

PLANNING COMMISSION

AGENDA

City Council Chambers, 18 East 22nd Street

July 8, 2013

9:00 a.m.

1. Announcement on Open Meetings Act.
2. Roll call.
3. Approve Minutes of meeting held May 17, 2013.
4. **Hearing: Conditional Use Permit No. 2013-03**
Application submitted by Shannon Schmidt (Applicant) for Joyce Knajdl (Owner) for a Conditional Use Permit to locate a child care center on property zoned District R-3, Urban Residential Multi-Family District (Medium Density) and described as part of Lot 14, Southeast Quarter School Section Addition to the City of Kearney, Buffalo County, Nebraska (506 East 26th Street).
5. **Hearing: Rezoning No. 2013-06**
Application submitted by Glen Miller (Applicant and Owner) to rezone from District C-2, Community Commercial District to District C-3/PD, General Commercial/Planned Development Overlay District property described as part of the Northwest Quarter of the Southwest Quarter of Section 24, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (6205 2nd Avenue).
6. **Hearing: Planned District Development Plan Approval No. 2013-06**
Application submitted by Big Prairie Homes (Applicant) and Glen Miller (Owner) for Planned District Development Plan Approval for the location of a retail sales center for modular housing on property to be zoned District C-3/PD, General Commercial/Planned Development Overlay District on property described as part of the Northwest Quarter of the Southwest Quarter of Section 24, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (6205 2nd Avenue).
7. **Partial Vacation No. Prior to 1950-01**
Application submitted by Olsson Associates (Applicant) for U.S. Bank National Association (Owner) to vacate property described as Lots 115, 116 and the south 32 feet of Lot 117, Original Town of Kearney Junction now the City of Kearney, Buffalo County, Nebraska (northeast corner of 1st Avenue and 22nd Street).
8. **Hearing: Final Plat No. 2013-08 – US Bank Subdivision**
Application submitted by Olsson Associates (Applicant) for U.S. Bank National Association (Owner) for the Final Plat for U.S. Bank Subdivision to the City of Kearney, Buffalo County, Nebraska for property described as Lots 115, 116 and the south 32 feet of Lot 117, Original Town of Kearney Junction now the City of Kearney, Buffalo County, Nebraska (to be vacated) (northeast corner of 1st Avenue and 22nd Street).

9. **Hearing: Rezoning No. 2013-07**

Application submitted by Buffalo Surveying (Applicant) for D.R. and Marilyn Nelson and Jim and Pamela Wilkinson (Owner) to rezone from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) property described as a tract of land being part of the Northeast Quarter of the Northwest Quarter of Section 29, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska excepting therefrom a tract of land conveyed to Buffalo County, Nebraska as described in Warranty Deed filed at Instrument No. 1999-7128 recorded September 1, 1999 in the Office of the Buffalo County Register of Deeds (1/2 mile east of Cottonmill Avenue and 56th Street).

10. **Hearing: Preliminary Plat No. 2013-09 – D. R. Nelson Subdivision**

Application submitted by Buffalo Surveying (Applicant) for D.R. and Marilyn Nelson and Jim and Pamela Wilkinson (Owner) for the Preliminary Plat for D. R. Nelson Subdivision, Buffalo County Nebraska, for property described as a tract of land being part of the Northeast Quarter of the Northwest Quarter of Section 29, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska excepting therefrom a tract of land conveyed to Buffalo County, Nebraska as described in Warranty Deed filed at Instrument No. 1999-7128 recorded September 1, 1999 in the Office of the Buffalo County Register of Deeds (1/2 mile east of Cottonmill Avenue and 56th Street). ***FINAL ACTION***

11. **Hearing: Final Plat No. 2013-09 – D. R. Nelson Subdivision**

Application submitted by Buffalo Surveying (Applicant) for D.R. and Marilyn Nelson and Jim and Pamela Wilkinson (Owner) for the Final Plat for D. R. Nelson Subdivision, Buffalo County Nebraska, for property described as a tract of land being part of the Northeast Quarter of the Northwest Quarter of Section 29, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska excepting therefrom a tract of land conveyed to Buffalo County, Nebraska as described in Warranty Deed filed at Instrument No. 1999-7128 recorded September 1, 1999 in the Office of the Buffalo County Register of Deeds (1/2 mile east of Cottonmill Avenue and 56th Street).

12. **Partial Vacation No. Prior to 1950-15 and 1991-08 – Continued to the July 19, 2013 Planning Commission Meeting**

Application submitted by Buffalo Surveying (Applicant) for Marvin Taylor and Bryan and Susan Slater (Owner) to vacate property described as Lots 4 through 12, inclusive, Lots 63 through 71, inclusive, Lots 78 through 86, inclusive, Lots 137 through 145, inclusive, Lots 152 through 160, inclusive, and Lot 267, all in Cottage Addition to the City of Kearney, Buffalo County, Nebraska, together with Lot 1, Rainbow Acres Addition, an addition to the City of Kearney, Buffalo County, Nebraska (south of 16th Street and Avenue M).

13. **Hearing: Preliminary Plat No. 2013-10 – Taylor Addition – Continued to the July 19, 2013 Planning Commission Meeting**

Application submitted by Buffalo Surveying (Applicant) for Marvin Taylor and Bryan and Susan Slater (Owner) for the Preliminary Plat for Taylor Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as Lots 4 through 12, inclusive, Lots 63 through 71, inclusive, Lots 78 through 86, inclusive, Lots 137 through 145, inclusive, Lots 152 through 160, inclusive, and Lot 267, all in Cottage Addition to the City of Kearney, Buffalo County, Nebraska, together with Lot 1, Rainbow Acres Addition, an addition to the City of Kearney, Buffalo County, Nebraska (south of 16th Street and Avenue M). ***FINAL ACTION***

14. Hearing: Final Plat No. 2013-09 – Taylor Addition – Continued to the July 19, 2013 Planning Commission Meeting

Application submitted by Buffalo Surveying (Applicant) for Marvin Taylor and Bryan and Susan Slater (Owner) for the Final Plat for Taylor Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as Lots 4 through 12, inclusive, Lots 63 through 71, inclusive, Lots 78 through 86, inclusive, Lots 137 through 145, inclusive, Lots 152 through 160, inclusive, and Lot 267, all in Cottage Addition to the City of Kearney, Buffalo County, Nebraska, together with Lot 1, Rainbow Acres Addition, an addition to the City of Kearney, Buffalo County, Nebraska (south of 16th Street and Avenue M).

15. Hearing: Rezoning No. 2013-08

Application submitted by Craig Bennett (Applicant) for The Buckle, Inc. (Owner) to rezone from District C-3, General Commercial District to District C-3/PD, General Commercial District/Planned Development Overlay District on property described as being part of Lots 6 and 7 of Tract "G", a subdivision of the Southwest Quarter of Section 34, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska; and Lot 2, Stansbury Addition, an addition to the City of Kearney, Buffalo County, Nebraska (northwest corner of Country Club Lane and 24th Street).

16. Hearing: Planned District Development Plan Approval No. 2013-08

Application submitted by Craig Bennett (Applicant) for The Buckle, Inc. (Owner) for Planned District Development Plan Approval for the location of a new corporate building on property to be zoned District C-3/PD, General Commercial District/Planned Development Overlay District on property described as being part of Lots 6 and 7 of Tract "G", a subdivision of the Southwest Quarter of Section 34, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska; and Lot 2, Stansbury Addition, an addition to the City of Kearney, Buffalo County, Nebraska (northwest corner of Country Club Lane and 24th Street).

17. Hearing: Land Use Map Amendment No. 2013-02

Application submitted by City of Kearney, Nebraska (Applicant and Owner) for Amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Light Industrial to Business Park property described as tract of land located in part of the South Half of the Southwest Quarter and part of the Southwest Quarter of the Southeast Quarter of Section 21, and part of the North Half of the Northwest Quarter and part of the Northwest Quarter of the Northeast Quarter of Section 28, all in Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (east of Cherry Avenue, 1300 feet north and south of 56th Street).

18. Hearing: Rezoning No. 2013-09

Application submitted by City of Kearney, Nebraska (Applicant and Owner) to rezone from District M-1, Limited Industrial District to District BP, Business Park District property described as tract of land located in part of the South Half of the Southwest Quarter and part of the Southwest Quarter of the Southeast Quarter of Section 21, and part of the North Half of the Northwest Quarter and part of the Northwest Quarter of the Northeast Quarter of Section 28, all in Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (east of Cherry Avenue, 1300 feet north and south of 56th Street).

19. Hearing: Code Amendment No. 2013-02 – Chapters 13 and 14 – Continued from the April 19, 2013 Planning Commission Meeting

Proposed amendments to the following chapters/sections of the City Code:

- Clarification of selected use types in Chapter 13 “Use Types” and the addition of “Vertical Axis Wind Turbines” to Section 13-111 “Miscellaneous Type Uses” in Chapter 13 of the Code of the City of Kearney.
- Amendments to Section 13-105 “Civic Use Types” of Chapter 13 “Use Types” to allow for pet cemeteries and pet crematoria; to better define and clarify Day Care Home Services (Limited); to define and regulate Day Care Home Services (General); to better define Day Care Centers; to define and regulate Group Care Facility (Limited).
- Amendments to Section 13-107 “Commercial Use Types” of Chapter 13 “Use Types” to better define Auto Services Limited; to define and regulate Auto Services General; to delete Body Repair; to define and regulate Commercial Recreation Outdoor; to define and regulate Fuel Sales; to define and regulate Furniture and Appliance Stores; to delete the reference of pet cemeteries and crematoria, and veterinary hospitals for livestock and large animals from “Veterinary Services (General).
- Amendments to Section 13-110 “Transportation Use Types” of Chapter 13 “Use Types” to better define Truck Terminal; to include Driving Range.
- Amendment to Section 14-112 “Use Matrix: Levels of Permitted Uses of Chapter 14 “Zoning District Regulations” to delete the provision of Site Plan Approval and replace it with Planned Development.
- Various amendments to Table 14-1 “Use Matrix” in Chapter 14 “Zoning District Regulations” of the Code of the City of Kearney, including corresponding changes resulting from the Chapter 13 “Use Types” amendments.
- Changes to the use categories of various uses in Table 14-1 between the functional categories of (a) permitted as a matter of right, (b) permitted as a conditional use, (c) prohibited, or (d) permitted if in existence at the time of adoption of the ordinance.
- Removal of the requirement for Site Plan Review for various uses in Table 14-1 “Use Matrix”, and instead requiring a PD, Planned District Overlay for certain uses that warrant a higher level of review.
- Changes to the Civic Use Types category in Table 14-1 to include Day Care Home Services (Limited), Day Care Homes Services (General), Day Care Centers, and Group Care Facility (Limited)
- Changes to the Commercial Use Types category in Table 14-1 to delete Body Repair and replace with Auto Services-General; and to include Fuel Sales.
- Change to the Parking and Transportation Use Types category in Table 14-1 to include Driving Range and Vertical Axis Wind Turbines (VAWT).

20. Hearing: Code Amendment No. 2013-02 – Chapter 46 – Continued from the April 19, 2013 Planning Commission Meeting

Proposed amendments to the following chapter/section of the City Code:

- New language in Section 46-104 “Supplemental Use Regulations: Civic Uses” of Chapter 46 “Supplemental Use Regulations” to include Day Care Homes Services and Day Care Centers.
- New language in Section 46-111 “Supplemental Use Regulations: Miscellaneous Uses” of Chapter 46 “Supplemental Use Regulations” introducing regulations for vertical axis wind turbines.

21. Hearing: Code Amendment No. 2013-02 – Chapter 47 – Continued from the April 19, 2013 Planning Commission Meeting

Proposed amendments to the following chapter/section of the City Code:

- Proposed reduction of the required rear yard setback from 30 to 25 feet for single-family residential lots that are irregularly shaped in Section 47-104 “Setback Adjustments” of Chapter 47 “Supplemental Development Regulations”.

22. Report/Comments from Board Members.

23. Adjournment.

Chairman James Ganz, Jr. 22 Hillcrest Drive Kearney, NE 68845 237-5146 jganzjr@frontiernet.net	Vice-Chairman Stan Dart 2410 65th Avenue Place Kearney, NE 68845 234-1616 msdart@charter.net	Board Member Robert Cunningham 2203 West 50th Street Kearney, NE 68845 865-7276 rob Cunningham@catholichealth.net
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A current agenda is on file at the Office of Development Services, 1st Floor at City Hall, 18 East 22nd Street, Kearney, Nebraska. For more information, call (308) 233-3254 or visit our website at www.cityofkearney.org.