



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

---

**Monday, December 9, 2024**

**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, December 9, 2024, 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 the items listed.

**ROLL CALL**

**CONSENT AGENDA**

**MINUTES**

1. Consideration of Approval of Draft Minutes of November 12, 2024.

# City of Seward Planning Commission

## Minute Record      November 12, 2024

The City of Seward Planning Commission met in regular session at 7:30p.m. November 12, 2024, in the Council Chambers at the Municipal Building at 142 North 7<sup>th</sup> Street, Seward, Nebraska. Upon roll call the following Commission Members were present: Clarence Kotera, Dan Ellis, Ron Wallman, Sue Bowen, Ron Niemoth, Scott Seevers, Ron Jackson, Lacey Koch, and Traci Menke. Other Officials present: Building and Zoning Director, Tim Dworak, City Engineer, Michael Oneby, and Administrative Assistant, Sara Van Cura.

Absent members were: Jake Miller

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 September 9, 2024.

Moved by Commission Member Koch; Seconded by Commission Member Seevers to approve the minutes.

Aye: Kotera, Ellis, Wallman, Bowen, Niemoth, Seevers, Jackson, Koch, Menke.

Nay: None.

Absent: Miller. Motion carried.

#### 1. Public Hearing 7:30pm: review a Minor Plat of KDBCLB Addition.

Chairperson Wallman opened the public hearing.

Dworak stated this is to parcel off an existing homestead from the rest of the land. Everything meets all the setbacks and zoning. It doesn't meet the requirements for ag but to follow is a rezone request to make it rural residential.

Chairperson Wallman suspended the public hearing.

Vice Chairperson Ellis moved to approve the Minor Plat of KDBCLB Addition; Commission Member Koch seconded.

Chairperson Wallman asked which homestead Cid is parceling off.

Cid Beckler stated his home place.

Commission Member Bowen asked for clarification on where the plat will be in the map pictures.

Dworak explained where the platted lines will be.

Vice Chairperson Ellis asked if there are any other rural residential.

Dworak stated there are some one mile west, and possibly another one coming.

Chairperson Wallman stated to let the record show its appropriate use of the ground and natural progression.

Aye: Kotera, Ellis, Wallman, Bowen, Niemoth, Seevers, Jackson, Koch, Menke.

Nay: None.

Absent: Miller. Motion carried

2. Public Hearing 7:30pm: review a rezone application for Lot 1, KDBCLB Addition from Ag Agricultural District to RR Rural Residential District.

Chairperson Wallman opened the public hearing.

Chairperson Wallman suspended the public hearing.

Chairperson Wallman stated he doesn't believe this is spot zoning

Aye: Kotera, Ellis, Wallman, Bowen, Niemoth, Seevers, Jackson, Koch, Menke.

Nay: None.

Absent: Miller. Motion carried

3. Public Hearing 7:30pm: review a Final Plat of Seward Rail Campus PUD Second Addition.

Chairperson Wallman opened the public hearing.

Oneby explained the delay in approving the plat. At the same time, we added some additional easements for the Electric Department.

Commission Member Kotera asked if we are changing any lot lines.

Oneby stated we are not changing any lot lines

Dworak stated from the preliminary plat that was approved, no lot sizes has changed.

Oneby stated there are subtle lot changes from the First Addition.

Chairperson Wallman closed the public hearing.

Commission Member Kotera moved to approve the Final Plat of Seward Rail Campus PUD Second Addition; Vice Chairperson Ellis seconded.

Aye: Kotera, Ellis, Wallman, Bowen, Niemoth, Seevers, Jackson, Koch, Menke.

Nay: None.

Absent: Miller. Motion carried

4. Administrative Item

5. Reports

6. Agenda Items

## 7. Upcoming Events

Meeting adjourned 8:06 p.m.

Sara Van Cura  
Administrative Assistant

DRAFT

**PUBLIC HEARINGS**

1. Public Hearing 7:30pm: review a special use permit application located at 455 Graham Park Dr, Seward, Nebraska to allow a hair salon business in the R-4 Residential District.



Application for Special Use Permit

Applications shall be submitted a minimum of 30 days prior to the City Planning Commission Meeting. City Planning Commission meets the 2nd Monday of each month.

Instructions:

- 1. Fill out the application form completely. Use additional sheets if needed.
- 2. Filing Fee is \$200. Notification Fee is \$100. Amount Due is \$300 payable to the City of Seward.
- 3. Contact the City of Seward Building & Zoning Director for questions.
- 4. Submit a list of property owners within 300 feet, prepared by a certified abstractor.

Permit No. \_\_\_\_\_

Date : 10-15-2024

Applicants Name : Roger Grunke, ~~Business~~ Densting

Applicants Address: 455 Graham Park

Phone Number: 402-643-5902

Email: nebrnana71@gmail.com

Present use of Property: Residential

Requested use of Property : Residential w/ hair salon

Present Zoning: R-4

Legal Description: Lot 9, Block 2 Heartland Park Estates 2nd Add PUD

Provisions of the Zoning Regulations you are seeking for this permit:

410-31.10-B.1 Home Based Business Conditional Use Permit

Number of Years for Permit (5 yrs, 10 yrs, etc): until the sale of the home

Explain in detail what you propose to do: Hair Salon will be in the lower level of the split level

Adjoining Property Use: North: Residential - Single Family South: Residential - Retirement

West: Residential - Single Family East: Residential - Single Family

This authorize 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.

Applicant Signature: Roger A. Grunke



## **COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

Use type matches the comprehensive plan.

## **ANALYSIS**

The applicant is seeking a conditional use permit to allow for a hair salon in residential zoning. The property is located within the R-4 Urban Residential Multifamily District (High Density) and requires that some uses obtain a conditional use permit.

The applicant has provided a building floor plan that shows the 285 square foot area to be utilized for the salon business. The homeowner will be the only employee and has stated there will only be one (1) chair servicing the business.

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:**

0.14 acres or 6120 square feet +/-

## **LEGAL DESCRIPTION:**

SEWARD HEARTLAND PARK ESTATES 2ND ADDITION PUD BLK 2 LOT 9

Prepared by

Tim Dworak

City of Seward Building - Zoning - Code Enforcement Director

CONDITIONS OF APPROVAL – SPECIAL USE PERMIT # CU24-01

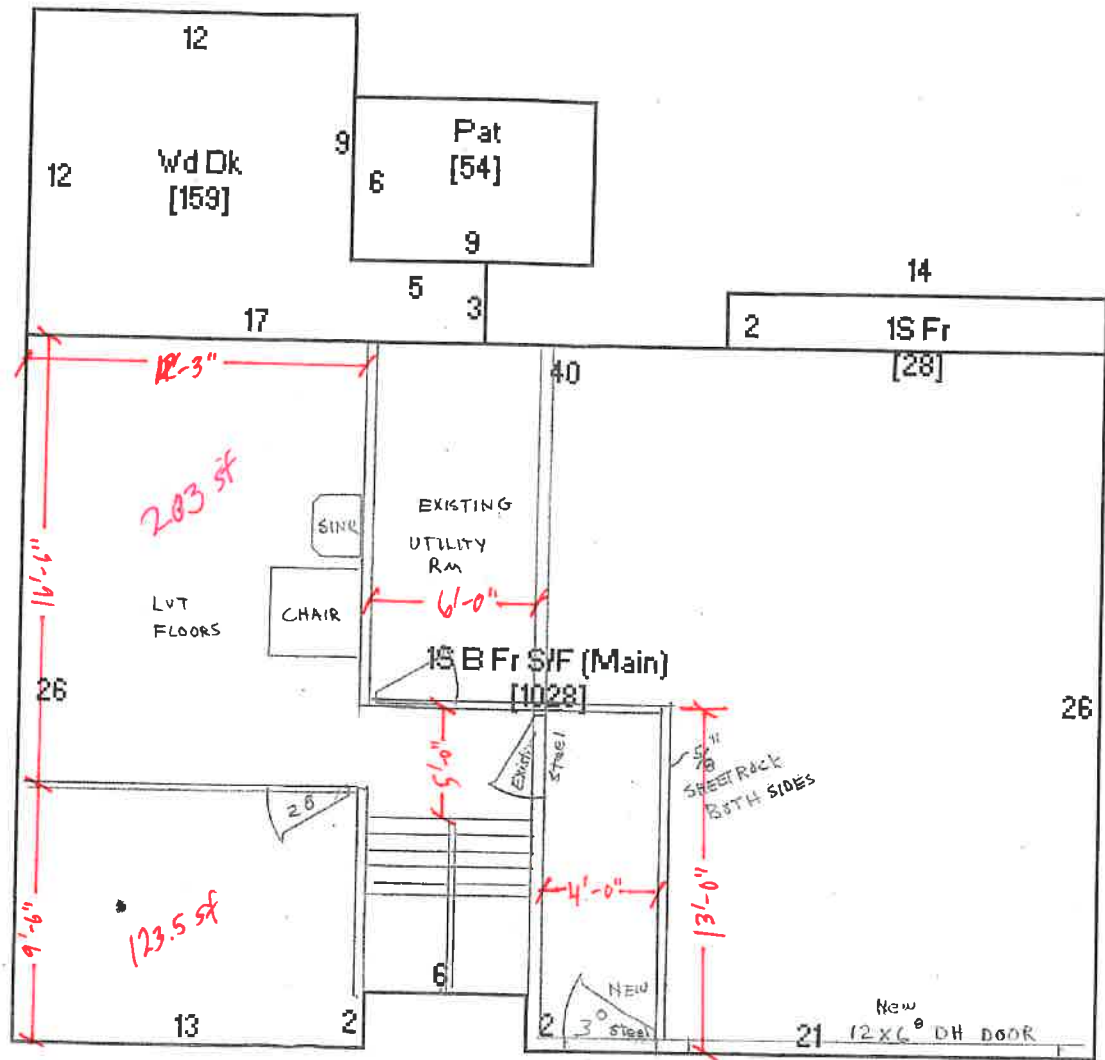
As provided by the City of Seward Unified Land Development Ordinance, Article 44 Administrative Procedures and Penalties, section 410-44.3 Conditional Use Permits, this approval permits the USE OF BARBER AND BEAUTY SHOPS IN RESIDENTIAL R-4 ZONING

## **SITE SPECIFIC CONDITIONS:**

- 1.
- 2.

## **STANDARD CONDITIONS:**

1. The Conditional Use Permit runs with the business owner and is void once the business owner is no longer the property owner.



etch by [www.dsmavision.com](http://www.dsmavision.com)

203 sf  
+ 30 sf  
+ 52 sf

285 total sf  
salon use

1179.5 total living sf  
x 25% = 295 available  
for salon

**§ 410-31.10. Accessory uses.**

A. Home-based businesses; home occupations. Home-based businesses and home occupations are permitted as an accessory use in residential units and must register and obtain a permit from the office of the Building Inspector on an annual basis, subject to the following conditions:

(1) External effects.

(a) No noise, odors, bright lights, electronic interference, storage or other external effects attributable to the home occupation shall be noticeable from any adjacent property or public right-of-way.  
*None*

(b) The home occupation shall be carried on entirely within the principal residential structure, or within an accessory structure that does not exceed 480 square feet in area or 15 feet in height.  
*285 square feet for salon use.*

(c) Mechanical or electrical equipment supporting the home occupation shall be limited to that which is self-contained within the structure and normally used for office, domestic or household purposes.  
*Using existing building utility equipment.*

(d) No outdoor storage of materials or equipment used in the home occupation shall be permitted, other than motor vehicles used by the owner to conduct the occupation. Parking or storage of heavy commercial vehicles to conduct the home occupation is prohibited.  
*None planned.*

(e) No home occupation shall discharge into any sewer, drainageway, or the ground any material which is radioactive, poisonous, detrimental to normal sewer plant operation, or corrosive to sewer pipes and installations.  
*None*

(2) Employees. The home occupation shall employ no more than one full-time or part-time employee on site other than the residents of the dwelling unit, provided that one off-street parking space is made available for the use of that nonresident employee.<sup>1</sup>  
*Homeowner will be the only employee, but off street parking is available.*

(3) Extent of use. For all residential and agricultural zoning districts, the smaller of 25% of the floor area of the dwelling or 480 square feet may be devoted to the home occupation, inclusive of any detached accessory buildings used for the home occupation.  
*285 square footage will be used, 295 square feet max is available as 25% of total floor area.*

(4) Signage. Each home-based business shall be permitted to have one nonilluminated wall sign not to exceed six square feet in area.

(5) Traffic generation and parking.

(a) Home-based businesses may generate no more than 10 vehicle trips per day, corresponding to the amount of traffic normally generated by a dwelling unit.

---

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

- (b) Deliveries or service by commercial vehicles or trucks rated at 10 tons' gross empty weight is prohibited for any home-based business located on a local street.
  - (c) Parking needs generated by a home-based business shall be satisfied with off-street parking. No more than one vehicle used in connection with any home occupation shall be parked on the property. Such parking shall not be located in a required front yard. No more than two on-street parking spaces shall be used by the home occupation at any one time.
- (6) Prohibited home-based businesses or home occupations. The following activities are prohibited as home-based businesses, even if they meet the other requirements set forth in this section: **[Amended 1-19-2005 by Ord. No. 9-05]**
- (a) Animal hospitals.
  - (b) General retail sales.
  - (c) Restaurants.
  - (d) Repair shops or service establishments that service major electrical appliance repair, motorized vehicles repair, small engines, and related items.
  - (e) Stables or kennels.
  - (f) Welding, vehicle body repair, or rebuilding or dismantling of vehicles.

**B. Permitted accessory uses: residential use types.**

- (1) Conditional use permit: **[Added 1-19-2005 by Ord. No. 9-05<sup>2</sup>]**
- (a) Barber and beauty shops (see § 410-44.3.)
- (2) Residential uses may include the following accessory uses, activities, and structures on the same lot:
- (a) Private garages and parking for the residency use.
  - (b) Recreational activities and uses by residents.
  - (c) Home occupations, subject to the provisions of this chapter.
  - (d) Noncommercial convenience services for the primary use of residents of multifamily uses or mobile home parks, including laundromats, clubhouses, and post offices.
  - (e) Garage sales, provided that the frequency of such sales at any one location is limited to one sale of no more than three days' duration in a month, and three sales during any twelve-month period.

**C. Permitted accessory uses: civic use types. Guidance services and health care use types are permitted in the I-1 Limited Industrial Zoning Districts only as accessory uses to a primary**

---

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

industrial use.

D. Permitted accessory uses: other use types. Other use types may include the following accessory uses, activities, and structures on the same lot:

- (1) Parking for the principal use.
- (2) Manufacturing or fabrication of products made for sale in a principal commercial use, provided such manufacturing is totally contained within the structure housing the principal use.
- (3) Services operated for the sole benefit of employees of the principal use.

E. Permitted accessory uses: agricultural use types.

- (1) Garden centers and roadside stands, subject to the regulations set forth in § 410-31.2.
- (2) Other uses and activities necessarily and customarily associated with the purpose and functions of agricultural uses.
- (3) Buildings that directly serve and are required for the conduct of crop and animal production are exempt from requirements for building permits and inspections. Structures that house other uses are subject to the requirements of this chapter, even if located on property zoned or primarily zoned or used for agricultural purposes.

Return To:  
City of Seward  
PO Box 38  
Seward, NE 68434

### Notice of Special Use Permit

This Notice shall hereby certify that City of Seward approved Conditional Use Permit CU24-01 on December 9, 2024, granting Roger Grunke a Special Use Permit for a hair salon in R4 – Residential District at the property legally described as:

Lot 9, Block 2, Heartland Park Estates 2<sup>nd</sup> Addition PUD, Seward, Seward County, Nebraska.

(Commonly known as 455 Graham Park Dr.)

with the following conditions:

1. None

Said special use permit shall run with the owner and is void once the owner is no longer the property owner.

IN WITNESS WHEREOF, the undersigned has hereunto set his hand this \_\_\_\_ day of \_\_\_\_\_, 2024

\_\_\_\_\_  
Joshua Eickmeier, Mayor City of Seward

STATE OF NEBRASKA

SS

COUNTY OF SEWARD

The foregoing instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2024, by Joshua Eickmeier, Mayor of the City of Seward.

Notary Seal:

\_\_\_\_\_  
Notary Public

2. Public Hearing 7:30pm: review a Minor Plat of SRB Dairy Development Addition



City of Seward Planning Commission  
Minor Subdivision Application

Applications shall be submitted a minimum of 30 days prior to the City Planning Commission Meeting.  
City Planning Commission meets the 2<sup>nd</sup> Monday of each month.

Date: 10/11/2 Application Fee: \$ 100 + Notification Fee: \$ 100 + Filing Fee: \$28 = Amount Due: \$228

Owner/Developer: SRB Investments Name of Subdivision: SRB Dairy Development Addition  
Phone Number: (402) 616-6871 Number of Lots: 1  
Email Address: cindy.tederman@outlook.com Present Zoning: AG Requested Zoning: C2  
Legal Description: part of the SW 1/4 of Section 23-11-3 East of the 6th P.M.

Within City Limits: Yes  No   
Adjacent to City Limits: Yes  No   
Within 2 Mile Area: Yes  No   
Annexation Requested: Yes  No   
Restrictive Covenants: Yes  No   
(Copy Attached)

Project Engineer: Denny Simonds Signature of Owner/Developer: Cindy Tederman  
for SRB INVESTMENTS

Office Use Only  
Plat Review

Staff Review  
Electric Dept   
Street Dept   
Water/Waste   
Police Dept   
Park/Rec Dept   
County Roads

Agency Review  
Cable TV   
Gas Co   
Phone Co   
School Board   
County P.C

Date of Action

City Planning Commission: \_\_\_\_\_

Zoning Administrator: \_\_\_\_\_

City of Seward Planning Commission  
142 N 7<sup>th</sup> 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>
Minor Subdivision Application		SRB Investments

<u>PC HEARING DATE</u>	<u>RELATED APPLICATIONS</u>	<u>PROPERTY ADDRESS, ZONING DISTRICT/USE</u>
December 9, 2024	Rezone and Special Use Permit	2484 McKelvie Rd, AG, Agricultural

**ADJACENT ZONING DISTRICTS/USE:**

North, AG, Agriculture – Jones Farms Inc  
East, AG, Agriculture – Joseph & Marilyn Srb  
South, AG, Agriculture – Leonard & Karen Bashford  
West, AG, Agriculture – Jones Farms

**BRIEF SUMMARY OF REQUEST:**

A Minor plat review of SRB Dairy Development Addition.



**APPLICATION CONTACT**

Cindy Tederman, 402-616-6871

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

Use type matches the comprehensive plan.

## **ANALYSIS**

This is a Minor plat application to separate a parcel of land, which currently is used as agricultural and residential by the applicant, from a larger agricultural property. A rezone will be required to allow an assembly use along with a special use permit for the existing residence on the site to remain.

The current property is located outside the city limits of the City of Seward but is within the Extra Territorial Jurisdiction (ETJ) of the City of Seward.

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:**

3.20 acres or 139,392 square feet +/-

## **LEGAL DESCRIPTION:**

"SRB DAIRY DEVELOPMENT ADDITION", A PART OF SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 11 NORTH, RANGE 3 EAST OF THE 6<sup>th</sup> P.M., SEWARD COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

REFERRING TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 23; THENCE IN A NORTHERLY DIRECTION ON THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 23 AND ON AN ASSUMED OF N01°53'21"W, FOR A DISTANCE OF 65.40' TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF MCKELVIE ROAD; THENCE S88°47'49"W ON THE NORTHERLY RIGHT-OF-WAY LINE OF MCKELVIE ROAD, FOR A DISTANCE OF 1359.18' TO THE **POINT OF BEGINNING**; THENCE S88°22'29"W ON THE NORTHERLY RIGHT-OF-WAY LINE OF MCKELVIE ROAD, FOR A DISTANCE OF 283.60'; THENCE N00°56'02"W, FOR A DISTANCE OF 330.37'; THENCE N87°43'07"E, FOR A DISTANCE OF 28.02'; THENCE N02°16'53"W, FOR A DISTANCE OF 293.39'; THENCE N87°12'05"E, FOR A DISTANCE OF 113.83'; THENCE S02°16'53"E, FOR A DISTANCE OF 203.19'; THENCE S22°34'54"E, FOR A DISTANCE OF 128.70'; THENCE S88°43'25"E, FOR A DISTANCE OF 89.43'; THENCE ON A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 140.35', A RADIUS OF 140.00', A DELTA ANGLE OF 57°26'20", A CHORD BEARING OF S27°37'24"E, FOR A CHORD LENGTH OF 134.55'; THENCE S01°05'46"W, FOR A DISTANCE OF 131.70'; THENCE S06°20'30"E, FOR A DISTANCE OF 46.55' TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF MCKELVIE ROAD; THENCE S88°47'49"W ON THE NORTHERLY RIGHT-OF-WAY LINE OF MCKELVIE ROAD, FOR A DISTANCE OF 53.08' TO THE **POINT OF BEGINNING** AND CONTAINING A CALCULATED AREA OF 3.20 ACRES, MORE OR LESS.

Prepared by

Tim Dworak

City of Seward Building - Zoning - Code Enforcement Director

# SRB DAIRY DEVELOPMENT ADDITION

A PART OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 11 NORTH, RANGE 3 EAST OF THE 6TH P.M., SEWARD COUNTY, NEBRASKA  
MINOR PLAT

## SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE ACCURATELY SURVEYED AND STAKED THE FOREGOING MINOR PLAT OF "SRB DAIRY DEVELOPMENT ADDITION", A PART OF SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 11 NORTH, RANGE 3 EAST OF THE 6TH P.M., SEWARD COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

REFERRING TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 23; THENCE IN A NORTHERLY DIRECTION ON THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 23 AND ON AN ASSUMED OF N01°53'21"W, FOR A DISTANCE OF 65.40' TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF MCKELVIE ROAD; THENCE S88°47'49"W ON THE NORTHERLY RIGHT-OF-WAY LINE OF MCKELVIE ROAD, FOR A DISTANCE OF 1359.18' TO THE **POINT OF BEGINNING**; THENCE S88°22'29"W ON THE NORTHERLY RIGHT-OF-WAY LINE OF MCKELVIE ROAD, FOR A DISTANCE OF 283.60'; THENCE N00°56'02"W, FOR A DISTANCE OF 330.37'; THENCE N87°43'07"E, FOR A DISTANCE OF 28.02'; THENCE N02°16'53"W, FOR A DISTANCE OF 293.39'; THENCE N07°12'05"E, FOR A DISTANCE OF 113.83'; THENCE S02°16'53"E, FOR A DISTANCE OF 203.19'; THENCE S22°34'54"E, FOR A DISTANCE OF 128.70'; THENCE S88°43'25"E, FOR A DISTANCE OF 89.43'; THENCE ON A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 140.35', A RADIUS OF 140.00', A DELTA ANGLE OF 57°26'20", A CHORD BEARING OF S27°37'24"E, FOR A CHORD LENGTH OF 134.55'; THENCE S01°05'46"W, FOR A DISTANCE OF 131.70'; THENCE S06°20'30"E, FOR A DISTANCE OF 46.55' TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF MCKELVIE ROAD; THENCE S88°47'49"W ON THE NORTHERLY RIGHT-OF-WAY LINE OF MCKELVIE ROAD, FOR A DISTANCE OF 53.08' TO THE **POINT OF BEGINNING** AND CONTAINING A CALCULATED AREA OF 3.20 ACRES, MORE OR LESS.

SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024

RICHARD KINGMAN LS 595

## OWNERSHIP CERTIFICATE

I, JOSEPH E. SRB JR, MANAGING MEMBER OF SRB INVESTMENTS, LLC, THE UNDERSIGNED OWNERS OF THE REAL ESTATE SHOWN AND DESCRIBED HEREON, DOES HEREBY CERTIFY THAT I LAID OUT, PLATTED AND SUBDIVIDED AND DO HEREBY LAY OUT, PLAT AND SUBDIVIDE SAID REAL ESTATE IN ACCORDANCE WITH THIS PLAT.

THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS "SRB DAIRY DEVELOPMENT ADDITION", A PART OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 11 NORTH, RANGE 3 EAST OF THE 6TH P.M., SEWARD COUNTY, NEBRASKA.

THE COMMON ACCESS EASEMENT SHOWN HEREON IS FOR THE BENEFIT OF THE OWNERS OF LOT 1, SRB DAIRY DEVELOPMENT ADDITION LOCATED IN THE SW QUARTER OF SECTION 23, TOWNSHIP 11 NORTH, RANGE 3 EAST AND ARE HEREBY GRANTED THE RIGHT OF SUCH USE.

CLEAR TITLE TO THE LAND IN THIS PLAT GUARANTEED.

WITNESS MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024

JOSEPH E. SRB JR, MANAGING MEMBER, SRB INVESTMENTS, LLC

## ACKNOWLEDGEMENT OF NOTARY

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )SS

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY APPEARED JOSEPH E. SRB JR., MANAGING MEMBER OF SRB INVESTMENTS, LLC AND HE ACKNOWLEDGED THIS EXECUTION OF THE FOREGOING INSTRUMENT AS THEIR VOLUNTARY ACT AND DEED FOR THE PURPOSES THEREIN EXPRESSED.

WITNESS MY HAND AND NOTARIAL SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024

NOTARY PUBLIC (PLACE NOTARY SEAL ABOVE)

MY COMMISSION EXPIRES \_\_\_\_\_

## REGISTER OF DEEDS CERTIFICATE

STATE OF NEBRASKA )  
COUNTY OF SEWARD )

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

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

DRAWER NO. \_\_\_\_\_ FEE: \_\_\_\_\_

INSTRUMENT NO. \_\_\_\_\_

REGISTER OF DEEDS

## NOTES

- EXISTING ZONING AG - AGRICULTURAL DISTRICT PROPOSED CHANGE OF ZONE TO C-2- HIGHWAY COMMERCIAL DISTRICT
- SETBACKS SHALL BE PER THE C-2- HIGHWAY COMMERCIAL DISTRICT:  
FRONT YARD - 15'  
REAR YARD - 0'  
SIDE YARD - 0'  
STREET YARD - 15'

## BENCHMARK

NGS BENCHMARK: LG0507  
ELEVATION: 1442.73' (NAVD 88)

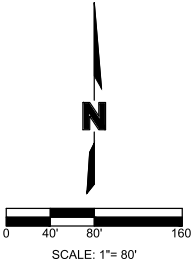
## LEGEND

- ⊕ = FOUND SECTION CORNER AS NOTED IN TIES
- = SET 5/8"x24" REBAR W/ 595 PLASTIC CAP
- M = MEASURED DISTANCE
- D = DEEDED DISTANCE (WARRANTY DEED INST. NO. 201900794)

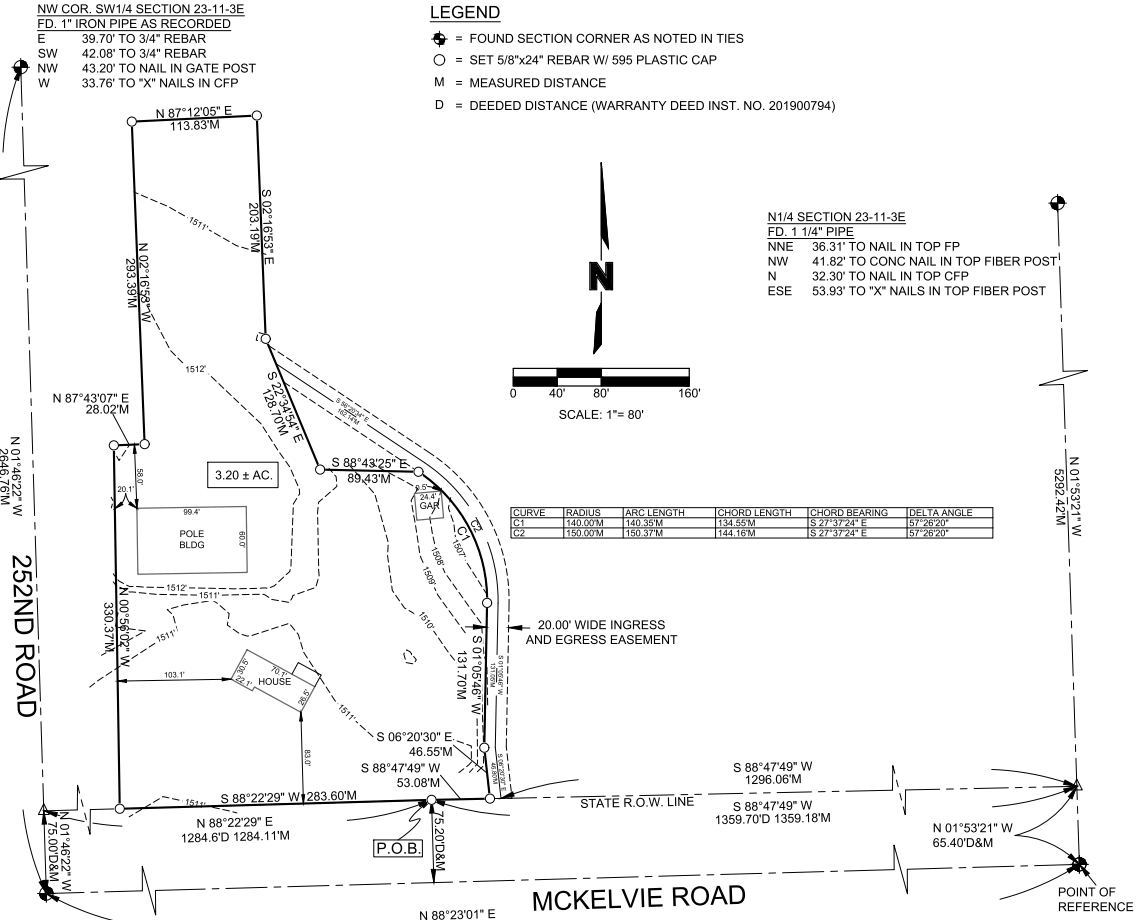
## N1/4 SECTION 23-11-3E

### FD. 1 1/4" PIPE

- NNE 36.31' TO NAIL IN TOP FP
- NW 41.82' TO CONC NAIL IN TOP FIBER POST
- N 32.30' TO NAIL IN TOP CFP
- ESE 53.93' TO "X" NAILS IN TOP FIBER POST



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	140.00M	140.35M	134.55M	S 27°37'24" E	57°26'20"
C2	150.00M	150.37M	144.16M	S 27°37'24" E	57°26'20"



NW COR. SW1/4 SECTION 23-11-3E  
FD. 1" IRON PIPE AS RECORDED  
E 39.70' TO 3/4" REBAR  
SW 42.08' TO 3/4" REBAR  
NW 43.20' TO NAIL IN GATE POST  
W 33.76' TO "X" NAILS IN CFP

SW COR. SW1/4 SECTION 23-11-3E  
FD. SURVEY SPIKE & WASHER IN PAVING  
SW 50.80' TO X TOP W END HDWL  
SSW 52.04' TO X IN TOP S END HDWL  
SSE 50.46' TO X IN TOP S END HDWL  
NW 70.77' TO "X" NAILS IN PP

## APPROVAL OF THE CITY OF SEWARD ZONING ADMINISTRATOR

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

SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024

SEWARD ZONING ADMINISTRATOR

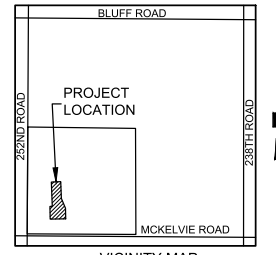
## APPROVAL OF THE CITY OF SEWARD PLANNING COMMISSION

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

SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024

CHAIRPERSON

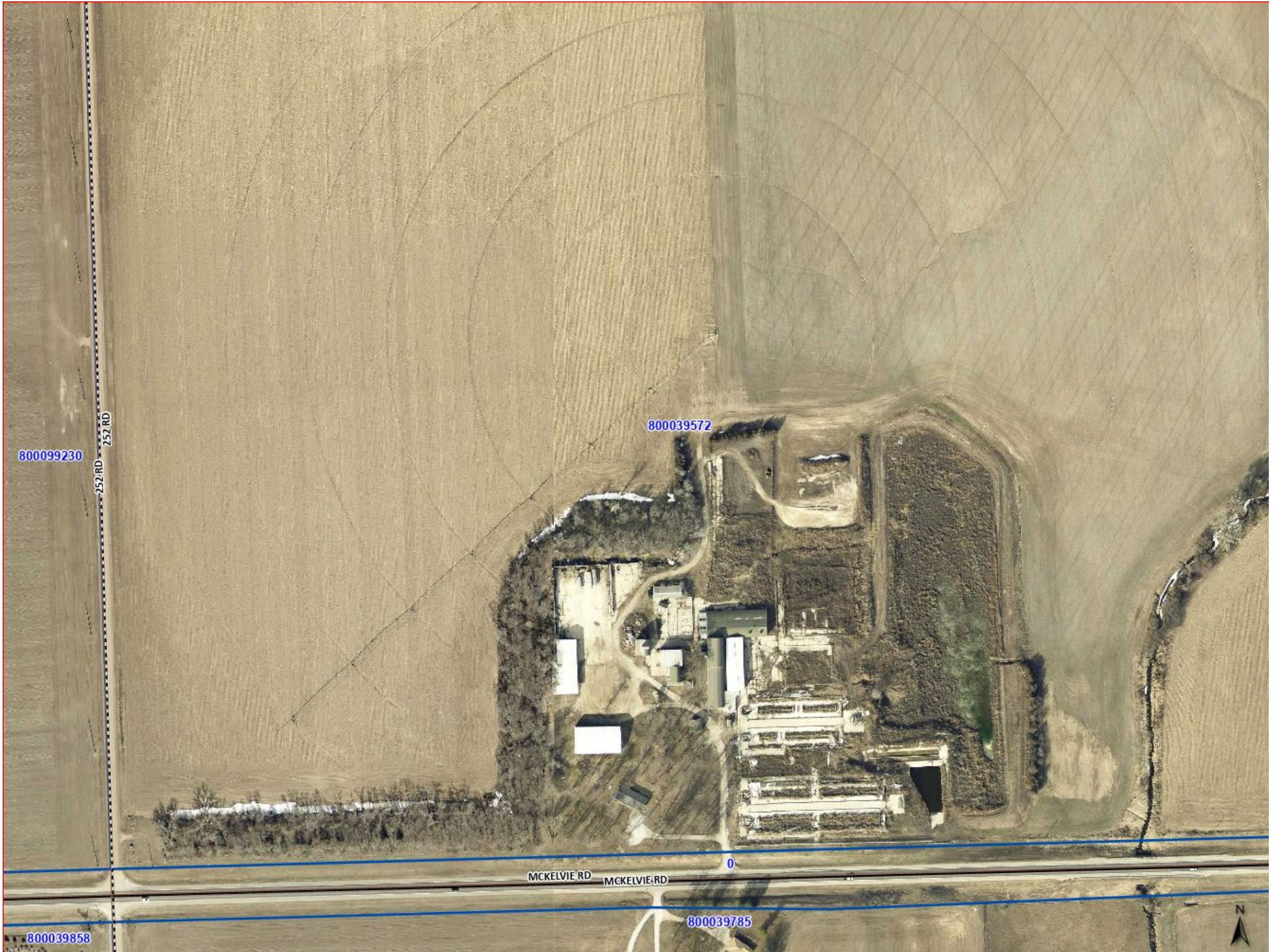
ATTEST: \_\_\_\_\_  
SECRETARY OF THE SEWARD PLANNING COMMISSION



VICINITY MAP  
NO SCALE



ALLIED SURVEYING AND MAPPING  
8535 Executive Woods Drive - Suite 200 - Lincoln, Nebraska 68512  
Phone (402) 434-2685  
Project No. 2024-0135



800099230

252 RD

800039572

MCKELVIE RD MCKELVIE RD

0

800039785

800039858





**800039572**

ACRES	155.59
PID	800039572
OWNERNAME	SRB INVESTMENTS LLC
MAILADDRESS	28172 SANDSTONE DR COLUMBUS NE 68601-1003
LEGALDESC	23-11-3 #SW 1/4 155.59 AC
PROPADDRESS	2484 MCKELVIE RD SEWARD
TOTALVALUE	1099372
LANDVALUE	0
IMPROVEMENTVALUE	133191
OUTBUILDINGVALUE	147428

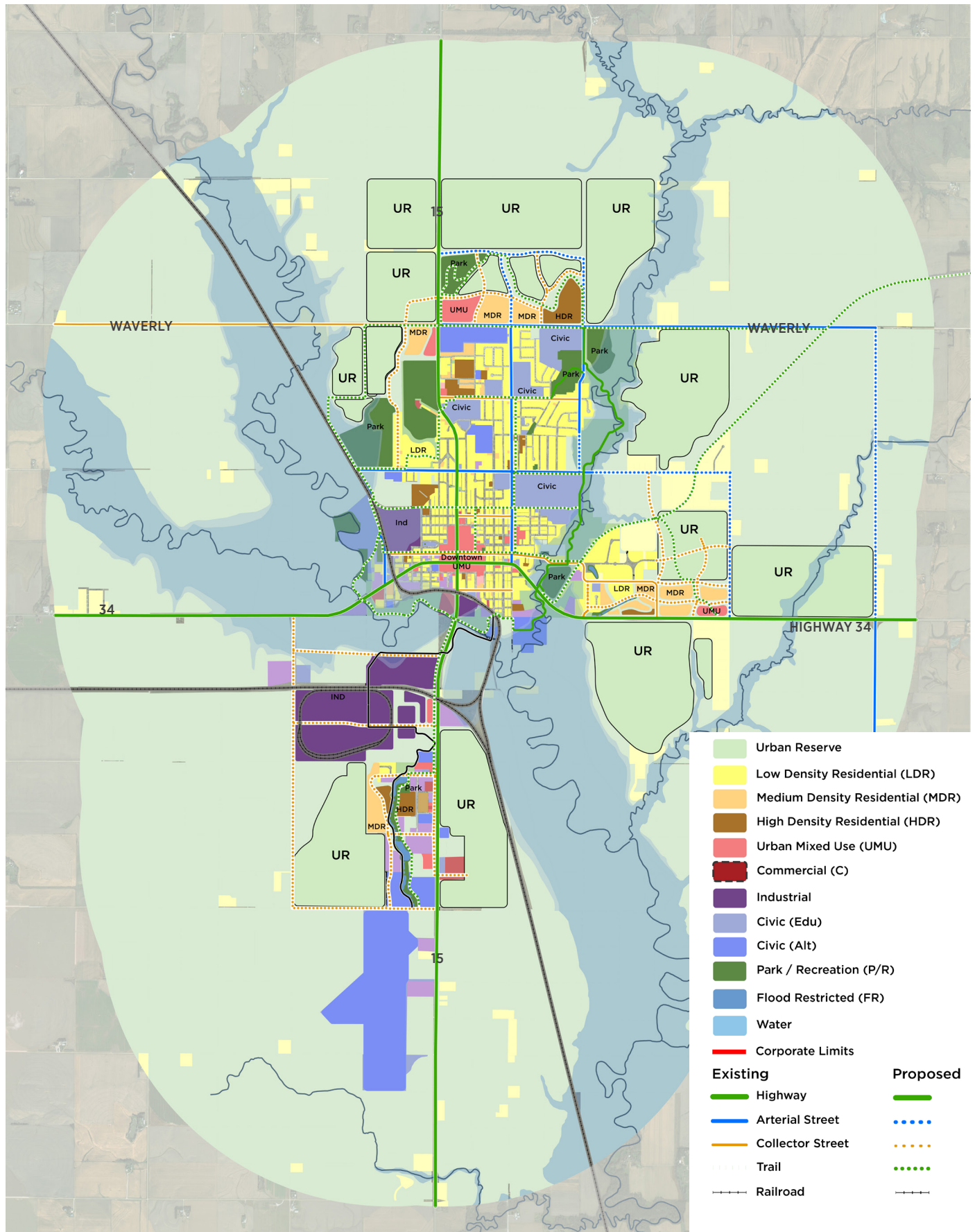


Figure 3.4: Future Land Use Map

3. Public Hearing 7:30pm: review a rezone application for SRB Dairy Development Addition located in Section 23, Township 11 North, Range 3 East of the 6th P.M. from AG Agricultural District to C-2 Highway Commercial District.

City of Seward Planning Commission  
142 N 7<sup>th</sup> 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>
Rezone Application		SRB Investments

<u>PC HEARING DATE</u>	<u>RELATED APPLICATIONS</u>	<u>PROPERTY ADDRESS, ZONING DISTRICT/USE</u>
December 9, 2024	Minor Subdivision and Special Use Permit	2484 McKelvie Rd, AG, Agricultural

**ADJACENT ZONING DISTRICTS/USE:**

North, AG, Agriculture – Jones Farms Inc  
East, AG, Agriculture – Joseph & Marilyn Srb  
South, AG, Agriculture – Leonard & Karen Bashford  
West, AG, Agriculture – Jones Farms

**BRIEF SUMMARY OF REQUEST:**

A Rezone application to change the current zoning from AG (Agriculture) to C-2 (Highway Commercial District) to allow an Assembly Use to operate at this location.



**APPLICATION CONTACT**

Cindy Tederman, 402-616-6871

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

Use type matches the comprehensive plan.

## **ANALYSIS**

The applicant is requesting a rezone from AG Agricultural District to C-2 Highway Commercial District for the purpose of operating an assembly venue, which is not permitted in AG zoning. A minor subdivision plat is separating a parcel of land into a commercial lot from agricultural land.

The lot has an existing residence which requires a conditional use permit to continue existing residential use and remain in a commercial district. The property is surrounded by a combination of acreages and agricultural lots and C-2 commercial lots to the east. The parcel meets zoning requirements of highway commercial and R-4 residential. The re-zone is in combination with a minor subdivision plat and special use permit request to continue a residential use in C-2.

The current property is located outside the city limits of the City of Seward but is within the Extra Territorial Jurisdiction (ETJ) of the City of Seward.

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:**

3.20 acres or 139,392 square feet +/-

## **LEGAL DESCRIPTION:**

"SRB DAIRY DEVELOPMENT ADDITION", A PART OF SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 11 NORTH, RANGE 3 EAST OF THE 6<sup>th</sup> P.M., SEWARD COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

REFERRING TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 23; THENCE IN A NORTHERLY DIRECTION ON THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 23 AND ON AN ASSUMED OF N01°53'21"W, FOR A DISTANCE OF 65.40' TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF MCKELVIE ROAD; THENCE S88°47'49"W ON THE NORTHERLY RIGHT-OF-WAY LINE OF MCKELVIE ROAD, FOR A DISTANCE OF 1359.18' TO THE **POINT OF BEGINNING**; THENCE S88°22'29"W ON THE NORTHERLY RIGHT-OF-WAY LINE OF MCKELVIE ROAD, FOR A DISTANCE OF 283.60'; THENCE N00°56'02"W, FOR A DISTANCE OF 330.37'; THENCE N87°43'07"E, FOR A DISTANCE OF 28.02'; THENCE N02°16'53"W, FOR A DISTANCE OF 293.39'; THENCE N87°12'05"E, FOR A DISTANCE OF 113.83'; THENCE S02°16'53"E, FOR A DISTANCE OF 203.19'; THENCE S22°34'54"E, FOR A DISTANCE OF 128.70'; THENCE S88°43'25"E, FOR A DISTANCE OF 89.43'; THENCE ON A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 140.35', A RADIUS OF 140.00', A DELTA ANGLE OF 57°26'20", A CHORD BEARING OF S27°37'24"E, FOR A CHORD LENGTH OF 134.55'; THENCE S01°05'46"W, FOR A DISTANCE OF 131.70'; THENCE S06°20'30"E, FOR A DISTANCE OF 46.55' TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF MCKELVIE ROAD; THENCE S88°47'49"W ON THE NORTHERLY RIGHT-OF-WAY LINE OF MCKELVIE ROAD, FOR A DISTANCE OF 53.08' TO THE **POINT OF BEGINNING** AND CONTAINING A CALCULATED AREA OF 3.20 ACRES, MORE OR LESS.

Prepared by

Tim Dworak

City of Seward Building - Zoning - Code Enforcement Director



Request for Amendment to the Unified Land Development Ordinance

Date: \_\_\_\_\_ Application Fee: \$200 + Notification Fee: \$100 + Filing Fee: \_\_\_\_\_ = Amount Due: \$300

Applicant: SRB INVESTMENTS Address: 2484 McKelvie Road Seward NE

Phone: 402-616-6871 Email: Cindy.federman@outlook.com

I wish to  Build  Alter Buildings/ Structures  Change the Use of Land or Structures Premise Address: 2484 McKelvie Rd

Legal Description: SW 1/4 Section 23-11-3E

The following change in the Unified Land Development ordinance is hereby requested:

Change in zoning of the subject property from its present classification: AG  
To the following proposed zoning classification: C-2

Amend the text or district regulations as follows: \_\_\_\_\_

To permit the following improvement or use: \_\_\_\_\_

The applicant shall furnish a plat of the area containing the property for which a zoning change is sought and including all the lots within 300 feet of the property lines of the subject property. The plat shall show existing and proposed zoning.

I certify that the above information and that required by section \_\_\_\_\_ of the \_\_\_\_\_ Unified Land Development Ordinance, as submitted herewith, is, to the best of my knowledge, true and accurate.

Applicate Signature: Cindy Sib Federman

4. Public Hearing 7:30pm: special use permit application located at 2484 McKelvie Rd., Seward, Nebraska to allow residential living in the C-2 Highway Commercial District.



Application for Special Use Permit

Applications shall be submitted a minimum of 30 days prior to the City Planning Commission Meeting.  
City Planning Commission meets the 2nd Monday of each month.

Instructions:

1. Fill out the application form completely. Use additional sheets if needed.
2. Filing Fee is \$200. Notification Fee is \$100. Amount Due is \$300 payable to the City of Seward.
3. Contact the City of Seward Building & Zoning Director for questions.
4. Submit a list of property owners within 300 feet, prepared by a certified abstractor.

Permit No. \_\_\_\_\_

Date : 11-8-2024

Applicants Name : SRB Investments

Applicants Address: 2484 McKelvie Road Seward NE 68434

Phone Number: 4026166871

Email: cindy.tederman@outlook.com

Present use of Property: Old Dairy, Farmland

Requested use of Property : Single Family Residential within C-2 zoning

Present Zoning: C-2

Legal Description: pt SW1/4 of Section 23-11-3

Provisions of the Zoning Regulations you are seeking for this permit:

We would like to rent out the house until the commercial property supports a different use.

Number of Years for Permit (5 yrs, 10 yrs, etc): 5-10 years

Explain in detail what you propose to do: Have residential renters of the house on the property.

Adjoining Property Use: North: Event venue South: \_\_\_\_\_  
West: \_\_\_\_\_ East: \_\_\_\_\_

This authorize 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.

Applicant Signature: Cindy Sub Tederman

City of Seward Planning Commission  
142 N 7<sup>th</sup> 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>
Conditional Use Permit Application		SRB Investments

<u>PC HEARING DATE</u>	<u>RELATED APPLICATIONS</u>	<u>PROPERTY ADDRESS, ZONING DISTRICT/USE</u>
December 9, 2024	Major Subdivision and Re-zone	2484 McKelvie Rd, AG, Agricultural

**ADJACENT ZONING DISTRICTS/USE:**

North, AG, Agriculture – Jones Farms Inc  
East, AG, Agriculture – Joseph & Marilyn Srb  
South, AG, Agriculture – Leonard & Karen Bashford  
West, AG, Agriculture – Jones Farms

**BRIEF SUMMARY OF REQUEST**

To continue single family residential use in C-2 Highway Commercial District.



**APPLICATION CONTACT**

Cindy Tederman, 402-616-6871

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

Use type matches the comprehensive plan.

## **ANALYSIS**

The applicant is requesting a rezone from AG Agricultural District to C-2 Highway Commercial District for the purpose of operating an assembly venue, which is not permitted in AG zoning. A minor subdivision plat is separating a parcel of land into a commercial lot from agricultural land.

The lot has an existing residence which requires a conditional use permit to continue existing residential use and remain in a commercial district. The property is surrounded by a combination of acreages and agricultural lots and C-2 commercial lots to the east. The parcel meets zoning requirements of highway commercial and R-4 residential. The re-zone is in combination with a minor subdivision plat and special use permit request to continue a residential use in C-2.

The current property is located outside the city limits of the City of Seward but is within the Extra Territorial Jurisdiction (ETJ) of the City of Seward.

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.

Considerations for the conditional use permit follow at the bottom of this report.

## **APPROXIMATE LAND AREA:**

3.20 acres or 139,392 square feet +/-

## **LEGAL DESCRIPTION:**

"SRB DAIRY DEVELOPMENT ADDITION", A PART OF SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 11 NORTH, RANGE 3 EAST OF THE 6<sup>th</sup> P.M., SEWARD COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

REFERRING TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 23; THENCE IN A NORTHERLY DIRECTION ON THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 23 AND ON AN ASSUMED OF N01°53'21"W, FOR A DISTANCE OF 65.40' TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF MCKELVIE ROAD; THENCE S88°47'49"W ON THE NORTHERLY RIGHT-OF-WAY LINE OF MCKELVIE ROAD, FOR A DISTANCE OF 1359.18' TO THE **POINT OF BEGINNING**; THENCE S88°22'29"W ON THE NORTHERLY RIGHT-OF-WAY LINE OF MCKELVIE ROAD, FOR A DISTANCE OF 283.60'; THENCE N00°56'02"W, FOR A DISTANCE OF 330.37'; THENCE N87°43'07"E, FOR A DISTANCE OF 28.02'; THENCE N02°16'53"W, FOR A DISTANCE OF 293.39'; THENCE N87°12'05"E, FOR A DISTANCE OF 113.83'; THENCE S02°16'53"E, FOR A DISTANCE OF 203.19'; THENCE S22°34'54"E, FOR A DISTANCE OF 128.70'; THENCE S88°43'25"E, FOR A DISTANCE OF 89.43'; THENCE ON A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 140.35', A RADIUS OF 140.00', A DELTA ANGLE OF 57°26'20", A CHORD BEARING OF S27°37'24"E, FOR A CHORD LENGTH OF 134.55'; THENCE S01°05'46"W, FOR A DISTANCE OF 131.70'; THENCE S06°20'30"E, FOR A DISTANCE OF 46.55' TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF MCKELVIE ROAD; THENCE S88°47'49"W ON THE NORTHERLY RIGHT-OF-WAY LINE OF MCKELVIE ROAD, FOR A DISTANCE OF 53.08' TO THE **POINT OF BEGINNING** AND CONTAINING A CALCULATED AREA OF 3.20 ACRES, MORE OR LESS.

Prepared by

Tim Dworak

City of Seward Building - Zoning - Code Enforcement Director

CONDITIONS OF APPROVAL – SPECIAL USE PERMIT # CU24-02

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 USE OF RESIDENTIAL IN C-2 HIGHWAY COMMERCIAL DISTRICT.

---

SITE SPECIFIC CONDITIONS:

1. The conditional use permit will run with the land.
- 2.

STANDARD CONDITIONS:

- 1.

Return To:  
City of Seward  
PO Box 38  
Seward, NE 68434

### Notice of Special Use Permit

This Notice shall hereby certify that City of Seward approved Conditional Use Permit CU24-02 on December 9, 2024, granting SRB Investments a Special Use Permit for residential living in C2 – Highway Commercial District at the property legally described as:

SRB Dairy Development Addition, a part of Southwest Quarter (SW1/4) of Section 23, Township 11 North, Range 3 East of the 6<sup>th</sup> P.M. Seward County, Nebraska

(Commonly known as 2484 McKelvie Rd)

with the following conditions:

1. Residential living use is allowed on the SRB Dairy Development Addition.

Said special use permit shall run with the land.

IN WITNESS WHEREOF, the undersigned has hereunto set his hand this \_\_\_\_ day of \_\_\_\_\_, 2024

\_\_\_\_\_  
Joshua Eickmeier, Mayor City of Seward

STATE OF NEBRASKA

SS

COUNTY OF SEWARD

The foregoing instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2024, by Joshua Eickmeier, Mayor of the City of Seward.

Notary Seal:

\_\_\_\_\_  
Notary Public

**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