

**Planning Commission
Kearney, Nebraska
November 17, 2017
9:00a.m.**

Chairman Dart called to order the City of Kearney Planning Commission meeting in the Council Chambers at 9:00 a.m. on Friday, November 17, 2017. The following members were present: Paul Fredrickson, Dave Malone, Jack McSweeney, Stan Dart, Ed Berglund, Jim McKeon, Richard McGinnis, Justin Wolf. The following member was absent: Tami Moore. Coelette Gruber, City Planner was also present. Some of the citizens present in the audience included: Josh Liljehorn, Mitch Humphrey, Craig Bennett and Amanda Push from the Kearney Hub.

Notice of the meeting was given in advance thereof by publication in the Kearney Hub, the designated method for giving notice, a copy of the proof of publication being filed with these minutes. Advance notice of the meeting was also given to the Planning Commission and availability of the Agenda was communicated in the advance notice. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

ANNOUNCEMENT

Chairman Dart announced that in accordance with Section 84-1412 of the Nebraska Revised Statutes, a current copy of the Open Meetings Act is available for review and is posted on the wall at the back of the Council Chambers.

APPROVAL OCTOBER 20, 2017 MINUTES

Moved by Malone and seconded by Fredrickson that the minutes of the October, 2017 Planning Commission meeting be approved.

Roll call resulted as follows: Aye: Dart, Wolf, McSweeney, Fredrickson, McGinnis, Malone. Nay: None. McKeon and Berglund abstained. Absent: Moore. Motion carried.

LAND USE MAP AMENDMENT NO. 2017-06 – 2314 AVENUE H

Chairman Dart opened the public hearing on the application submitted by S & J Rentals, Inc. dba S & J Construction for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Medium Density Residential to Office/Comm. Retail Mixed Uses property described as the North Half of Lot 8, Original Town of Kearney Junction now the City of Kearney, Buffalo County, Nebraska (2314 Avenue H).

This and the next hearing were discussed together but voted on separately.

Josh Liljehorn presented this item to the Planning Commission.

Mr. Liljehorn stated his father owns the property at 2314 Avenue H and the property to the north. They are going to demolish the house and use the lot for parking. In order to do so they have to rezone the property from R-3 to C-3. They will install a privacy fence along the south side of the lot to provide a buffer between the parking lot and the house to the south.

City Planner stated the Future Land Use Map designation is Medium Density Residential and will need to be amended to Office Commercial Retail Mixed Use which is compatible with C-3 zoning. C-3 zoning will require the parking lot to be hard surfaced and a bufferyard will be required along the south side of the property. The Comprehensive Plan related reference is: "The development of an efficient parking plan within commercial areas for both on and off-street parking."

There was no one present in opposition to this hearing.

Chairman Dart closed the hearing.

Moved by McSweeney and seconded by McGinnis that the application submitted by S & J Rentals, Inc. dba S & J Construction for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Medium Density Residential to Office/Comm. Retail Mixed Uses property described as the North Half of Lot 8, Original Town of Kearney Junction now the City of Kearney, Buffalo County, Nebraska (2314 Avenue H) be submitted to City Council with recommendation for approval.

Roll call resulted as follows: Aye: Wolf, McSweeney, Fredrickson, McGinnis, Berglund, McKeon, Malone, Dart. Nay: None. Absent: Moore. Motion carried.

REZONING NO. 2017-21 – 2314 AVENUE H

Chairman Dart opened the public hearing on the application submitted by S & J Rentals, Inc. dba S & J Construction to rezone from District R-3, Urban Residential Multi-Family District (Medium Density) to District C 3, General Commercial District property described as the North Half of Lot 8, Original Town of Kearney Junction now the City of Kearney, Buffalo County, Nebraska (2314 Avenue H).

This item was discussed during the hearing to amend the Land Use Map.

There was no one present in opposition to this hearing.

Chairman Dart closed the hearing.

Moved by McSweeney and seconded by McGinnis that the application submitted by S & J Rentals, Inc. dba S & J Construction to rezone from District R-3, Urban Residential Multi-Family District (Medium Density) to District C 3, General Commercial

District property described as the North Half of Lot 8, Original Town of Kearney Junction now the City of Kearney, Buffalo County, Nebraska (2314 Avenue H) be submitted to City Council with recommendation for approval.

Roll call resulted as follows: Aye: McSweeney, Fredrickson, McGinnis, Berglund, Malone, Dart, Wolf, McKeon. Nay: None. Absent: Moore. Motion carried.

REZONING NO. 2017-22 – 105 WEST 25TH STREET

Chairman Dart opened the public hearing on the application submitted by Charles Rogers for C-K-C, Inc. to rezone from District CBD, Kearney Center Mixed Use District to District C-3, General Commercial District property described as Lots 85 and 86, Southwest Quarter School Section Addition to the City of Kearney, Buffalo County, Nebraska (105 West 25th Street).

Coelette Gruber, City Planner, presented this item to the Planning Commission.

City Planner stated Charles Rogers is requesting approval for rezoning the property located at 105 West 25th Street. The property is currently zoned CBD, Central Business District. In 2014 a code amendment removed the auto rental/sales use type as a permitted by right in the CBD, Central Business District. The property has recently been leased to Top Line Auto Sales to be used for automobile sales. At this time it is a legal non-conforming use but the owner would like to change the zoning in order to have the auto sales lot conform to current code. The surrounding zoning is UC to the north, C-3 across the street at Walgreens and CBD from the northeast corner where Safelite Auto Glass is all the way through to Apple Market's lot. The Future Land Use Map designation for this area is MU2, Office Commercial Retail Mixed Use which is compatible with C-3 zoning. Staff believes C-3 zoning is more appropriate because it requires off-street parking; CBD zoning does not require off-street parking.

McSweeney asked if this would be considered spot zoning.

City Planner stated the Future Land Use Map designation shows the development of this area as being mixed-use; it does not designate the area as being CBD.

McSweeney stated he is concerned about the two properties on either side of the car lot. Should these properties be concerned about the future of their zoning if the middle property has been rezoned to C-3? Is it the intent of the City to rezone the whole block to C-3?

City Planner stated the Future Land Use Map shows this area as becoming a mixed-use development in the future. The owner of this property is coming forward at this time to request their property be rezoned from CBD to C-3. The City does not go and ask other property owners if they want to rezone their property.

McSweeney asked why the owner needs to rezone their property since the car lot can

continue as a non-conforming legal use.

City Planner stated the owner would like rezone the property so the car lot is permitted by right and is not a non-conforming use.

Malone stated there is C-3 zoning to the west at Walgreens and C-3 zoning to the east at Five Points Bank. The development north of 25th Street is different than the development south of 25th Street, which is really a Central Business District development. He believes it makes sense to approach the owners that are zoned CBD north of 25th Street and rezone that whole area to make the zoning consistent with the Land Use Map and the neighboring properties.

Wolf asked what the difference was regarding site development regulations between CBD and C-3 zoning districts.

City Planner stated in C-3 zoning districts 35% masonry is required for street facing facades and 75% masonry for street facing facades is required in CBD zoning districts. In CBD zoning districts you can build lot line to lot line; setbacks are required in C-3 zoning districts. CBD zoning districts do not require off-street parking; C-3 zoning districts do require off-street parking. Use types are similar in both zoning districts but there are some higher use types that are allowed in C-3 zoning districts. Landscaping is not required in CBD zoning districts but the minimum depth of landscaping required adjacent to the street right-of-way line is 10 feet in C-3 zoning districts.

Malone stated he believes it makes sense to rezone the entire block to C-3 and would like to have the City investigate rezoning the neighboring properties to C-3.

City Planner stated the Comprehensive Plan related reference states: "Maintain fair and flexible zoning and land use regulations so that future commercial development activities can continue in the Central Business District, 2nd Avenue, Highway 30 corridor, and Cherry Avenue corridor."

McSweeney stated he does not believe the owner understands the unintended consequences of rezoning the property to C-3. His understanding is that the owner did not come to the City and say they wanted to rezone the property from CBD to C-3. He believes the owner wanted a letter from the City stating they can continue to operate the auto sales business and that is when the City asked the owner if they would rather rezone the property to C-3.

McGinnis stated he believes if the applicant had hired someone locally to represent them a lot of the questions the Planning Commission is asking would be answered which would allow them to make a more objective decision. Without that representation the Planning Commission is speculating and they are uncertain as to what they should or shouldn't be doing.

There was no one present in opposition to this hearing.

Chairman Dart closed the hearing.

Moved by Malone and seconded by McGinnis that the application submitted by Charles Rogers for C-K-C, Inc. to rezone from District CBD, Kearney Center Mixed Use District to District C-3, General Commercial District property described as Lots 85 and 86, Southwest Quarter School Section Addition to the City of Kearney, Buffalo County, Nebraska (105 West 25th Street) be continued to the December 15, 2017 Planning Commission meeting in order to get more information from the owner or the owner's representatives and to have the City contact the neighboring owners and ask them if they are interested in changing their zoning to C-3.

Roll call resulted as follows: Aye: Fredrickson, McGinnis, Berglund, Malone, McKeon, Wolf, McSweeney. Nay: Dart. Absent: Moore. Motion carried.

PARTIAL VACATION NO. 2000-30 – NORTHRIDGE RETIREMENT SUBDIVISION

Application submitted by Buffalo Surveying Corporation for NP Land Development, Inc. to vacate Lot 1, Block 2, Northridge Retirement Subdivision, a subdivision being part of the East Half of the Northeast Quarter of Section 27, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (West of 17th Avenue and South of 54th Street).

This and the next four items were discussed together but voted on separately.

Mitch Humphrey with Buffalo Surveying presented these items to the Planning Commission.

Mr. Humphrey stated this site is located west of 17th Avenue, south of 54th Street. The current zoning for this piece of property is R-3/PD. NP Land Development would like to keep the R-3/PD zoning along 17th Avenue and 54th Street which contains 2.97 acres and construct apartment buildings. The applicant is requesting the remaining 5.89 acres be rezoned to R-1. All of Lot 1, Block 2 of Northridge Retirement Subdivision will be vacated and replatted into one multi-family lot and 16 single-family lots. The Register of Deeds office has indicated they have a Northridge Estates in Pleasanton so the applicant has elected to rename the subdivision to Northridge Estates of Kearney.

Mr. Humphrey explained the Infrastructure Feasibility Plan to the Planning Commission.

City Planner stated the PD Overlay can be removed from the property being rezoned to R-1 since no substantial development has taken place since the approval of the PD Overlay District in 2000. The Future Land Use Map designation of Medium Density Residential will be amended to Low Density Residential for the lots being rezoned to R-1. The property's Future Land Use Map designation of Medium Density Residential will continue on lot remaining R-3/PD. The 17 lot subdivision meets all of the site development regulations in regard to lot requirements. The remaining site regulation

requirements shall be met at the time of development during the building permit application process. The Comprehensive Plan related reference states: "Encourage future residential development which is compatible and complements existing neighborhoods." This subdivision continues the low density residential found to the south and is similar to the multi-family residential along 17th Avenue to the north.

There was no one present in opposition to the vacation of property.

Chairman Dart closed the hearing.

Moved by Wolf and seconded by McGinnis that the application submitted by Buffalo Surveying Corporation for NP Land Development, Inc. to vacate Lot 1, Block 2, Northridge Retirement Subdivision, a subdivision being part of the East Half of the Northeast Quarter of Section 27, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (West of 17th Avenue and South of 54th Street) be submitted to City Council with recommendation for approval.

Roll call resulted as follows: Aye: McGinnis, Berglund, Malone, McKeon, Dart, Wolf, McSweeney, Fredrickson. Nay: None. Absent: Moore. Motion carried.

LAND USE MAP AMENDMENT NO. 2017-07 – NORTHRIDGE ESTATES OF KEARNEY

Chairman Dart opened the public hearing on the application submitted by Buffalo Surveying Corporation for NP Land Development, Inc. for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Medium Density Residential to Low Density Residential property described as a tract of land being part of Lot 1, Block 2, to be vacated, Northridge Retirement Subdivision, a subdivision being part of the East Half of the Northeast Quarter of Section 27, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (West of 17th Avenue and South of 54th Street).

This item was discussed during the hearing to vacate property.

There was no one present in opposition to this hearing.

Chairman Dart closed the hearing.

Moved by Wolf and seconded by McGinnis that the application submitted by Buffalo Surveying Corporation for NP Land Development, Inc. for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Medium Density Residential to Low Density Residential property described as a tract of land being part of Lot 1, Block 2, to be vacated, Northridge Retirement Subdivision, a subdivision being part of the East Half of the Northeast Quarter of Section 27, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (West of 17th Avenue and South of 54th Street) be submitted to City Council with recommendation for

approval.

Roll call resulted as follows: Aye: Berglund, Malone, Dart, Wolf, McKeon, McSweeney, Fredrickson, McGinnis. Nay: None. Absent: Moore. Motion carried.

REZONING NO. 2017-23 – NORTHRIDGE ESTATES OF KEARNEY

Chairman Dart opened the public hearing on the application submitted by Buffalo Surveying Corporation for NP Land Development, Inc. to rezone from District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District to District R-1, Urban Residential Single-Family District (Low Density) property described as a tract of land being part of Lot 1, Block 2, to be vacated, Northridge Retirement Subdivision, a subdivision being part of the East Half of the Northeast Quarter of Section 27, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (West of 17th Avenue and South of 54th Street).

This item was discussed during the hearing to vacate property.

There was no one present in opposition to this hearing.

Chairman Dart closed the hearing.

Moved by Wolf and seconded by McGinnis that the application submitted by Buffalo Surveying Corporation for NP Land Development, Inc. to rezone from District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District to District R-1, Urban Residential Single-Family District (Low Density) property described as a tract of land being part of Lot 1, Block 2, to be vacated, Northridge Retirement Subdivision, a subdivision being part of the East Half of the Northeast Quarter of Section 27, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (West of 17th Avenue and South of 54th Street) be submitted to City Council with recommendation for approval.

Roll call resulted as follows: Aye: Malone, Dart, Wolf, McSweeney, McKeon, Fredrickson, McGinnis, Berglund. Nay: None. Absent: Moore. Motion carried.

PRELIMINARY PLAT NO. 2017-23 – NORTHRIDGE ESTATES OF KEARNEY

Chairman Dart opened the public hearing on the application submitted by Buffalo Surveying Corporation for NP Land Development, Inc. for the Preliminary Plat for Northridge Estates of Kearney, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being Lot 1, Block Two, to be vacated, Northridge Retirement Subdivision, a subdivision being part of the East Half of the Northeast Quarter of Section 27, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, to be an addition to the City of Kearney, Buffalo County, Nebraska (West of 17th Avenue and South of 54th Street).

This item was discussed during the hearing to vacate property.

There was no one present in opposition to this hearing.

Chairman Dart closed the hearing.

Moved by Wolf and seconded by McGinnis that the application submitted by Buffalo Surveying Corporation for NP Land Development, Inc. for the Preliminary Plat for Northridge Estates of Kearney, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being Lot 1, Block Two, to be vacated, Northridge Retirement Subdivision, a subdivision being part of the East Half of the Northeast Quarter of Section 27, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, to be an addition to the City of Kearney, Buffalo County, Nebraska (West of 17th Avenue and South of 54th Street) be approved. ***FINAL ACTION***

Roll call resulted as follows: Aye: Dart, Wolf, McSweeney, Fredrickson, McGinnis, McKeon, Berglund, Malone. Nay: None. Absent: Moore. Motion carried.

FINAL PLAT NO. 2017-23 NORTHRIDGE ESTATES OF KEARNEY

Chairman Dart opened the public hearing on the application submitted by Buffalo Surveying Corporation for NP Land Development, Inc. for the Final Plat for Northridge Estates of Kearney, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being Lot 1, Block Two, to be vacated, Northridge Retirement Subdivision, a subdivision being part of the East Half of the Northeast Quarter of Section 27, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, to be an addition to the City of Kearney, Buffalo County, Nebraska (West of 17th Avenue and South of 54th Street).

This item was discussed during the hearing to vacate property.

There was no one present in opposition to this hearing.

Chairman Dart closed the hearing.

Moved by Wolf and seconded by McGinnis that the application submitted by Buffalo Surveying Corporation for NP Land Development, Inc. for the Final Plat for Northridge Estates of Kearney, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being Lot 1, Block Two, to be vacated, Northridge Retirement Subdivision, a subdivision being part of the East Half of the Northeast Quarter of Section 27, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, to be an addition to the City of Kearney, Buffalo County, Nebraska (West of 17th Avenue and South of 54th Street) be submitted to City Council with recommendation for approval.

Roll call resulted as follows: Aye: Dart, Wolf, McSweeney, Fredrickson, McGinnis, McKeon, Berglund, Malone. Nay: None. Absent: Moore. Motion carried.

REZONING NO. 2017-24 SILVERTON ADDITION

Chairman Dart opened the public hearing on the application submitted by Miller & Associates for Grand West, LLC to rezone from District AG, Agricultural District to District C-2, Community Commercial District property described as a tract of land being part of the Northwest Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (Southwest corner of 56th Street and 15th Avenue).

This and the next three hearings were discussed together but voted on separately.

Craig Bennett with Miller & Associates presented these items to the Planning Commission.

Mr. Bennett stated the name of the subdivision is going to be Silverton Addition and is located south of 56th Street, west of Mead Lumber. The proposed subdivision is one lot containing 2.96 acres. The property is adjacent to city limits and will be annexed. The property is currently zoned AG and the applicant is requesting the parcel be rezoned to C-2. The property's Future Land Use Map designation of Office/Commercial Retail Mixed Use is compatible with C-2 zoning. There will be a right-in right-out access off of 56th Street and 55th Street Place, located at the south side of the property, will end in a cul-de-sac.

Mr. Bennett explained the Infrastructure Feasibility Plan to the Planning Commission.

City Planner stated this subdivision meets all of the site development regulations in regard to lot requirements. The remaining site regulation requirements shall be met at the time of development during the building permit application process. The Comprehensive Plan related reference states: "Establish and maintain land-use development patterns and densities in the community, that best conform with the desires and needs of the residents and emphasize improved quality of development and livability for the residents of the community."

There was no one present in opposition to this hearing.

Chairman Dart closed the hearing.

Moved by Berglund and seconded by McKeon that the application submitted by Miller & Associates for Grand West, LLC to rezone from District AG, Agricultural District to District C-2, Community Commercial District property described as a tract of land being part of the Northwest Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (Southwest corner of 56th Street and 15th Avenue) be submitted to City Council with recommendation for

approval.

Roll call resulted as follows: Aye: McKeon, Wolf, McSweeney, Fredrickson, McGinnis, Berglund, Malone, Dart. Nay: None. Absent: Moore. Motion carried.

PRELIMINARY PLAT NO. 2017-24 – SILVERTON ADDITION

Chairman Dart opened the public hearing on the application submitted by Miller & Associates for Grand West, LLC for the Preliminary Plat for Silverton 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 Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (Southwest corner of 56th Street and 15th Avenue).

This item was discussed during the hearing to rezone property.

There was no one present in opposition to this hearing.

Chairman Dart closed the hearing.

Moved by Berglund and seconded by McKeon that the application submitted by Miller & Associates for Grand West, LLC for the Preliminary Plat for Silverton 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 Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (Southwest corner of 56th Street and 15th Avenue) be approved. ***FINAL ACTION***

Roll call resulted as follows: Aye: McSweeney, Fredrickson, McGinnis, McKeon, Berglund, Malone, Dart, Wolf. Nay: None. Absent: Moore. Motion carried.

FINAL PLAT NO. 2017-24 – SILVERTON ADDITION

Chairman Dart opened the public hearing on the application submitted by Miller & Associates for Grand West, LLC for the Final Plat for Silverton 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 Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (Southwest corner of 56th Street and 15th Avenue).

This item was discussed during the hearing to rezone property.

There was no one present in opposition to this hearing.

Chairman Dart closed the hearing.

Moved by Berglund and seconded by McKeon that the application submitted by Miller &

Associates for Grand West, LLC for the Final Plat for Silverton 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 Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (Southwest corner of 56th Street and 15th Avenue) be submitted to City Council with recommendation for approval.

Roll call resulted as follows: Aye: McSweeney, Fredrickson, McGinnis, McKeon, Berglund, Malone, Dart, Wolf. Nay: None. Absent: Moore. Motion carried.

ANNEXATION NO. 2017-24 – SILVERTON ADDITION

Chairman Dart opened the public hearing on the application submitted by Miller & Associates for Grand West, LLC for the annexation of Silverton 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 Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (Southwest corner of 56th Street and 15th Avenue).

This item was discussed during the hearing to rezone property.

There was no one present in opposition to this hearing.

Chairman Dart closed the hearing.

Moved by Berglund and seconded by McKeon that the application submitted by Miller & Associates for Grand West, LLC for the annexation of Silverton 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 Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (Southwest corner of 56th Street and 15th Avenue) be submitted to City Council with recommendation for approval.

Roll call resulted as follows: Aye: Fredrickson, McGinnis, Berglund, Malone, Dart, McKeon, Wolf, McSweeney. Nay: None. Absent: Moore. Motion carried.

CODE AMENDMENT NO. 2017-02 - CONTINUED FROM THE SEPTEMBER 15, AND OCTOBER 20, 2017 PLANNING COMMISSION MEETINGS

Chairman Dart opened the public hearing on the proposed amendment to Section 28-103 "Special Regulations and Standards" of Chapter 28 "District CBD, Kearney Center Mixed Use District" to add language regarding encroachments into the public right-of-way and clearance requirements.

Chairman Dart stated there is a letter on file requesting this item be continued to the December 15, 2017 Planning Commission meeting.

Moved by McSweeney and seconded by Malone that the proposed amendment to Section 28-103 "Special Regulations and Standards" of Chapter 28 "District CBD, Kearney Center Mixed Use District" to add language regarding encroachments into the public right-of-way and clearance requirements be continued to the December 15, 2017 Planning Commission meeting.

Roll call resulted as follows: Aye: McGinnis, Berglund, Malone, McKeon, Dart, Wolf, McSweeney, Fredrickson. Nay: None. Absent: Moore. Motion carried.

CODE AMENDMENT NO. 2017-04 CHAPTER 48 LANDSCAPING AND SCREENING STANDARDS

Chairman Dart opened the public hearing on the proposed amendments to the following chapters/sections of the City Code as follows:

- Section 48-105 "Bufferyard Provisions" of Chapter 48 "Landscaping and Screening Standards" to add language to sub-item A requiring bufferyards be free of paved areas, access ways, storage, or other disturbances; remove current sub-item B language on landscaping in the bufferyard; update sub-item C to amend and remove language regarding bufferyards incorporating into other areas on property; add sub-item 3 language on requirements of bufferyard landscaping; add language on the appropriate site design and criteria for bufferyards; add language on the incorporation of stormwater detention and utility easements into bufferyards.
- Section 48-106 "Screening Standards" of Chapter 48 "Landscaping and Screening Standards" to remove the entire current Section 48-106 and combine with Section 48-105 "Bufferyard Provisions" and to add language on appropriate site design and criteria; the incorporation of stormwater detention and utility easements into screening areas.
- Section 48-107 "Parking Lot Landscaping" of Chapter 48 "Landscaping and Screening Standards" and all corresponding sub-items replaced as Section 48-106 "Parking Lot Landscaping".
- Section 48-108 "Tree Plantings" of Chapter 48 "Landscaping and Screening Standards" and all corresponding sub-items replaced as Section 48-107 "Tree Plantings".
- Section 48-109 "General Provisions" of Chapter 48 "Landscaping and Screening Standards" and all corresponding sub-items replaced as Section 48-108 "General Provisions".

City Planner stated at this time City Code provides one option for bufferyards which is the placement of an evergreen tree for every 400 square feet of required bufferyard. At times, industrial and commercial infill developments struggle to make this one bufferyard option fit their site due to limits of lot size, lot shape, percentage of shade, utilities, and the characteristic of the surrounding neighborhood. Research was done within other communities to see what their options were for bufferyard screening. A bufferyard is a landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another. The options the proposed code amendment provides is to be able to use different types of plant materials such as

hedges of evergreen or approved deciduous plant material that is capable of providing a substantial opaque barrier which will obtain a minimum height of 6 feet within three years. Other options would be a solid wood, PVC or masonry fence or wall at least 6 feet in height, a landscaped earth berm or any combination of these methods that achieves a cumulative minimum height of 6 feet and provides an opaque barrier. Appropriate site design may allow for bufferyards to be incorporated into storm water detention, water quality areas, and utility easements.

City Planner stated there are two letters, one from Starostka Group Unlimited and one from BD Construction supporting the proposed code amendments to provide more landscaping options. Earlier this year a developer came to Board of Adjustment asking for a variance regarding the required bufferyard. The developer had some topography issues, drainage issues, and there were a lot of utilities on the site. The Board of Adjustment did grant a variance allowing the developer to put in a hedge instead of the required evergreen trees.

The comprehensive Plan related reference states: "Maintain fair and efficient regulations that allow the redevelopment and improvement of older areas and vacant parcels in the community." These code amendments give builders the flexibility to create bufferyards to both fit each individual site and separate by obstructing the view of two adjacent land uses.

There was no one present in opposition to this hearing.

Chairman Dart closed the hearing.

Moved by Malone and seconded by Berglund that the proposed amendments to the following chapters/sections of the City Code be submitted to City Council with recommendation for approval.

- Section 48-105 "Bufferyard Provisions" of Chapter 48 "Landscaping and Screening Standards";
- Section 48-106 "Screening Standards" of Chapter 48 "Landscaping and Screening Standards";
- Section 48-107 "Parking Lot Landscaping" of Chapter 48 "Landscaping and Screening Standards" and all corresponding sub-items replaced as Section 48-106 "Parking Lot Landscaping";
- Section 48-108 "Tree Plantings" of Chapter 48 "Landscaping and Screening Standards" and all corresponding sub-items replaced as Section 48-107 "Tree Plantings";
- Section 48-109 "General Provisions" of Chapter 48 "Landscaping and Screening Standards" and all corresponding sub-items replaced as Section 48-108 "General Provisions"

Roll call resulted as follows: Aye: Berglund, Malone, Dart, McKeon, Wolf, McSweeney, Fredrickson, McGinnis. Nay: None. Absent: Moore. Motion carried.

REPORTS/COMMENTS FROM BOARD MEMBERS

AL OLDFATHER

Chairman Dart made a motion and McSweeney seconded the motion to propose a resolution to recognize Al Oldfather, who was Chair of the Planning Commission for almost 20 years, for his long dedication to the City of Kearney. He does not believe Kearney would be the town it is if it hadn't been for Mr. Oldfather and people who work like he did.

Roll call resulted as follows: Aye: Wolf, McGinnis, McKeon, Berglund, Dart, McSweeney, Malone, Fredrickson. Nay: None. Absent: Moore. Motion carried.

COMMISSION ON HOUSING

Chairman Dart gave the Planning Commission an update on the Commission on Housing meeting that was held in October, 2017. The next meeting will be held Monday, November 20, 2017.

ADJOURNMENT

Moved by McGinnis and seconded by Berglund that the meeting be adjourned.

Roll call resulted as follows: Aye: Malone, Dart, Wolf, McSweeney, Fredrickson, McGinnis, Berglund, McKeon. Nay: None. Absent: Moore. Motion carried.

Nancy Eckhoff
Recording Secretary