

**Village of Eagle  
Planning Commission Meeting Minutes  
September 11, 2019  
7:00 P.M.  
Eagle Fire & Rescue Department - 705 S 1st Street**

The September 11, 2019 Planning Commission Meeting was called to order at 7:00 P.M. by Chairman Terry Caddy. Roll Call of Commission Members was taken with Caddy, Todd, Weyers, Dicostanzo, Ellwanger, and Cummins in attendance. McIntosh arrived at 7:02 P.M.. The chairman indicated the location of the Open Meetings regulations on the east wall of the meeting room and indicated the posting of the meeting at three locations in Eagle as being Eagle State Bank, outside of the Village Office and Outside of the Eagle Fire and Rescue Department.

The first item on the agenda was the Public Hearing for the purpose of hearing testimony concerning a Conditional Use Permit at Eagle - Outlots Lot 4 located in the SW ¼ of the SE ¼ of Section 20, Township 10 North, Range 9 East of the 6th P.M., or more commonly known as 510 Highway 34 in Eagle, Nebraska, for the use of exterior storage. The Public Hearing Opened at 7:02 P.M. The Chairman read and reviewed the following items in the Eagle Zoning Regulations: Page 39 section 4.14.04 - no accessory buildings or structures shall be located no closer than 15 feet to any other accessory or principal building as provided in the local building code. Page 39 Section 4.14.05 - all accessory buildings, regardless of zoning district, shall be subordinate to the principal building with regard to size and building footprint except in Ag. and Transitional Ag. Districts. Page 39 Section 4.14.06 - all accessory buildings are to be to the rear of principal buildings. Page 31 Definition of Structure was read and discussed. Page 82 concerning what needed to be considered when considering approval of a Conditional Use Permit. Page 51 the Chairman read the intent of the zoning district. Page 56 the Chairman read the intent of the zoning district. Page 57 the Chairman read section dealing with outdoor storage requirements. Page 81 the Chairman indicated to Commission members to use this page when considering setback and other requirements for zoning districts.

The Chairman asked Mr. LeFrois if the intent of his request was for all open storage or for just Cargo Container Storage. Mr. LeFrois indicated his request was for just Cargo Container Storage. The Chairman asked the Commission members and the audience if all persons attending understood what was being asked for and they indicated that they understood the request was for location of Cargo Container storage for one container. The Chairman indicated that other items being stored on the property would thus not be included in consideration for this Conditional Use Permit and that the

other items did not presently meet zoning requirements. Mr. LeFrois indicated that they were items being repaired and would be removed after repair was made. The Commission members asked what was being stored in the cargo container and Mr. LeFrois indicated business equipment storage. Location of the present cargo container was discussed. The Chairman indicated that the cargo container was presently located 8' 4" from the north side of the principal building and 8'4" from the neighbor's privacy fence and it was indicated that Mr. LeFrois had approximately 35' to the west property line to relocate the storage container to meet present setback requirements. The Village Building Inspector was asked his opinion of the setback issue at the present location and he indicated that present building codes would allow a 3' distance between the principal building and the storage container and that he did not have a real issue with this item. Discussion of Commission members and attendees centered around the Container being locked at all times when not in use, painting of neutral color, being strapped down, being on concrete or rock pad sitting directly on the ground, and that no toxic, flammable, or explosive material would be allowed for storage in a cargo container. The Public Hearing was concluded at 7:44 P.M.

The second agenda item was a Public Hearing for the purpose of hearing testimony concerning a Conditional Use Permit at Eagle - OT lots 7 to 10, Block 18, or more commonly known as 540 South 4th Street in Eagle, Nebraska, for the use of exterior storage. The Public Hearing was opened at 7:45 P.M. . The Chairman asked Mr. McIntosh if he was asking for the Conditional Use Permit for just Cargo Container Storage and he indicated that was all he was asking for and it did not pertain to any other open storage. The Commission members asked Mr. McIntosh what was being stored in the cargo container and he indicated the items were mainly tables and chairs and related items for his business. The Chairman indicated that other items were occasionally being stored in back of the business that would not be covered by this Conditional Use request and Mr McIntosh indicated that he understood that. The Chairman asked the Commission members and attending audience that they all understood and they indicated that they did and there were no questions pertaining the issue. The Chairman indicated that the present cargo container did not meet setback from the principal structure. The Building Inspector was asked his opinion and he indicated that he did not have a particular problem with the setback from the principal structure considering the building materials.

Discussion pertained to the painting of the cargo container, materials which were not to be stored in the container, locking of container, placement on concrete or rock, and other possible distractions to surrounding areas. The Public Hearing was concluded at 8:04 P.M.

The Planning Commission reconvened their meeting at 8:05 P.M. The third item on the agenda was discuss possible action of a Conditional Use Permit for the location known as 510 Highway 34 in Eagle, Nebraska as described in item 1 on the Agenda. McIntosh moved and Cummins seconded the motion to approve the Conditional Use Permit for Mr. LeFrois on the property know as 510 Highway 34 in Eagle, Nebraska for open storage of a Cargo Container.

The Chairman indicated that he had been provided zoning ordinance copies dealing with Storage Containers by the Village of Eagle Building Inspector from Ansley, Exeter, Firth, Potter, and Wauneta. The Chairman indicated he had also reviewed Waverly and Plattsmouth regulations dealing with Storage Cargo Containers. The Chairman handed out a sample of Conditions to be applied the the Conditional Use Permit. The sample was constructed from the requirements presented by the above mentioned communities for the Eagle Planning Commission review. Weyers asked about ownership of the Cargo Container and what happens upon transfer of property, loss of lease, or sale of property. The Commission members indicated that the intent would be that the container would be removed or a new Conditional Use Permit would have to be requested by a new owner. Discussion about screening of the cargo container of using trees or fence was discussed with the general opinion of the Commission members that the screening would be more of a distraction than the Cargo Container itself. Mr. LeFrois indicated that he had visited with the neighbor to the north before the original placement of the container and that they had no problem with it. Discussion about allowing business signage on the Cargo Container was brought up. Todd indicated that the best solution was to allow signage as long as it met current Eagle Zoning regulations on signage. Discussion about storage of items on the sides of the containers, on top or in back of the container took place. The decision of the Commission members was to have current Zoning regulations handle this issue. The Planning Commission reviewed the sample Conditions for Conditional Use Permit Approval sheet provided by the Chairman. The Commission struck the requirement of the zoning district setbacks must be met with no exceptions item because of information provided by the Village Building Inspector. The Commission added the words hazardous materials to section dealing with non-approved storage materials. Weyers indicated that the fork lift holes were often a rodent haven. The Commission added a section under the condition of the cargo container to read that fork lift points or holes must be sealed. The Commission eliminated the section dealing with Highway Commercial Zoned area requiring a planting or fence barrier to prevent observation of the Cargo container from the Highway frontage and from any residential zone neighboring properties. The Commission eliminated the section which indicated that no signage of any kind could be on a storage Cargo Container and changed it to signage shall be regulated by current zoning sign regulations and approved by the Village

Building Inspector concerning placement and color of script and or logo's before application.

McIntosh moved to amend the main motion by adding the Conditions for Conditional Use Permit as changed by the Commission and attached to the Minutes allowing for the conditional use permit standards to be met. Dicostanzo seconded the motion.

Discussion followed. The amendment to the main motion was voted on and carried with the members vote found below:

Caddy - yes

McIntosh - yes

Todd - yes

Weyers - yes

Dicostanzo - yes

Ellwanger - yes

Cummins - yes

The Main Motion as amended was discussed. The Main Motion as amended which stated the approval of the Conditional Use Permit for Mr. LeFrois for the property commonly known as 510 Highway 34 in Eagle, Nebraska for open storage of a Cargo Container with conditions for the Conditional Use Permit as changed by the Commission and attached to the Minutes allowing for conditional use permit standards to be met be forwarded to the Village Board for their consideration. The motion as amended was voted on and carried with the members vote found below.

Caddy - yes

McIntosh - yes

Todd - yes

Weyers - yes

Dicostanzo - yes

Ellwanger - yes

Cummins - yes

The fourth item on the agenda was Discussion of a Conditional Use Permit as described in item #2 of the agenda for Mr. McIntosh at the location more commonly known as 540 South 4th Eagle, Nebraska.

Dicostanzo moved and Weyers seconded the motion to approve a Conditional Use Permit for Mr. McIntosh for the property more commonly known as 510 South 4th Eagle, Nebraska for open storage of a Cargo Container. Discussion was called for.

Todd moved to amend the main motion by adding the conditions for the Conditional Use Permit as changed by the Planning Commission and attached to the minutes allowing for the conditional use standards to be met. Weyers seconded the

amendment. Discussion was called for. The amendment to the main motion was voted on and carried with the members vote found below.

Caddy - yes

McIntosh - abstain - conflict of interest

Todd - yes

Weyers - yes

Dicostanzo - yes

Ellwanger - yes

Cummins - yes

The main motion as amended was open for discussion. The Main Motion as amended which stated the the Conditional Use Permit for Mr. McIntosh for the property commonly known as 540 South 4th for open storage of a Cargo Container with conditions for the Conditional Use Permit as changed by the Commission and attached to the Minutes allowing for conditional use permit standards to be met be forwarded to the Village Board for their consideration. The motion as amended was voted on and carried with the members vote found below.

Caddy - yes

McIntosh - abstain - conflict of interest

Todd - yes

Weyers - yes

Dicostanzo - yes

Ellwanger - yes

Cummins - yes

Seeing no further items of business on the agenda the meeting of the Village of Eagle Planning Commission was adjourned at 9:05 P.M.

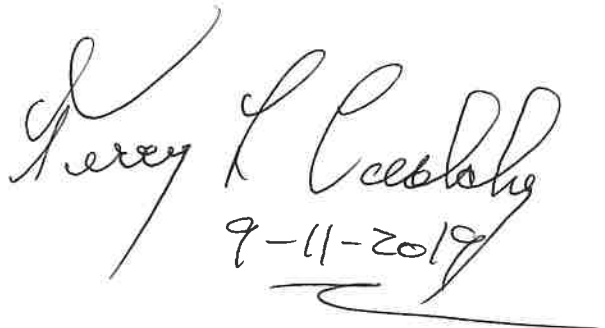
Attached to the Minutes of the Meeting and Part of the Minutes of the Meeting

1. Guests in attendance
2. Agenda of the Meeting
3. Conditions for the Conditional Use Permits for Open Storage of Cargo Containers

The Planning Commission Meeting was recorded and is located at the Eagle Village Office.

A Video Record of those in attendance at the meeting can be found on Security Footage at the Eagle Fire and Rescue Facility Meeting Room.

Minutes typed by Terry Caddy - 9-11-2019

  
Terry Caddy  
9-11-2019

**Conditions for Conditional Use Permit Approval  
For Cargo Containers Used for Storage  
September 11, 2019  
Eagle, Nebraska Planning Commission  
Concerning Requests from  
Property Located - Known as 510 Highway 34  
Property Located - Known as 540 South 4th**

- 1. Conditional Use Permit for 12 months with review on or before September 11, 2020**
- 2. Containers must be locked at all times with the only exception of immediate use. Container must be locked at all times unless the owner of the container is in visual site of the container at all times.**
- 3. Containers cannot have electrical service connections, cannot have water connections/service, cannot have sewer connections/service, cannot have communication services, cannot contain motor vehicles, cannot contain flammable liquids, gases, solvents, explosives, hazardous materials, radio-active materials, and can not store living organisms such as any plant or animal including human habitation.**
- 4. Container must be situated on a concrete pad or rocked pad with at least a 4" base.**
- 5. Container must be anchored down by bolting each of the four corners or strapping and anchoring with three approved straps approved by the Village Building Inspector and anchored with his/her approval.**
- 6. The Container must be of the same color as the principal building or a neutral color as approved by the Village Building Inspector and must be completed within 30 days of approval of the Conditional Use Permit of the Eagle Village Board. The non-compliance of this item within the time frame outlined will terminate this Conditional Use Permit and the container will need to be removed from the property within 10 days of notice.**

7. No additional containers can be added to the property without another Conditional Use Permit being requested.
8. The Container placement can not block or hinder emergency services such as fire and rescue. Placement of container must meet Eagle Building codes/zoning codes and with approval of the Village of Eagle Building Inspector.
9. The cargo container cannot have holes or rusted out portions to harbor insects, rodents, or stray animals. Fork lift lifting holes must be filled with approved material by the Village of Eagle Building Inspector to prevent rodent nesting or infestations. Container not in compliance may be declared a nuisance by the governing body and abated and/or the Conditional Use Permit would not be re-issued thus resulting in abatement of the nuisance structure.
10. No items are to be stacked on top of the Cargo Container.
11. If graffiti appears on the Cargo Container, the applicant has 10 calendar days to remove the graffiti or to repaint the Cargo Container.
12. Signage representing the business location shall be regulated by Eagle's current zoning District signage regulations. It is recommended by the applicants to have signage approved for location, size, and color of wording and/or logo's by the Village Building Inspector before application with application fees paid in advance.