

PLANNING & ZONING COMMISSION  
MAY 16, 2022  
AGENDA

1. Call to Order
2. Roll Call
3. Open Meeting Act Requirement
4. Approve Minutes: January 19, 2022
5. Public Hearing:
  - a. To hear testimony in favor of, or opposition to, and to answer questions in relation to a proposed Conditional Use Permit located at Lot 2, TeSelle Addition. NW corner of West Milford Rd. and North Welch Park Rd. to place a hub station on the property for Allo Fiber.
6. New Business:
  - a. Consider/Recommendation – Conditional Use Permit located at Lot 2, TeSelle Addition. NW corner of West Milford Rd. and North Welch Park Rd. to place a hub station on the property for Allo Fiber.
7. Adjournment

PLANNING & ZONING COMMISSION  
MAY 16, 2022  
MINUTES

A duly noted and advertised meeting of the Planning & Zoning Commission of the City of Milford, Nebraska was held on May 16, 2022 at 7:00 P.M. Notice of the meeting was given in advance thereof by publishing in the Milford Times; a designated method for giving notice, as shown by the proof of publication.

Notice of the meeting was simultaneously given to the members of the Planning & Zoning Commission. Availability of the agenda was communicated in advance notice and in the notice to the members of the meeting. All proceedings hereinafter shown were taken while the meeting was conducted.

The meeting was called to order by Roger Kontor at 7:00 P.M.

**ROLL CALL:** Members present: Wes Burgess, Brad Havener, Roger Kontor, Kevin Wingard, Building Inspector Tim Dworak. Absent: Barry Erb. Also present: Larry TeSelle, Dave Williams and Jane Mohling of Allo.

Open Meeting Act Requirement met.

**MINUTES:** A motion was made by Havener and seconded by Burgess to approve the minutes of the January 19, 2022 minutes. Roll call vote: Havener yes, Burgess yes, Erb absent, Kontor yes, Wingard yes. Motion carried.

**PUBLIC HEARING:**

**To hear testimony in favor of, or opposition to, and to answer questions in relation to a proposed Conditional Use Permit located at Lot 2, TeSelle Addition. NW corner of West Milford Rd. and North Welch Park Rd. to place a hub station on the property for Allo Fiber.**

Chairman Kontor opened the Public Hearing at 7:01 pm. Kontor reviewed the details of the request.

Dave Williams asked why Allo chose that location and asked if other locations have been considered. Mohling shared why they chose that location based on it being in the best location for where the lines come into Milford. Locations on the other side of town are cost prohibitive. She shared that the city property by the ball fields was discussed but was told the city could not place this type of project on the property due the property being donated and other guidelines.

Williams asked about noise. Mohling shared that the generator runs 20 minutes a week and that they can control what day and time the generator would run.

Kontor shared concerns that this is the only area for city expansion after the current housing development by the swimming pool is filled and not sure this Allo building fits into that future. Mohling discussed that they have similar buildings in residential areas in other towns.

Williams asked if it would be fenced. Mohling said that there were no plans for that.

Williams asked if the project area would have future expansions. Mohling said no.

Wingard discussed that the lot is only 3 acres and that current zoning states it is to be 5 acres. TeSelle said he sold some of the property to family and it was platted at 3 acres. He said it could be changed up to 5 acres if needed to get Allo into town. Everyone at the hearing agreed it would be great to have Allo in town and that this is not an Allo issue it is a zoning issue - 5 acres verse 3. Discussion was held on when TeSelle made this change to 3 acres and if it would be grandfathered in. Discussions were no, as nothing was previously built so it would have to meet new zoning regulations. But the commission would have to research that with the help of Dworak. Wingard and Dworak had discussions that they could not find any provisions in Article 4: General Provisions that directly allowed for this allowance or conditional permit. The

commission discussed needing to know when TeSelle platted the 3 acres and if any provisions today would allow him to build on 3 acres. The commission discussed with Dworak that none could be found.

The commission discussed with Dworak that we need a definition of "public purpose" versus "public utility" as public utility is defined in the regulations, but public purpose is not. Section 4.08 discusses public purpose. The commission discussed with Dworak what options were available to TeSelle on the 3 acres that are non-conforming. It was decided that more research was needed on this topic.

Kontor asked Mohling if the project was going to be slowed by not moving forward and she stated that completing Seward was the focus and then the Milford project. TeSelle stated he has been working on Allo coming to Milford for three years. The committee asked that other locations be considered.

With no further comments Kontor closed the hearing at 7:32 pm.

**NEW BUSINESS:**

**Consider/recommendation – Conditional Use Permit located at Lot 2, TeSelle Addition. NW corner of West Milford Rd. and North Welch Park Rd. to place a hub station on the property for Allo Fiber.**

A motion was made by Wingard and seconded by Burgess to recommend denying the conditional use permit located at Lot 2, TeSelle Addition. NW Corner of West Milford Rd. and North Welch Park Rd. to place a hub station on the property for Allo Fiber based on TA projects need to be located on 5 acre lots and not 3 as proposed and due to the commission not finding a provision in Article 4: General Provisions for recommending this request.

**ADJOURNMENT:** Meeting adjourned at 7:37 pm.

**APPLICATION FOR CONDITIONAL USE PERMIT****Milford, Nebraska**Date 4/22/2022Property Owner's Name Larry D. TeselleAddress Northwest corner of W. Milford Rd & North WelchParish RoadPhone No. (402) 840-2771 (Home) \_\_\_\_\_ (Work)

Pursuant to the Milford Zoning Ordinance, application is hereby made for the following proposed use of property or structure:

Legal Description of Property Lot 2, Teselle Addition located in the Southeast Quarter of the Northeast Quarter of Section 3, Township 9, Range 3 East of the 6th P.M., Seward County, Nebraska.Lot Size 3 acres (Sq. Ft./ Acres) Zoning District Transitional AgWill use in all other respects conform to the applicable regulations of the district in which it is located? YesWill use conform to all other applicable regulations and laws of any governmental jurisdiction? YesWill use have adequate water, sewer and drainage facilities? YesWill ingress and egress be designed to minimize traffic congestion on the public streets/roads? YesEstimated Cost of Structure \$150,000Applicant's Signature Larry D. TeselleMailing Address 330 S. 21st Street  
Lincoln, NE 68510Enclosed: Site Plan Yes Easements \_\_\_\_\_Application fee is Non-Refundable.**P A I D** APR. 22 2022 \$50.00 TH**OFFICE USE ONLY**

Permit No. \_\_\_\_\_ Permit is: \_\_\_\_\_ transferable, \_\_\_\_\_ transferable upon review/renewal

Date 5-16-22 Approved \_\_\_\_\_  
Approved with Added Conditions \_\_\_\_\_  
Disapproved ✓Date 6-7-22 Approved ✓  
Approved with Added Conditions \_\_\_\_\_  
Disapproved \_\_\_\_\_

Chair, Milford Planning Commission

Chair, City Board of Trustees

ATTEST:  
City ClerkDated this 7th day of June, 2022

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