

PLANNING COMMISSION

March 12, 2022

8:00 AM

Chairman Jim Masek opened the meeting at 8:00 a.m. in the meeting room of the City Office Building, 557 4th Street, David City, Nebraska, and notified the public of the "Open Meetings Act" posted on the east wall of the meeting room. Chairman Jim Masek also notified the public that if you wish to speak to the Commission to please state your name and address for the record.

Present: Planning Commission members Jim Vandenberg, Keith Marvin, Jim Masek, Pam Kabourek. Also present were City Clerk Tami Comte, Deputy City Clerk Lori Matchett, Building Inspector Gary Meister, Council Members Jessica Miller and Kevin Woita, Special Projects Coordinator Dana Trowbridge, Jon Mohr from JEO Consulting, Jack Klosterman and Jesse Hough with H-KO, Stacy Bykerk and Janae McMahon representing Butler County Food Pantry. Planning Commission member Greg Aschoff was absent.

Planning Commission member Pam Kabourek made a motion to accept the minutes of the January 8, 2022, meeting as presented. Jim Vandenberg seconded the motion. The motion carried. Greg Aschoff: Absent, Pam Kabourek: Yea, Keith Marvin: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 4, Nay: 0, Absent: 1.

Jon Mohr from JEO Consulting Group introduced himself and gave a slideshow presentation to the Planning Commission about the Wellhead Protection Plan. A copy of the Wellhead Protection Plan is included at the end of these minutes.

Special Projects Coordinator Dana Trowbridge introduced himself and asked, "If I am outside of the municipal boundaries of the City of David City. And I wish to place a domestic well, what do I do? Do I come to the Planning Commission?"

City Clerk Tami Comte said, "Yes, we have an application that they file with the Planning Commission, with us, and we put it on the agenda and then it's up to the Planning Commission to decide."

Special Projects Coordinator Dana Trowbridge said, "Ok, and a well is any hole punched into the ground with the intent of drawing water back up? If I want to draw a two inch well..."

City Clerk Tami Comte added, "Any well has to come to the Planning Commission."

Planning Commission member Keith Marvin said, "The one place that we have had some discussion on is when we deal with Geothermal, when they drop the tubes into the ground, those are also called wells. So, we have an issue and we have worked our way around them, because we have worked our way around them. We have several geothermal wells in the community right now."

City Clerk Tami Comte added, "They are generally a closed loop."

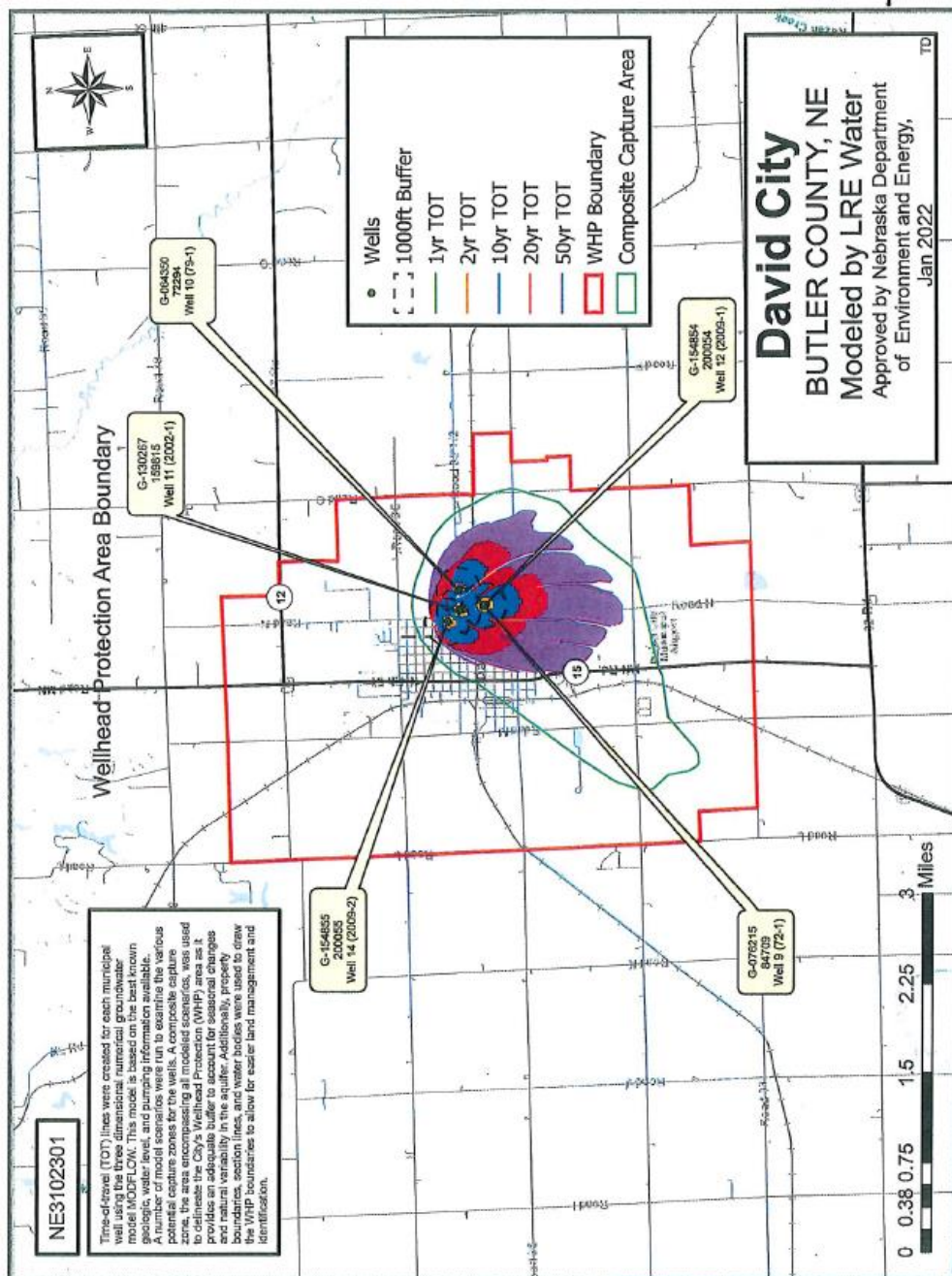
Planning Commission member Keith Marvin added, "Yes, there is one that is semi open loop and that is at the villa. The water never touches anything other than a pipe that the heat transfer happens. It comes into the pipe, heat transfer happens, water goes back in."

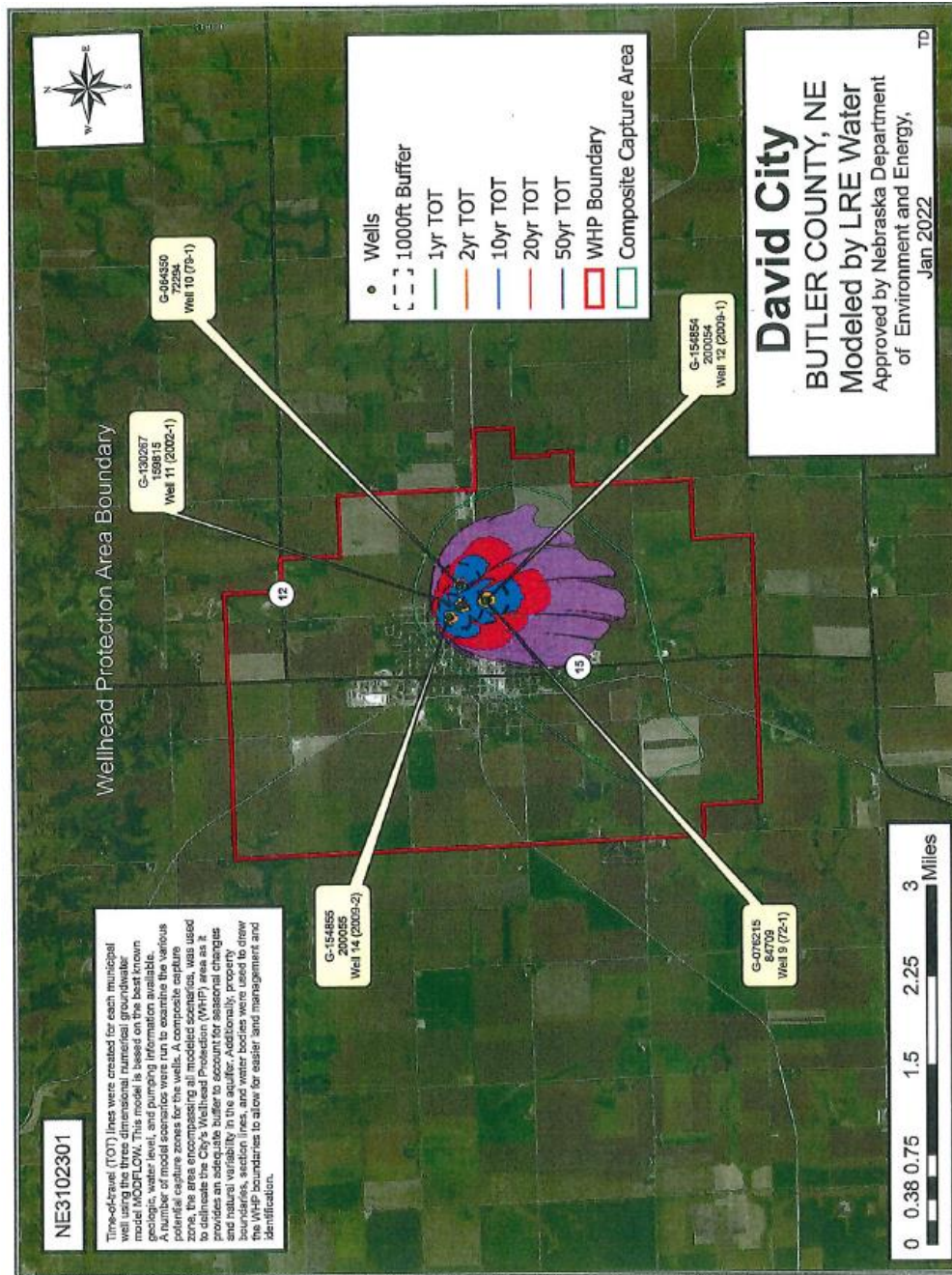
Building Inspector Gary Meister asked, "My question is how far is the main source of water?"

Jon Mohr replied, "The two hundred forty feet is about an average of how much clay there is before you get to the principal aquafer. The depths of the wells are, I am going to guess, is three hundred feet."

Discussion continued.

Chairman Jim Masek made a motion to recommend to the City Council the acceptance of the findings of the Wellhead Protection Plan. Keith Marvin seconded the motion. The motion carried. Greg Aschoff: Absent, Pam Kabourek: Yea, Keith Marvin: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea:4, Nay: 0, Absent: 1.





Planning Commission member Keith Marvin made a motion to open the public hearing at 8:18 a.m. to consider amending the Zoning Ordinance No. 1060 Article 8.16 Short-term Rentals, Section 8.16.1 Performance Standards, Section 8.16.2 Remedies, and Section 8.17 Accessory Dwelling Units, also amending R-1 Single Family Residential by adding 5.07.02 Permitted Uses #5. Short-term Rentals and adding 5.07.03 Conditional Uses #8. Accessory Dwelling Units, also amending R-2 Two-Family Residential by adding 5.08.02 Permitted Uses #8. Short-term Rentals and adding 5.08.03 Conditional Uses #10. Accessory Dwelling Units, also amending R-3 Multi-Family Residential by adding 5.09.02 Permitted Uses #7. Short-term Rentals and adding 5.09.03 Conditional Uses #13. Accessory Dwelling Units, also amending R-4 High Density Residential by adding 5.10.02 Permitted Uses #7. Short-term Rentals and adding 5.10.03

Conditional Uses #8. Accessory Dwelling Units. Pam Kabourek seconded the motion. The motion carried. Greg Aschoff: Absent, Pam Kabourek: Yea, Keith Marvin: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 4, Nay: 0, Absent: 1.

Planning Commission member Keith Marvin said, "For those here, especially the Council Members that are going to be seeing these short-term rentals are also known as Air BnB by any other name. The State has decided to call them short-term rentals. They are actually a few years ago passed legislation that doesn't allow municipalities to control them except in very small pieces. So, this is trying to get them up to snuff with what the state law does. We can't deny somebody the use of house for a short-term rental. But we can make sure that the building is satisfactory from the building permit site conditions, and we can also make sure that they are paying their lodging tax. Short-term rental is any time somebody is staying in that building or house for thirty days or less. Once someone is staying in there for thirty days or more it is deemed to be an apartment by state law. So anytime it is less than thirty days it is subject to the lodging taxes of the county and the state. Accessory dwellings, this was brought to us and asked us to look at it. The best way to tell you this is, those of you who remember the show 'Happy Days' that apartment above the garage that Fonzy lived in, that is an accessory dwelling unit. They can be on an above grade on the top of a garage, or they can be a separate building in the backyard and so on. They can be rented out to family or other people. This is a big item; I know Lincoln does this a lot even in their near South neighborhood with all the historic homes. There are a lot of Carriage houses in the back of those that they have converted into accessory dwelling units. Depending on what we have and what people do with this, it could be one solution to our housing issue in this community. Short-term rentals were put in as permitted uses because the state doesn't give us a whole lot of latitude to move with those. The Accessory dwelling units were put in as a conditional use so that we can make sure that everything works, and we notify neighbors to make sure they are aware of what is going on.

Special Projects Coordinator Dana Trowbridge asked, "Camper's don't count?"

Planning Commission member Keith Marvin said, "No, it has to be a structure."

Special Projects Coordinator Dana Trowbridge asked, "And who is in charge of enforcement?"

Planning Commission member Keith Marvin answered, "The building inspector."

Planning Commission member Keith Marvin made a motion to close the public hearing at 8:25 a.m. to consider amending the Zoning Ordinance No. 1060 Article 8.16 Short-term Rentals, Section 8.16.1 Performance Standards, Section 8.16.2 Remedies, and Section 8.17 Accessory Dwelling Units, also amending R-1 Single Family Residential by adding 5.07.02 Permitted Uses #5. Short-term Rentals and adding 5.07.03 Conditional Uses #8. Accessory Dwelling Units, also amending R-2 Two-Family Residential by adding 5.08.02 Permitted Uses #8. Short-term Rentals and adding 5.08.03 Conditional Uses #10. Accessory Dwelling Units, also amending R-3 Multi-Family Residential by adding 5.09.02 Permitted Uses #7. Short-term Rentals and adding 5.09.03 Conditional Uses #13. Accessory Dwelling Units, also amending R-4 High Density Residential by adding 5.10.02 Permitted Uses #7. Short-term Rentals and adding 5.10.03 Conditional Uses #8. Accessory Dwelling Units. Jim Masek seconded the motion. The motion carried. Greg Aschoff: Absent, Pam Kabourek: Yea, Keith Marvin: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 4, Nay: 0, Absent: 1.

Planning Commission member Keith Marvin made a motion to recommend to the City Council the amending of the Zoning Ordinance No. 1060 Article 8.16 Short-term Rentals,

Section 8.16.1 Performance Standards, Section 8.16.2 Remedies, and Section 8.17 Accessory Dwelling Units, also amending R-1 Single Family Residential by adding 5.07.02 Permitted Uses #5. Short-term Rentals and adding 5.07.03 Conditional Uses #8. Accessory Dwelling Units, also amending R-2 Two-Family Residential by adding 5.08.02 Permitted Uses #8. Short-term Rentals and adding 5.08.03 Conditional Uses #10. Accessory Dwelling Units, also amending R-3 Multi-Family Residential by adding 5.09.02 Permitted Uses #7. Short-term Rentals and adding 5.09.03 Conditional Uses #13. Accessory Dwelling Units, also amending R-4 High Density Residential by adding 5.10.02 Permitted Uses #7. Short-term Rentals and adding 5.10.03 Conditional Uses #8. Accessory Dwelling Units. Jim Vandenberg seconded the motion. The motion carried. Greg Aschoff: Absent, Pam Kabourek: Yea, Keith Marvin: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 4, Nay: 0, Absent: 1.

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Section 5.07 R-1 Single-Family Residential.

5.07.01 Intent: The Single-Family Residential District is intended to permit low to medium-density residential developments to accommodate residential and compatible uses.

5.07.02 Permitted Uses.

The following principal uses are permitted in the R-1 District:

1. Single family dwellings.
2. Public Services.
3. Publicly owned and operated facilities.
4. Family Child Care Home.
5. **Short-term Rental - See section 8.16**

5.07.03 Conditional Uses.

The following uses are subject to any conditions listed in this ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the R-1 District as recommended and approved by the Planning Commission:

1. Public and private recreation areas as, country clubs, golf courses, lakes, and common areas, but not including commercial miniature golf, golf driving ranges, motorized cart tracts, and similar uses not on less than ten acres.
2. Churches, temples, seminaries, convents, including residences for teachers and pastors.
3. Public utility main transmission lines including substations, distribution centers, regulator stations, pumping stations, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses.
4. Home Occupations (Home Occ. I).
5. Child Care Center.
6. Cover crops provided the following:
 - a. The minimum area required is 2 acres.
 - b. The cover crop may only be rotated once every seven seasons, for one season, with oats or wheat.
 - c. The planting of any other crop shall constitute non-compliance with the Conditional Use Permit and shall cause the permit to be revoked and the crop removed at the property owner's cost.
 - d. No grazing shall be allowed on cover crop.
7. Accessory buildings with metal building material except for those with a pole building construction/foundation.
 - a. Shall have a continuous footing.
 - b. Shall have a concrete floor.
 - c. The siding shall represent the siding on the house.
 - d. The building shall be a non-reflective color
 - e. Shall follow Section 4.14.
8. **Accessory Dwelling Units – See Section 8.17**

5.07.04 Permitted Accessory Uses:

The following accessory uses are permitted in the R-1 Single-Family Residential District:

1. Buildings and uses customarily incidental to the permitted uses.
2. Home Occupations (Home Occ. II).
3. Decks, elevated patios either attached or detached.
4. Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.
5. Fences, pursuant to Section 8.03.
6. Parking for permitted uses as per Article 6.
7. Signs allowed in Article 7.
8. Temporary buildings incidental to construction work where such building or structures are removed upon completion of work.
9. Landscaping as required by Section 8.09.
10. Fireworks stands provided the criteria are met as established by the city through separate ordinances.

5.07.05 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows:

Uses	Lot Area (SF)	Lot Width	Front Yard²	Side Yard	Rear Yard	Max. Height	Max. Lot Coverage
Single-family Dwelling	10,500	75'	(²)	12'	20'	35'	50%
Cover crop	87,120	-	-	-	-	-	-
Other Permitted and Conditional Uses	10,500	75'	(²)	12'	20'	45'	50%
Accessory Buildings	-	-	(²)	6'	6'	17'	¹

¹ Accessory buildings shall not occupy more than 40% of the remaining, buildable area on the lot.

² There shall be a minimum front yard of not less than a depth of 50 feet from a county road right-of-way or property line on a street line classified on the City's Major Street Plan as an arterial, 30 feet from a street classified as a collector, and 20 feet from a street classified as a local street or private street.

Section 5.08 R-2 Two-Family Residential

5.08.01 Intent: The purpose of this district is to permit single-family density residential with an increase of density to include duplexes and similar residential development in areas providing all public facilities and supporting facilities to maintain a sound and pleasant environment for the inhabitants.

5.08.02 Permitted Uses.

The following principal uses are permitted in the R-2 District:

1. Single family detached dwellings.
2. Single family attached / Townhomes.
3. Two-family, duplex, dwellings.
4. Public and private schools.
5. Publicly owned and operated facilities.
6. Public Services.
7. Family Child Care Home.
8. Short-term Rentals – See section 8.16

5.08.03 Conditional Uses.

The following uses are subject to any conditions listed in this ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the R-2 District as recommended and approved by the Planning Commission:

1. Bed and Breakfasts.
 - a. Guest rooms shall be within the principal residential building only and not within an accessory building.
 - b. Each room that is designated for guest occupancy must be provided with a smoke detector which is kept in good working order.
2. Townhouses/Condominiums
 - a. Each unit is separated by a two-hour fire rated wall from the lowest level and continuing through the roof structure.
 - b. Each unit shall be serviced by separate facilities.
 - c. When each unit is in separate ownership, the accompanying lot shall not be in common ownership with any other unit.
 - d. No more than three units shall be connected in this district.
3. Churches, temples, seminaries, and convents including residences for teachers and pastors.
4. Private country clubs and golf courses, but not including commercial miniature golf, golf driving ranges, motorized cart tracts, and similar uses not on less than ten acres.
5. Public utility substations, distribution centers, regulator stations, pumping, treatment facilities, storage, equipment buildings, garages, towers, or similar uses.
6. Home Occupations (Home Occ. I).
7. Child Care Center.
8. Cover crops provided the following:
 - a. The minimum area required is 2 acres.
 - b. The cover crop may only be rotated once every seven seasons, for one season, with oats or wheat.
 - c. The planting of any other crop shall constitute non-compliance with the Conditional Use Permit and shall cause the permit to be revoked and the crop removed at the property owner's cost.
 - d. No grazing shall be allowed on cover crop.
9. Accessory buildings with metal building material except for those with a pole building construction/foundation.
 - a. Shall have a continuous footing.
 - b. Shall have a concrete floor.
 - c. The siding shall represent the siding on the house.
 - d. The building shall be a non-reflective color.
 - e. Shall follow Section 4.14.
10. Accessory Dwelling Units – see section 8.17

5.08.04 Permitted Accessory Uses:

1. Buildings and uses customarily incidental to the permitted uses.
2. Home Occupations (Home Occ. II).
3. Decks, elevated patios either attached or detached.
4. Fences, pursuant to Section 8.03.
5. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
6. Signs as provided for in Article 7.
7. Parking as provided for in Article 6.
8. Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.
9. Landscaping as required by Section 8.09.
10. Fireworks stands provided the criteria are met as established by the city through separate ordinances.

5.08.05 Height and Lot Requirements:

The height and minimum lot requirements shall be follows:

	Lot Area (SF)	Lot Width	Front Yard ²	Side Yard ³	Rear Yard	Max. Height	Max. Lot Coverage
Single-family Dwelling (detached)	7,000	50'	(²)	6'	20'	35'	70%
Two-family Dwelling	7,000	100'	(²)	6'	20'	35'	70%
Single-family attached	4,000 per unit	50' per unit	(²)	6'	20'	35'	70%
Townhouses/Condominiums ⁴	2,000 per unit	20' per unit ⁵	(3)	6'	20'	35'	70%
<u>Cover crop</u>	<u>87,120</u>	-	-	-	-	-	-
Other Permitted and Conditional Uses	7,000	50'	(²)	6'	20'	45'	70%
Accessory Buildings	-	-	(²)	6'	6'	17'	¹

- ¹ Accessory buildings shall not occupy more than 40% of the remaining, buildable area on the lot.
- ² There shall be a minimum front yard of not less than a depth of 50 feet from a county road right-of-way or property line on a street classified on the City's Major Street Plan as an arterial, and 20 feet from a street classified as a collector, local or private street. For corner lots, (including local and collector streets), for the front yard, which abuts a north-south street right-of-way, the setback requirements shall be 20 feet, and for the front yard, which abuts an east-west street right-of-way, the setback requirement shall be 12 feet.
- ³ The side yard along the common wall shall be 0 feet. The common wall shall be along the adjoining lot line.
- ⁴ This applies to Condominiums and Townhouses where there are three (3) more units connected and where there is a minimum of two (2) common walls, otherwise the criteria for single-family attached or two-family dwelling shall apply depending upon the appropriate condition.
- ⁵ End lots shall be a minimum of 50' in width.

Section 5.09 R-3 Multi-Family Residential

5.09.01 Intent: The purpose of this district is to permit high density residential, including single-family dwellings, two-family dwellings, and multi-family dwelling development in areas providing all public facilities and supporting facilities to maintain a sound and pleasant environment for the inhabitants.

5.09.02 Permitted Uses:

The following principal uses are permitted in the R-3 District:

1. Single family detached dwellings.
2. Two-family, duplex, dwellings.
3. Single family attached dwellings.
4. Publicly owned and operated facilities.
5. Public Services.
6. Family Child Care Home.
7. Short-term Rental – see section 8.16

5.09.03 Conditional Uses.

The following uses are subject to any conditions listed in this ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the R-3 District as recommended and approved by the Planning Commission:

1. Multiple family dwellings.
2. Townhouses and Condominiums.
 - a. Each unit is separated by a two-hour fire rated wall from the lowest level and continuing through the roof structure.
 - b. Each unit shall be serviced by separate facilities.
 - c. When each unit is in separate ownership, the accompanying lot shall not be in common ownership with any other unit.
 - d. No more than six units shall be connected in this district.
3. Bed and Breakfast.
 - a. Guest rooms shall be within the principal residential building only and not within an accessory building.
 - b. Each room that is designated for guest occupancy must be provided with a smoke detector which is kept in good working order.
4. Churches, temples, seminaries, and convents including residences for teachers and pastors.
5. Hospitals, sanitariums, rest homes, nursing homes, elderly or retirement housing, convalescent homes, other similar institutions, or philanthropic institutions.
6. Commercial recreational areas and facilities such as swimming pools and water parks.
7. Private country clubs and golf courses, but not including commercial miniature golf, golf driving ranges, motorized cart tracts, and similar uses not on less than ten acres.
8. Public utility substations, distribution centers, regulator stations, pumping, treatment facilities, storage, equipment buildings, garages, towers, or similar uses.
9. Home Occupations (Home Occ. I).
10. Child Care Center.
11. Charitable clubs and organizations.
12. Accessory buildings with metal building material except for those with a pole building construction/foundation.
 - a. Shall have a continuous footing.
 - b. Shall have a concrete floor.
 - c. The siding shall represent the siding on the house.
 - d. The building shall be a non-reflective color.
 - e. Shall follow Section 4.14.
13. Accessory Dwelling Units – See Section 8.17

5.09.04 Permitted Accessory Uses:

1. Buildings and uses customarily incidental to the permitted uses.
2. Home Occupations (Home Occ. II).
3. Decks, elevated patios either attached or detached.
4. Fences, pursuant to Section 8.03.
5. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
6. Signs as provided for in Article 7.
7. Parking as provided for in Article 6.
8. Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.
9. Landscaping as required by Section 8.09.
10. Fireworks stands provided the criteria are met as established by the city through separate ordinances.

5.09.05 Height and Lot Requirements:

The height and minimum lot requirements shall be follows:

Uses	Lot Area (SF)	Lot Width	Front Yard ³	Side Yard	Rear Yard	Max. Height	Max. Lot Coverage
Single-family Dwelling	7,000	50'	(³)	6'	20'	35'	70%
Single-family Attached	4,000 per unit	50' per unit	(³)	6'	20'	35'	70%
Two-family Dwelling	7,000	100'	(³)	6'	20'	35'	70%
Townhouses/Condominiums ⁴	<u>2,000 per unit</u>	<u>20' per unit</u> ⁶	(³)	6' ⁵	20'	35'	70%
Multi-family Dwelling	1,500 per unit	100'	(³)	(1)	20'	55' ¹	70%
Other Permitted and Conditional Uses	7,000	50'	(³)	6'	20'	55'	70%
Accessory Buildings	-	-	(³)	6'	6'	17'	²

- 1 For Multi-Family units the side yard shall be 10 feet if it is a 3-story structure, and 5 feet additional side yard on each side shall be provided for each story in excess of 3 stories.
- 2 Accessory buildings shall not occupy more than 40% of the remaining, buildable area on the lot.
- 3 There shall be a minimum front yard of not less than a depth of 50 feet from a county road right-of-way or property line on a street classified on the City's Major Street Plan as an arterial, and 20 feet from a street classified as a collector, local or private street. For corner lots, (including local and collector streets), for the front yard, which abuts a north-south street right-of-way, the setback requirements shall be 20 feet, and for the front yard, which abuts an east-west street right-of-way, the setback requirement shall be 12 feet.
- 4 This applies to Condominiums and Townhouses where there are three (3) more units connected and where there is a minimum of two (2) common walls; otherwise the criteria for single-family attached or two-family dwelling shall apply depending upon the appropriate condition.
- 5 Where there are ~~three (3) or more~~ units connected the side yard at the ends shall meet this criteria otherwise the side yard setback shall be zero (0) at common walls.
- 6 End lots shall be a minimum of 50' in width.

Section 5.10 R-4 High Density Residential

5.10.01 Intent: The purpose of this district is to permit high density residential, including single-family dwellings, two-family dwellings, and multi-family dwelling development in areas providing all public facilities and supporting facilities to maintain a sound and pleasant environment for the inhabitants. A rezoning to this district shall require a minimum of a one city block area.

5.10.02 Permitted Uses:

The following principal uses are permitted in the R-4 District:

1. Single family detached dwellings.
2. Two-family, duplex, dwellings.
3. Single family attached dwellings.
4. Publicly owned and operated facilities.
5. Public utility substations, distribution centers, regulator stations, pumping, treatment facilities, storage, equipment buildings, garages, towers, or similar uses.
6. Family Child Care Home.
7. Short-term Rental – See Section 8.16

5.10.03 Conditional Uses.

The following uses are subject to any conditions listed in this ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the R-3 District as recommended and approved by the Planning Commission:

1. Multiple family dwellings.
2. Townhouses and Condominiums.
 - a. Each unit is separated by a two-hour fire rated wall from the lowest level and continuing through the roof structure.
 - b. Each unit shall be serviced by separate facilities.
 - c. When each unit is in separate ownership, the accompanying lot shall not be in common ownership with any other unit.
 - d. No more than six units shall be connected in this district.
3. Churches, temples, seminaries, and convents including residences for teachers and pastors.
4. Home Occupations (Home Occ. I).
5. Child Care Center.
6. Charitable clubs and organizations.
7. Accessory buildings with metal building material except for those with a pole building construction/foundation.
 - a. Shall have a continuous footing.
 - b. Shall have a concrete floor.
 - c. The siding shall represent the siding on the house.
 - d. The building shall be a non-reflective color.
 - e. Shall follow Section 4.14.
8. Accessory Dwelling Units – See Section 8.17

5.10.04 Permitted Accessory Uses:

1. Buildings and uses customarily incidental to the permitted uses.
2. Home Occupations (Home Occ. II).
3. Decks, elevated patios either attached or detached.
4. Fences, pursuant to Section 8.03.
5. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
6. Signs as provided for in Article 7.
7. Parking as provided for in Article 6.
8. Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.
9. Landscaping as required by Section 8.09.
10. Fireworks stands provided the criteria are met as established by the city through separate ordinances.

5.10.05 Height and Lot Requirements:

The height and minimum lot requirements shall be follows:

Uses	Lot Area (SF)	Lot Width	Front Yard ³	Side Yard	Rear Yard	Max. Height	Max. Lot Coverage
Single-family Dwelling	3,200	40'	20'	6'	20'	35'	80%
Single-family Attached	3,200 per unit	40' per unit	(²)	6'	20'	35'	80%
Two-family Dwelling	6,400	80'	20'	6'	20'	35'	80%
Townhouses/Condominiums ⁴	<u>1,100 per unit</u>	<u>14' per unit⁶</u>	(²)	6' ⁵	20'	40'	80%
Multi-family Dwelling	1,500 per unit	100'	20'	(1)	20'	55' ¹	70%
Other Permitted and Conditional Uses	7,000	50'	20'	6'	20'	55'	70%
Accessory Buildings	-	-	20'	6'	6'	17'	²

1. For Multi-Family units the side yard shall be 10 feet if it is a 3-story structure, and 5 feet additional side yard on each side shall be provided for each story in excess of 3 stories.
2. Accessory buildings shall not occupy more than 40% of the remaining, buildable area on the lot.
3. When townhouses and condominiums have garages loaded from an alley/private street and have a front porch may reduce the front yard setback to zero.
4. This applies to Condominiums and Townhouses where there are three (3) more units connected and where there is a minimum of two (2) common walls; otherwise the criteria for single-family attached or two-family dwelling shall apply depending upon the appropriate condition.
8. Where there are three (3) or more units connected the side yard at the ends shall meet this criteria otherwise the side yard setback shall be zero (0) at common walls.
9. End lots shall be a minimum of 50' in width.

good repair. Any storage container that becomes unsound, unstable or otherwise dangerous shall be immediately repaired or removed from the property to a location that can legally accept it.

- h. The property surrounding the storage containers (within 10 feet) shall be maintained and kept free of weeds.
- i. The maximum number of storage containers allowed for temporary construction site storage per lot per year (any 12-month consecutive period) shall be as follows:
 - (1) A maximum of one storage container.
 - (2) No storage container/dumpster shall be allowed for temporary construction site storage until a temporary permit has been obtained.
 - (3) There shall not be any additional fees to obtain such permit for this use.
 - (4) The permit application shall include a site plan or plot plan showing where the container will be located on the site.
 - (5) Permitted storage containers shall not be relocated on the site without updating the permit.

Section 8.16 Short-Term Rentals

This section is intended to apply strictly to the use of property for short-term rentals within the zoning jurisdiction of the City of David City.

Section 8.16.1 Performance Standards

- 1. Said short-term rental shall be located in a primary residential structure.
- 2. Said short-term rental shall not be allowed in any dwelling considered part of a multi-family dwelling including duplexes, single-family attached units or larger.
- 3. Said short-term rental shall not be located in an accessory dwelling unit.
- 4. Said short-term rental shall not allow the property to be used for party rentals.
- 5. Said short-term rental shall not be used for any type of illegal activities as defined by state and federal laws.
- 6. Said short-term rental shall file the required lodging taxes with the county and state.
- 7. Said short-term rental shall be properly maintained including structural maintenance and the grounds.
- 8. Said short-term rentals shall meet all state and federal life safety codes and display said permits in a prominent location.
- 9. Said short-term rental shall not increase the normal level of traffic in the immediate area.
- 10. Said short-term rental shall not be used for any of the following:
 - a. Housing sex offenders;
 - b. Operating a structured sober living home or similar enterprise;
 - c. Selling illegal drugs;
 - d. Selling alcohol or another activity that requires a permit or license under the Nebraska Liquor Control Act; or
 - e. Operating a sexually oriented business.

Section 8.16.2 Remedies

Failure to comply with the regulations in Section 8.16.1, may result in any permit for a short-term rental to be revoked.

Section 8.17 Accessory Dwelling Units

One accessory dwelling unit per lot may be allowed by Conditional Use Permit in the R-1 Single-Family Residential, R-2 Two-Family Residential, R-3 Multi-Family Residential and R-4 High Density Residential under the following conditions:

- 1. The accessory dwelling unit shall fit within the allowable development area of the lot.
- 2. The total square footage of the ADU shall not exceed the lesser of 1,000 square feet or 40% of the square footage of the principal dwelling, excluding the garages, carports, and space used for mechanical equipment, such as heating, utilities and water heater or pumps. Any other unfinished space in a basement is included in the square footage to allow it to be

- furnished in the future. The calculation for the principal dwelling shall be based on the floor area as of the date the special permit is filed.
3. No more than two bedrooms are allowed in the ADU. Bedroom shall mean any room or space used or intended to be used for sleeping purposes.
 4. The owner of the lot is required to live on the property in either the principal dwelling or the ADU. The owner of the lot shall file with the Register of Deeds, a deed restriction agreement on the property stating the accessory dwelling cannot be sold separately from the principal dwelling. The deed restriction agreement must be to the satisfaction of the County Attorney. The deed restriction agreement shall be filed prior to any zoning permit for the ADU.
 5. The ADU must share the same access point to the public or private street as the principal dwelling.
 6. The ADU must meet the same setback requirement as the principal dwelling of the district. The height of the ADU must meet the height limit of the district for a dwelling but be no higher than the principal dwelling.
 7. A detached ADU shall be located a distance no greater than 200 feet from the principal dwelling and must not be closer to the street right-of-way than the principal dwelling.
 8. The ADU must share utilities with the principal dwelling unless the owner can demonstrate practical problem with sharing due to the topography or other unique site considerations

Planning Commission member Greg Ashoff arrived at 8:26 a.m. and joined the meeting.

Jack Klosterman and Jesse Hough introduced themselves and spoke about the proposed H-KO residential/commercial subdivision.

Jack Klosterman said, "To explain a little bit, H-KO is a company that was built between the Hough Family and the Klosterman Family. We are agricultural in interest, but we have deversed into a few other areas. The ground that we are talking about here is what we would refer to as the Klein property in our organization, but it is property that lies between the dollar store , the Bruno highway, right off Highway 15, all the way back to N Road. What we looked at when we were first beginning this is David City obviously has a need for growth in residential and commercial. We started this process not really knowing what direction would be best for our operation to go into. In the mean time, we had Akrs come in and announced, AGP came in and announced. We think that we have something that is very beneficial to all parties concerned. What we have here is a commercial and residential outlay, that obviously will take a lot of years to do. We have a lot of interest in beginning the process right away. This has been drawn out by Troy Johnston with JEO, a company that you are familiar with. This is nothing that is set in stone by any means, and there will obviously be changes. What this does is gives us the ability to go in and build somewhat of a community north of David City in David City. This could include a hotel, which we have begun talks with different hotel companies. It could include apartments. It's really built off the thought of , as you can see off the different residential areas here, it has small, medium, and large residences. Basically, you are talking about small homes which could be duplexes then going into medium sized homes into the larger homes off the Bruno Highway. Right here we have an access road we would suggest be built in so that we could put in whatever type of malls people want. What I mean by that is office buildings, anything that people want to deem that they want to set up an office structure in. It also leaves everything along the highway for whatever else comes in that would want a highway access. With this we hoped to stay within the confines of David City businesses, to begin with. We want to give oportunities to a local pharmacy, local grocery store, people who have convenience stores already in town. We see where David City has this need to grow housing and we honestly think this is the perfect spot for it. We would like to see something where if you have a resident out in this area that it is easy for your kid to get on a bike and ride down to a grocery store. Things like that. There is not a definite plan on anything, there is not a definite layout on anything. This is what we began with and what our model could grow from. We have a lot of interest from people in construction to begin homes on the outer area. I think that there will be something as we work, developers to get duplexes and spec homes in here. Timing wise, this is going a little faster than we want. We are going to be putting in a crop out here this year, but we also need to start talking about if we want to do this, that city water, city power, city sewage, everything being brought through this area. We think this blends very well with AGP and Akrs going out to begin water lines and sewage outreaching north of David City."

Jesse Hough added, "I just want to clarify a little bit that the frontage road there is designed so that we do not have to have accesses off of Highway 15. Between Stop Inn and Timpte, you know there is a lot of confusion and different driveways and we do not want to contribute to that. We have actually, through Skip and other agencies, reached out to the State Department of Roads on where does it make sence to have it access for this development from the State Highway perspective."

Jack Klosterman added, "And also on that, we are definitely not trying to leave out the grounds that are right in here. This is not saying 'hey let's skip everything and go this way', as you can tell we have entrance roads, not that they are exact, we already have entrance roads into the areas that lie just to the south of that, so if people wish to develop that, we are all on

board for that. Our base of it is this community has a lot of young people, including my son, a lot of his friends. David City has the real potential to grow right now, and what we are seeing in hotel studies and other groups coming in, they are all saying that David City has that ability to be a hub because of where it lies off of Omaha, Lincoln and Columbus. We have got a lot of really outstanding young people here that are opening businesses and things and we just want to continue that growth. Now, when we do this, it is going to be important for our operation to figure out exactly how we are doing this because once we begin into this, this is obviously an irrigated about two hundred acres. Once we begin into this, we lose our revenue off of that. So, once we begin into this, we would really like to see a continued growth on that. That will come down to managing TIF dollars the best way, to get roads in and to have everything. So that we have a flow all the way through. You will probably have it on your other sheet, where it shows you where AGP and other things will be. I think it will be important for this, City and County, to take a look at what access roads need to go around to help out all the facilities because we are about to get hit with a whole lot of good truck traffic. AGP is talking about two hundred semi's a day, a lot of those will be coming through the south. How's the best way to do that? We all know that right now anywhere from basically Stop Inn on out is a dangerous turning area. That is why we are meeting with the state to see if we can't free things up. Timpte is going to have growth, and lets assume that they are, that's more semi traffic. We need to take a look at how roads need to be structured out north of town to blend everything in and not just in the north/south cooridor but also going east/west."

Planning Commission member Jim Vandenberg asked, "Are you thinking of doing the whole thing at one time, not necessarily in phases, according to say the west half or something like that, or are you just going to do the whole thing? If you are, is there enough TIF money available to work the streets and infrastructure in that whole two hundred acre area?"

Jesse Hough responded, "The TIF money would be the limiting factor in the ability to get infrastructure in there."

Discussion continued on infrastructure and annexation.

Planning Commission member Keith Marvin said, "Based upon our Subdivision regulations they are required to bring the concept to us and then we bless it and they go on. I see this as the concept and I like what I am seeing. It is well thought out."

Special Projects Coordinator Skip Trowbridge said, "I can speak to Olsson, they are doing a hydrologic survey at this point in time and what our capabilities of serving water to northeast and northwest quadrents of Highway 15 are. We need to begin talking about these things sooner rather than later because we have a lot of infrastructure that needs to go in and needs to go in in a large area. It is going to take time..."

Planning Commission member Jim Vandenberg asked, "This will be for Jack or Jesse, Do you have a real good topography survey of that two hundred acres? Before you plant the crop get it surveyed so you know the exactly what you have as far as elevations. I think that would be beneficial for everybody."

Jesse Hough responded, "We can do that."

Planning Commission member Keith Marvin said, "I think the next step is the preliminary plat process and I believe the contours are a requirement."

City Clerk Tami Comte asked, "Do we need to annex prior to that preliminary plat?"

Jack Klosterman asked, "Could this group put together a list of details that we will need to follow?"

City Clerk Tami Comte said, "I actually think there is one in the subdivision regulations."

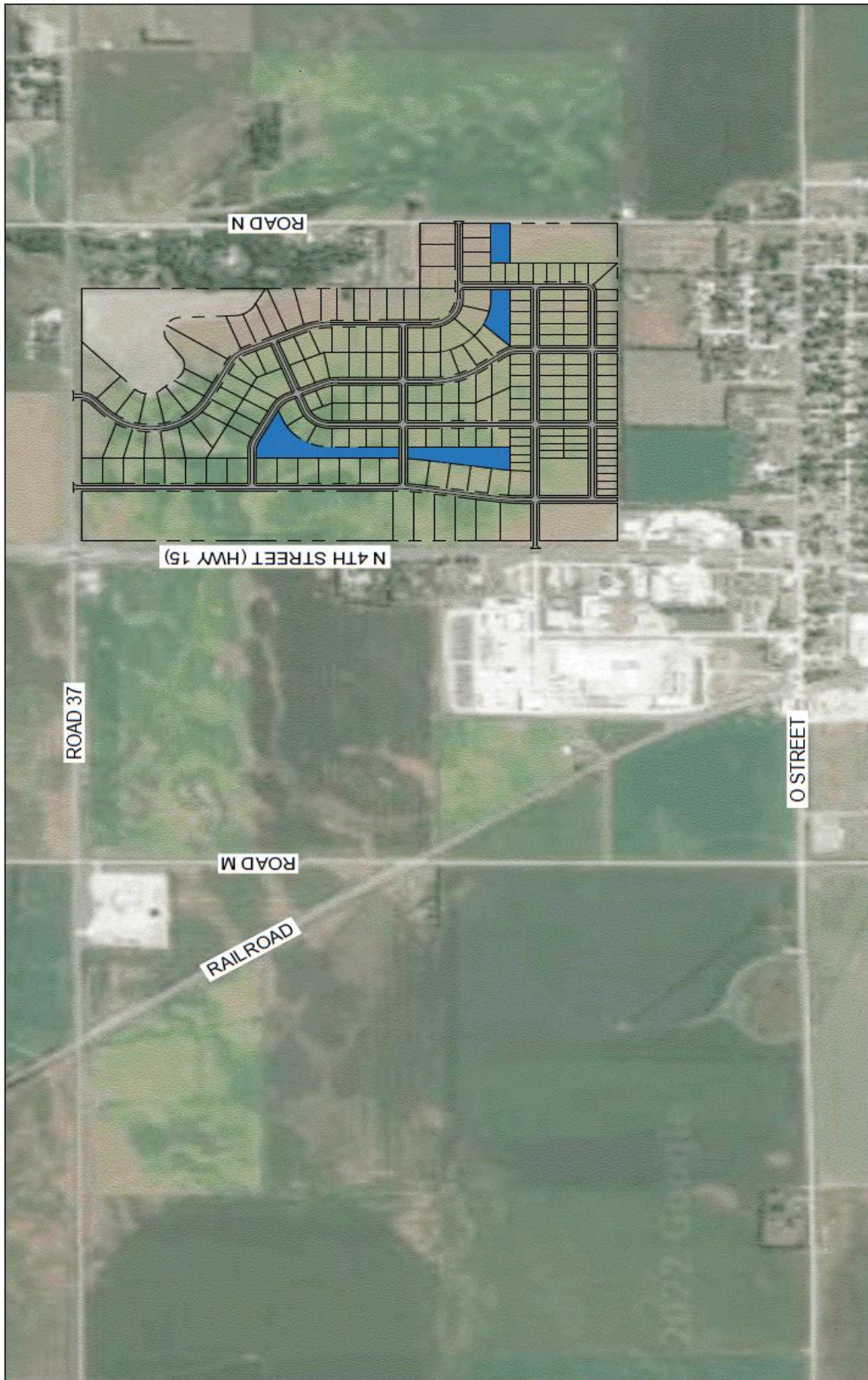
Planning Commission member Keith Marvin also added, "I think we need to get them stuff also of when they need to annex, doing the blight study and"

City Clerk Tami Comte said, "And in order to get power there we are going to have to annex and then go to the Power Review Board, which we will want to do one time and request our service area to be changed."

Discussion continued.

Jack Klosterman and Jesse Hough asked that they would like the property that they are proposing as a subdivision be annexed. They will file with the City Clerk a request for annexation.

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North Addition
David City, NE

Date: 2022/02/01

Project No. P211917.00

Legend

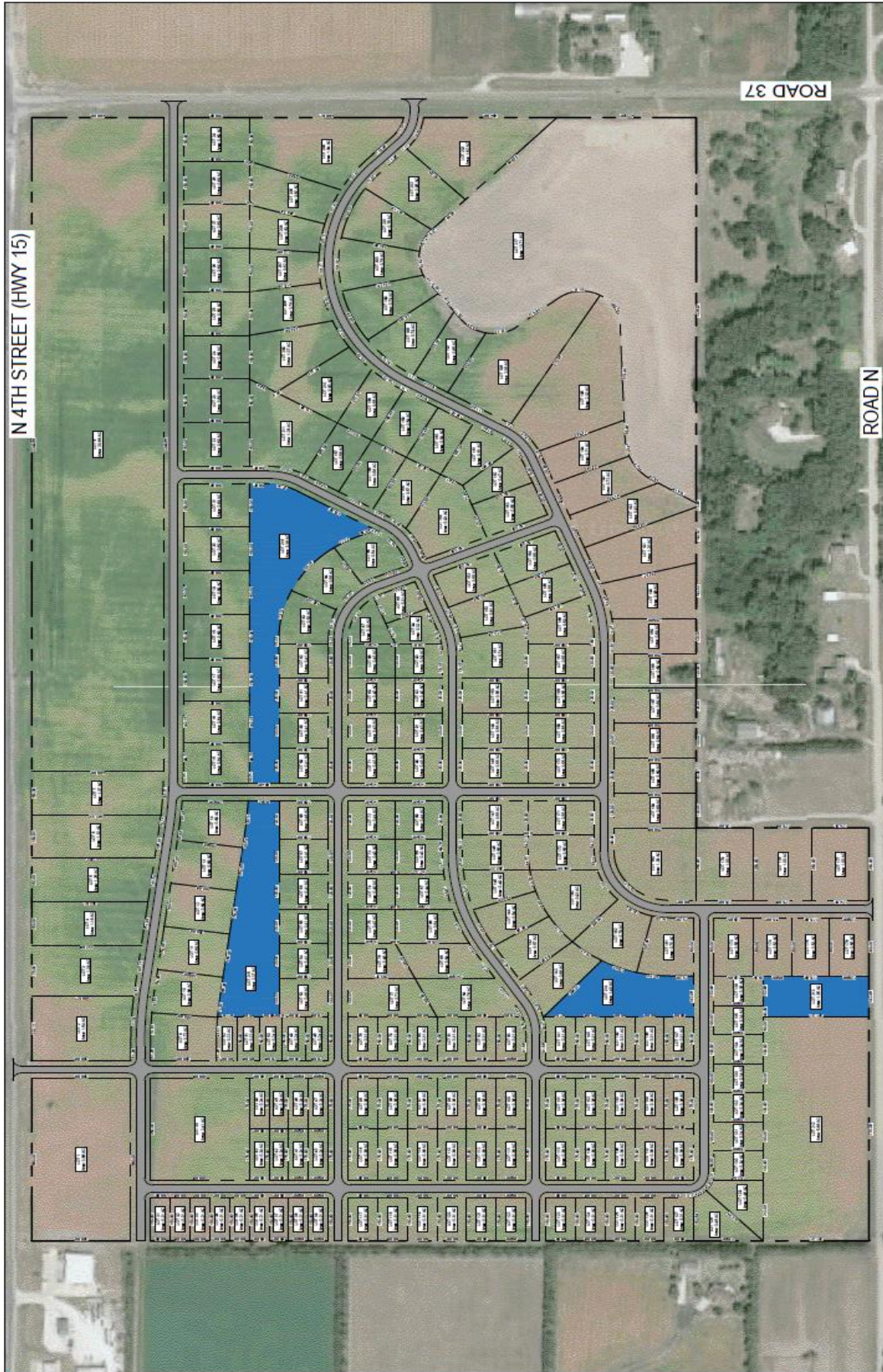
- Property Line
- Proposed Pavement
- Open Space / Detention

Location Map



SCALE IN FEET





North Addition
David City, NE

Date: 2022/02/01

Project No. P211917.00

Lot Information

- Commercial: LOTS 1 - 8
- Small Residential: LOTS 53 - 141
- Office: LOTS 9 - 29
- Medium Residential: LOTS 142 - 176
- Apartment Complex: LOT 30
- Large Residential: LOTS 177 - 211
- Townhomes: LOTS 31 - 52
- Storage: LOT 212
- Detention: LOTS 213 - 216
- Agriculture: LOT 217

Legend

- Property Line
- Proposed Pavement
- Open Space / Detention

Conceptual Layout



Stacy Bykerk and Janae McMahon introduced themselves.

Stacy Bykerk gave a history of the Butler County Food Pantry. Stacy explained that they are renting the property at the corner of 5th and G Street and would like to open a Food Pantry and Thrift store. The Butler County Food Pantry is currently housed at the Redeemer Lutheran Church. Janae McMahon currently volunteers with the Lincoln Food Bank to hand out food at the David City Auditorium. The Lincoln Food Bank then helps the Butler County Food Pantry with assisting Butler County residents with food pantries by appointment. The Lincoln Food Bank will continue to assist residents in Butler County and assist the Butler County Food Pantry. If the property at 5th and G Street is rezoned the Butler County Food Pantry will assist Butler County residents by appointment for food pantries. The Thrift store will have set hours.

Stacy Bykerk and Janae McMahon are requesting that the property on the east side of 5th Street between the Nebraska Central Railroad and G Street be rezoned. The property is currently zoned as R-2 Two-Family Residential. They would like to have the property rezoned to C-2 Downtown Commercial.

Chairman Jim Masek recommended that the rezoning of the property on the east side of 5th Street between the Nebraska Central Railroad and G Street be placed on the April 9, 2022, Planning Commission agenda. Signs of rezoning will then be placed on the properties that would need to be rezoned.

There being no further business to come before the Planning Commission, Planning Commission member Jim Vandenberg made a motion to adjourn. Chairman Jim Masek declared the meeting adjourned at 9:07 a.m.

Minutes by Lori Matchett, Deputy City Clerk