

# **KEARNEY CITY COUNCIL**

## **AMENDED AGENDA**

**City Council Chambers, 18 East 22nd Street**

**Tuesday, July 11, 2017**

**5:30 p.m.**

### **I. ROUTINE BUSINESS**

1. Invocation/Moment of Silence.
2. Pledge of Allegiance.
3. Announcement on Open Meetings Act.
4. Roll call.
5. Oral Communication; Recognition of visitors.

### **II. UNFINISHED BUSINESS**

### **III. PUBLIC HEARINGS**

1. Conduct a public hearing on the Application submitted by John and Mervat Younes 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 Lot 5, B O A 2nd Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska (south of 34th Street and west of Grand Avenue) and consider Ordinance No. 8158.
2. Conduct a public hearing on the Application submitted by David & Jan Brandt to rezone from District M-1/ND-1, Limited Industrial/Pioneer Park Neighborhood Conservation Overlay District to District R-1/ND-1, Urban Residential Single-Family (Low Density)/Pioneer Park Neighborhood Conservation Overlay District property described as Lot 5 and Lot 6, Block 15, except the West 65 feet of said Lots, West Addition to the City of Kearney, Buffalo County, Nebraska (1920 5th Avenue) and consider Ordinance No. 8159.
3. Conduct a public hearing on the Application submitted by Buffalo Surveying for Steven Otto for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Neighborhood Mixed Use to Urban Reserve property described as part of Government Lot 1, located in Fractional Section 9, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (south of 11th Street and east of 46th Avenue) and consider Resolution No. 2017-121.
4. Conduct a public hearing on the Application submitted by Buffalo Surveying for Steven Otto to rezone from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) property described as part of Government Lot 1, located in

Fractional Section 9, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (south of 11th Street and east of 46th Avenue) and consider Ordinance No. 8160.

5. Conduct a public hearing on the Application submitted by Buffalo Surveying for Steven Otto for the Final Plat for Paul Otto Second Subdivision, a subdivision being part of Government Lot 1, located in Fractional Section 9, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (south of 11th Street and east of 46th Avenue) and consider Resolution No. 2017-122.
6. Conduct a public hearing on the Application submitted by Trenton Snow for James Joseph Signature Homes, LLC, to rezone from District RR-1, Rural Residential District (Rural Standards) to District RR-1/PD, Rural Residential District (Rural Standards)/Planned Development Overlay District property described as a tract of land being part of the West Half of the Southwest Quarter of Section 21, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (lying between 4055 West 56th Street and 4345 West 56th Street) and consider Ordinance No. 8161.
7. Conduct a public hearing on the Application submitted by Trenton Snow for James Joseph Signature Homes, LLC, for the Final Plat for Auburn Oaks, a subdivision being part of the West Half of the Southwest Quarter of Section 21, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (lying between 4055 West 56th Street and 4345 West 56th Street) and consider Resolution No. 2017-123.
8. Conduct a public hearing on the Application submitted by Trenton Snow for James Joseph Signature Homes, LLC, for the Planned District Development Plan Approval for construction of a subdivision on property to be zoned RR-1/PD, Rural Residential District (Rural Standards)/Planned Development Overlay District and described as a tract of land being part of the West Half of the Southwest Quarter of Section 21, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (lying between 4055 West 56th Street and 4345 West 56th Street) and consider Resolution No. 2017-124.
9. Conduct a public hearing on the Applications submitted by Trenton Snow for Godwin Properties L.L.C., to (1) vacate part of Tract 3, Shreve's Subdivision, an addition to the City of Kearney, Buffalo County, Nebraska and consider Ordinance No. 8162; and (2) the Final Plat for Lakeland Heights, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being Tract 3 (to be vacated) of Shreve's Subdivision, an addition to the City of Kearney, Buffalo County, Nebraska (195 and 215 Avenue M) and consider Resolution No. 2017-125.
10. Conduct a public hearing on the Application submitted by Trenton Snow for Godwin Properties L.L.C., to rezone District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) property described as part of Lot 3 and part of Tracts 2 and 3, Shreve's Subdivision, located in Section 7, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (east of 195 and 215 Avenue M) and consider Ordinance No. 8163.
11. Conduct a public hearing on the proposed amendments to the following chapters/sections of the City Code as follows: (a) Table 14-1 "Use Matrix" of Chapter 14 "Zoning District Regulations" "Agricultural and Residential Types" to allow Animal Production in "District

RR-1, Rural Residential District (Rural Standards)” and “District RR-2, Rural Residential District (Intermediate Standards)” as allowed by Section 46-102.B; (b) Table 14-1 “Use Matrix” of Chapter 14 “Zoning District Regulations” “Civic Use Types” to allow Day Care Home Services (Limited) as a permitted use in “District C-O, Office District” and “District CBD, Kearney Center Mixed Use District”; to allow Day Care Home Services (General) as a permitted use in “District C-O, Office District”, “District C-1, Limited Commercial District”, “District C-2, Community Commercial District”, “District CBD, Kearney Center Mixed Use District”, “District C-3, General Commercial District”, “District BP, Business Park District”; to allow Day Care Centers as a permitted use in “District C-O, Office District”, “District C-1, Limited Commercial District”, “District C-2, Community Commercial District”, “District C-3, General Commercial District”, “District BP, Business Park District” and to add Supplemental Regulations 46-104.C to Day Care Home Services (Limited), Day Care Home Services (General) and Day Care Centers; (c) Section 16-102 “Site Development Regulations” of Chapter 16 “District RR-1, Rural Residential District (Rural Standards)” to reduce the rear yard setback requirements from 100 feet to 50 feet; (d) Section 18-102 “Site Development Regulations” of Chapter 18 “District RR-2, Rural Residential District (Intermediate Standards)” to reduce the minimum depth of landscaping adjacent to the street right-of-way line (feet) from 50 feet to 40 feet to be consistent with front yard setbacks; (e) Section 19-102 “Site Development Regulations” of Chapter 19 “District R-1, Urban Residential Single-Family District (Low Density)” to add a note identifying Supplemental Regulation 47-104.E for rear yard setbacks for irregular lots; (f) Section 30-102 “Site Development Regulations” of Chapter 30 “District BP, Business Park District” to delete “minimum depth of landscaping adjacent to street right-of-way line (feet) and add language “minimum off-set of building for every 100 feet of horizontal distance for building articulation to correct misprint”; (g) Section 46-102 “Supplemental Use Regulations; Agricultural Uses”, Subparagraph B, “Keeping Animals in Residential Zoning Districts” of Chapter 46 “Supplemental Use Regulations” to delete the following language: “provided that any building housing such animals shall be at least 50 feet from any property line and 25 feet from any dwelling unit on the site” and “no barn or stable shall be located closer than 50 feet to any dwelling unit on the site or 50 feet from any property line, or 25 feet from any dwelling unit on the site to remove conflicting accessory building setbacks”; (h) Section 46-104 “Supplemental Use Regulations; Civic Uses”, Subparagraph C, “Day Care Homes Services and Day Care Centers” of Chapter 46 “Supplemental Use Regulations” to delete the language pertaining to item number 2 and item number 3 regarding “Day Care Home Services (General)” and “Day Care Centers” to remove conflicting parking requirements and identify section with parking requirements; (i) Section 47-105 “Accessory Buildings” of Chapter 47 “Supplemental Development Regulations” as it pertains to setbacks and general requirements for building construction in “District RR-1, Rural Residential District (Rural Standards)” and “District RR-2, Rural Residential District (Intermediate Standards)”; and (j) Section 49-103 “Schedule of Off-Street Parking Requirements” of Chapter 49 “Off-Street Parking” to amend Table 49-1: Minimum Off-Street Parking Requirements deleting language pertaining to “Day Care Services”, adding language pertaining to Day Care Home Services (Limited and General) requiring 2 off-street parking spaces and adding language pertaining to “Day Care Centers” to require 1 parking space per 300 square feet of building and consider Ordinance No. 8164.

12. Conduct a public hearing on the Adoption of the Kearney Housing Study as part of the Kearney Comprehensive Plan and consider Resolution No. 2017-126.

#### **IV. CONSENT AGENDA \***

1. Approve Minutes of Regular Meeting held June 27, 2017.
2. Approve the Claims.
3. Approve the applications for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 liquor license to dispense alcoholic liquor as follows:
  - a) Inside The Archway located at 3060 East 1st Street on Saturday, July 29, 2017 from 3:00 p.m. until 1:00 a.m. for business event;
  - b) Inside the Rustic Patch located at 2110 Central Avenue on Wednesday, August 2, 2017 from 4:00 p.m. to 10:00 p.m. for a business after hours event; and
  - c) Inside the Expo Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, August 5, 2017 from 11:00 a.m. until 10:00 p.m. for a family reunion.
4. Approve the recommendation from the Development Services Division on the annual renewal for manufactured home court licenses to East Lawn Mobile Homes Estates, 2900 and 3010 Grand Avenue and L & M Mobile Home Park, 1110 Central Avenue until May 31, 2018.
5. Approve the application to extend Conditional Use Permit No. 2013-03 submitted by Shannon Schmidt to locate a day care facility at 506 East 26th Street for a period of two years.
6. Adopt Resolution No. 2017-127 accepting the public improvements consisting of a water main constructed under a Developer Constructed Infrastructure Agreement for Lot 2, Sun West Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska.
7. Adopt Resolution No. 2017-128 accepting the public improvements constructed under a Developer Constructed Infrastructure Agreement for Lots 3, 4, 5, 6, 7 of Block One; Lot 1 of Block Two; Lots 1 and 14 of Block Three; and Lot 1 of Block Four, Fox Creek, an addition to the City of Kearney, Buffalo County, Nebraska.
8. ADDENDUM ITEM. Adopt Resolution No. 2017-129 approving the request for a 30-day extension for the filing of the final plat and subdivision agreement for Millennial Estates Addition submitted by Olsson Associates.

\* *Any item listed on the Consent Agenda may, by the request of any single Council member, be considered as a separate item under the Regular Agenda Section of the Agenda.*

## **V. CONSENT AGENDA ORDINANCES \***

### **VI. REGULAR AGENDA**

1. Open Account Claim to NPPD - \$85,832.19.

### **VII. REPORTS**

## VIII. ADJOURN

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A current agenda is on file at the Office of the City Clerk at City Hall, 18 East 22nd Street, Kearney, Nebraska. For more information, call 233-3216 or visit our website at [www.cityofkearney.org](http://www.cityofkearney.org)