

AGENDA FOR THE REGULAR MONTHLY MEETING OF THE PLANNING  
COMMISSION OF THE CITY OF AUBURN, NEMAHA COUNTY,  
NEBRASKA, TO BE HELD AT THE CITY HALL AT 1101 J STREET  
AT 7:00 O'CLOCK P.M., APRIL 17, 2018

1. **Roll Call.**
2. **Announce** – Open Meetings Act is posted.
3. **Approve Previous Meeting Minutes.**
4. **7:05 pm Public Hearing** to obtain public comment prior to consideration on said meeting of a proposed request for a Special Exception Use to operate within a R-2 Medium Density Residential District, a child care center for child care/daycare services at 2005 N Street, Auburn, NE (legal description: Lot 7, Block 5, Calvert First Addition to Auburn, Nemaha County, Nebraska), pursuant to Sect. 152.003, subsection (E)(7).  
  
**Recommendation to the City Council.**
5. **Adjournment.**

**Note: If you are unable to attend the meeting, please notify Dave Davis (davedavis73@gmail.com). Thank you.**

Chair Davis called the meeting to order at 7:00 p.m. and announced that the Open Meetings Act law was posted as required.

The roll was called. Members present: Dave Davis, Doug Jones, Merri Johnson, Andy Askins, Mandy Hall

Members absent: Derek Hemmingsen, Heath Christiansen

Also present: City Building Inspector Glen Hogue; City Attorney Angelo Ligouri, Eric Bohling, Amy Conner, Neil Kerr, Cheryl Kanapp, Kurt Feilmeier, Joshua Champlin

Amanda Hall was recognized as a new member on the Planning and Zoning Commission.

**Approve Previous Meeting Minutes.** Motion by Merri Johnson, seconded by Doug Jones, to approve the minutes of the regular meeting on February 27, 2018. Roll Call: Davis, yes; Jones, yes; Johnson, yes; Askins, abstain; Hall, abstain. Motion carried.

**7:05 p.m. Chair Davis opened the Public Hearing to obtain public comment prior to consideration on said date of a proposed request for a Special Exception Use to operate a home occupation for a small engine repair/service at 1521 G Street, Auburn, NE (legal description: Lots 7 and 8, Block 30, Howe & Nixon's Addition to the City of Auburn, Nemaha County, Nebraska). The above described real estate is zoned R-2, Medium Density Residential District pursuant to City Code Section 152.033.**

Neil Kerr presented his request (see attached documents). City Building Inspector Glen Hogue explained that he initially denied Kerr's request for home occupation permit because it was in contradiction to City Code. For that reason, Kerr filed an application for Special Exception Use. Kerr submitted all required documents, including signed letters of support from six residents of his neighborhood. Kerr further gave assurances that he would not make noise at night or leave parts, etc., outdoors. Glen Hogue explained that home occupation licenses are reviewed annually, so that if there are complaints about the business, the license can be revoked. City Attorney Angelo Ligouri noted that the Planning and Zoning Commission needs to consider not only the good intentions of a particular applicant, but whether or not the intended use fits the neighborhood. Ligouri also cautioned that approving this request could lead to an increase in similar requests. Eric Bohling spoke in support of Kerr's request.

Chair Davis closed the public hearing at 7:45 p.m.

Motion by Doug Jones, seconded by Andy Askins, to recommend to the City Council that it approve the Special Use Exception requested by Neil Kerr, as stated above, namely to operate a home occupation for a small engine repair/service at 1521 G Street, Auburn, NE (legal description: Lots 7 and 8, Block 30, Howe & Nixon's Addition to the City of Auburn, Nemaha County, Nebraska). Roll Call: Askins, yes; Johnson, no; Hall, yes; Davis, yes; Jones, yes. Motion carried.

**7:46 p.m. Chair Davis opened the Public Hearing to obtain comment prior to consideration of a proposed recommendation for an amendment/supplement to the City of Auburn Code of Ordinances, Chapter 152: Zoning Section 152.034 R-3 Residential District to allow the addition of "Retreat Home" to be used to house up to ten members of a group, staying one or more nights. (The property under consideration is the house at 1916 – 6th Street, Auburn, NE; it is zoned R-3 Residential.)**

Amy Conner briefly reviewed the concept of renting the house as a retreat. She stated that quilting groups are the proposed target market. Eric Bohling, owner of the property, noted that the R-3 Residential District zoning allows Bed & Breakfast (B&B) Inns as well as nursing homes (Good Sam Assisted Living Facility is in the district in question). He asked if there is a significant difference between B&Bs and his proposed retreat home. The main difference is that a B&B is occupied by the owner. In Bohling's case, he, as the owner, would not be on-site when the groups renting the house would be there. Neighbor Kurt Feilmeier, 605 S Street, Auburn, NE, expressed concerns about use by groups other than

quilters and also expressed concerns about the effect of such a business on real estate values in the district. Neighbors Joshua Champlin and Cheryl Kanapp stated similar concerns. Increased traffic was also cited as a concern. Mr. Bohling stated that he would be willing to restrict the home's use to "Quilting Groups" only.

City Attorney Angelo Ligouri and some Commission members expressed concern about the changing nature of Mr. Bohling's plans for the property and what steps he would take to allay neighbors' concerns.

Chair Davis closed the Public Hearing at 8:45 p.m.

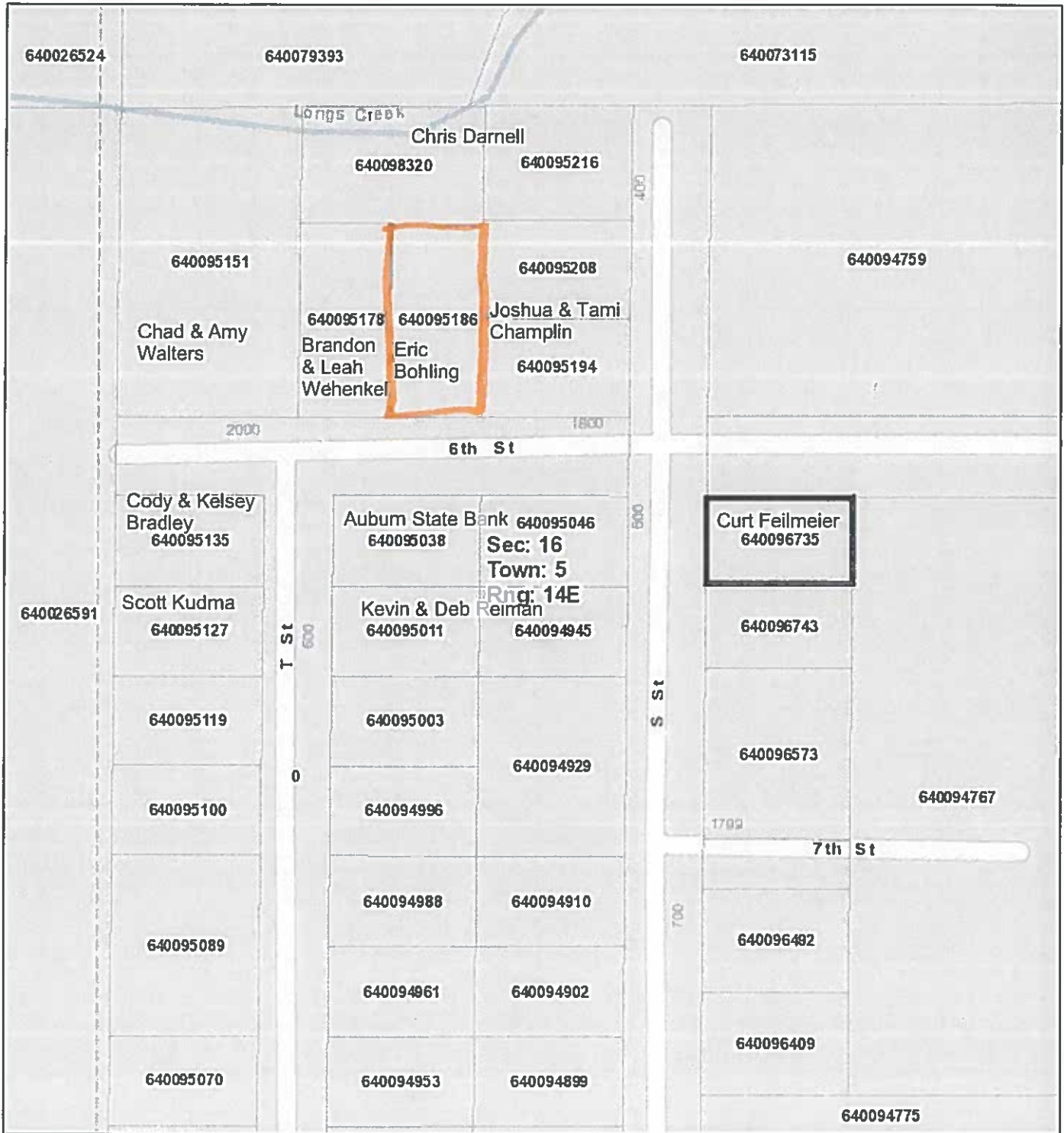
Motion by Andy Askins, seconded by Doug Jones, to recommend to the City Council that it deny Eric Bohling's request for an amendment/supplement to the City of Auburn Code of Ordinances, Chapter 152: Zoning Section 152.034 R-3 Residential District to allow the addition of "Retreat Home" to be used to house up to ten members of a group, staying one or more nights. Roll call: Askins, yes; Johnson, no; Hall, yes; Davis, yes; Jones, yes. Motion carried.

The next regular meeting of the Planning and Zoning Commission will be held on March 20, 2018.

Motion by Andy Askins, seconded by Dave Davis, to adjourn the meeting. Motion passed unanimously.

Meeting adjourned at 8:47 p.m.

Merri Johnson, Recording Secretary

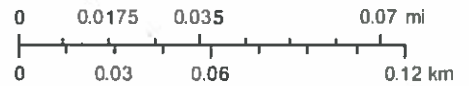


March 20, 2018

DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

1:2,257

- Parcels
- Sections



March 23<sup>rd</sup>, 2018

# CITY OF AUBURN

C/O: Auburn Planning Committee  
Auburn City Council  
Auburn Building Inspector- Glen Hogue

I am requesting special exception for a Child Care Center in the R-2 zone.

Address: 2005 N St.

Sq. Ft. Above Ground: 1004

Sincerely,

Cori Rademacher



2505 M St.

Auburn, NE 68305

402-245-7155

c.rademacher@live.com

**NOTICE OF PUBLIC HEARING  
CITY OF AUBURN, NE., PLANNING COMMISSION  
REQUEST FOR SPECIAL EXCEPTION USE  
AT 2005 "N" STREET, AUBURN, NE.**

Public Notice is hereby given by the Planning Commission of City of Auburn, NE., that a Public Hearing will be held at 7:05 p.m. on Tuesday, April 17, 2018, at Auburn City Hall, 1101 "J" St., Auburn, NE. 68305, with said meeting being open to public attendance. An agenda for such meeting is kept continuously current, and is available for public inspection at the City Clerk's Office at Auburn City Hall. A public hearing will be conducted by the Planning Commission of the City of Auburn, NE. in its own capacity.

The purpose of the public hearing is to obtain public comment prior to consideration on said meeting of a proposed request for a Special Exception Use to operate within a R-2, Medium Density Residential District, a Child Care Center for child care/daycare services at 2005 "N" St., Auburn, NE, (legal description: Lot 7, Block 5, Calvert First Addition to Auburn, Nemaha County, Nebraska), pursuant to Sect. 152.003, subsection (E)(7).

All interested parties shall be afforded at such public hearing a reasonable opportunity to express their views regarding the Special Exception Use Request proposed for consideration and possible recommendation to the City Council by the Planning Commission at the public meeting. Individuals requiring interpreter services, Braille, large print or recorded materials please contact the City Clerk, at Auburn City Hall or by telephone at (402) 274-3420.

Sherry Heskett, City Clerk  
City of Auburn, NE.

**§ 152.033 R-2 RESIDENTIAL DISTRICT.**

(A) *Intent.* To provide for medium density residential uses and several compatible supporting uses in a stable, pleasant environment which encourages family life.

(B) *Permitted principal uses and structures.*

- (1) Single-family dwellings;
- (2) Two-family dwellings;
- (3) Multi-family dwellings consisting of four units or less;
- (4) Townhouses limited to four units or less;
- (5) Primary and secondary education;
- (6) Public parks, buildings and grounds;
- (7) Golf courses and country clubs, except miniature golf courses and driving ranges not located within a golf course;
- (8) Child care home; and
- (9) No mobile homes shall be permitted or allowed in any area included in the Residential District.

(C) *Permitted accessory uses and structures.*

- (1) Home occupations, in accordance with § 152.060; and
- (2) Accessory uses and structures normally appurtenant to the permitted uses and structures, when established in conformance within the space limits of the district.

(D) *Permitted conditional uses.* A building or premises may be used for the following in conformance with the conditions prescribed herein:

- (1) Bed and breakfast guest home:
  - (a) Parking, as required in § 152.145;
  - (b) Signs, as required in § 152.111;

(c) A minimum of four rooms or suites of rooms are made available for use as transient lodging; and

(d) The remainder of the dwelling shall be used and owned as a residence by the host family.

(2) Domestic shelters: the maximum number of occupants of the facility shall not exceed one person per 1,000 square feet of lot area.

**(E) Special exception uses.** In accordance with §§ 152.160 through 152.162:

- (1) Nursing and care homes;
- (2) Utility substations;
- (3) Mausoleum and columbaria;
- (4) Places of worship such as churches, synagogues and temples;
- (5) Communication and utility uses;
- (6) Pre-schools; and
- (7) Child care center.

(F) *Prohibited uses and structures.* All other uses and structures which are not specifically permitted or not permissible as special uses shall be prohibited from the R-2 Residential District.

(G) *Height and area regulations.* The maximum height and minimum area regulations shall be as follows.

(1) General requirements:

	<i>Lot Area (sq. ft.)</i>	<i>Lot Width (ft.)</i>	<i>Required Front Yard (ft.)</i>	<i>Required Side Yard (ft.)</i>	<i>Required Rear Yard (ft.)</i>	<i>Height (ft.)</i>
Dwelling, single-family	7,000	50	17	5 if lot width is less than 70 feet, 10 if lot width is 70 feet to 100 feet and 10% if lot width is greater than 100 feet	Lesser of 25 of 20% of lot depth	35
Dwelling, two-family	3,500 per family	25 per family	17			
Townhouse	3,500 per family	50	17			35



	<i>Lot Area (sq. ft.)</i>	<i>Lot Width (ft.)</i>	<i>Required Front Yard (ft.)</i>	<i>Required Side Yard (ft.)</i>	<i>Required Rear Yard (ft.)</i>	<i>Height (ft.)</i>
Multiple-family	1,500 per family	50	17			35
Other permitted uses	7,000	50	17			35

(2) There shall be a required front yard setback of 17 feet on each street side of a double-frontage lot.

(3) Buildings on corner lots shall provide front yard setbacks of 17 feet on both street frontages. The second street frontage front yard setback may be reduced to 15 feet only if further development cannot occur or that adjoining lots would have a setback greater than 15 feet; and designate remaining yards as one rear and one side yard.

(4) Buildings or structures shall not exceed two and one-half stories in height.

(5) The side yard setback between individual units of two-family dwellings and townhouses may be reduced to zero, if the following conditions are met: a one-hour fire rated construction common wall between units starting at the basement level and continuing through to the roof line is maintained.

(H) *Parking regulations.* Parking within the R-2 Residential District shall be in conformance with the provisions of § 152.145.

(I) *Sign regulations.* Signs within the R-2 Residential District shall be in conformance with the provisions of § 152.111.  
(Prior Code, § 11-404)

**§ 152.034 R-3 RESIDENTIAL DISTRICT.**

(A) *Intent.* To provide for high density residential uses and several compatible supporting uses in a stable, pleasant environment which encourages family life.

(B) *Permitted principal uses and structures.*

- (1) Single-family dwellings;
- (2) Two-family dwellings;
- (3) Townhouses;