



**CITY OF SEWARD
City Council
Committee Meeting
Agenda**

Monday, March 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, March 13, 2023, in the Council Chambers, 142 N 7th 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.

CALL TO ORDER

CONSENT AGENDA

MINUTES

City of Seward Planning Commission

Minute Record February 13, 2023

The City of Seward Planning Commission met in regular session at 7:30p.m. February 13, 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:, Russ Soucek, Dan Ellis, Ron Wallman, Sue Bowen, Ron Niemoth, Scott Seevers, Lacey Koch and Traci Menke. Other Officials present: Building and Zoning Director, Tim Dworak, and Administrative Assistant, Sara Van Cura.

Absent members were: Clarence Kotera, Jeremy Tonniges.

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 January 9, 2023.

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

Aye: Soucek, Ellis, Wallman, Bowen, Niemoth, Seevers, Koch, Menke

Nay: None.

Absent: Kotera, Tonniges. Motion carried.

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

Chairperson Wallman opened the public hearing.

Dworak stated this a parcel of City owned property south of Izaak Walton Road that is attached to a piece of property to the north of Izaak Walton Road. There is a large electrical easement running through the property. It is not developable for that reason. Summit has indicated that they would like this lot for their drainage. We were missing right-of-way for Izaak Walton Road, and this allows us to dedicate the right-of-way.

Chairperson Wallman suspends the public hearing.

Moved by Commission Member Seevers to approve the minor plat of Summit Addition; Commission Member Soucek seconded.

Chairperson Wallman stated to let the record show the Planning Commission thinks this is a good idea.

Aye: Soucek, Ellis, Wallman, Bowen, Niemoth, Seevers, Koch, Menke
Nay: None.
Absent: Kotera, Tonniges. Motion carried.

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.

Chairperson Wallman opened the public hearing.

Dworak stated there is a letter from Bob Benes requesting the annexation. When he did the first addition plat, they identified a part of lot 1, block 5 and Sunflower Avenue was outside of the city limits.

Chairperson Wallman asked did this happen to have part of the plat outside of the City limits.

Dworak stated we knew about this at the time of the plat.

Chairperson Wallman suspended the public hearing.

Moved by Vice Chairperson Ellis to approve the voluntary request for annexation of a part of Lot 1, Block 5, Prairie View Addition, and a portion of Sunflower Avenue; Commission Member Menke seconded.

Commission Member Seevers clarified the location of annexation.

Dworak stated that it is that small portion being annexed.

Vice Chairperson Ellis stated it was always the intent to have the first addition inside city limits.

Chairperson Wallman stated let the record show it does fall in line for our long term plans.

Aye: Soucek, Ellis, Wallman, Bowen, Niemoth, Seevers, Koch, Menke
Nay: None.
Absent: Kotera, Tonniges. Motion carried.

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.

Chairperson Wallman opened the public hearing.

Dworak stated that our current code does not have a number for the size of building in residential lots for less than one acres.. In 2003, we changed it from 750 square feet to 900 square feet. The reason for this is for three car garages. We need to add it back into our current code, so our residents know what that size is.

Chairperson Wallman closed the public hearing.

Moved by Commission Member Koch to approve a text amendment to the City of Seward Unified Land Development Ordinance; Article 32 Supplement Development Regulations; 410-32.5,B Maximum Size of Residential Accessory Buildings; seconded by Vice Chairperson Ellis.

Chairperson Wallman stated to let the minutes show that is keeping with past decision and meets long term goals of the Planning Commission and City.

Aye: Soucek, Ellis, Wallman, Bowen, Niemoth, SeEVERS, Koch, Menke

Nay: None.

Absent: Kotera, Tonniges. Motion carried.

4. Administrative Item

5. Reports

6. Agenda Items

7. Upcoming Events

Spring NPZA Conference is in March.

Meeting adjourned 7:45 PM.

Sara Van Cura
Administrative Assistant

1. Consideration of Approval of Draft Minutes of February 13, 2023.

PUBLIC HEARINGS

1. Public Hearing 7:30pm: review a special use permit application located at 1416 Eastridge Ave. Seward, to allow an in home preschool for more than six persons.

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

APPLICATION TYPE

Conditional Use permit

FINAL ACTION?

DEVELOPER/OWNER

Stacey Piskorski

PC HEARING DATE

March 13, 2023

RELATED APPLICATIONS

PROPERTY ADDRESS, ZONING DISTRICT/USE

1416 Eastridge, R-1, Residential

ADJACENT ZONING DISTRICTS/USE:

North, R-1, Residential – Leon & Gretchen Gebhardt

East, R-1, Residential – Chad & Sheri Fritz

South, R-1, Residential – Gary & Marian Fett

West, R-1, Residential – Stephen & Darlene Furby

BRIEF SUMMARY OF REQUEST

Applicant is seeking a Conditional Use permit to operate an in-home preschool of 6+ persons.



APPLICATION CONTACT

Stacey Piskorski, 402-641-9628

1416 Eastridge, Seward, NE 68434

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

Use type matches the comprehensive plan.

ANALYSIS

Ms. Piskorski wishes to operate an in-home preschool in the basement of her home with 8-12 students participating per session. By the cities definition, preschools are governed by the daycare rules of the city code. Day care services (general) provides care for more than six persons and is regulated by the State of Nebraska. The State of Nebraska requires proof of zoning approval by the local jurisdiction prior to issuing a state license.

Currently no fence is installed, but, in review of the rear yard, 4300 square feet +/- is available to be fenced; the city code and the State of Nebraska require 50 square feet of play area per child be provided. The interior class room space required by the State of Nebraska is 35 square feet per child; the Piskorski's basement has an available space of 775 square feet +/- . There is a patio door exiting the basement to the rear yard. The house has been remodeled do to a fire in 2020, as a result an emergency escape window was added to the basement allowing a second egress should there be an emergency situation.

The city code requires a conditional use permit. The application is required to state the number of children and the ages along with the number of full time and/or part time staff.

The Conditional Use permit will be assigned to Stacey Piskorski and not the property. Should Stacey no longer have an ownership in the property the use would cease to be valid. Any new parties to have ownership in the property wishing to continue the preschool or switch to a daycare would be required to apply for their own Conditional Use permit and come before the Planning Commission and City Council.

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:

0.22 acres or 9601 square feet +/-

LEGAL DESCRIPTION:

Lot 9, except the north two feet thereof, Block 5, Bader-Jirovsky 4th Addition, City of Seward, Seward County, Nebraska. (PID 800076583)

Prepared by

Tim Dworak

City of Seward Building - Zoning - Code Enforcement Director

CONDITIONS OF APPROVAL – SPECIAL USE PERMIT # CU23-01

As provided by the City of Seward Unified Land Development Ordinance, Article 44 Administrative Procedures and Penalties, section 410-44.3 Conditional Use Permits, this approval permits the OPERATION OF AN IN-HOME PRESCHOOL OF MORE THAN 6 PERSONS.

SITE SPECIFIC CONDITIONS:

1. Fence installed in the rear yard to provide a minimum of 600 Square feet play area for 12 children.
2. Adequate parking for staff be installed.

STANDARD CONDITIONS:

1. The Conditional Use permit will be assigned to Stacey Piskorski and not the property.
2. Must receive a preschool license by the State of Nebraska prior to operating the preschool.

March P.C.

PAID
2-13-23



SEWARD

P.O. Box 38 • 537 Main Street
Seward, Nebraska 68434
Phone and TDD 402-643-2928
Fax 402-643-6491

APPLICATION FOR A SPECIAL USE PERMIT

CITY OF SEWARD, SEWARD COUNTY, NEBRASKA

Instructions:

1. Fill out application form completely. Please print or type. Use additional sheets if needed.
2. Filing fee: \$200.00. Notification Fee \$ 100,00 Make check payable to City of Seward.
3. Contact City of Seward Planning & Zoning Director if you have any questions.
4. Submit a list of property owners within 300 feet, prepared by a certified abstractor.

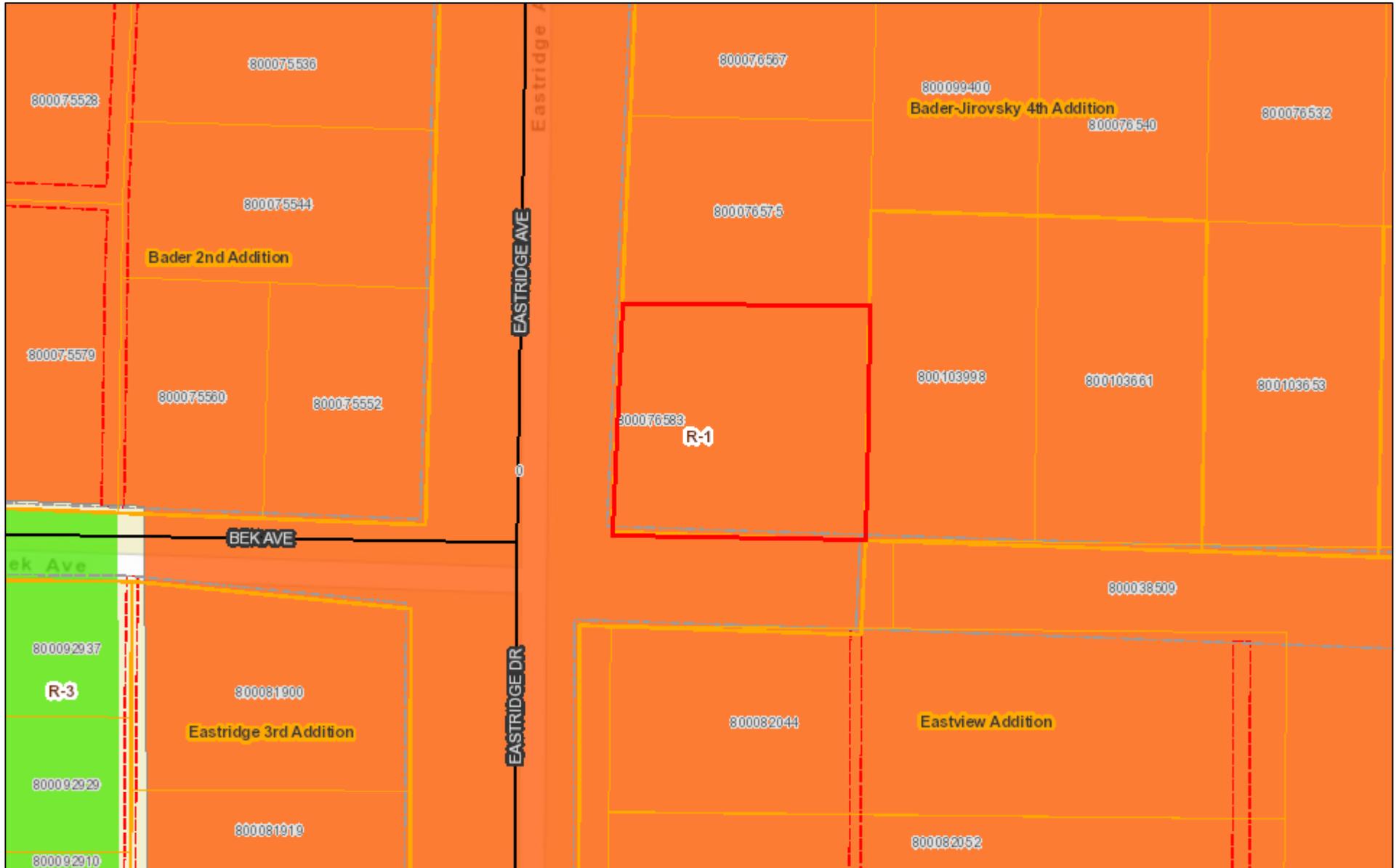
1. Applicant's name: Stacey Piskorski
2. Applicant's address: 1416 Eastridge
Seward, NE ZIP: 68434
3. Telephone (business): _____ (home): 402-641-9628
4. Present use of property: Residential
5. Desired use of property: Preschool Business
6. Present zoning: Residential
7. Legal description of property: _____
Seward Bader-Jirovsky 4th addition block 5 lot 9 EXC N. 2'
8. Under what provisions of the zoning regulations are you seeking this permit?
A special use permit for an in-home preschool of 6+ persons.
Age of Children 3,4, and 5 year olds. There will be no staff.
9. For how many years are you seeking this permit (5 years, 10 years, etc.)? 10 years
10. Explain in detail what you propose to do: _____
I'd like to start an in-home preschool in the basement of our home with 8-12 students
per session.
11. How are adjoining properties used? Indicate both zoning district designations and actual uses.
North: residential South: residential
East: residential West: residential
12. This authorizes the City of Seward Planning and Zoning Director to enter upon the property during normal working hours for the purpose of becoming familiar with the proposed situation. The Director may be accompanied by members the City of Seward Planning Commission or Seward City Council.

Stacey L. Piskorski

Owner's Signature

"Nebraska's Official 4th of July City"

Stacey.piskorski@gmail.com



March 8, 2023
13:37 PM

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.

1:977

Sidewalks

— ADA Sidewalk

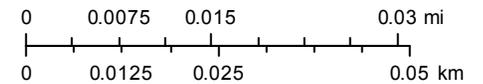
— Deficient Sidewalk

— Missing Sidewalk

— Streets

— Parcels

— Subdivisions



§ 410-3.5 **Civic use types.**

G. Day-care services (limited): includes all classifications of day-care facilities regulated by the State of Nebraska that operate providing care for not more than six persons. This term includes nursery schools, preschools, day-care centers for children or adults, and similar uses, but excludes public and private primary and secondary educational facilities.

H. Day-care services (general): includes all classifications of day-care facilities regulated by the State of Nebraska that operate providing care for more than six persons. This term includes nursery schools, preschools, day-care centers for children or adults, and similar uses, but excludes public and private primary and secondary educational facilities.

SEWARD CODE

Use Types	Impact Rating	AG	RR	R-1	R-2	R-3	R-4	RM	UC	C-1	C-2	CBD	BP	I-1	I-2	Supplemental Regulations
Group residential*	M	S			S	S	P	S	S	S/E	E	E	E	E	E	§ 410-31.3
Boardinghouse*	M						S		S	E	E	E	E	E	E	
Manufactured housing residential	L	P	P	P	P	P	P	P	P	P	S/E	S	E	E	E	
Mobile home park*	M							P								§ 410-31.3
Mobile home subdivision	L							P								§ 410-31.3
Retirement residential*	M	S	S	S	P	P	P	S	P	S	S	P				
Civic Uses																
Administration	L	P	S		S	S	P	S	P	P	P	P	P	P	P	
Cemetery*	L	S	S	S	S	S	S	S								
Clubs (recreational)*	L	S	S	S	S	S	P	S	P	P	P	P	P	P	P	§ 410-31.4
Clubs (social)*	M	S	S	S	S	S	P	S	P	P	P	P	P	P	P	§ 410-31.4
College/University*	H	S	S	S	S	S	S	S	S	P	P	P	P	P	P	
Convalescent services*	L	S	S	S	S	S	P	S	P	P	P	S	S			
Cultural services*	M	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Day care (limited)	L	P	P	P	P	P	P	P	P	P	P	P	P	P	P	§ 410-31.4
Day care (general)*	M	S	S	S	S	S	P	P	P	P	P	P	P	P	P	§ 410-31.4
Detention facilities*	I	S									S	S		S	S	
Emergency residential	L	P	P	P	P	P	P	P	P	P	P	P				
Group-care facility*	M			S	S	P	P	S	P	P	P	P				§ 410-31.4
Group home	L	P	P	P	P	P	P	P	P	P	P	P				§ 410-31.4
Guidance services	L					S	P	S	P	P	P	P	P	P	P	
Health care*	M	S			S	S	P	S	P	P	P	P	P	P	P	
Hospitals*	I	S			S	S	S		S	S	P	P	P	P	S	
Maintenance facility*	H	S	S				S			S	P	S	P	P	S	
Park and recreation	L	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Postal facilities*	M					S	S		P	P	P	P	P	P	P	
Primary education*	H	P	P	P	P	P	P	P	P	P	S	S				

§ 410-31.4 **Civic uses.**

B. Day-care centers (general).

(1) Each day-care center (general) must be validly licensed by either the State of Nebraska or the appropriate governmental agency.

(2) Each facility shall provide a minimum of 50 square feet of outdoor play area per child, fully enclosed by a fence or wall that is at least 42 inches but not more than 72 inches in height. Play areas shall be easily accessible from the main facility and be free of hazards, including potential traffic hazards.

(3) Conditional use permit applications for general day-care centers shall specify the number and projected ages of children to be cared for at the facility, and the number of projected full- and part-time staff.⁽¹⁾

Table 34A: Minimum Off-Street Parking Requirements

Civic Use Types	
Administration	1 space per 300 square feet of gross floor area
Cemetery	No requirement
Clubs	1 space per 4-person capacity in largest assembly area
College/University	1 space per 3 full-time students, except as otherwise provided in a U/MU District
Convalescent services	1 space per 4 beds
Cultural services	1 space per 500 square feet of gross floor area
Day-care services	1 space per 5-person capacity + 1 space per employee of largest shift

800075514

800076575

800103998

800103661

800075552

771.696 Square Feet, Perimeter: 126.491 Feet

800076583

4,311.795 Square Feet, Perimeter: 337.855 Feet

30.156 Feet

16.561 Feet

0

800038509

**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