

Planning Commission Meeting
Monday, January 24, 2022 7:00 PM
Crete City Hall
243 E 13th Street
Crete, NE 68333

1. Open Meeting

In accordance with Nebraska law, a copy of the Open Meetings Act can be found in the back of the council chambers. Items listed on the agenda may be considered in any order.

2. Roll Call

Attendance of Planning Commission members will be recorded to determine the presence of a quorum for official actions.

3. Items of Business

The Planning Commission may take action to hear testimony in favor of or in opposition to, discuss/limit discussion and take action to approve or disapprove a recommendation to the City Council on any matter presented under this title.

3.A. Approve Planning Commission Minutes

3.B. Review 1 Year Street Improvement Plan.

3.C. Provide a recommendation to the City Council on amending code sections relating to nonconforming structures and uses.

4. Officers' Reports

Reports may be given by Department Heads, other Committees and Commission members concerning current operations of the City. Questions may be asked and answered. No action can be taken by the Planning Commission on matters presented under this title except to answer any question posed and to refer the matter for further action.

5. Adjournment

The Planning Commission will review the above matters and take such actions as they deem appropriate. The Planning Commission may enter into closed session to discuss any matter on this agenda when it is determined by the Commission that it is clearly necessary for protection of the public interest or the prevention of needless injury to the reputation of an individual and if such and individual has not requested a public meeting, or as otherwise allowed by law. Any closed session shall be limited to the subject matter for which the closed session was called. If the motion to close passes, then the presiding officer immediately prior to the closed session shall restate on the record the limitation of the subject matter of the closed session.

The City of Crete assures that no person shall on the grounds of race, color, national origin, age, disability, handicap or sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity of the City receiving Federal financial assistance. To report discrimination, contact the City Clerk's office.

Disclaimers & Notices

- The Council may enter into closed session to discuss any matter on this agenda when it is determined that a closed session is clearly necessary for the protection of the public interest or the prevention of needless injury to the reputation of an individual (if such individual has not requested a public meeting) or as otherwise allowed by law. Any closed session shall be limited to the subject matter for which the closed session was called. If the motion to close passes, then immediately prior to the closed session the Mayor shall restate on the record the limitation of the subject matter of the closed session.

- The City of Crete assures that no person shall on the grounds of race, color, national origin, age, disability, handicap or sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity of the City receiving Federal financial assistance. To report discrimination, contact the City Clerk's office.
- The complete agenda with attachments is available at www.crete.ne.gov.



CRETE PLANNING COMMISSION MEETING

November 22, 2021 at 7:00 PM
Crete City Hall, 243 East 13th Street

MINUTES

Notice of the meeting was given by posting and publishing in the Crete News, the appointed method for giving notice as shown by the Proof of Publication attached to the minutes. Advance notice of the meeting was also given to the board members. Pursuant to Section 84-1412(8) of the Nebraska Open Meetings Act, the City has posted a current copy of the Open Meetings Act, Laws of the State of Nebraska in the back of the Council Chambers. Additional copies are available to read. The board may consider items listed on the agenda in random order. All proceedings shown were taken while the meeting was open to the attendance of the public.

1. Open Meeting

2. Roll Call

Sharon Scusa: Absent
Anthony Fitzgerald: Present arriving at 7:10 PM
Ryan Jindra: Present
Dave Jurena: Present
Justin Kozisek: Present
Scott Kuncl: Present
Drew Rische: Present
Jennifer Robison: Present

Present: 7, Absent: 1.

3. Items of Business

3.A. Approve Planning Commission Minutes

Approve Planning Commission minutes as presented. Carried with a motion by Justin Kozisek and a second by Scott Kuncl.

Ryan Jindra: Aye, Dave Jurena: Aye, Justin Kozisek: Aye, Scott Kuncl: Aye, Drew Rische: Aye, Jennifer Robison: Aye

Aye: 6, No: 0

3.B. Discuss Comprehensive Plan proposals.

City Administrator Tom Ourada informed the Planning Commission that there was only

one Comprehensive Plan proposal received and it was not what we were looking for. He contacted another company who would be able to start a proposal in March or April, but there are some zoning issues that would need to be addressed prior to that. Ourada recommends waiting until then to make sure we get a plan that works better for Crete.

Reject the proposal from Marvin Planning Consultants. Carried with a motion by Jennifer Robison and a second by Drew Rische.

Anthony Fitzgerald: Aye, Ryan Jindra: Aye, Dave Jurena: Aye, Justin Kozisek: Aye, Scott Kunch: Aye, Drew Rische: Aye, Jennifer Robison: Aye
Aye: 7, No: 0

3.C. Discuss 1 and 6 Year Street Plans.

City Administrator Tom Ourada reported that a good portion of the 1 year Street Plan is done and a lot of the 6 Year Plan will carry over. There was discussion about different parts of town that could use some work and which projects would be financially feasible. Ourada will add the suggestions and bring the plans to next month's meeting to discuss further before the public hearing in January.

4. Officers' Reports

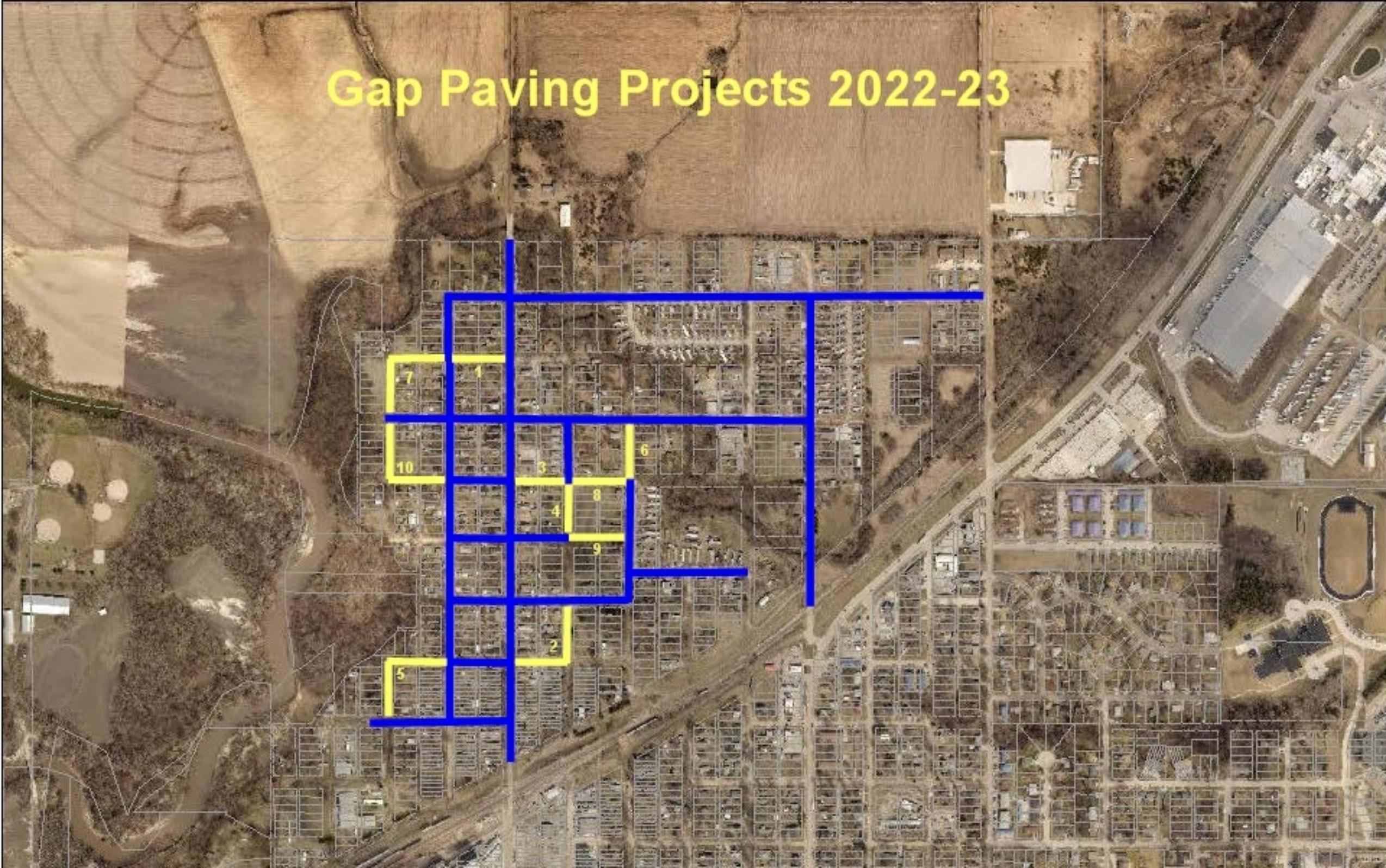
Citizen Ron Sack expressed concerns about the city's neighborhood design standards. He commented that the language is unclear and it needs updating to include new construction standards. Sack asked the Planning Commission to recommend to the Council that the design standards be suspended until they can be reviewed and changed. City Administrator Tom Ourada stated that the Planning Commission cannot take any action on this because it was not on the agenda. It will be put on a future agenda in order to allow action to be taken. As stated in the Comprehensive Plan discussion, some zoning issues need to be addressed prior to the Comprehensive Plan being completed. There was more discussion on specific language and standards issues.

5. Adjournment

The meeting was adjourned at 8:20 PM.

Recorded by City Clerk-Treasurer Jerry Wilcox

Gap Paving Projects 2022-23



2022 Gap Paving Projects

2020 Project Costs			
Engineering	\$	91,645.00	
Construction	\$	875,040.00	
Total	\$	966,685.00	
Estimate	\$	986,119.00	
Running ft.	\$	185.46	Factor
			986119
Actual Bid Amount	\$	966,685.00	966685
Running ft.	\$	181.81	0.980292

2022 Escalator 15%			
Running ft.	\$	209.08	

Gap #1

23rd Street			
Main - Norman			
Private	122	122	\$ 102,028.99
City	20		\$ 4,181.52
Total			<u>\$ 106,210.50</u>

Gap #2

18th Street Main - Linden			
Private	264	264	\$ 110,392.02
Linden 18th - 19th			
Private	122	122	\$ 102,028.99
City	68		\$ 14,217.15
	20		\$ 4,181.52
Total			<u>\$ 230,819.67</u>

Gap #3

21st Street Main - Linden			
Private	122	122	\$ 102,028.99
City	20	20	\$ 8,363.03
Total			<u>\$ 110,392.02</u>

Gap #4

Linden Ave. 20th - 21st			
Private	264		\$ 110,392.02
City	68		\$ 20,000.00
Total			<u>\$ 130,392.02</u>

Gap #5

Oak Ave 17th - 18th			
Private	264		\$ 110,392.02
City	68		\$ 20,000.00
18th Street Norman - Oak			
Private	122	122	\$ 102,028.99
City	68		\$ 20,000.00
City	20		\$ 8,363.03
Total			<u>\$ 260,784.04</u>

Gap #6

Kingwood Ave, 21st - 22nd			
Private	264		\$ 110,392.02
City	0		0
Total			<u>\$ 110,392.02</u>

Grand Total **\$ 948,990.26**

Engineering **10%** **\$ 94,899.03**

Bond - Legal **8%** **\$ 75,919.22**

Project Total **\$ 1,119,808.51**

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF CRETE, NEBRASKA RELATING TO NONCONFORMING LOTS, STRUCTURES, AND USES; TO AMEND SECTION 11-205 OF THE CRETE MUNICIPAL CODE.

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

Section 1. That Chapter 11, Article 2, Section 11-205 of the Crete Municipal Code shall be amended to read as follows:

11-205 Zoning; nonconforming lots, structures, and uses.

Zoning nonconformities are of three types: nonconforming lots of record, nonconforming structures, and nonconforming uses. Any lawful use of land or structure existing at the time of enactment or subsequent amendment of this article, but not in conformity with its provisions, Nonconformities may be continued subject to the following conditions:

- (1) Nonconforming Lots of Record. A nonconforming lot of record is a platted lot that, at the time of its creation, met the minimum lot size requirements for the zoning district in which it was located but, because of subsequent changes to the zoning regulations, does not comply with all of the current lot size requirements. The Zoning Administrator may issue a permit certificate of zoning compliance for any nonconforming lot of record provided that:
 - (a) ~~Said~~ The lot is shown by a recorded valid plat or deed to have been owned separately and individually from adjoining tracts of land at a time that was recorded when the creation of a lot of such its size and width at such location would not have been prohibited permitted;
 - (b) ~~Said~~ The lot has continuously remained in separate and individual ownership from adjoining adjacent tracts of land continuously during throughout the entire time that the creation the size of such lot has been prohibited by the zoning regulation; and
 - (c) ~~Said~~ The use and occupancy of the lot can meet all required yard regulations for the district in which it is located.

- (2) Nonconforming Structures. A nonconforming structure is any building, structure, or part thereof that is dedicated to a lawful use and occupancy for the zoning district in which it is located but, because of subsequent changes to the zoning regulations, does not comply with all of the current yard, height, or other applicable regulations.
 - (a) Any nonconforming structure which is devoted to a use which is permitted in the zoning district in which it is located, but which is located on a lot which does not comply with the use regulations or the applicable yard and height regulations that was lawfully constructed at a time when the construction of such structure would have been permitted may be continued so continue to exist as long as it remains otherwise lawful.
 - (b) Except as provided herein, Any nonconforming structures may shall not be improved, enlarged, maintained, repaired, remodeled, or rebuilt; provided, however, that no such enlargement. Only routine maintenance and repairs, minor interior remodeling, or historic restoration may be performed as long as such maintenance, repairing, or remodeling, or restoration shall does not create any additional nonconformity or increase the degree of existing nonconformity of all or

any part of such structure, ~~unless the property owner receives a special use permit in accordance with the zoning district in which it is located.~~

- (i) Nothing in these regulations shall be deemed to prevent the improving, repairing, or restoring of a building or structure in accordance with an order of a building inspector or other public official in charge of protecting the public safety.
 - (c) ~~In the event any nonconforming structure is damaged or destroyed, by any means, to the extent of:~~
 - (i) ~~If the cost to repair or rebuild will be more than fifty percent of its assessed fair market value, such structure shall not be restored repaired or rebuilt unless it shall thereafter conform to all of the applicable zoning regulations for the zoning district in which it is located.~~
 - (ii) ~~When a structure is damaged to the extent of~~ If the cost to repair or rebuild will be fifty percent or less of its assessed fair market value, no repairs or restoration rebuilding shall be made done unless a building permit is obtained within six months and restoration is actually begun within one year after the date of such partial destruction the damage and the work is diligently pursued to completion.
 - (d) ~~No~~ Nonconforming structures shall not be moved, in whole or in part, for any distance whatever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to all of the applicable zoning regulations of the zoning district in which it is located after being moved.
 - (e) If the use or occupancy of any nonconforming structure is discontinued or abandoned for a period of twelve consecutive months, such structure shall not thereafter be used or occupied until it is brought into compliance with all applicable zoning regulations.
 - (f) Nonconforming structures that are or become nuisances shall not be entitled to continue as nonconforming structures.
- (3) Nonconforming Uses. A nonconforming use is any use of part or all of a building, structure, or land that was allowed under the zoning regulations that existed at the time the use was established but, because of subsequent changes to the zoning regulations, is no longer a permitted use.
- (a) ~~Any lawfully existing nonconforming use of part or all of a building or structure or any lawfully existing nonconforming use of land, not involving a structure or only involving a structure which is accessory to such use or land, that lawfully existed prior to the enactment or amendment of the zoning regulations may be continued so as long as it remains otherwise lawful.~~
 - (b) ~~Normal maintenance and incidental repair or replacement, installation, or relocation of nonbearing walls, nonbearing partitions, fixtures, wiring, or plumbing, water, or waste disposal systems may be performed on any structure or system that is devoted in whole or in part to a nonconforming use. Nothing in these regulations shall be deemed to prevent the strengthening or restoring to a safe condition of a structure in accordance with an order of a public official in charge of protecting the public safety who declares such structure to be unsafe and orders its restoration to a safe condition.~~
 - (b) A nonconforming use shall not be extended, enlarged, or increased in intensity. Such prohibited activities shall include, without being limited to, the extension of such use to any building, structure, or land area, or parts thereof, other than that occupied by such nonconforming use on the effective date of these the zoning regulations or on the effective date of subsequent amendments hereto that cause such use to become nonconforming.

- (c) ~~Except as provided herein, No buildings, structures, and parcels of land that is devoted are dedicated, in whole or in part, to a nonconforming use shall not be improved, repaired, remodeled, expanded, enlarged, or added to in any manner unless such buildings, structures, or parcels of land and the use thereof shall thereafter conform to the all applicable zoning regulations of the district in which it is located.~~
- (i) Normal, routine maintenance and incidental repairs may be performed on any building or structure that is dedicated, in whole or in part, to a nonconforming use.
 - (ii) The replacement, installation, or relocation of nonbearing walls, fixtures, or finishings may be performed within any part of a building or structure that is dedicated to a nonconforming use.
 - (iii) Nothing in these regulations shall be deemed to prevent the improving, repairing, or restoring of a building or structure in accordance with an order of a building inspector or other public official in charge of protecting the public safety.
- (d) ~~In the event that a nonconforming use any building or structure, which is wholly or partly dedicated to a nonconforming use, is damaged or destroyed; to the extent of more than fifty percent of its reasonable replacement value, the property shall conform to the zone in which it is located.~~
- (i) If the cost to repair or rebuild will be more than fifty percent of its assessed fair market value, such building or structure shall not be repaired or rebuilt unless it shall thereafter fully conform to all of the applicable zoning regulations.
 - (ii) If the cost to repair or rebuild will be fifty percent or less of its assessed fair market value, no repairs or rebuilding shall be done unless a building permit is obtained within six months after the date of the damage and the work is diligently pursued to completion.
- (e) ~~No structure that is devoted in whole or in part to a Nonconforming uses, or buildings or structures wholly or partly dedicated to nonconforming uses, and noneonforming use of land shall not be moved, in whole or in part, for any distance whatsoever, to any other location on the same or any other lot, unless the entire structure and the use thereof or the use of land shall thereafter conform to all regulations of the zoning district in which it is located after being so moved.~~
- (f) ~~If no external structural alterations are made which will expand the area or change the dimensions of the existing structure, any nonconforming use of a structure, or structure and premises, may be changed to another noneonforming use provided that the governing body after receiving a recommendation from the Planning Commission, by making findings in the specific case, shall find that the proposed use is more appropriate to the district than the existing nonconforming use. More appropriate shall mean creating less traffic, noise, glare, odor, or other characteristics of the proposed use. In permitting such change, the governing body may require appropriate conditions and safeguards to protect surrounding areas and properties. Once such use has changed, it may no longer be returned to the original use or any other less appropriate use.~~
- (f) ~~When a~~ If any nonconforming use is discontinued or abandoned for a period of twelve consecutive months, such use shall not thereafter be reestablished or resumed, and Any subsequent use or occupancy of such land shall comply with the all applicable zoning regulations of the zoning district in which such land is located. No use which that is accessory to a principal nonconforming use shall continue after such principal use shall cease or terminate is discontinued or abandoned.
- (g) ~~No use which is accessory to a principal noneonforming use shall continue after such principal use shall cease or terminate.~~
- (g) Nonconforming structures that are or become nuisances shall not be entitled to continue as nonconforming structures.

Section 2. That the changes specified in the above sections shall be codified as part of the Crete Municipal Code as stated herein.

Section 3. That all ordinances, parts of ordinances, or code provisions in conflict herewith shall be repealed and that any partial repeal shall not affect the other parts of ordinances or codified sections that can be given effect without the repealed parts.

Section 4. That if any section, part, or provision of this ordinance is for any reason held invalid, the invalidity thereof shall not affect the validity of any other section, part, or provision of this ordinance.

Section 5. That this ordinance shall be published in pamphlet, book, or electronic form and shall take effect and be in full force and effect from and after its passage, approval, and publication, as provided by law.

PASSED AND ENACTED the ____ day of _____ 2022.

Mayor

ATTEST:

City Clerk