

Cambridge Planning Commission Meeting  
Wednesday April 14, 2021  
5:00 P.M.  
Cambridge Community Building

Pursuant to notice published in the Valley Voice on April 1, 2021, the Cambridge Planning Commission met for regular meeting convening at 5:00 P.M. on Wednesday, April 14, 2021. Chairman Jason Cobb opened the meeting and announced the open meeting law poster is posted on the east wall of the meeting room and available for inspection. Present were Planning Commission members Jason Cobb, Jason Weiss, Debbi Runner, Vicki Brown and Mike Smith. Also present were Mayor David Gunderson, City Clerk/Treasurer Kandra Kinne and City Attorney Lisa Shifflet. Visitors present were Brad Williams, Kevin Banzhaf and Diane & Wynn Miller.

5:05 P.M.

PUBLIC HEARING – Conditional Use Permit Application for Daycare at 102 Paxton Street: Chairman Cobb opened the hearing and related that any protest must be filed within the next 14 days of this hearing. After this hearing, the Application will be heard by City Council.

Diane Miller addressed the Commission and spoke against the application. Her statements in summary were: trucks travel by the proposed location; sound carries and they do not wish to hear kids playing in their neighborhood; they will petition and protest; they believe the property needs some work to be safe for children; they walk their dogs past this property; an unsafe storm shelter is located on the property; and they realize that a City Council member owns the property.

Wynn Miller addressed the Commission and spoke against the application. His statements in summary were: insurance requirements for a daycare need to be met; safety concerns for children running in the street; does the fence meet State guidelines; property not zoned for a business; questions whether State and City requirements have been met; trucks block the alley and intersection at the north end of the street; and questions the safety of the location due to truck traffic.

Diane Miller spoke again: Diane noted the property was posted, but most people do not attend public hearings, and she will get a petition from the neighborhood to oppose.

Brad Williams addressed the Commission in support of the application: He stated that he owns a daycare in McCook and can provide all the State requirements. He thinks it is an awesome idea and stated that he owns the 16-unit apartment complex nearby.

Kevin Banzhaf, owner of the property, addressed the Commission: His daughter-in-law will manage the daycare; there is a need for more daycare providers in Cambridge; State paperwork is in process; the property will be inspected; the property is fenced; there is no guarantee that children won't run in the street when parents arrive for pickup; there will be eight children total – two under 18 months; and there will be insurance. He added that a family could live in a neighborhood home and have any number of children in reference to kids playing in the neighborhood.

5:15 P.M. Chairman Jason Cobb closed the Public Hearing.

Jason stated that this is a daycare center not a home occupation. City Zoning allows a Day Care Center in R-2 and R-1 zoning areas with a Conditional Use Permit. In reference to trucks driving past to the ethanol plant that this application is not associated with the ethanol plant. The provider of the day care

is required to meet State Requirements and it is not the responsibility of the City. The minimum requirements for a conditional use permit were submitted in writing to the Planning Commission. The minimum requirement responses are attached to these minutes as Exhibit "1" It was noted if the State requires a fence, a separate application will need to be submitted to the Planning Commission.

Kevin Banzhaf, owner of the property, stated: The daycare will not be open on weekends, only weekdays.

Jason Weiss stated the motion, seconded by Mike Smith, to adopt the minimum requirements for a conditional use permit as attached to these minutes and to approve the Conditional Use Permit Application for a Day Care at 102 Paxton Street. Voting yes were Jason Cobb, Jason Weiss, Debbi Runner, Vicki Brown and Mike Smith. Motion carried unanimously.

MINUTES: The Planning Commission received the minutes of March 10, 2021, prior to this meeting. Debbi Runner stated the motion, seconded by Jason Weiss, to approve the Minutes of March 10, 2021. Voting yes were Jason Cobb, Jason Weiss, Debbi Runner, Vicki Brown and Mike Smith. Motion carried unanimously.

#### SITE PLAN AND LAND USE PERMIT APPLICATIONS/FLOODPLAIN DEVELOPMENT PERMITS:

A. Donald J. Herrmann – 715 Nevada Street – treated 7-foot posts and 42'9" of welded coated wire plus one grate 48" x 48" of wood and wire. Jason Weiss stated the motion, seconded by Debbi Runner, to approve the site plan and land use permit of Donald J. Herrmann, 715 Nevada Street, for fencing. Voting yes were Jason Weiss, Mike Smith, Jason Cobb, Vicki Brown and Debbi Runner. Motion carried unanimously.

B. Williams Storage – 42505 Wheat Ridge Drive – 16-unit mini storage building. The question was posed – does this application require a Conditional Use Permit. Jason Cobb reviewed the original application. Mayor Gunderson noted that the condition has not changed. Chairman Cobb noted that additional storage units were in the original permit, but it has expired. Jason Weiss stated the motion, seconded by Mike Smith, to approve the site plan and land use permit of Williams Storage for a 160' x 20' - 16-unit mini storage building at 42505 Wheat Ridge Drive. Voting yes were Jason Weiss, Mike Smith, Jason Cobb, Vicki Brown and Debbi Runner. Motion carried unanimously.

C. Joseph Benson – 1004 Nelson Street – remove and replace house siding, replace soffit & fascia on garage. Debbi Runner stated the motion, seconded by Vicki Brown, to approve the site plan and land use permit of Joseph Benson, 1004 Nelson Street, for removal and replacement of house siding & to replace soffit & fascia on garage. Voting yes were Jason Weiss, Mike Smith, Jason Cobb, Vicki Brown and Debbi Runner. Motion carried unanimously.

D. David & Kathy Benson – 1022 Parker Street – 12' x 44' slab of concrete to attach to carport. It was noted that a supplemental accessory application or Conditional Use Permit may be required. Mike Smith stated the motion, seconded by Jason Weiss, to table the application for more information. Voting yes were Jason Weiss, Mike Smith, Jason Cobb, Vicki Brown and Debbi Runner. Motion carried unanimously.

E. Kim & Jennifer Evans – 1201 Nasby Street – to remove the house located at 1207 Nasby Street. Debbi Runner stated the motion, seconded by Mike Smith, to approve the site plan and land use permit

of Kim & Jennifer Evans, 1201 Nasby Street, to remove the house located at 1207 Nasby Street. Voting yes were Jason Weiss, Mike Smith, Jason Cobb, Vicki Brown and Debbi Runner. Motion carried unanimously.

F. Derek & Mary Downer – 905 Niobrara Street – 20' x 30' addition to north side of house, siding and windows. Discussion was held on the detail of the project. Jason Weiss stated the motion, seconded by Mike Smith, to approve the site plan and land use permit of Derek & Mary Downer, 905 Niobrara Street, to add a 20' x 30' addition to the north side of the existing home including siding and windows. Voting yes were Jason Weiss, Mike Smith, Jason Cobb, Vicki Brown and Debbi Runner. Motion carried unanimously.

G. Brad Williams – 71081 Drive 388, McCook – to construct a single dwelling home with garage on property North of Cross Creek Subdivision. Jason Weiss stated the motion, seconded by Debbi Runner, to approve the site plan and land use permit of Brad Williams of McCook, to construct a single dwelling home with garage. Voting yes were Jason Weiss, Mike Smith, Jason Cobb, Vicki Brown and Debbi Runner. Motion carried unanimously.

H. Brad Williams – 71081 Drive 388, McCook – to construct a single dwelling home with garage on property North of Cross Creek Subdivision. Jason Weiss stated the motion, seconded by Mike Smith, to approve the site plan and land use permit of Brad Williams of McCook, to construct a single dwelling home with garage. Voting yes were Jason Weiss, Mike Smith, Jason Cobb, Vicki Brown and Debbi Runner. Motion carried unanimously.

I. Nick & Megan Vargas – 416 Park Avenue – six-foot vinyl privacy fence. Jason Cobb stated the motion, seconded by Vicki Brown, to approve the site plan and land use permit of Nick & Megan Vargas to construct a six-foot vinyl privacy fence. Voting yes were Jason Weiss, Mike Smith, Jason Cobb, Vicki Brown and Debbi Runner. Motion carried unanimously.

J. Kim & Jennifer Evans – 1201 Nasby Avenue – 12' x 20' portable shed. Jason Weiss stated the motion, seconded by Mike Smith, to approve the site plan and land use permit of Kim & Jennifer Evans for a 12' x 20' portable shed. Voting yes were Jason Weiss, Mike Smith, Jason Cobb, Vicki Brown and Debbi Runner. Motion carried unanimously.

K. Jason & Jodi Cobb – 40879 Johnson Street – new siding & windows, 12' x 28' covered deck, rebuild 12' x 24' patio on back of home. Debbi Runner stated the motion, seconded by Mike Smith, to approve the site plan and land use permit of Jason & Jodi Cobb to install new siding & windows, add a 12' x 28' covered deck, and rebuild 12' x 24' patio on back of home. Voting yes were Jason Weiss, Mike Smith, Vicki Brown and Debbi Runner. Jason Cobb abstained from voting. Motion carried by Planning Commission members voting.

L. Scotty & Andrea Gray – 106 Nasby Street – to construct a single dwelling home with garage at 40202 Corn Husk Lane. Jason Weiss stated the motion, seconded by Mike Smith, to approve the site plan and land use permit of Scotty & Andrea Gray, 106 Nasby Street, to construct a single dwelling home at 40202 Corn Husk Lane. Voting yes were Jason Weiss, Mike Smith, Jason Cobb, Vicki Brown and Debbi Runner. Motion carried unanimously.

OTHER BUSINESS:

A. Brad Williams – development project north of Cross Creek Subdivision: Brad Williams explained his proposed development. Chairman Jason Cobb recommended that Mr. Williams attend a conference call with Craig Bennett of Miller & Associates tomorrow morning. Mr. Williams stated that he has sent a letter to Dave Houghtelling, Utility Supervisor, and to City Clerk/Treasurer Kandra Kinne regarding the water needs for the proposed development. The property is currently zoned Agricultural. City Attorney Lisa Shifflet advised Mr. Williams that if this project is a subdivision, the regulations in zoning must be followed. The project cannot move forward until it is approved for a subdivision. One rule is that the roads must be of Portland cement.

B. Waid Vontz, Manager of GTA Insurance Group at 41504 Harvest Drive - Buffer trees: Mr. Vontz is requesting approval for an additional 10-12 trees between the Insurance Group's commercial property and the residential property nearby. Planning Commission asked for more information – type of trees and criteria.

ADJOURNMENT:

Jason Weiss stated the motion, seconded by Debbi Runner, to adjourn at 6:15 P.M. and voting yes were Jason Weiss, Mike Smith, Jason Cobb, Vicki Brown and Debbi Runner. Motion carried unanimously.

EXHIBIT "1"

Minimum requirements. A conditional use permit shall not be granted unless specific written findings of fact directly based upon the particular evidence presented support the following conclusions:

1. The proposed conditional use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations and use limitations.

In-Home Daycare complies with all provisions.

2. The proposed conditional use at the specified location will not adversely affect the welfare or convenience of the public.

Zoning Regulations – City of Cambridge, Nebraska CHAPTER 9 | pg 107

The public will have the same visibility and access to surrounding roads, alleys and properties. There is plenty of off-street parking for parents dropping kids off and picking them up.

3. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.

Value to properties will not be negatively affected by having an In-home Daycare in the area. Property at 102 Paxton will still be a residential house. Upkeep and appearance of the property will be increased to provide a nice and safe place for parents to send their children to daycare.

4. The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to:

- a. The location, nature and height of buildings, structures, walls fences on the site, and
- b. The nature and extent of landscaping and screening on the site.

No changes are planned, at this point, to change any fencing, building size, or landscaping. If any changes are made in the future, they will be within the same regulations of all residential properties.

5. Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations, and such areas

will be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect.

There is off street parking already in existence on the east side of the home, giving plenty of parking space for child drop-off/pick-up.

6. Adequate utility, drainage, and other such necessary facilities have been or will be provided.

No changes are needed from what is already in place at the residence.

7. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys

As stated before, off-street parking is already available.