
- Spirit/wine products: must be paid within 30 days. 53-168
- Sales invoices must be signed 53-165
- Micro Distilleries may apply for SDL 53-124.11 & may apply for Catering endorsement 53-124.12
- Only one license; cannot wholesale 53-171
- Acceptable forms of payment from retailers. LLC6-015
- Production Records are vital. Source documents must be retained. Batch sheets must be sequentially numbered (preprinted) and be identified when bottling.
- Base ingredient invoices must be retained.
- Sales to a person in a motor vehicle 53-178.01(2)(a)

P.O. Box 682
Valley, NE 68064
Phone: 402-359-2251 Ext. 306
Fax-402-359-2610
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.