



CITY OF SEWARD
City Council
Committee Meeting
Agenda

Monday, February 13, 2023

7:30 PM

**Council Chambers at the Municipal
Building**

NOTICE IS HEREBY GIVEN that a meeting of the City Council of the City of Seward, Nebraska will be held at 7:30 PM on Monday, February 13, 2023, in the basement of the Civic Center, 616 Bradford Street, Seward, Nebraska in which the meeting will be open to the public. The Mayor and City Council reserve the right to adjourn into Closed Session as per Section 84-1410 of the Nebraska Revised Statutes. An Agenda for such meeting, kept continually current, is available at the Office of the City Clerk, 537 Main Street, Seward, Nebraska, during normal business hours. Individuals requiring physical or sensory accommodations, who desire to attend or participate, please contact the City Clerk's Office at 402.643.2928 no later than 3:30 PM on the Friday preceding the Council Meeting.

City financial claims and related invoices will be available for Council member review, audit and voluntary signatures at the meeting location beginning 30 minutes prior to the scheduled meeting time.

CALL TO ORDER

DISCLOSURE OF OPEN MEETINGS ACT & OTHER NOTIFICATIONS

This is an Open Meeting of the Seward Planning Commission. The Seward Planning Commission abides by the Nebraska Open Meetings Act in conducting business. A copy of the Nebraska Open Meetings Act is displayed on the north wall of this meeting room facility as required. Disclosure of meeting recording processes is posted in the Meeting Room. A participant sign-in sheet is available for use by any Citizen addressing the Commission. Presenters shall approach the podium, state their name & address for the record and are asked to limit remarks to five minutes. All remarks shall be directed to the Chair who shall determine by whom any appropriate response shall be made. The Seward Planning commission reserves the right to adjust the order of items on this Agenda if necessary and may elect to take action on any of them items listed.

ROLL CALL

CONSENT AGENDA

MINUTES

1. Consideration of Approval of Draft Minutes of January 9, 2023

City of Seward Planning Commission

Minute Record January 9, 2023

The City of Seward Planning Commission met in regular session at 7:30p.m. January 9, 2023, in the Council Chambers at the Municipal Building at 142 North 7th Street, Seward, Nebraska. Upon roll call the following Commission Members were present:, Dan Ellis, Ron Wallman, Jeremy Tonniges, Ron Niemoth, Scott Seevers, and Lacey Koch. Other Officials present: Building and Zoning Director, Tim Dworak, City Engineer, Michael Oneby, and Administrative Assistant, Sara Van Cura.

Absent members were: Clarence Kotera, Russ Soucek, & Sue Bowen.

All proceedings hereafter shown were taken while the convened meeting was open to the public. The meeting with the Planning Commission was called to order by Chairperson Wallman at 7:30 p.m. He requested that all individuals speaking during the public hearing limit their comments to five minutes.

Minutes

Consideration of Approval of Draft Minutes of November 14, 2022.

Moved by Vice Chairperson Ellis; seconded by Commission Member Tonniges to approve the minutes.

Aye: Ellis, Wallman, Tonniges, Niemoth, Seevers, Koch

Nay: None.

Absent: Kotera, Soucek, Bowen. Motion carried.

1. Public Hearing 7:30pm: review a rezone application for Luebbe-Martin Addition from RR Rural Residential District to R-3 Urban Residential Mixed-Density District.

Chairperson Wallman opened the public hearing.

Dworak stated the current property is zoned rural residential which is an agricultural zoning. We are looking at rezoning to R-3. Evergreen is currently R-3. The property is predominately floodplain and most likely will not be developed. There is a City code for annexation that states any time a property is annexed into the City limits, it needs to carry a zoning consistent within the property limits. Rural residential is not allowed inside City limits. The property is currently used as a residence. As an R-3 property it meets all the requirements. Part of the property will be sold to a neighbor for future development.

Chairperson Wallman suspends the public hearing.

Moved by Commission Member Tonniges to approve the rezone for Luebbe-Martin Addition from RR Rural Residential District to R-3 Urban Residential Mixed Density District; Vice Chairperson Ellis seconded.

Chairperson Wallman stated it makes sense for where it is at.

Commission Member Seevers asked if most of it is in the floodplain if it is typical to zone it Urban residential mixed density when it won't have residences on it.

Dworak stated yes, because the house is outside the floodplain, and we have to give it some residential designation.

Chairperson Wallman said we don't zone floodplain, but out of practically it would be difficult to take that little piece out of there.

Vice Chairperson Ellis asked about the proposed building being out of the floodplain.

Dworak stated that it is not but it is in the .2 and he can mitigate from his own property. The property is large enough to do that.

Chairperson Wallman stated the planning commission is in agreement this is the most appropriate zoning.

Aye: Ellis, Wallman, Tonniges, Niemoth, Seevers, Koch

Nay: None.

Absent: Kotera, Soucek, Bowen. Motion carried.

2. Public Hearing 7:30pm.: review a Preliminary and Final Plat of Luebbe-Martin Addition

Chairperson Wallman opened the public hearing.

Dworak stated this is a major subdivision because the Luebbe property is not platted and this will bring everything into conformity. You will see the preliminary with contours and the final plat. The major plat shows an access easement using the existing driveway. The Valley View Estates HOA has no issue with what he intends to do.

Chairperson Wallman closed the public hearing.

Moved by Commission Member Seevers to approve the Preliminary and Final Plat of the Luebbe-Martin Final Plat; Koch seconded.

Chairperson Wallman asked what the limitation on size for an accessory building.

Dworak stated 900 square feet.

Commission Member Tonniges asked if that is based on HOA limitation or City Code.

Dworak stated it is City code.

Aye: Ellis, Wallman, Tonniges, Niemoth, Seevers, Koch

Nay: None.

Absent: Kotera, Soucek, Bowen. Motion carried.

3. Administrative Item

Dworak stated in the last meeting Vice Chairperson Ellis asked about utilities working outside of the easement. The City does not have anything in City code or the franchise agreement with recourse. Trespassing may be a possibility.

4. Reports

5. Agenda Items

6. Upcoming Events

Meeting adjourned 7:46 PM.

Sara Van Cura
Administrative Assistant

PUBLIC HEARINGS

1. Public Hearing 7:30pm: review a minor plat of Summit Addition

City of Seward Planning Commission

142 N 7th St. Seward, NE 68434

Staff Report

Tim Dworak, Building/Zoning &
Code Enforcement Director

402-643-4000

APPLICATION TYPE

Summit Addition Minor Plat

FINAL ACTION?

DEVELOPER/OWNER

City of Seward/City of Seward

PC HEARING DATE

February 13, 2023

RELATED APPLICATIONS

PROPERTY ADDRESS, ZONING DISTRICT/USE

PID 800040465, I-2, General Industrial

ADJACENT ZONING DISTRICTS/USE:

North, I-2, General Industrial – City of Seward

East, I-2, General Industrial – Tenneco Automotive Inc

South, I-2, General Industrial – Tenneco Automotive Inc

West, I-2, General Industrial – Dogma Enterprises LLC (Summit Contracting)

BRIEF SUMMARY OF REQUEST:

A proposed Minor Plat application by The City of Seward



APPLICATION CONTACT

Tim Dworak, O#402-643-2928

142 N 7th St, Seward, NE 68434

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The comprehensive plan has no detail for this area.

ANALYSIS

The Plat separates a parcel from City owned land and establishes Right of Way for Izaak Walton Rd. It meets the requirements for a minor plat. The parcel does meet the zoning requirements of I-2 General Industrial. Summit Contracting is interested in purchasing the parcel and joining it to their property for the construction a drainage cell. Allowing Summit to purchase this property eliminates the need for the City to maintain such a small parcel with no other land on the south side of Izaak Walton Rd. The lot contains a large electric easement through it making it difficult to develop the lot for any other use but drainage puposes.

The property is not serviced by city utilities and does not require extension of utilities or streets.

The notice of this Public Hearing was published in the Seward County Independent, letters were mailed to owners within 300 feet, and the subject land was posted.

APPROXIMATE LAND AREA:

2.68 Acres or 116740.8 Square Feet +/-

LEGAL DESCRIPTION:

A TRACT OF LAND IN SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 11 NORTH, RANGE 3 EAST OF THE SIXTH P.M., CITY OF SEWARD, SEWARD COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 29; THENCE S89°29'52"E (ASSUMED BEARING) ON THE NORTH LINE OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, A DISTACNE OF 379.67 FEET TO THE EASTERLY RIGHT OF WAY LINE OF THE ABANDONED CHICAGO AND NORTHWESTERN RAILROAD; THENCE S32°18'52"W ON SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 723.82 FEET TO THE WEST LINE OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER; THENCE N00°40'39E A DISTANCE OF 615.10 FEET TO THE POINT OF BEGINNING, CONTAINING 2.68 ACRES, MORE OR LESS. PID 800040465

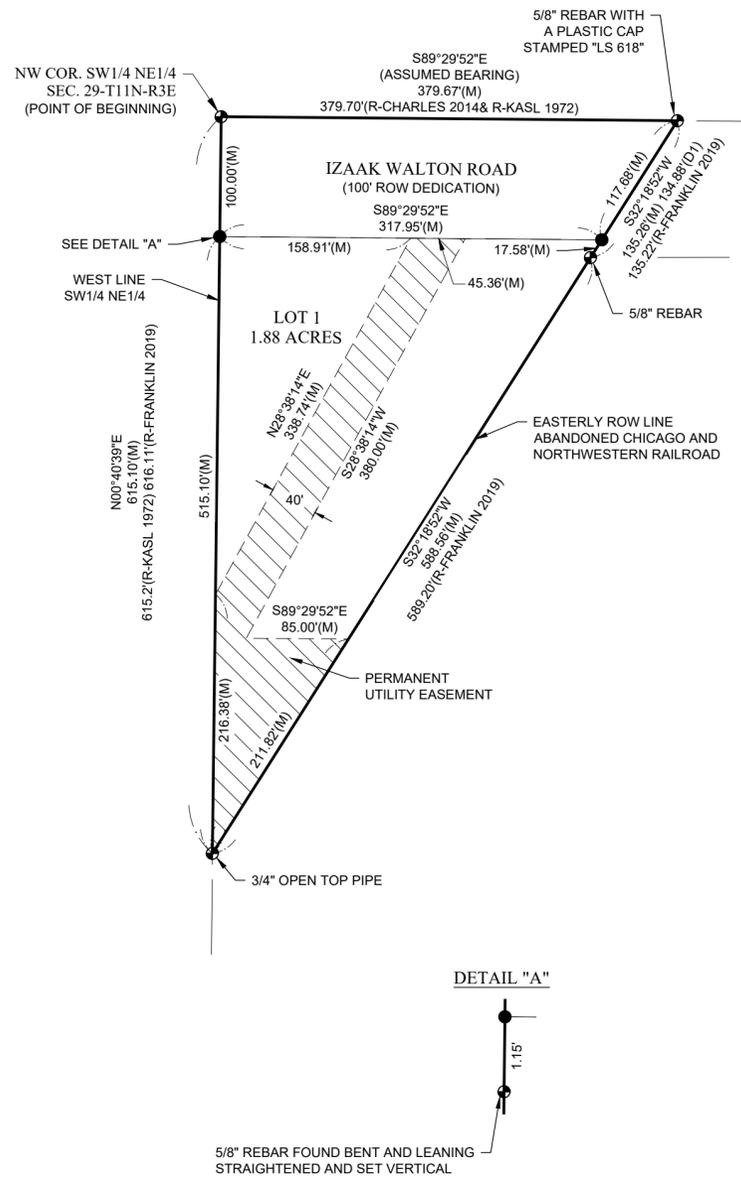
Prepared by

Tim Dworak

City of Seward Building - Zoning – Code Enforcement Director

SUMMIT ADDITION

PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF
SECTION 29, TOWNSHIP 11 NORTH, RANGE 3 EAST OF THE SIXTH P.M.
CITY OF SEWARD, SEWARD COUNTY, NEBRASKA
MINOR PLAT



SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT I HAVE ACCURATELY SURVEYED AND STAKED THE FOREGOING MINOR PLAT OF "SUMMIT ADDITION", BEING A PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 11 NORTH, RANGE 3 EAST OF THE SIXTH P.M., CITY OF SEWARD, SEWARD COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 29; THENCE S89°29'52"E (ASSUMED BEARING) ON THE NORTH LINE OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, A DISTANCE OF 379.67 FEET TO THE EASTERLY RIGHT OF WAY LINE OF THE ABANDONED CHICAGO AND NORTHWESTERN RAILROAD; THENCE S32°18'52"W ON SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 723.82 FEET TO THE WEST LINE OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER; THENCE N00°40'39"E, A DISTANCE OF 615.10 FEET TO THE POINT OF BEGINNING, CONTAINING 2.68 ACRES, MORE OR LESS.

SIGNED THIS _____ DAY OF _____, 2023

JOSHUA D. BORCHERS L.S. 766

OWNERSHIP CERTIFICATE:

I, THE UNDERSIGNED, JOSHUA EICKMEIER, MAYOR OF THE CITY OF SEWARD, SEWARD COUNTY, NEBRASKA, BEING THE OWNER OF THE REAL ESTATE SHOWN AND DESCRIBED HEREON, DOES HEREBY CERTIFY THAT I LAID OUT, PLATTED AND SUBDIVIDED AND HEREDO BY LAY OUT, PLAT AND SUBDIVIDE SAID REAL ESTATE IN ACCORDANCE WITH THIS PLAT.

THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS "SUMMIT ADDITION", A PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 11 NORTH, RANGE 3 EAST OF THE SIXTH P.M., SEWARD COUNTY, NEBRASKA.

ALL STREETS AND ALLEYS SHOWN AND NOT HERETOFORE DEDICATED ARE HEREBY DEDICATED TO THE PUBLIC UNLESS SPECIFICALLY NOTED HEREIN. OTHER PUBLIC LANDS SHOWN AND NOTE HERETOFORE DEDICATED ARE HEREBY RESERVED TO PUBLIC USE.

CLEAR TITLE TO THE LAND IS GUARANTEED.

WITNESS MY HAND THIS _____ DAY OF _____, 2023

NAME: JOSHUA EICKMEIER

TITLE: MAYOR

STATE OF NEBRASKA)
) SS
COUNTY OF)

BEFORE ME, A NOTARY PUBLIC QUALIFIED IN SAID COUNTY, PERSONALLY CAME, JOSHUA EICKMEIER, MAYOR, KNOWN TO ME TO BE THE IDENTICAL PERSON WHO SIGNED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND DEED.

WITNESS MY HAND AND NOTARIAL SEAL ON _____ DAY OF _____, 2023.

NOTARY PUBLIC _____

MY COMMISSION EXPIRES _____

APPROVAL OF THE CITY OF SEWARD PLANNING COMMISSION:

THIS MINOR PLAT OF "SUMMIT ADDITION" HAS BEEN SUBMITTED TO AND APPROVED BY THE SEWARD PLANNING COMMISSION.

SIGNED THIS _____ DAY OF _____, 2023

CHAIRPERSON OF THE SEWARD PLANNING COMMISSION

ATTEST:

SECRETARY OF PLANNING COMMISSION

APPROVAL OF THE CITY OF SEWARD ZONING ADMINISTRATOR:

THIS MINOR PLAT OF "SUMMIT ADDITION" HAS BEEN SUBMITTED TO AND APPROVED BY THE SEWARD ZONING ADMINISTRATOR.

SIGNED THIS _____ DAY OF _____, 2023

SEWARD ZONING ADMINISTRATOR

REGISTER OF DEEDS CERTIFICATE:

STATE OF NEBRASKA)
) SS
COUNTY OF SEWARD)

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE REGISTER OF DEED OFFICE.

DATE _____ TIME: _____ DRAWER NO. _____ FEE: _____

INSTRUMENT NO. _____ REGISTER OF DEEDS

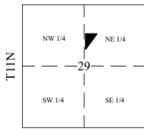
CORNER TIES:

NW CORNER SW 1/4 NE 1/4 SECTION 29-T11N-R3E

FOUND A 1-1/4" OPEN TOP PIPE, 0.8' DEEP.	
S 101.15'	TO A 5/8" REBAR FOUND 0.5' DEEP
S 0.98'	TO A 5/8" REBAR WITH PLASTIC CAP STAMPED "BILLY JOE KERR" FOUND BENT AND LEANING, STRAIGHTENED REBAR AND RESET VERTICAL 0.5' DEEP
W 11.77'	TO A 5/8" REBAR FOUND BENT AND LEANING, STRAIGHTENED REBAR AND RESET VERTICAL 0.5' DEEP
NE 39.49'	TO A 5/8" X 24" REBAR WITH A PLASTIC CAP STAMPED "RM 2023" 1' DEEP
E 379.67'	TO A 5/8" REBAR WITH A PLASTIC CAP STAMPED "LS 618"
S 51.9'	TO THE CENTERLINE SAW CUT JOINT IN EAST-WEST PAVING

VICINITY SKETCH

SEWARD COUNTY
NEBRASKA
R3E



LEGEND

- MONUMENT FOUND
- MONUMENT SET
- CALCULATED POINT
- D DEEDED DISTANCE
- G GOVERNMENT DISTANCE
- M MEASURED DISTANCE
- P PLATTED DISTANCE
- R RECORDED DISTANCE
- D1 INST. NO. 201103024

GRAPHIC SCALE



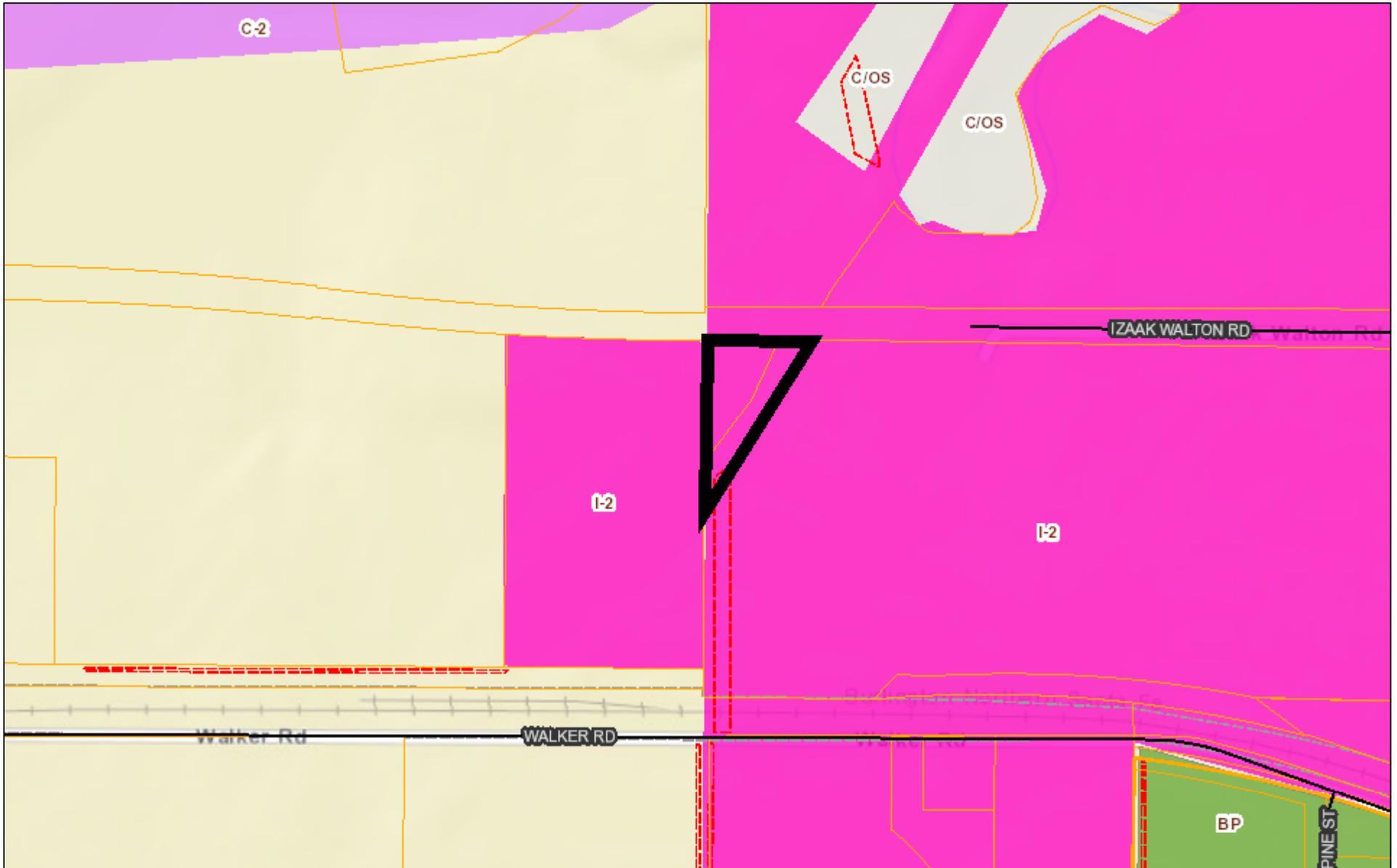
REPOSITORY STAMP



2022
CITY OF SEWARD
PART OF THE SW 1/4 NE 1/4
SEC. 29-T11N-R3E

SUMMIT ADDITION
MINOR PLAT

PROJECT NO.	230084.00
DATE	2/8/2023
DRAWN BY	JDG
FILE NAME	SV_230084.dwg
FIELD BOOK	SEWARD #34
FIELD CREW	MS/NF
SURVEY FILE NO.	2023-018
REVISIONS	△



February 9, 2023
11:01 AM

DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

1:6,830

Sidewalks

— ADA Sidewalk

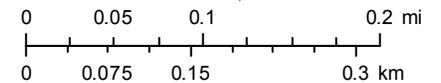
— Deficient Sidewalk

— Missing Sidewalk

— Streets

— Parcels

— Subdivisions



-
2. Public Hearing 7:30pm: review a voluntary request for annexation of a part of Lot 1 Block 5, Prairie View Addition and a portion of Sunflower Avenue.

City of Seward Planning Commission
142 N 7th St, Seward, NE 68434

Staff Report

Tim Dworak, Building/Zoning &
Code Enforcement Director

402-643-2928 opt 3 opt 1

<u>APPLICATION TYPE</u>	<u>FINAL ACTION?</u>	<u>DEVELOPER/OWNER</u>
Annexation Request		1640 LLC/Bob Benes

<u>PC HEARING DATE</u>	<u>RELATED APPLICATIONS</u>	<u>PROPERTY ADDRESS, ZONING DISTRICT/USE</u>
February 13, 2023		1342 Sunflower Ave/R-3/Residential

ADJACENT ZONING DISTRICTS/USE:

North, R-3, Single Family Residential – Rand & Jennifer Hiser, Keyton & Christina Schegg

East, R-3, Single Family Residential – 1640 LLC

South, R-3, Single Family Residential – 1640 LLC

West, R-3, Single Family Residential– 1640 LLC

BRIEF SUMMARY OF REQUEST:

A voluntary Annexation request of a portion of lot 5 and Sunflower Ave of Prairie View Addition by Bob Benes.



APPLICATION CONTACT

Bob Benes, O# 402-423-6811

1640 Normandy Ct A, Lincoln, NE 68512

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

Use type matches the comprehensive plan.

ANALYSIS

A voluntary Annex letter from Bob Benes to be read at City Council for the Annexation.

APPROXIMATE LAND AREA:

.08 acres or 3455.4 square feet +/-

LEGAL DESCRIPTION:

BEGINNING AT A THE NORTHEAST CORNER OF LOT 1, BLOCK 5, PRIARIE VIEW ADDITION, THENCE SOUTH ON THE EAST LINE OF LOT 1, A DISTANCE OF 136.5 FEET TO THE SOUTH EAST CORNER OF LOT 1; THENCE WESTLERY ON THE SOUTH LINE OF LOT 1 A DISTANCE OF 7.4 FEET TO A POINT; THENCE NORTHERLY, PARALLEL TO THE EAST LINE OF LOT 1, A DISTANCE OF 136.5 FEET TO A POINT ON THE NORTH LINE OF LOT 1, SAID POINT BEING 7.8 FEET EAST OF THE NORTHEAST CORNER; THENCE EASTERLY ON THE NORTH LINE OF LOT 1, 7.8 FEET TO THE POINT OF BEGINNING;

AND THE EAST 42.2 FEET OF SUNFLOWER AVENUE
(PID 800232185)

Prepared by

Tim Dworak

City of Seward Building - Zoning - Code Enforcement Director

June 22, 2022

Tim Dworak
Building/Zoning & Code Enforcement Director
City of Seward, Nebraska
142 N 7th Street
Seward, NE 68434

RE: Prairie View Addition Annexation Request

Dear Mr. Dworak,

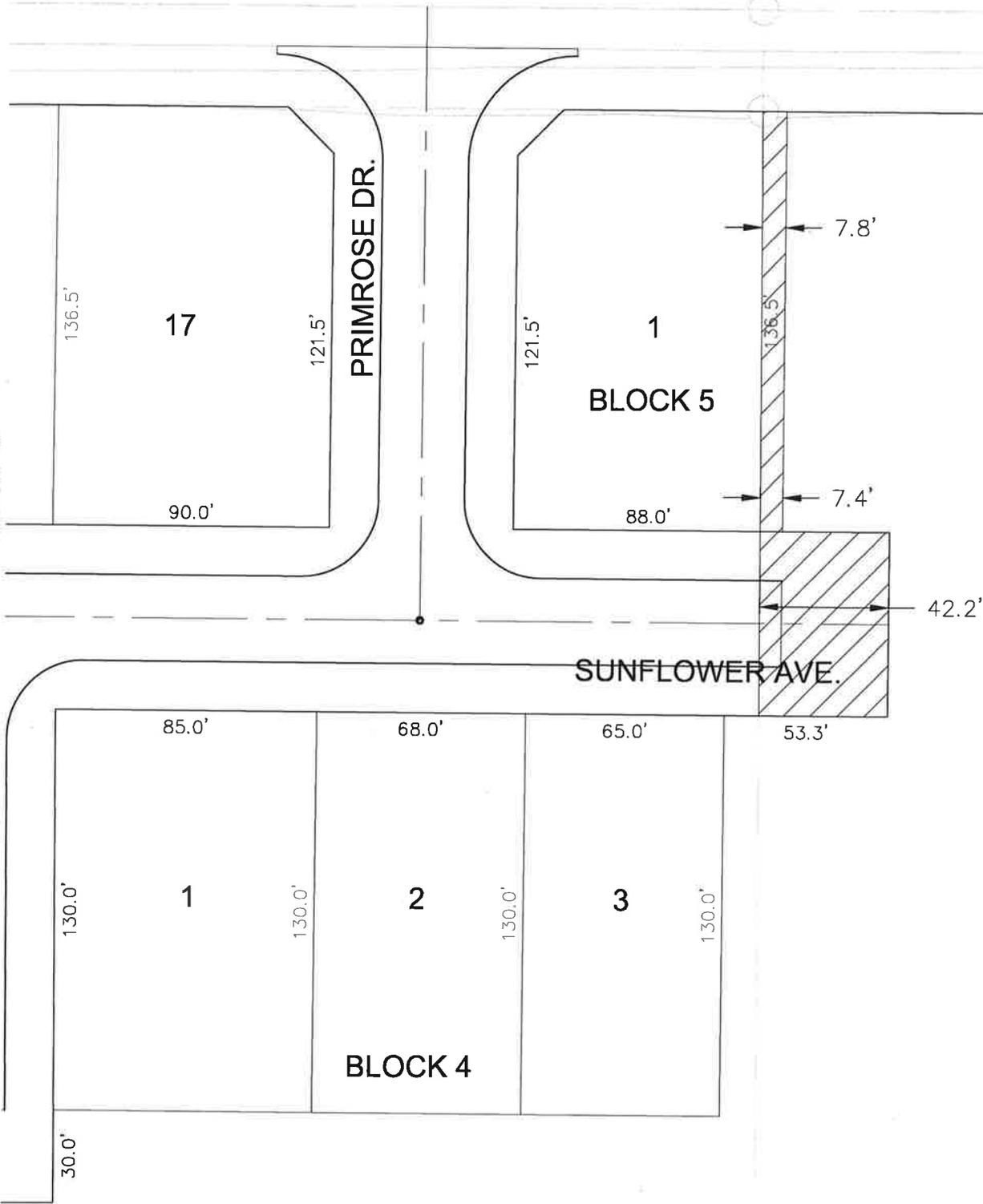
I am requesting annexation for the remainder of Prairie View Addition that lies outside the current annexation limits. This includes a portion of Block 5 lot 1 and Sunflower Avenue. I've attached an exhibit that displays the area being requested.

Please contact me if you have any questions or require additional information.

Sincerely,


Bob Benes

DWG: F:\2021\04501-05000\021-04805\40-Design\Exhibits\GNCV_Prairie View Add Annexation_02104805.dwg
 DATE: Jun 22, 2022 10:57am XREFS: C:\BASE_02104805 C_PPLAT_02104805 USER: epotter



PROJECT NO: 021-04805
 DRAWN BY: EAP
 DATE: 6/22/22

PRAIRIE VIEW ADD.
 ANNEXATION

olsson
 601 P Street, Suite 200
 P.O. Box 84608
 Lincoln, NE 68508
 TEL 402.474.6311

EXHIBIT
 1

Return to:
City of Seward
537 Main St
Seward, NE 68434

ORDINANCE NO. 2023-

AN ORDINANCE DECLARING THE ANNEXATION OF CERTAIN CONTIGUOUS AND ADJACENT TRACTS OF LAND, URBAN AND SUBURBAN IN CHARACTER, MORE SPECIFICALLY A PART OF LOT 1, BLOCK 5, PRAIRIE VIEW ADDITION, AND A PART OF SUNFLOWER AVENUE TO THE CITY OF SEWARD, TO THE CORPORATE LIMITS OF THE CITY OF SEWARD, NEBRASKA, AND EXTENDING THE LIMITS THEREOF ACCORDINGLY; TO DESCRIBE THE REAL ESTATE TO BE ANNEXED AND ITS BOUNDARIES; TO PROVIDE FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; TO PROVIDE FOR A TIME WHEN THIS ORDINANCE SHALL TAKE EFFECT.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SEWARD, NEBRASKA:

Section 1. TERRITORY ANNEXED; DESCRIPTION. The following described property, having been petitioned for annexation by all of the property owners of said property, is annexed to the corporate limits of the City of Seward, as follows:

Beginning at a the northeast corner of Lot 1, Block 5, Prairie View Addition, thence south on the east line of Lot 1, a distance of 136.5 feet to the southeast corner of Lot 1; thence westerly on the south line of Lot 1, a distance of 7.4 feet to a point, thence northerly, parallel to the east line of Lot 1, a distance of 136.5 feet to a point on the north line of Lot 1, said point being 7.8 feet east of the northeast corner; thence easterly on the north line of lot 1, 7.8 feet to the point of beginning;

And the east 42.2 feet of Sunflower Avenue; all in a subdivision of a portion of the Southwest Quarter, Section Twenty-Two, Township Eleven North, Range Three East of the Sixth Principal Meridian, City of Seward, Seward County, Nebraska.

Section 2. CORPORATE LIMITS EXTENDED. The corporate limits are hereby extended to include the territory described in Section 1 of this Ordinance as part of the corporate limits of the City of Seward, Nebraska, as the same is designated, and hereby shall be part of and annexed to the City of Seward, Seward County, Nebraska.

Section 3. FILING AND RECORDING. A certified copy of this Ordinance declaring such annexation under the Seal of the City of Seward, Nebraska, shall be filed with the office of the County Clerk of Seward County, Nebraska.

Section 4. BENEFITS TO INHABITANTS. The inhabitants of the above described territory as set forth in Section 1 of this Ordinance, annexed to the corporate limits of the City of Seward Nebraska, shall receive substantially the benefits of all other inhabitants of the City and such inhabitants shall be subject to the Ordinances and Regulations of the City of Seward, Nebraska

Section 5. PAMPHLET FORM; PUBLICATION; WHEN OPERATIVE. This ordinance shall be published in pamphlet form and shall be in full force and effect from and after its passage, approval, and publication as provided by law and city ordinance.

Passed and approved this _____ day of _____, 2023.

THE CITY OF SEWARD, NEBRASKA,

Joshua Eickmeier, Mayor

ATTEST:

Derek Bargmann
City Clerk

3. Public Hearing 7:30pm: review a text amendment to the City of Seward Unified Land Development Ordinance; Article 32 Supplemental Development Regulations; 410-32.5, B Maximum Size of Residential Accessory Buildings.

APPLICATION TYPE

FINAL ACTION?

DEVELOPER/OWNER

ULDO Amendment

PC HEARING DATE

RELATED APPLICATIONS

PROPERTY ADDRESS, ZONING DISTRICT/USE

February 13, 2023

BRIEF SUMMARY OF REQUEST

Review a Text Amendment to the City of Seward Unified Land Development Ordinance; Article 32 Supplemental Development Regulations; 410-32.5, B Maximum Size of Residential Accessory Buildings.

APPLICATION CONTACT

Tim Dworak

ANALYSIS

It was noted that city code 410-32.5, B, Maximum size of residential Accessory Buildings had omitted the maximum allowable size of an accessory building on lots of less than one acre. After extensive research it was discovered the code was changed and adopted October 21, 2003 to read 900 square feet for lots under one acre. Attached is the signed ordinance and minutes from the Planning Commission meeting.

Prepared by

Tim Dworak

City of Seward Building - Zoning – Code Enforcement Director

§ 410-32.5. Accessory buildings and garages. [Amended 11-1-2005 by Ord. No. 54-05]

- A. Setbacks and setback flexibility. Accessory buildings are subject to all site development regulations of their zoning district, except as provided below:
- (1) Rear yard. The minimum rear yard setback for accessory buildings shall be 7.5 feet. The sum of the width of the alley and the rear yard setback shall be at least 20 feet if the accessory building is a garage with a vehicular entrance door that is directly oriented toward an alley. Double-frontage lots shall require front yard setbacks along both street frontages as required by the individual zoning district. Easements may be incorporated into these required setbacks. No accessory building shall be located within any easement or right-of-way along the rear property line.
 - (2) Street yards. No accessory building shall be located within 20 feet from any street right-of-way line.
 - (3) Garage setbacks. Any garage that fronts on a public street must be set back at least 20 feet from such street, regardless of the setback requirement within the zoning district. This shall not be interpreted to waive a larger required minimum setback required by the zoning district.
- B. Maximum size of residential accessory buildings.
- (1) The maximum size of a detached accessory building for a single-family detached, single-family attached, or duplex residential uses in the R-1, R-2, R-3, R-4 and R-M Districts shall not exceed the square feet for lots less than one acre in size and 1,200 square for lots exceeding one acre in size. An accessory building may exceed these maximums subject to approval of a conditional use permit and other requirements of this section.¹
 - (2) All accessory buildings on a site, taken together, must comply with the building coverage requirements for the zoning district.
- C. Height of accessory buildings. In residential districts, the maximum height shall be 16 feet for any accessory building. Maximum height for a detached garage and/or other accessory building in an AG or RR District shall be 35 feet.
- D. Other requirements for accessory buildings: physical separation, effects on other properties, hazards, and sequencing of construction.
- (1) Separation from other buildings. No accessory building shall be placed within five feet of any other building on its own property.
 - (2) Attached accessory buildings. Any accessory building physically attached to the principal building shall be considered part of the principal building and subject to the development regulations of its zoning district, except as

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

modified in this section.

- (3) Effect on adjacent properties. If an adjacent lot is built upon, the accessory building must be entirely to the rear of the line of any principal building on such adjacent lot.
- (4) Hazards. Any accessory use that creates a potential fire hazard shall be located a minimum of 10 feet from any residential structure. Such uses include but are not limited to detached fireplaces, barbecue ovens, or storage of flammable materials.
- (5) No accessory building shall be built upon any lot until construction of the principal building has begun.

The City of Seward Planning Commission met in a regular session at 7:30 p.m. October 13th, 2003 at the Municipal Building, 142 North 7th Street, Seward, Nebraska. Upon roll call the following Commission Members were present:

Dave Euchner, Verlon Vrana, Richard Rolfsmeier, Loren Pogreba, Clarence Kotera, Ron Wallman, Ron Niemoth, Jack Clagg, Richard Hans and Don Baack. Other presents were Roger Van Ooyen, Dick McConnell, Jim Krutz and Dorris Marxhausen.

All proceedings here after shown were taken while the convened meeting was open to the attendance of the public.

ROLL CALL

1. Public Hearing Final Plat of Eastview Addition Recommendation to City Council

Chairman Wallman opened the Public Hearing at 7:31 p.m. There being no one from the public wishing to speak Chairman Wallman closed the hearing.

Moved by Commission member Baack and seconded by Commission member Pogreba to recommend approval of the Final Plat of the Eastview Addition to City Council

Voting

Aye: Vrana, Pogreba, Kotera, Niemoth, Clagg, Rolfsmeier, Wallman, Baack and Hans

Motion Carried

2. Public Hearing 7:30 P.M. Special Use Permit Dick McConnell 1049 N 8th Street (Construct 32 x 44 garage. Recommendation to City Council.

Chairman Wallman opened the Public Hearing at 7:40. Mr. McConnell reviewed his request with the Commission. The Commission asked if Hardee Ave. was a City Street? . Mr. McConnell stated that it was a private under his ownership with right of access to

other adjacent property owners. Public Hearing was closed at 7:44.

Moved by Commission member Vrana and seconded by Commission member Clagg to recommend approval of the Special Use Permit to construct a 32-x 44 garage at 1049 N 8th Street to City Council.

Voting

Aye: Vrana, Pogreba, Kotera, Niemoth, Clagg, Rolfsmeier, Wallman, Baack and Hans

Motion Carried

2. Public Hearing Amend Zoning Map
Recommendation to City Council

Chairman Wallman opened the Public Hearing at 7:36 p.m. no one was present to speak. Public Hearing was closed at 7:48 p.m..

Moved by Commission member Pogreba and seconded by Commission member Wallman to table this item until a more detailed map could be provided with changes being requested by staff.

Voting

Aye: Vrana, Pogreba, Kotera, Niemoth, Clagg, Rolfsmeier, Wallman, Baack and Hans

Motion Carried

3. Public Hearing 7:30 P.M. Amend Section 11-3205 B 1 (Accessory Buildings and Garages)
Recommendation to City Council

Chairman Wallman opened the Public Hearing at 7:50 p.m. no one was present to speak. Public Hearing was closed at 7:48 p.m..

Mr. Van Ooyen explainer staff proposal to change the 720 foot limit to larger limits.

Moved by Commission member Vrana and seconded by Commission member Clagg to change Section 11-3205 B 1, to change the size of detached garages from 720 sq. feet

to 900 sq. feet for lots less than one acre in size and to 1200 sq. feet for lots more than one acre in size. After discussion motion was withdrawn.

Moved by Commission member Hans and seconded by Commission member Clagg to change Section 11-3205 B 1, to read: The maximum size of an accessory building for a single family detached, single family attached or duplex residential use in the R-1, R-2, R-3, R-4, and R-M districts shall not exceed 900 sq. feet for lots less than one acre in size and 1200 sq. feet for lots exceeding one acre in size. a accessory building may exceed these maximums subject to approval of a special use permit and other requirements of this section.

Commission members Wallman and Baack felt that the 720 sq foot limit was adequate and should not be amended.

Voting:

Aye: Vrana, Pogreba, Kotera, Niemoth, Clagg, Rolfsmeier, and Hans

Nay: Wallman, Baack

Motion Carried

4. Jim Krutz Presentation for Wildlife area Plum Creek Trail

Mr. Krutz proposed setting aside an area within Wilderness Park for the preservation of wildlife.

Moved by Commission Vrana and seconded by Commission member Kotera to endorse Mr. Krutz proposal to set aside 7-8 acres east of the Hiker Biker Trail and north of Concordia University maintenance facilities as a wildlife area and to recommend the City Council to appoint a committee to recommend other uses within Wilderness Park.

Voting:

Aye: Vrana, Pogreba, Kotera, Niemoth, Clagg, Rolfsmeier, Wallman, Baack and Hans

5. Select Commissioners to attend meetings

Commission member Hans will attend the October 21st City Council meeting.

Commission member Euchner will attend the November 4th City Council meeting.

6. Reports on meetings attended.

None

7. Consent agenda (Considered routine and will be enacted by one motion unless separate discussion is requested) A. Minutes

No Action as minutes were not sent out

MEETING ADJOURNED AT 8:59 PM

*RICHARD A HANS
SECRETARY*

MINUTE RECORD

No. 729—REDFIELD & COMPANY, INC., OMAHA

October 21, 2003

The Seward City Council met in regular session at 7:30 p.m. on Tuesday, October 21, 2003 in the Council Chambers at the Municipal Building, 142 North 7th Street, Seward, Nebraska, with Mayor Roger E. Glawatz presiding and City Clerk-Treasurer/Administrator Assistant Debra Schaefer recording the proceedings. Upon roll call, the following Councilmembers were present: Barbara Pike, Brett Smith, Matt Stryson, Barbara Springer, Robert Fiala, Cory Mueller, David Stewart III. Absent: John Singleton. Other officials present throughout the meeting were: City Administrator Daniel Berlowitz, Building Director Roger Van Ooyen and Chief of Police Alan Baldwin.

Notice of the meeting was given in advance thereof by the method of communicating advance notice of the regular and special meetings of the City Council of the City of Seward, Nebraska, as stated in Resolution Number 14-99, which was adopted on the 17th day of August, 1999; said method stating that the notice of such meeting, with the agenda thereon, be posted in the following places: City Hall, County Courthouse and Seward Public Library. The certificate of posting notice is attached to these minutes. Notice of this meeting was simultaneously given to the Mayor and all members of the City Council, and a copy of their acknowledgment of receipt of notice and the agenda are attached to these minutes. Availability of the agenda was communicated in the advance notice and in the notice to the Mayor and Council of this meeting. All proceedings hereafter shown were take while the convened meeting was open to the attendance of the public.

THE PLEDGE OF ALLEGIANCE

1a. SPECIAL USE PERMIT - RICHARD MCCONNELL

Building Director Roger Van Ooyen explained that this Special Use Permit is for a garage to be built by Richard McConnell at 1049 N 8th Street. The proposed garage is 688 square feet larger than the 720 square feet allowed for this district and therefore requires a special use permit. All property owners within 300 feet of this residence were notified of this change and no one has expressed any opposition. The Planning Commission has reviewed this request and recommended approval of the permit.

A motion was made by Councilmember Fiala, seconded by Councilmember Smith, to approve the Special Use Permit submitted by Richard McConnell to build a garage 688 square feet larger than the 720 square feet allowed in his residential district.

Aye: Mueller, Stewart, Pike, Smith, Stryson, Springer, Fiala

Nay: None

Absent: Singleton. Motion carried.

1b. AMEND ZONING MAP

Mayor Glawatz noted that this agenda item is being tabled because the Planning Commission has requested more detailed information on it.

1c. AMEND SECTION 11-3205 ON MAXIMUM SIZE OF ACCESSORY BLDGS & GRDS

Building Director Roger Van Ooyen noted that currently City Code requires that the maximum size of accessory buildings in a residential district is 720 square feet no matter what size of lot or parcel a person owns. Staff is recommending that the Code be changed to allow 900 square feet accessory buildings on less than 1 acre tracts and 1,200 square feet buildings on parcels over 1 acre as long as all of the yard and setback requirements can

MINUTE RECORD

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October 21, 2003

be met.

7:45 p.m. - Councilmember Singleton is present.

After review of this recommendation, Ordinance No. 34-03 which amends the maximum size of residential accessory buildings to 900 square feet for less than 1 acre tracts and 1,200 square feet for over 1 acre tracts was passed and approved.

1d. FINAL PLAT FOR EASTVIEW ADDITION

Building Director Roger Van Ooyen noted that the final plat for Eastview Addition had been reviewed by the Planning Commission and they had recommended approval. However, he noted that he had asked the City Attorney to prepare a necessary access agreement to allow the City access into City property over a month and a half ago and he has not done it yet. Because of this he recommended that this item be tabled, but after additional discussion, he suggested that the Ordinance could be approved with the caveat that it not be filed at the Courthouse until the easement is prepared and signed.

Delbert Sahn of 1314 Eastridge was present and noted that they did not have a problem with the easement or the suggestion from Mr. Van Ooyen.

After review, Ordinance No. 35-03 was passed and approved, subject to the condition that it would not be filed at the County Clerks' Office until the necessary easement is prepared and signed.

Councilmember Pike moved, seconded by Councilmember Fiala, that the minutes of the proceedings of the Mayor and Council of the City of Seward, Seward County, Nebraska in the matter of passing and approving Ordinance No. 34-03, "AN ORDINANCE TO AMEND SECTION 11.3205 OF THE UNIFORM LAND DEVELOPMENT ORDINANCE OF THE CITY OF SEWARD; TO AMEND THE MAXIMUM SIZE OF RESIDENTIAL ACCESSORY BUILDINGS; TO PROVIDE FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; TO PROVIDE FOR A TIME WHEN THIS ORDINANCE SHALL TAKE EFFECT", Ordinance No. 35-03, "AN ORDINANCE TO APPROVE THE PLAT ENTITLED "EASTVIEW ADDITION TO THE CITY OF SEWARD, SEWARD COUNTY, NEBRASKA," AS HEREINAFTER SET FORTH, LOCATED NORTH OF HILLCREST DRIVE AND EAST OF EASTSIDE DRIVE; TO PROVIDE FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; TO PROVIDE FOR A TIME WHEN THIS ORDINANCE SHALL TAKE EFFECT" be preserved and kept in a separate and distinct volume known as "Ordinance Record, City of Seward, Nebraska" and that said separate and distinct volume be incorporated in and made a part of these proceedings the same as though it were spread at large herein.

Aye: Singleton, Mueller, Stewart, Pike, Smith, Stryson, Springer, Fiala
Nay: None
Absent: None. Motion carried.

2. SPECIAL DESIGNATED LIQUOR PERMIT/OUTLAW STEAKHOUSE

A motion was made by Councilmember Mueller, seconded by Councilmember Smith, to approve the special designated liquor permit application submitted by the Outlaw Steakhouse of Garland, Nebraska, for a wedding reception on November 7, 2003 at the Seward County Agricultural Pavilion.

Aye: Singleton, Mueller, Stewart, Pike, Smith, Stryson, Springer, Fiala
Nay: None
Absent: None. Motion carried.

MINUTE RECORD

No. 729—REDFIELD & COMPANY, INC., OMAHA

ORDINANCE NO. 34-03

AN ORDINANCE TO AMEND SECTION 11.3205 OF THE UNIFORM LAND DEVELOPMENT ORDINANCE OF THE CITY OF SEWARD; TO AMEND THE MAXIMUM SIZE OF RESIDENTIAL ACCESSORY BUILDINGS; TO PROVIDE FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; TO PROVIDE FOR A TIME WHEN THIS ORDINANCE SHALL TAKE EFFECT.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SEWARD, NEBRASKA:

Section 1. AMENDMENT: That Section 11.3205 of the Seward City Code is hereby amended to read as follows:

11.3205 Accessory Buildings and Garages

a. Setbacks and Setback Flexibility

Accessory buildings are subject to all site development regulations of its zoning district, except as provided below:

1. Side Yards: An accessory building may be located a minimum of three feet from the side lot line of the property if it is located in an area from six feet behind the rear building line of the principal building to the rear property line and is under 15 feet in height. An additional one foot setback is required for every two feet above 15 feet in height, up to the minimum requirements of the zoning district.
2. Front Yards: No accessory building may be located between the front building line of the principal building and the front property line.
3. Rear Yard: The minimum rear yard setback for accessory buildings shall be 7.5 feet. The sum of the width of the alley and the rear yard setback shall be at least 20 feet if the accessory building is a garage with a vehicular entrance door that is directly oriented toward an alley. Double-frontage lots shall require front-yard setbacks along both street frontages as required by the individual zoning district. Easements may be incorporated into these required setbacks. No accessory building shall be located within any easement or right-of-way along the rear property line.
4. Street Yards: No accessory building shall be located within 20 feet from any street right-of-way line.
5. Garage Setbacks: Any garage that fronts on a public street must be set back at least 20 feet from such street, regardless of the setback requirement within the zoning district. This shall not be interpreted to waive a larger required minimum setback required by the zoning district.

b. Maximum Size of Residential Accessory Buildings

1. The maximum size of a detached accessory building for a single-family detached, single-family attached, or duplex residential uses in the R-1, R-2, R-3, R-4 and R-M Districts shall not exceed 900 square feet for lots less than one acre in size and 1200 square for lots exceeding one acre in size. An accessory building may exceed these maximums subject to approval of a Special Use Permit and other requirements of this section.
2. All accessory buildings on a site, taken together, must comply with the building coverage requirements for the zoning district.

MINUTE RECORD

No. 729—REDFIELD & COMPANY, INC., OMAHA

c. Height of Accessory Buildings

In residential districts, the maximum height shall be 16 feet for any accessory building. Maximum height for a detached garage and/or other accessory building in an AG or RR District shall be 20 feet.

d. Architectural Requirements for Detached Garages

1. Exterior building materials and architectural designs used for detached garages for single-family detached, single-family attached or duplex residential structures shall be comparable to, or similar to, or architecturally harmonious with, the existing main residential structure.

2. Exterior materials shall be non-reflective and shall be of a color, material, and scale comparable to existing residential structures in the immediate area. Permanent siding shall be, or simulate, wood, wood shingles, brick, masonry, or tile. The roof shall be pitched with a minimum vertical rise of 2.5 inches for each 12 inches of horizontal run. Roof construction shall be of non-reflective materials which either are or simulate the appearance of asphalt, wood shingles, tile, or rock.

e. Other Requirements for Accessory Buildings: Physical Separation, Effects on Other Properties, Hazards, and Sequencing of Construction

1. Separation from Other Buildings: No accessory building shall be placed within five feet of any other building on its own property.

2. Attached Accessory Buildings: Any accessory building physically attached to the principal building shall be considered part of the principal building and subject to the development regulations of its zoning district, except as modified in this section.

3. Effect on Adjacent Properties: If an adjacent lot is built upon, the accessory building must be entirely to the rear of the line of any principal building on such adjacent lot.

4. Hazards: Any accessory use that creates a potential fire hazard shall be located a minimum of 10 feet from any residential structure. Such uses included but are not limited to detached fireplaces, barbecue ovens, or storage of flammable materials.

5. No accessory building shall be built upon any lot until construction of the principal building has begun.

Section 2. REPEAL: That any other Ordinances or sections passed and approved prior to the passage, approval, and publication or posting of this Ordinance and in conflict with its provisions is hereby repealed.

Section 3. PAMPHLET FORM; PUBLICATION; WHEN OPERATIVE: This ordinance shall be published in pamphlet form and shall be in full force and effect from and after its passage, approval and publication as provided by law and City Ordinance.

Passed and approved this 21st day of October, 2003.

ATTEST:



Debra Schaefer
Debra Schaefer
City Clerk-Treasurer/
Administrator Assistant

THE CITY OF SEWARD, NEBRASKA

Roger E. Glawatz
Roger E. Glawatz, Mayor

ORDINANCE NO. 2023-

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF SEWARD, CHAPTER 410 ZONING AND SUBDIVISION, ARTICLE 32 SUPPLEMENTAL DEVELOPMENT REGULATIONS TO BETTER DEFINE MAXIMUM SIZE OF RESIDENTIAL ACCESSORY BUILDINGS; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; TO PROVIDE FOR AN EFFECTIVE DATE; TO PROVIDE FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SEWARD AS FOLLOWS:

That Chapter 410 of the Municipal Code of the City of Seward is hereby amended as follows:

Section 1. That §410-32.5 (B) be amended as follows:

B. Maximum size of residential accessory buildings.

(1) The maximum size of a detached accessory building for a single-family detached, single-family attached, or duplex residential use in the R-1, R-2, R-3, R-4 and R-M Districts shall not exceed the 900 square feet for lots less than one acre in size and 1,200 square feet for lots exceeding one acre in size. An Accessory building may exceed these maximum subject to approval of a conditional use permit and other requirements of this section.

(2) All accessory buildings on a site, taken together, must comply with the building coverage requirements for the zoning district.

SECTION 2. REPEAL. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. WHEN OPERATIVE; PUBLICATION IN PAMPHLET FORM. This ordinance shall be published in pamphlet form and shall be in full force from and after its passage, approval and publication or posting as required by law.

Dated this _____ day of _____, 2023

CITY OF SEWARD, NEBRASKA

Joshua Eickmeier, Mayor

ATTEST:

Derek Bargmann
City Clerk

**ADMINISTRATIVE ITEMS
REPORTS**

1. Report on Meetings Attended

**FUTURE REQUESTS FOR COMMISSION AGENDA ITEMS OR
ADMINISTRATIVE ACTION
ANNOUNCEMENT OF UPCOMING EVENTS
MOTION TO ADJOURN**

I, Derek Bargmann, the duly appointed qualified and acting City Clerk of the City of Seward, Nebraska, hereby certify that the foregoing Notice of Meeting and Agenda for such meeting has been posted in the following places: Seward City Hall, Seward Municipal Building, Seward County Courthouse, Seward Memorial Library and CityofSewardNE.gov

IN WITNESS WHEREOF, I have hereunto set my hand officially and affixed the seal of the City.

Derek Bargmann, City Clerk

Date