

## Eagle Planning Commission

November 14, 2017

The Eagle Planning Commission met in regular session at 7:00 PM on November 14, 2017 with Terry Caddy, John Surman, Randy Todd, Douglas Cummins, Dale Ellwanger & Willa DiCostanzo present. Clifford Schildt was absent. The Agenda items listed thereon were sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. The Chair, at the beginning of the meeting, informed the public about the location of the posted current copy of the Open Meetings Act. Chairperson Caddy named the three (3) areas where the agenda was posted as follows: Village Clerk's Office, Eagle Fire & Rescue Department and Eagle State Bank.

**PUBLIC HEARING** for the purpose of hearing testimony concerning a zoning change and amendment of the Eagle Zoning Map from I1 (Light Industrial) to I2 (Heavy Industrial) for the following described property: Tax Lot 23 (Outside City) located in the Southwest Quarter of Section 21, Township 10 North, Range 9 East of the 6<sup>th</sup> Principal Meridian, Eagle, Cass County, Nebraska, containing 9.62 acres.

Chairperson Caddy opened the Public Hearing at 7:02 p.m. to discuss hearing testimony concerning a zoning change and amendment of the Eagle Zoning Map from I1 (Light Industrial) to I2 (Heavy Industrial) for the following described property: Tax Lot 23 (Outside City) located in the Southwest Quarter of Section 21, Township 10 North, Range 9 East of the 6<sup>th</sup> Principal Meridian, Eagle, Cass County, Nebraska, containing 9.62 acres. Caddy said on April 18, 2017 the Planning Commission approved a zoning change at this property from Agricultural (AG) to Light Industrial (I1). A small, pre-planning group, including the Village Attorney, Engineer, Village Clerk, Planning Commission Chairman and zoning change applicant met to discuss the new zoning change request on October 27, 2017. Caddy said those attending the meeting felt a zoning change to Heavy Industrial (I2) was in the best interest of the applicant. Dave Halvorsen introduced himself as the property owner and said when he requested the first zoning change his plans for the property were for outdoor storage of campers, boats and trailers only. Halvorsen's nephew, Ken Halvorsen, later inquired about moving his building located on 1<sup>st</sup> Street to the new property after making a deal with Casey's General Stores to purchase the existing land his building sits on. Halvorsen said after considering his options, he has decided to apply for a zoning change to move his nephew's building onto his property and use the remainder of the property as an outdoor storage facility. DiCostanzo asked what type of business Halvorsen's nephew is involved in. Halvorsen said automotive repair. Caddy said although there isn't a strict, identifiable, automotive repair use in either of the Light Industrial or Heavy Industrial zoning districts, his feeling is this type of business would qualify under *Section 5.14.02 (27) Equipment rental, sales and repair*, located in the permitted uses of the Heavy Industrial zoning district. There is no request for annexation, water, sewer or fire protection services with the application. DiCostanzo asked if there would be any use of hazardous or combustible materials at the property. Halvorsen said no. DiCostanzo asked what plans are being made for water and sewer services.

Halvorsen said he would like to consider drilling a well for water and using a septic tank for sewer. Caddy said to the best of his knowledge drilling a well would be permissible outside of the corporate limits permitting the property isn't located in a wellhead protection area and a septic system would qualify as long as it's not a lagoon. Surman said for the sake of argument, if something happens to Halvorsen, or if the property sells, some of the conditional uses found in the Heavy Industrial zoning district are of concern to him, such as the storage of bulk petroleum products or a salvage yard adjacent to the corporate limits and next to Eagle Elementary. Caddy said these types of uses would require a Conditional Use Permit application be approved by the Planning Commission and Board of Trustees before being allowed.

The public hearing was closed at 7:30 p.m.

Motion by Surman, second by Cummins, to approve the recommendation of zoning change from I1 (Light Industrial) to I2 (Heavy Industrial) for Tax Lot 23 (Outside City) located in the Southwest Quarter of Section 21, Township 10 North, Range 9 East of the 6<sup>th</sup> Principal Meridian, Eagle, Cass County, Nebraska. Voting: Ayes – 6. Motion carried.

The meeting was adjourned at 7:50 p.m.

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Terry Caddy  
Chairperson

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Nick Nystrom  
Village Clerk