

City of Seward, NE

Tuesday, March 17, 2015

Regular Session

Item G4

PUBLIC HEARING - 7:00 P.M. - CONSIDERATION OF A VOLUNTARY ANNEXATION OF WEB 4TH ADDITION - John Hughes

Consideration of an Ordinance (First Reading) Approving the Voluntary Annexation of of Web 4th Addition

Administrative Report: Following the public hearing, review and discussion, the Council will consider the Ordinance on first reading. Because this is an annexation, the Ordinance must be read three times before adoption.

Staff Contact:

NOTICE OF PUBLIC HEARING

Public notice is hereby given by the Planning Commission of the City of Seward, Nebraska, that a public hearing will be held at 7:30 p.m. on March 9, 2015, and the City Council of the City of Seward, Seward County, Nebraska on Tuesday March 17, 2015 at 7:00 pm in the Council Chambers at the Municipal Building, 142 North 7th Street, Seward, Nebraska. Said Public Hearings will be to obtain public comment regarding proposed subdivision Preliminary Plat of WEB 4th Addition and Annexation into the City limits.

This subdivision, which is the subject of this notice and of the public hearings, is described as follows (24 lots between Waverly Rd. and E. Maple St, and N. Columbia Ave. and Star St).

Legal Description: A subdivision of Outlot "A", Web 3rd Addition to the City of Seward, located in the Northeast Quarter of Section 16, Township 11 North, Range 3 East of the 6th P.M., Seward County, Nebraska and more particularly described as follows:

Beginning at the Southwest corner of Outlot A, Web 2nd Addition as platted in the City of Seward; THENCE South 89 degrees 59 minutes 20 seconds West, along the north line of Web 2nd Addition, for a distance of 334.97 feet, to the northwest corner of Lot 6, Block 1, Web 2nd Addition; THENCE South 00 degrees 01 minutes 04 seconds East, along the west line of said Lot 6, for a distance of 129.90 feet; THENCE North 89 degrees 57 minutes 38 seconds West, a distance of 60.00 feet; THENCE South 00 degrees 01 minutes 04 seconds East, a distance of 10.00 feet; THENCE North 89 degrees 57 minutes 38 seconds West, a distance of 132.08 feet, to the southeast corner of Lot 1, Block 1, Web 3rd Addition as platted in the City of Seward; THENCE North 00 degrees 00 minutes 00 seconds West along the East line of said Block 1, a distance of 715.40 feet; THENCE South 88 degrees 57 minutes 09 seconds East, along the south right of way line of Waverly Road, a distance of 527.12 feet to the northwest corner of Outlot A, Seward Middle School Addition as platted in the City of Seward; THENCE South 00 degrees 00 minutes 08 seconds West, along the west line of said Outlot A, for a distance of 565.93 feet to the Point of Beginning.
Together with and subject to covenants, easements, and restrictions of record.
Said property contains 7.51 acres more or less.

All interested parties shall be afforded at such public hearing a reasonable opportunity to express their views regarding the proposed application for Preliminary Plat and Annexation.

Ed Gonzalez
Building/Zoning Director
City of Seward

Published: 2-25-15

City of Seward Planning Commission

Minute Record

March 9, 2015

The City of Seward Planning Commission met in regular session at 7:30 p.m. March 9, 2015 at the Municipal Building, 142 No. 7th Street, Seward, Nebraska. Upon roll call the following Commission Members were present: M. Langner, S. Bowen, T. Spunaugle, K. Gustafson, C. Kotera, R. Soucek, D. Ellis. Other Officials present: Public Facility/CIP & GIS Director John Hughes & Code Enforcement Director Ed Gonzalez.

Absent members were: R. Wallman, R. Niemoth, C. Corum

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 Interim Commission Chairman Russ Soucek at 7:30 p.m. He requested that all individuals speaking during the public hearing limit their comments to five minutes each and one representative per household.

Interim Commission Chairman Soucek announced that a copy of the agenda for this meeting is posted on the front window of the Municipal Building and copies are available on the north wall where a copy of the open meetings act is also posted for the public.

1. Public Hearing – Web 4th Addition Preliminary Plat

Bill Kuhlman, 2054 Holdrege Road, Pleasant Dale, NE spoke as the Developer/Applicant. The development includes 26 lots; will allow for access to Star Street for emergency vehicles and will provide better water drainage. There is no outlet from Star Street to Waverly Road due to City requirements (per J. Hughes). The Seward School System sold an easement to WEB located at the end of Knotty Pine. Access to Star Street will occur from Briarwood Lane. Drainage is a concern in this area. WEB will be increasing the size of the drainage pipe to 24”.

Jared Hochstein, 357 Star Street, Seward, NE spoke as a homeowner concerned about rain water drainage. Hochstein indicated he has lived at this location for seven years and has witnessed the manhole cover “blown off” from the force of the rushing water. (Pictures from May 11, 2014 were provided by Seward Staff prior to meeting).

Carrie Sermeno, 1957 North Star, Seward, NE spoke as a homeowner concerned about rain water drainage. Sermeno has lived at this location for 20 years. Sermeno indicated a rain of as little as 1-2 inches can cause flooding in this area. Sermeno’s had an addition to their home in 2004 which has prevented any further damage. (Pictures from May 11, 2014 were provided by Seward Staff prior to meeting). However, the home located at 1941 Star Street regularly received damage.

Craig Williams, 455 Star Street, Seward, NE spoke as a homeowner concerned about rain water drainage. Williams provided a photo of flooding which occurred on May 11, 2014 and four other photos from approximately 1999.

Jim Hild, 2005 Star Street, Seward, NE spoke as a homeowner concerned about rain water drainage. Hild has lived at this location for 20 years. They have sustained water damage three times. He has installed drainage tile and had significant dirt work done to prevent water damage.

Todd Thege, 333 Star Street, Seward, NE spoke as a homeowner concerned about rain water drainage.

Karen Thege, 333 Star Street, Seward, NE spoke as a homeowner concerned about rain water drainage. Thege has lived at this location since July 2003. She has witnessed the manhole cover "pop off" 3 times since living there.

Bill Kuhlman indicated he can attest to the water issues in this area, however, the problems exist because of the drainage from the Elementary and Middle Schools, not the developments. He indicated the natural flow of the water cannot be changed. He feels the best way to address the problem is to develop the area and slow down the water flow, give the water time to drain.

Jeff Wagner, 6920 Van Dorn Street, Lincoln, NE, spoke as representative of Mainelli, Wagner & Associates, Inc., the Engineering firm for the development. He indicated they used the plans from WEB – 2nd as a foundation for the WEB – 4th plans. He indicated drainage in this area is currently 103 cfs (cubic feet per second). He anticipates that following the development, it should be reduced to 78 cfs.

Karen Thege indicated she has noticed an increased amount of water drainage as this area continues to become more developed.

Jeff Wagner indicated there are only two factors that can be altered: time of concentration and run-off coefficient.

J. Hughes indicated the plan allows for a 10-year-storm event; 3 inch rainfall per hour. The water drainage problems in this area are due to the Elementary and Middle School properties. He indicated there is a detention cell behind the Elementary School but it is not used. Commission Members asked why this is not used; J. Hughes indicated the proper grading was never finished.

Commission Member T. Spunaugle made a motion to approve the WEB 4th Addition Preliminary Plat; Commission Member K. Gustafson seconded.

Aye: Langner, Spunaugle, Gustafson, Soucek, Bowen, Ellis

Nay: Kotera

Absent: Wallman, Niemoth, Corum; Motion carried.

2. Public Hearing – Voluntary Annexation request for WEB 4th Addition

Bill Kuhlman, Holdrege Road, Pleasant Dale, NE spoke as the Developer/Applicant. He indicated this request is to annex the development just discussed into the City.

Commission Member D. Ellis made a motion to approve the Voluntary Annexation Request for WEB 4th Addition; Commission Member C. Kotera seconded. Motion carried unanimously.

3. Report on Meetings
No meetings were attended.

4. Consent Agenda
The minutes of February 9, 2015.
E. Gonzales indicated Item #2 should read, "...Phil Luebbert, JEO Consulting Group, Inc...".
Commission Member D. Ellis made a motion to approve the minutes with the identified changes;
Commission Member C. Kotera seconded; motion carried unanimously.

Meeting adjourned at 8:50 p.m.



Sue Bowen
Secretary



142 N 7th St., PO Box 38 Seward, NE 68434
402-643-4000 Ext. 3 Office
Edward.Gonzalez@CityofSewardNE.com

Ed Gonzalez
Building/Zoning &
Code Enforcement Director

Planning Commission Report for March 9, 2015:

1. 7:30pm Public Hearing; Web 4th Addition Preliminary Plat

This is a 24 lot addition located between N. Columbia Ave. and Star St., and Waverly Road and Maple St. This subdivision will involve constructing new streets, curb and gutters, and extending City utilities. City staff communicated some storm water drainage concerns with Developers and Developers are adding increased storm water management design to slow down times of concentration prior to reaching City facilities. The Developer is in negotiations with adjacent property owners to acquire additional land to extend Star St. to connect to the new Briarwood St. and easement for a turnaround at the dead end of the new Knotty Pine Lane.

The Subdivision conforms to the City's Comprehensive Plan Future Land Use map with the single family use type. The Plat conforms to the requirements of the City of Seward's Unified Land Development Ordinance reference Major Subdivision application requirements (11.3804). The area is currently located in a Residential (R-1) zoning district, and there will be no change in zoning at this time.

See enclosed Preliminary Plat, grading plan, utility plan, profiles, supporting documents, and Subdivision Application.

2. 7:30pm Public Hearing; Voluntary Annexation Request for Web 4th Addition

This is a 24 lot addition located between N Columbia Ave. and Star St, and between Waverly Rd and Maple St. specifically; a subdivision of Outlot "A", Web 3rd Addition to the City of Seward, located in the Northeast Quarter of Section 16, Township 11 North, Range 3 East of the 6th P.M., Seward County, Nebraska, containing approximately 7.51 acres. This subdivision is the last piece of land in this area that is not currently in the City Limits.

Per the City's Comprehensive Plan, Land Use Policies and Program of Phased Annexation (page 62), the property in question is currently illustrated in the Annexation Phasing Map as being in Phase 1b, which indicates the area warrants the immediate consideration of annexation and development along this northern boundary, which will facilitate additional development in the future.

See enclosed Voluntary Annexation Request letter and Preliminary Plat.



DEVELOPMENT LLC

2054 Holdrege Road • Pleasant Dale, NE 68423
402-761-2221 office • 402-643-5654 mobile
email bill@kuhlmanconstruction.com

February 9, 2015

Ed Gonzalez
Building-Zoning Director
City of Seward
PO Box 38
142 N 7th Street
Seward, NE 68434

Dear Mr. Gonzalez,

This is a request for the Web 4th Addition to the City of Seward to be annexed into the City of Seward. Total development area is 7.51 acres.

If you have any questions or need additional information, please let us know.

Sincerely

A handwritten signature in black ink, appearing to read 'Bill Kuhlman', with a long horizontal flourish extending to the right.

Bill Kuhlman
Web Development Corp



Major Subdivision Application

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

Date Submitted: 2-6-15

Preliminary Plat Application Fees:

Filing fee \$400.00 + \$40.00 Per Lot = \$ 960.00 + Notification fee \$100 = \$1460.00

Name of Subdivision: Web 4th Addition

Owner/Developer: Web Development LLC

Legal Description: subdivision of Outlot A, Web 3rd Add, NE 1/4, Sec 16, T11N, 3E.

Project Engineer: Mainelli Wagner & Assoc. Number of Lots: 24

Present Zoning: R-1 Requested Zoning: R-1

Within City Limits	Yes _____	No <input checked="" type="checkbox"/> _____	NA _____
Adjacent to City Limits	Yes <input checked="" type="checkbox"/> _____	No _____	NA _____
Within 2 mile area	Yes <input checked="" type="checkbox"/> _____	No _____	NA _____
Annexation Requested	Yes <input checked="" type="checkbox"/> _____	No _____	NA _____
Restrictive covenants provided	Yes _____	No <input checked="" type="checkbox"/> _____	NA _____
Subdivision Agreement submitted	Yes _____	No <input checked="" type="checkbox"/> _____	NA _____
Performance Bond Required	Yes _____	No _____	NA _____

Signed by Developer Bill [Signature]

Preliminary Plat Review

Staff Review

Electric Dept _____
Street Dept _____
Water/Waste _____
Police Dept _____
Park/Rec Dept _____

Agency Review

Cable TV _____
Gas Co _____
Telephone Co _____
School Board _____
County P.C. _____

Final Plat Application fees:

Filing fee \$100.00 + \$10.00 Per Lot (\$ _____) = _____

Aid to Construction for Electric Dept fees (City of Seward Resolution 8-07):

Developer fees \$400 Per Lot = \$ _____ + \$4.00 per foot of electrical line installation for lots _____ = _____

Date and action taken:

Planning Commission: _____ City Council: _____



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402-643-4000 Ext. 3 Office
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Ed Gonzalez
Building/Zoning &
Code Enforcement Director

City Council Report for March 17, 2015:

1. 7:00pm Public Hearing; Web 4th Addition Preliminary Plat

This is a 24 lot addition located between N. Columbia Ave. and Star St., and Waverly Road and Maple St. This subdivision will involve constructing new streets, curb and gutters, and extending City utilities. City staff communicated some storm water drainage concerns with Developers and Developers are adding increased storm water management design to slow down times of concentration prior to reaching City facilities. The Developer is in negotiations with adjacent property owners to acquire additional land to extend Star St. to connect to the new Briarwood St. and easement for a turnaround at the dead end of the new Knotty Pine Lane.

The Subdivision conforms to the City's Comprehensive Plan Future Land Use map with the single family use type. The Plat conforms to the requirements of the City of Seward's Unified Land Development Ordinance reference Major Subdivision application requirements (11.3804). The area is currently located in a Residential (R-1) zoning district, and there will be no change in zoning at this time.

The City Planning Commission met on March 9, 2015, and heard concerns from 5 families about the drainage in the area, and some of them submitted photos from the 2014 Mother's Day storm. Some of the concerns focused on the run off from the Elementary School property, which appears to be contributing to the issues with poor drainage on Star St. See enclosed photos.

After considerable discussion, the Planning Commission voted by majority to recommend approval of the Web 4th Addition Preliminary Plat.

2. 7:00pm Public Hearing; Voluntary Annexation Request for Web 4th Addition

This is a 24 lot addition located between N Columbia Ave. and Star St, and between Waverly Rd and Maple St. specifically; a subdivision of Outlot "A", Web 3rd Addition to the City of Seward, located in the Northeast Quarter of Section 16, Township 11 North, Range 3 East of the 6th P.M., Seward County, Nebraska, containing approximately 7.51 acres. This subdivision is the last piece of land in this area that is not currently in the City Limits.

Per the City's Comprehensive Plan, Land Use Policies and Program of Phased Annexation (page 62), the property in question is currently illustrated in the Annexation Phasing Map as being in Phase 1b, which indicates the area warrants the immediate

consideration of annexation and development along this northern boundary, which will facilitate additional development in the future.

The City Planning Commission met on March 9, 2015 and voted unanimously to recommend approval of the annexation.

ORDINANCE NO.

AN ORDINANCE TO APPROVE THE PLAT ENTITLED "WEB 4TH ADDITION TO THE CITY OF SEWARD, SEWARD COUNTY, NEBRASKA," AS HEREINAFTER SET FORTH, LOCATED WEST OF COLUMBIA AVENUE, SOUTH OF WAVERLY ROAD, NORTH OF MAPLE STREET; TO PROVIDE FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; TO PROVIDE FOR A TIME WHEN THIS ORDINANCE SHALL TAKE EFFECT.

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

Section 1. Plat and Dedication Approved. The Plat and dedication of the following described real estate is hereby approved:

LEGAL DESCRIPTION:

A subdivision of Outlot "A", Web 3rd Addition to the City of Seward, located in the Northeast Quarter of Section 16, Township 11 North, Range 3 East of the 6th P.M., Seward County, Nebraska and more particularly described as follows:
Beginning at the Southwest corner of Outlot A, Web 2nd Addition as platted in the City of Seward; THENCE South 89 degrees 59 minutes 20 seconds West, along the north line of Web 2nd Addition, for a distance of 334.97 feet, to the northwest corner of Lot 6, Block 1, Web 2nd Addition; THENCE South 00 degrees 01 minutes 04 seconds East, along the west line of said Lot 6, for a distance of 129.90 feet; THENCE North 89 degrees 57 minutes 38 seconds West, a distance of 60.00 feet; THENCE South 00 degrees 01 minutes 04 seconds East, a distance of 10.00 feet; THENCE North 89 degrees 57 minutes 38 seconds West, a distance of 132.08 feet, to the southeast corner of Lot 1, Block 1, Web 3rd Addition as platted in the City of Seward; THENCE North 00 degrees 00 minutes 00 seconds West along the East line of said Block 1, a distance of 715.40 feet; THENCE South 88 degrees 57 minutes 09 seconds East, along the south right of way line of Waverly Road, a distance of 527.12 feet to the northwest corner of Outlot A, Seward Middle School Addition as platted in the City of Seward; THENCE South 00 degrees 00 minutes 08 seconds West, along the west line of said Outlot A, for a distance of 565.93 feet to the Point of Beginning.

Together with and subject to covenants, easements, and restrictions of record.
Said property contains 7.51 acres more or less.

Section 2. Plat Designated. The plat of said real estate is hereby designated as "WEB 4th Addition, City of Seward, Seward County, Nebraska."

Section 3. Filing and Recording of Plat. An accurate plat of said real estate as platted and dedicated as heretofore set forth, certified to by an Engineer or Surveyor, together with a certified copy of this Ordinance shall be filed in the office of the Seward County Clerk, Seward, Nebraska.

Section 4. Pamphlet form; publication; when operative. This Ordinance shall be published in pamphlet form and shall be in full force and effect from and after its passage, approval and publication as provided by law and City Ordinance.

Passed and approved this 17th day of March, 2015.

THE CITY OF SEWARD, NEBRASKA

Joshua Eickmeier, Mayor

Attest:

Bonnie Otte
Assistant Administrator/
Clerk-Treasurer

(SEAL)