

**Planning Commission Meeting**  
**Monday, June 24, 2024 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. Public Hearing on Ordinance 2207 Home Occupation

3.C. Consider Ordinance 2207 Adding Garage sale limitations to City Code

3.D. Public Hearing on Ordinance 2208 Amending Temporary Signs

3.E. Consider Ordinance 2208 Amending Temporary Signs

3.F. Consider Pine Ridge 3rd Addition Preliminary Plat

3.G. Consider Pine Ridge 3rd Addition Final Plat

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 an 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.

- 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](http://www.crete.ne.gov).



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## CRETE PLANNING COMMISSION MEETING

May 20<sup>th</sup>, 2024 at 7:00 PM  
Crete City Hall, 243 East 13<sup>th</sup> Street

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### MINUTES

Notice of the meeting was given by posting, the appointed method for giving notice as shown by the attached notice, at the following locations:

City Hall, 243 East 13th Street  
Post Office, 1242 Linden Avenue  
City Bank and Trust, 1135 Main Avenue

Advance notice of the meeting was also given to committee 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. All proceedings shown were taken while the meeting was open to the attendance of the public.

#### 1. Open Meeting

#### 2. Roll Call

Jennifer Robison: Absent  
Ryan Jindra: Absent  
Dave Jurena: Present  
Justin Kozisek: Absent  
Scott Kunch: Present  
Jay Quinn: Absent  
Drew Rische: Absent  
Jeff Wenz: Present  
Carely Adame Ortiz: Present  
Tom Ourada: Present  
Present: 5, Absent: 5.

Justin Kozisek arrived at 7:01 p.m.

Also, present for the meeting were City Inspector Brad Bailey, City Attorney Anna Burge, Finance Director Wendy Thomas, and City Clerk Nancy Tellez

### **3. Items of Business**

#### **3.A. Approve Planning Commission Minutes**

##### **3.A.1. April 22nd, 2024 Planning Commission Meeting Minutes**

Approved Planning Commission Minutes Carried with a motion by Scott Kuncl and a second by Justin Kozisek.

Dave Jurena: Aye, Justin Kozisek: Aye, Scott Kuncl: Aye, Carely Adame Ortiz: Aye, Jeff Wenz: Aye

Aye: 5, No: 0

Tom Ourada abstained from voting.

#### **3.B. Discussion on Ordinance 2203 Home Occupation**

City Administrator Tom Ourada addressed the resale of merchandise and sometimes every weekend. Ourada asked City Attorney Anna Burge to look at what other communities are doing. This was brought up 2 years ago and then again last year, and it hasn't gone away. Neighbors have complained that their driveways are blocked by vehicles that are going to the homes where the garage sales are taking place.

Burge explained that some people purchase pallets of merchandise for resale. Ourada stated that there are about 4 people doing this in town. It would be a civil violation and the police would deal with it. Planning Commission member Scott Kuncl asked about parking and Ourada explained that there are ordinances on parking.

#### **3.C. Discussion on Ordinance 2204 Amending temporary signs**

City Administrator Tom Ourada explained that some garage sale signs are up for weeks. City Attorney Anna Burge explained the amendment that would be added is that all signs may be placed 2 days prior to the start of the sale and must be picked up two days after the sale is completed.

Planning Commission member Scott Kuncl asked if advertisement signs can be placed. Ourada explained that there are ordinances governing that and City Inspector Brad Bailey enforces that.

Planning Commission member Justin Kozisek asked if the City removes the signs at a cost. How is that assessed? Ourada explained that some people do pay and those that choose not to pay will have a lien attached to their property. There would be interest and late fees with that. Finance Director Wendy Thomas has been tenacious on those things. City Attorney Anna Burge explained that if a property owner tries to sell the liens have to be paid.

### **4. Officers' Reports**

City Administrator Tom Ourada asked if the members of the Planning Commission have thought about zoning ordinance. There were conversations on the livestock and horses. Ourada explained that Jeff Ray will be getting something to him and he will get it to the Planning Commission.

### **5. Adjournment**

7:26 p.m.

## ORDINANCE NO. 2207

**AN ORDINANCE OF THE CITY OF CRETE, NEBRASKA RELATING TO ZONING AND LAND USE; TO AMEND SECTIONS 11-211 AND 11-512 OF THE CRETE MUNICIPAL CODE; TO DEFINE GARAGE SALE AND OCCASIONAL SALE; TO PROVIDE RESTRICTIONS ON HOME OCCUPATIONS REGARDING GARAGE SALE FREQUENCY.**

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

**Section 1.** That Chapter 11, Article 2, Section 11-211 of the Crete Municipal Code be amended as follows:

### **11-211 Definitions**

Garage Sale. The occasional sale of a variety of personal goods from a residence. This definition shall include garage sales, yard sales, moving sales and any similar form of sale.

[...]

Occasional Sale. An event held on an in-frequent and irregular schedule.

[...]

**Section 2.** That Chapter 11, Article 5, Section 11- 512 of the Crete Municipal Code be amended to read as follows:

### **11-512 Home Occupations**

- (1) Except as provided for in this section, it shall be unlawful for any person to engage in a home occupation within a lot or premises zoned R-1, R-2, R-3, or R-4.
- (2) A home occupation may be carried on within a dwelling unit under the following conditions:
  - (a) No persons other than members of the family residing within the dwelling unit shall be engaged in such home occupation;
  - (b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five percent (25%) of the total square footage of the dwelling unit shall be used in the conduct of the home occupation;
  - (c) There shall be no changes in the outside appearance of the building, structure, or premises that contains the dwelling unit or other visible evidence of the conduct of such home occupation other than one sign, not exceeding two square feet in area, that is non-illuminated and mounted flat against the wall of the principal building or structure;
  - (d) No home occupation shall be conducted in accessory buildings or structures, or parts thereof;
  - (e) No traffic shall be generated by such home occupation in greater volumes than would normally be expected of a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met by off-street parking in the rear yard;
  - (f) No equipment, process, or materials shall be used or activity engaged in that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to normal senses outside the dwelling unit. In the case of electrical interference, no equipment or process shall be used that creates visual or audible interference to any radio or television receivers outside of the dwelling unit or that causes fluctuations in line voltage off the premises;
  - (g) There shall be no outdoor storage of any equipment, machinery, parts, materials, or other

articles of any nature used in connection with the home occupation; and,  
(h) The persons engaged in the home occupation have applied for and received a business license pursuant to section s10-301 to 10-315.

(3) Garage sales shall be allowed at residential homes, provided that the frequency of such sales at any one location shall not exceed one, lasting three days in length, during a continuous two-month period or four (4) sales during any twelve (12) month period. Items sold at the garage sale shall not include resale of new merchandise in quantities such that a reasonable person would assume the merchandise was purchased specifically for resale at the garage sale.

~~(3)~~ (4) Welding, vehicle body repair, mechanical repair, rebuilding or dismantling of vehicles, or salvage or junk yards are not permitted as home occupations. The accumulation of automotive parts, scrap metal, or similar materials or the presence of more than four vehicles on a premises shall constitute and create a rebuttable presumption that a home occupation is being engaged in by the residents of the premises in violation of this section.

**Section 3.** That the above section shall be codified as part of the Crete City Code as stated herein.

**Section 4.** All ordinances and parts of ordinances in conflict herewith are hereby repealed.

**Section 5.** 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 May 2024.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Seal

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  - (b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five percent (25%) of the total square footage of the dwelling unit shall be used in the conduct of the home occupation;
  - (c) There shall be no changes in the outside appearance of the building, structure, or premises that contains the dwelling unit or other visible evidence of the conduct of such home occupation other than one sign, not exceeding two square feet in area, that is non-illuminated and mounted flat against the wall of the principal building or structure;
  - (d) No home occupation shall be conducted in accessory buildings or structures, or parts thereof;
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**Section 3.** That the above section shall be codified as part of the Crete City Code as stated herein.

**Section 4.** All ordinances and parts of ordinances in conflict herewith are hereby repealed.

**Section 5.** 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 May 2024.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Seal

## ORDINANCE NO. 2208

**AN ORDINANCE OF THE CITY OF CRETE, NEBRASKA RELATING TO ZONING AND SIGN REGULATIONS; TO AMEND SECTION 11-820 OF THE CRETE MUNICIPAL CODE; TO LIMIT THE LENGTH OF TIME A GARAGE SALE SIGN MAY BE POSTED TO ONE WEEK**

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

**Section 1.** That Chapter 11, Article 8, Section 11-820 of the Crete Municipal Code be amended as follows:

### **11-820 Temporary Signs**

- (1) A temporary sign permit is required prior to the repair, alteration, relocation, or maintenance of any temporary sign. A temporary sign permit may be in effect for a period of thirty days on two separate occasions from the date of issuance, as designated on the application. The two thirty-day periods may be contiguous, but not separated by more than one year.
- (2) The location of all temporary signs shall comply with the following:
  - (a) A temporary sign shall not be attached to any sign, light or public utility pole or tree.
  - (b) Temporary signs are prohibited on any public property, including rights-of-way, streets, sidewalks, parks, and public facilities.
  - (c) Temporary signs may not interfere with any driveway, access way, or means of ingress and egress to any building or structure.
  - (d) A temporary sign may be attached and, if so, shall be attached only to vertical façades of the principal building or structures and not to roofs, roof extensions, cornices, overhangs, or other building or structural extensions or features
- (3) The size of all temporary signs shall comply with the following:
  - (a) The total amount of temporary signage permitted on any premises shall be the smallest of five percent of all façades or one hundred square feet.
  - (b) The maximum size of detached temporary signs shall be fifty square feet in area.
- (4) All temporary signs shall be maintained in sound condition.
- (5) All temporary signs advertising a garage sale may be placed two (2) days prior to the start of the sale and must be picked up two (2) days after the sale is completed.
- ~~(5)~~ (6) The City may order the removal of any temporary sign not in compliance with this section. If the owner of the premises on which such sign is located or the owner of the sign fails to remove such sign, the City shall remove the sign at the owner's cost. Such costs may be assessed to the property. Any such removal shall result in the immediate cancellation of any outstanding temporary sign permit.

**Section 2.** That the above section shall be codified as part of the Crete City Code as stated herein.

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**Section 4.** 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 June 2024.

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Mayor

ATTEST:

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City Clerk



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PASSED AND ENACTED the \_\_\_\_\_ day of June 2024.

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Mayor

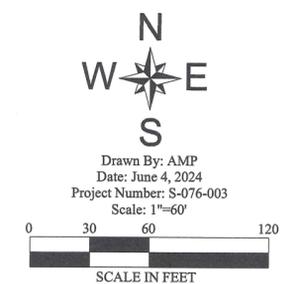
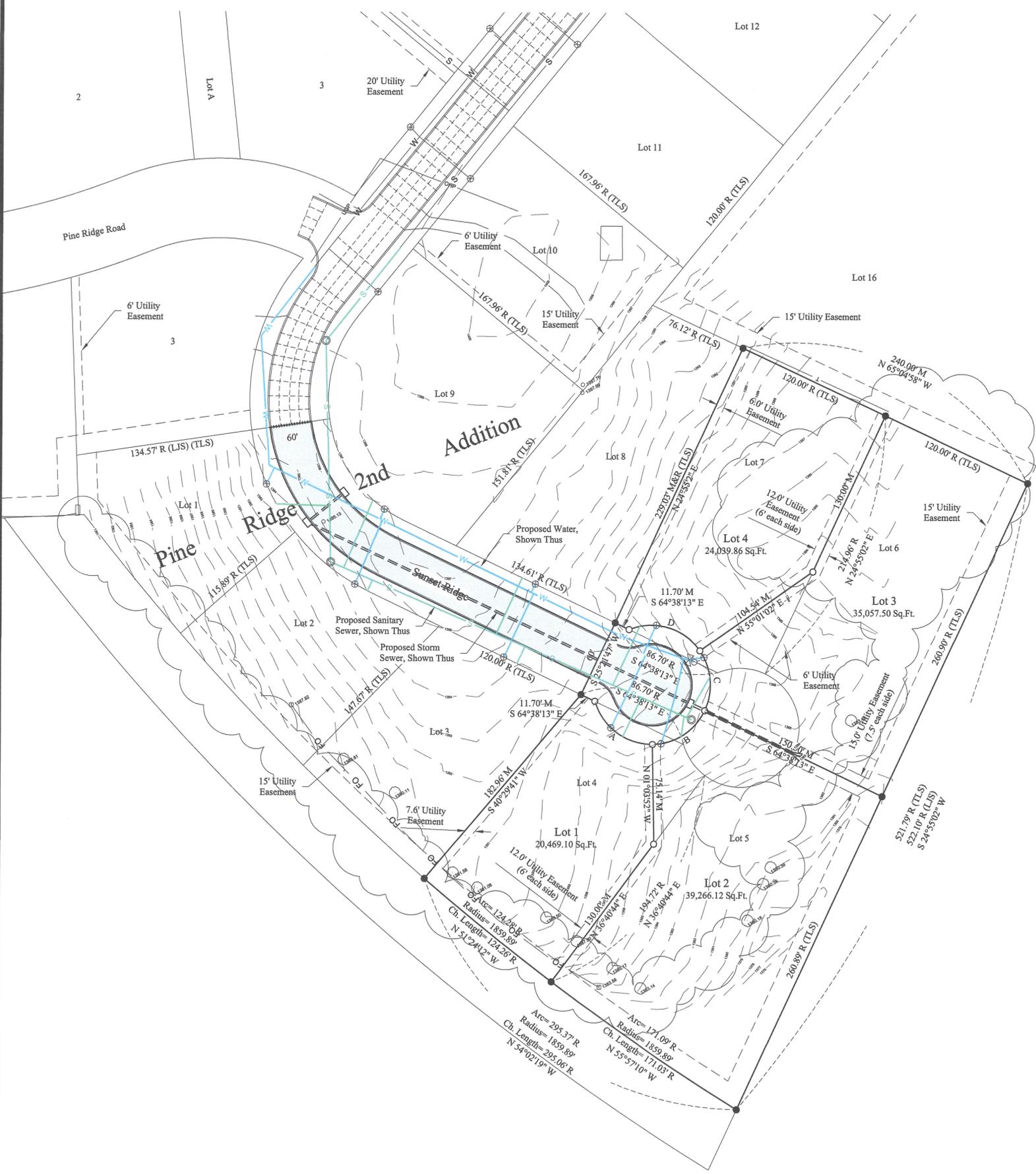
ATTEST:

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City Clerk



**Preliminary Plat**  
**PINE RIDGE 3RD ADDITION**  
 Lots 4, 5, 6, and 7 of Pine Ridge 2nd Addition,  
 City of Crete, Saline County, Nebraska



Curve Data			
A	58.60' Arc Length	B	49.93' Arc Length
	45.00' Radius		45.00' Radius
	54.55' Chord Length		47.41' Chord Length
N 53°45'21" W		S 57°08'58" W	
C	47.40' Arc Length	D	61.14' Arc Length
	45.00' Radius		45.00' Radius
	45.24' Chord Length		56.54' Chord Length
S 04°38'36" E		N 73°54'17" E	

**LEGAL DESCRIPTION**

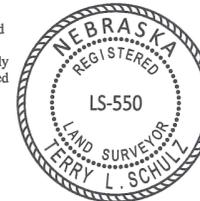
Lots 4, 5, 6, and 7 of Pine Ridge 2nd Addition, Section 2, T7N, R4E of the 6th P.M., Saline County, Nebraska

**SURVEYOR'S CERTIFICATE**

I, Terry L. Schulz, Nebraska Registered Land Surveyor No. 550, duly registered under the Land Surveyor's Regulation Act, do hereby state that I have performed a survey of the land depicted on the accompanying plat; that said plat is a true delineation of said survey performed personally or under my direct supervision; that said survey was made with reference to known and recorded monuments marked as shown, and to the best of my knowledge and belief is true, correct and in accordance with the Land Surveyor's Regulation Act in effect at the time of this survey.

*Terry L. Schulz*  
 Terry L. Schulz, State of Nebraska, LS#550

6-13-2024  
 Date



**DEDICATION**

Know all persons by these presents: that I, Tony Fitzgerald, Manager of Pine Ridge, LLC, a Limited Liability Company, owner of the land described and embraced within this plat have caused said land to be subdivided into lots and streets, to be numbered as shown, said subdivision to be hereafter known as PINE RIDGE 3rd ADDITION, and I do hereby dedicate the easements shown thereon for the location, construction, reconstruction, replacement, repair, operation and maintenance of public service utilities, over, upon or under the easements as shown on the foregoing plat. The construction or location of any buildings or trees shall be prohibited in said easements, but the same may be used for gardens, shrubs, landscaping and other purposes that do not then or later interfere with the aforesaid uses or rights herein granted.

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Tony Fitzgerald, Manager  
 Pine Ridge, LLC

**ACKNOWLEDGEMENT OF NOTARY**

STATE OF NEBRASKA )  
 SALINE COUNTY ) SS

On this \_\_\_\_\_ day of \_\_\_\_\_, 2024, before me the undersigned, a notary public duly commissioned in and for said county and state, personally came Tony Fitzgerald, Manager of Pine Ridge, LLC, a Limited Liability Company whose name is affixed to the dedication of this plat and she did acknowledge the execution to be her own voluntary act deed.

My commission expires on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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

**APPROVAL OF CRETE CITY COUNCIL**

This preliminary plat of PINE RIDGE 3RD ADDITION was approved by the Crete City Council on

this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

ATTEST \_\_\_\_\_

City Clerk

Mayor

**APPROVAL OF CRETE CITY PLANNING BOARD**

This preliminary plat of PINE RIDGE 3RD ADDITION was approved by the Crete City Planning Board on

this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

ATTEST \_\_\_\_\_

Chairperson

LEGEND	
	Section Corner Found
	Property Corner Found
	Property Corner Set (5/8" x 24" I.B. w/Cap)
	Calculated Corner
	Measured Distance
	Recorded Distance (LJS) Leslie J. Siedschlag, RLS#469 Dated September 2, 1997
	Calculated Distance
	Telephone Pedestal
	Manhole
	Proposed Manhole
	Water Valve
	Fire Hydrant
	Curbstop
	Tree
	Power Pole
	Light Pole
	Guy Anchor
	Mailbox
	Overhead Electrical
	Underground Electrical
	Telephone
	Water
	Sanitary Sewer
	Storm Sewer
	Gas

