

PLANNING COMMISSION

AGENDA

City Council Chambers, 18 East 22nd Street

August 16, 2013

9:00 a.m.

1. Announcement on Open Meetings Act.
2. Roll call.
3. Approve Minutes of meeting held July 19, 2013.
4. **Hearing: Rezoning No. 2013-13**
Application submitted by Brock Arehart (Applicant) for JWB LLC (Owner) to rezone from District M-1, Limited Industrial District to District CBD, Kearney Center Mixed Use District property described as Lots 535 through 537, Lot 538 except the south 17 feet of the north 18 feet, Original Town of Kearney Junction, now the City of Kearney, Buffalo County, Nebraska (2001 Avenue A).
5. **Hearing: Rezoning No. 2013-07 – Continued from the July 19, 2013 Planning Commission Meeting**
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).
6. **Hearing: Preliminary Plat No. 2013-09 – D. R. Nelson Subdivision – Continued from the July 19, 2013 Planning Commission Meeting**
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***
7. **Hearing: Final Plat No. 2013-09 – D. R. Nelson Subdivision – Continued from the July 19, 2013 Planning Commission Meeting**
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).

- 8. Hearing: Revised Planned District Development Plan Approval No. 2008-19A – Continued from the July 19, 2013 Planning Commission Meeting**
Application submitted by Miller & Associates (Applicant) for WNH, LLC (Owner) for Revised Planned District Development Plan Approval for a proposed helicopter pad on property zoned District C-0/PD, Office/Planned Development Overlay District on property described as Lot 1 of Block Three, Western Nebraska Property Development Addition, an addition to the City of Kearney, Buffalo County, Nebraska (west of 22nd Avenue and south of 10th Street).
- 9. Hearing: Planned District Development Plan Approval No. 2001-13**
Application submitted by REGA Engineering Group, Inc. (Applicant) and Roberta Corrigan Farms and Roberta Corrigan Trustee (Owner) for Planned District Development Plan Approval for the construction of a Taco Bell on property zoned District C-2/PD, Community Commercial/Planned Development Overlay District on property described as Lot 2, Ingalls Crossing Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (east of 2nd Avenue north of West 56th Street).
- 10. Hearing: Rezoning No. 2013-14**
Application submitted by Sam Ferrise (Applicant) for Baldwin Filters, Inc. (Owner) to rezone from District M-2, General Industrial District to District M-2/PD, General Industrial/Planned Development Overlay District property described as Lot 1, Baldwin Subdivision, Buffalo County, Nebraska (4400 East Highway 30).
- 11. Hearing: Planned District Development Plan Approval No. 2013-14**
Application submitted by Sam Ferrise (Applicant) for Baldwin Filters, Inc. (Owner) for Planned District Development Plan Approval for an expansion to the Baldwin Filters Distribution Center on property to be zoned District M-2/PD, General Industrial/Planned Development Overlay District on property described as Lot 1, Baldwin Subdivision, Buffalo County, Nebraska (4400 East Highway 30).
- 12. Vacation No. 1978-13 and Partial Vacation No. 2007-04**
Application submitted by Miller & Associates (Applicant) for Joseph Sobotka, Richard and Gwendolyn Luth, and Excalibar Enterprises, Inc. (Owner) to vacate a tract of land being part of the Northwest Quarter of the Southwest Quarter of Section 6, Township 8 North, Range 15 West of the 6th P.M., City of Kearney, Buffalo County, Nebraska, including Lots 1 and 2, Luth and Sobotka Industrial Park, a subdivision to the City of Kearney, Lots 149 through 151 and Lots 201 through 206, part of Avenue O and Avenue P as platted in Cottage Addition to the City of Kearney, and unplatted Tax Lot 8, City of Kearney Buffalo County, Nebraska (east of Avenue M and north of 16th Street).
- 13. Hearing: Rezoning No. 2013-15**
Application submitted by Miller & Associates (Applicant) for Joseph Sobotka, Richard and Gwendolyn Luth, and Excalibar Enterprises, Inc. (Owner) to rezone from District R-1, Urban Residential Single-Family District (Low Density) to District R-2, Urban Residential Mixed-Density District property described as a tract of land being part of the Northwest Quarter of the Southwest Quarter of Section 6, Township 8 North, Range 15 West of the 6th P.M., City of Kearney, Buffalo County, Nebraska (east of Avenue M and north of 16th Street).
- 14. Hearing: Preliminary Plat No. 2013-12 – Proposed Marlatt Addition**
Application submitted by Miller & Associates (Applicant) for Joseph Sobotka, Richard and Gwendolyn Luth, and Excalibar Enterprises, Inc. (Owner) for the Preliminary Plat for Marlatt Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a

tract of land being part of the Northwest Quarter of the Southwest Quarter of Section 6, Township 8 North, Range 15 West of the 6th P.M., City of Kearney, Buffalo County, Nebraska, including Lots 1 and 2, Luth and Sobotka Industrial Park, a subdivision to the City of Kearney (now vacated), Lots 149 through 151 and Lots 201 through 206, part of Avenue O and Avenue P as platted in Cottage Addition to the City of Kearney (now vacated), and unplatted Tax Lot 8, City of Kearney Buffalo County, Nebraska (east of Avenue M and north of 16th Street). ***FINAL ACTION***

15. Hearing: Final Plat No. 2013-12 – Proposed Marlatt Addition

Application submitted by Miller & Associates (Applicant) for Joseph Sobotka, Richard and Gwendolyn Luth, and Excalibar Enterprises, Inc. (Owner) for the Final Plat for Marlatt Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of the Northwest Quarter of the Southwest Quarter of Section 6, Township 8 North, Range 15 West of the 6th P.M., City of Kearney, Buffalo County, Nebraska, including Lots 1 and 2, Luth and Sobotka Industrial Park, a subdivision to the City of Kearney (now vacated), Lots 149 through 151 and Lots 201 through 206, part of Avenue O and Avenue P as platted in Cottage Addition to the City of Kearney (now vacated), and unplatted Tax Lot 8, City of Kearney Buffalo County, Nebraska (east of Avenue M and north of 16th Street).

16. Hearing: Code Amendment No. 2013-02 – Chapters 13 and 14 – Continued to the August 16, 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).

17. Hearing: Code Amendment No. 2013-02 – Chapter 46 – Continued to the August 16, 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.

18. Hearing: Code Amendment No. 2013-02 – Chapter 47 – Continued to the August 16, 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”.

19. Report/Comments from Board Members.

20. 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 1709 West 38 th Street, #37 Kearney, NE 68845 865-7276 robcunningham@catholichealth.net
Board Member Jim McKeon 711 13th Avenue Kearney, NE 68845 236-2223 jlmckeo@hnpd.com	Board Member Jason Peck 910 East 30 th Drive Kearney, NE 68847 627-3568 jason.peck2417@gmail.com	Board Member Paul Fredrickson 914 Avenue D Kearney, NE 68847 236-5928 fastfreddy@fredconst.com
Board Member Andrew Williams 9030 Pleasant Valley Drive Kearney, NE 68845 224-1374 ajsewilliams@asaew.com	Board Member John Lowe 7 Wedge Way Kearney, NE 68845 440-3709 jslowe4@gmail.com	Board Member Jack McSweeney 2712 Central Avenue Kearney, NE 68847 234-5550 jack@century21midlands.com

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