

Bennet Planning Commission
Special Meeting Minutes
January 24, 2023

The Bennet Planning Commission held a regular meeting on Wednesday, January 24, 2023 at 7:00 p.m. at City Hall, 685 Monroe Street in the City. This meeting was postponed from January 18, 2023. The session was open to the public and proceeded by advance publicized notice duly given in strict compliance with the provisions of the Open Meetings Act, Chapter 84, Article 14, Reissue Revised Statutes of Nebraska by posting at the City Clerk Office, the Post Office, and First Nebraska Bank.

Chairperson Josh Buck called the meeting to order at 7:00 p.m. and announced the Open Meetings Act was posted. Michele Lincoln, City Clerk/Zoning Administrator conducted roll call and recorded the minutes. Roll call: Josh Buck, Kevin Hiatt, Greg Pohl, Marilyn Maney present. Amber Bogle and alternate Boyd Batterman were absent. Planner Keith Marvin from Marvin Planning Consultants was also present.

Pohl moved and Hiatt seconded a motion to approve the minutes from the January 4, 2023 regular meeting (rescheduled from December 21, 2022). Roll call vote: Buck, Hiatt, Pohl, Maney. Motion carried.

During Communication Buck shared that Utility Superintendent Russ Jones, Zoning Administrator Michele Lincoln and himself met with the attorney representing the owner of the parcel on the southwest corner of Saltillo Road and Highway 43. He was very receptive to the idea of a Planned Unit Development similar to Village Gardens or Fallbrook versus the commercial/industrial idea they were considering. The property owner of the parcels directly north of the corporate limits on both sides of Highway 43 joined the conversation and seemed interested in the Planned Unit Development concept and in working with the abutting property owner.

A discussion was had regarding Planned Unit Developments (PUD) and how they would be incorporated into the Zoning Ordinance. Keith Marvin explained that PUD's are really a creative process where a change of zone takes place which is referred to as contract zoning. An example of the zoning change would be going from an R-3 district to an R-3/PUD. It allows the city to negotiate with the developer to allow for a mixture of uses and to protect certain natural resources such as wetlands or a specific species of trees. Marvin stated that he will make sure the PUD definition is included in the Zoning Ordinance.

The annexation of the Bennet Cemetery was discussed. This would extend the City of Bennet's extraterritorial zoning jurisdiction closer to the Hwy 2 corridor. As a part of annexation, the City would need to have a plan to provide services within one year, of which there is an assumption that services would not be needed for the cemetery. Marvin stated that we would need the legal description including the metes and bounds, a public hearing before the Planning Commission and a public hearing before the City Council. The ordinance for approval would require the three readings. Buck will ask the City Council whether they would support a recommendation for annexation.

Keith Marvin had a list of changes to the draft Zoning Ordinance that he requested clarification on. His plan was to send a pdf version with the changes and another version with all of the changes accepted by the beginning of the following week.

City Engineer Brian Schuele with Olsson submitted his recommendation for development fees and testing requirements to incorporate in the Subdivision Regulations to City Clerk/Zoning Administrator Michele Lincoln January 2nd. These were not reviewed by Lincoln or forwarded until January 4th, the date of the Planning Commission meeting, so therefore were not discussed at the January 4th meeting and no recommendation was forwarded to the City Council. Schuele requested that the development fees and testing requirements be on the agenda for the January 13th City Council meeting which the City Council therefore discussed. With both these items addressing a change in the Subdivision Regulations they should have been reviewed by the Planning Commission prior to the City Council taking action. No formal action was taken on either subject by the City Council. The following is an excerpt from the January 13, 2023 City Council minutes (prior to approval by Council).

“Engineer Brian Schuele instigated a discussion with the City Council regarding implementing certain development fees for new subdivisions. Development fees establish an equitable division of costs between the developer and the City to ensure orderly, cost effective growth. This should be considered so it could be included in our update of the Subdivision Regulations that we are currently working on. Some of the fees to consider include Arterial Street Improvement Fees, Sewer Connection/Capital Facilities Fees, Water Connection/Capital Facilities Fees, Watershed Management Fees and Park and Open Space Fees. Schuele will coordinate with our Planning Consultant Keith Marvin to get them included in the draft Subdivision Regulations. The Utility Committee, Council Members Zieg and Simmons, will review the fee schedules from Hickman, Waverly, and Springfield and then make a recommendation to the City Council as to what appropriate fees for Bennet would be.

Engineer Brian Schuele also instigated a discussion on testing and inspections in new subdivisions. Bennet’s current Subdivision Regulations do not specify who is to do the inspections. Schuele is suggesting that to protect the City’s interest, we could require that the City’s engineering firm be hired by the developer for the testing and inspections. The City Council agreed that they did not like the idea of mandating whom the developers could hire, but they also acknowledged that it would be beneficial to know that the inspector had the City’s welfare in mind. The Council relayed that there would need to be an agreement with assurances from Olsson.”

Buck wanted it noted that he is in strong disagreement with implementing a requirement that the testing/ inspections be performed by the city engineer. These items will be placed on the agenda for the Planning Commissions February 1st special meeting for a formal recommendation.

Due to further review being needed on the Zoning Ordinance and Subdivision Regulations before the final draft is ready, the Planning Commission public hearing is now tentatively scheduled for March 1st versus the anticipated February 1st date.

Buck moved and Hiett seconded a motion to adjourn at 9:03 p.m. Roll call vote: Roll call vote: Buck, Hiett, Pohl, Maney. Motion carried.

A special meeting will be held February 1, 2023 at 7:00 p.m. The next regular meeting will be February 15, 2023 at 7:00 p.m.

Michele Lincoln, CMC
City Clerk/Zoning Administrator