

**PLANNING COMMISSION AGENDA  
REGULAR MEETING  
MONDAY, OCTOBER 15, 2012**

**STUDY SESSION    NO STUDY SESSION  
MEETING            5:00 P.M.        CITY COUNCIL CHAMBERS**

1. Meeting Called to Order
2. Roll Call
3. Determination as to Legality, Notice of Meeting and Agenda
4. Reading of the Minutes of the September 17, 2012, Regular Meeting.
5. Public comment period. The general public is invited to address the Planning Commission regarding any item on this agenda. The overall and individual speaking time allotments may be limited by the Chair.
6. Consider request of Peter Johnson, on behalf of Jim Abel, to erect a detached garage that is not harmonious with the primary structure as part of a conditional use at 255 North Ridge Road, Lot #18, Lake Leba, Fremont, Dodge County, Nebraska. RL – Lake and River District.
7. Consider request of Saint Patrick's Catholic Church to subdivide Lots 5 thru 8, Block 151, Original Town, Fremont, Dodge County, Nebraska into two lots.
8. Study Session - Business Improvement Districts.

**THIS MEETING WAS PRECEDED BY PUBLICIZED NOTICE IN THE FREMONT TRIBUNE AND THE AGENDA DISPLAYED IN THE LOBBY OF THE MUNICIPAL BUILDING AND POSTED ONLINE AT [WWW.FREMONTNE.GOV](http://WWW.FREMONTNE.GOV); AND DISTRIBUTED TO THE PLANNING COMMISSION, MAYOR AND CITY COUNCIL ON OCTOBER 10, 2012 AND IS OPEN TO THE PUBLIC. A COPY OF THE AGENDA WAS KEPT CONTINUALLY CURRENT AND AVAILABLE TO THE PUBLIC AT THE OFFICE OF THE CITY PLANNER, 400 EAST MILITARY. A COPY OF THE OPEN MEETING LAW IS POSTED CONTINUALLY FOR PUBLIC INSPECTION LOCATED NEAR THE ENTRANCE DOOR BY THE AGENDAS. THE PLANNING COMMISSION RESERVES THE RIGHT TO ADJUST THE ORDER OF ITEMS ON THIS AGENDA.**

# STAFF REPORT

**TO:** Planning Commission

**FROM:** Rian Harkins, Planning Director

**DATE:** 9 October 2012

**SUBJECT:** Request of Peter Johnson/Jim Abel for approval of a Conditional Use Permit to construct an accessory building that is not architecturally harmonious with the principal structure, Fremont, Dodge County, Nebraska (255 North Ridge Road)

**Recommendation:** Staff recommends approval.

## Request:

The applicant requests that the lot listed above be approved for a Conditional Use Permit for a non-architecturally harmonious accessory building in the RL Lake and River Residential Zoning District.

## Background:

The property is located in the southwest quadrant of the City's Extraterritorial Jurisdiction along North Ridge Road. The area proposed for the Conditional Use Permit abuts RL Lake and Residential Zoning on all four sides, with Ag Agricultural/Urban reserve nearby to the southwest. The conditional use permit is required because the applicant desires to erect a detached garage on the property near the primary residence that does not match the architectural style of the primary structure.

## Findings:

In accordance with Section 1203, Table 12-1, the following criteria shall be utilized to determine approval of the Conditional Use Permit. The proposed use will comply with most of the criteria with the proposed conditions.

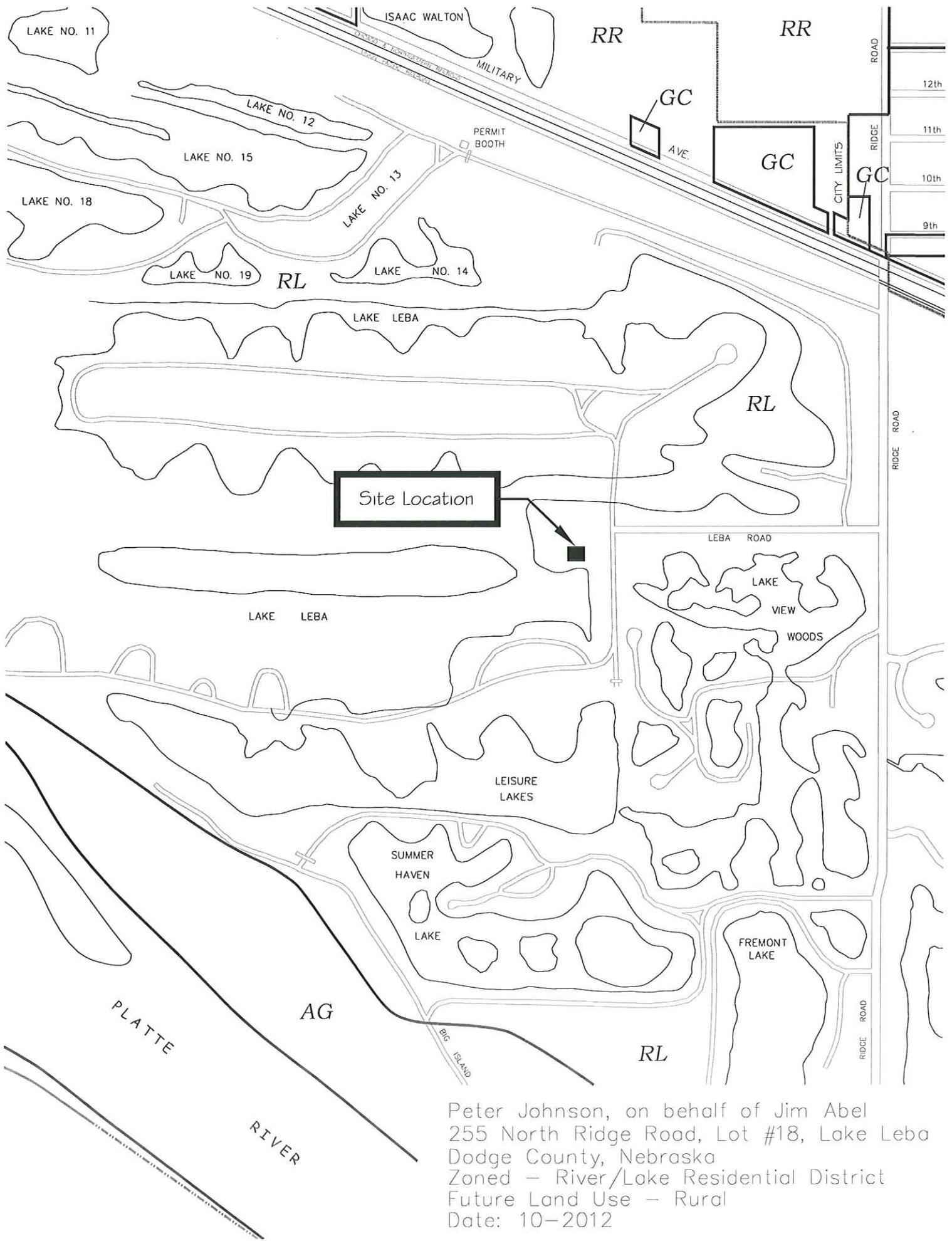
	CRITERIA	Compliance
Land Use Compatibility Development Density	Site area per unit or floor area ratio should be similar to surrounding uses if not separated by major natural or artificial features.	Yes
Height and Scale Height and Bulk	Development should minimize differences in height and building size from surrounding structures. Differences should be justified by urban design considerations.	Yes
Setbacks	Development should respect pre-existing setbacks in surrounding area. Variations should be justified by site or operating characteristics.	Yes

Building Coverage	Building coverage should be similar to that of surrounding development of possible. Higher coverage should be mitigated by landscaping or site amenities.	Yes
<b>Site Development</b>		
Frontage	Project frontage along a street should be similar to lot width.	Yes
Parking and Internal Circulation	Parking should serve all structures with minimal conflicts between pedestrians and vehicles.	Yes
	All structures must be accessible to public safety vehicles.	Yes
	Development must have access to adjacent public streets and ways. Internal circulation should minimize conflicts and congestion at public access points.	Yes
Landscaping	Landscaping should be integral to the development, providing street landscaping, breaks in uninterrupted paved areas, and buffering where required by surrounding land uses. Parts of site with sensitive environmental features or natural drainage ways should be preserved.	Yes
<b>Building Design</b>		
Building Design	Architectural design and building materials should be compatible with surrounding areas or highly visible locations	No
<b>Operating Characteristics</b>		
Traffic Capacity	Project should not obstruct traffic on adjacent streets. Compensating improvements will be required to mitigate impact on street system operations.	Yes
External Traffic Effects	Project design should direct non-residential traffic away from residential areas.	Yes
Operating Hours	Projects with long operating hours must minimize effects on surrounding residential areas.	Yes
Outside Storage	Outside storage areas must be screened from surrounding streets and less intensive land uses.	Yes
<b>Public Facilities</b>		
Sanitary Waste Disposal	Developments within 500 feet of a public sanitary sewer must connect to sewer system. Individual disposal systems, if permitted, shall not adversely affect public health, safety, or welfare.	Yes
	Sanitary sewer must have adequate capacity to serve development.	Yes
Utilities	Project must be served by utilities.	Yes
	Rural estate subdivisions should be located in designated areas which can accommodate utility and infrastructure installation consistent with the need to protect the environment and public health.	NA
<b>Comprehensive Plan</b>		
Comprehensive Plan	Projects should be consistent with the City of Fremont's Comprehensive Development Plan.	Yes

The proposed conditional use meets the criteria of Table 12-1 of the Zoning Ordinance as well as the general intent of the Zoning Ordinance. Additionally, the proposed conditional use is in general conformance with the Comprehensive Plan.

Staff recommends approval based the fact that the accessory building is well screened from the primary access point to the site, and is a significant distance from said access

point. Additionally, the proposed conditional use meets the intent of the Future Land Use Map (Rural land use designation) and the intent of the RL zoning district.



Peter Johnson, on behalf of Jim Abel  
 255 North Ridge Road, Lot #18, Lake Leba  
 Dodge County, Nebraska  
 Zoned - River/Lake Residential District  
 Future Land Use - Rural  
 Date: 10-2012



Google earth

Eye alt: 3752 ft

© 2012 Google

lat 41.431108 lon -96.526379 elev 1198 ft

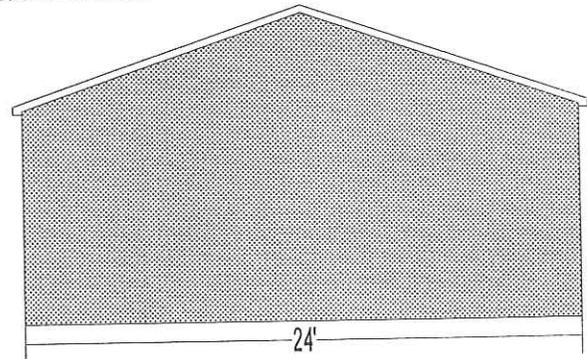
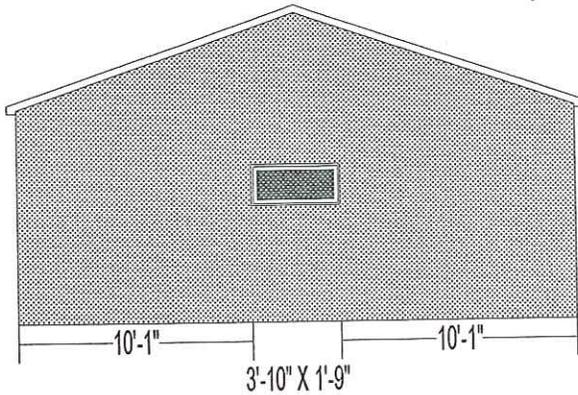
Imagery Date 3/7/2012 1993

# Design # 44001



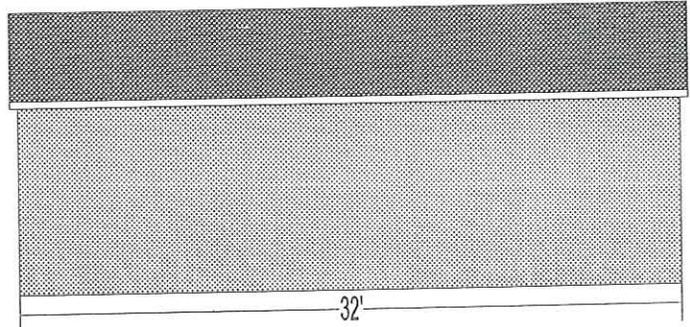
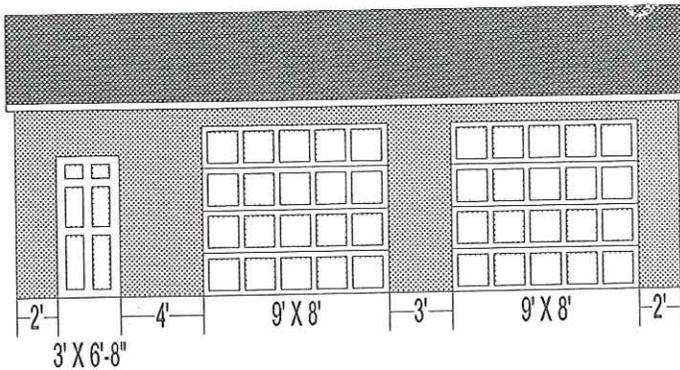
\*\*\* Here are the wall configurations for your design.

Illustration May Not Depict All Options Selected



Gable Front View

(1) - 4620 VINYL RANCH WINDOW SINGLE GLAZED



Eave Front View

(1) - CM-1 6-PANEL STEEL DOOR 36X80 LH PH  
(2) - 9X8 WHITE INSUL RAISED PNLZSETTORSN M4SV

Eave Back View

Building Size: 24 feet wide X 32 feet long X 9 feet high

Approximate Peak Height: 13 feet 4 inches (160 inches)

Menards provided material estimates are intended as a general construction aid and have been calculated using typical construction methods. Because of the wide variable in codes and site restrictions, all final plans and material lists must be verified with your local zoning office, architect and/or builder for building design and code compliance. Menards is a supplier of construction materials and does not assume liability for design, engineering or the completeness of any material lists provided. Underground electrical, phone and gas lines should be located and marked before your building plans are finalized. Remember to use safety equipment including dust masks and sight and hearing protection during construction to ensure a positive building experience.

## Pruss, Deb

---

**From:** Harkins, Rian  
**Sent:** Friday, October 05, 2012 2:39 PM  
**To:** Pruss, Deb  
**Subject:** FW: Rian

Please include this in the information for the Lake Leba CUP

---

**From:** Bob Miller [<mailto:BobM@nebcoinc.com>]  
**Sent:** Friday, October 05, 2012 12:13 PM  
**To:** Harkins, Rian  
**Subject:** Rian

Rian

Jim Abel has requested and approved the new garage at Lake Leba. Jim is the principal shareholder of Nebco Inc that owns Lake Leba. Please call me at 402-434-1733 if you have any questions.

Bob Miller  
VP

## STAFF REPORT

**TO:** Planning Commission

**FROM:** Rian Harkins, Planning Director

**DATE:** 10 September 2012

**SUBJECT:** Lot Split request to divide Lots 5 thru 8, Original Town, Fremont, Dodge County, Nebraska (735 E 2<sup>nd</sup> Street) (Saint Patrick's)

<p><b>Recommendation:</b> Staff recommends approval subject to the Board of Adjustment granting a setback variance.</p>
---

**Request:**

The applicant seeks approval of a lot split at the address listed above in order to sell off excess property.

**Background:**

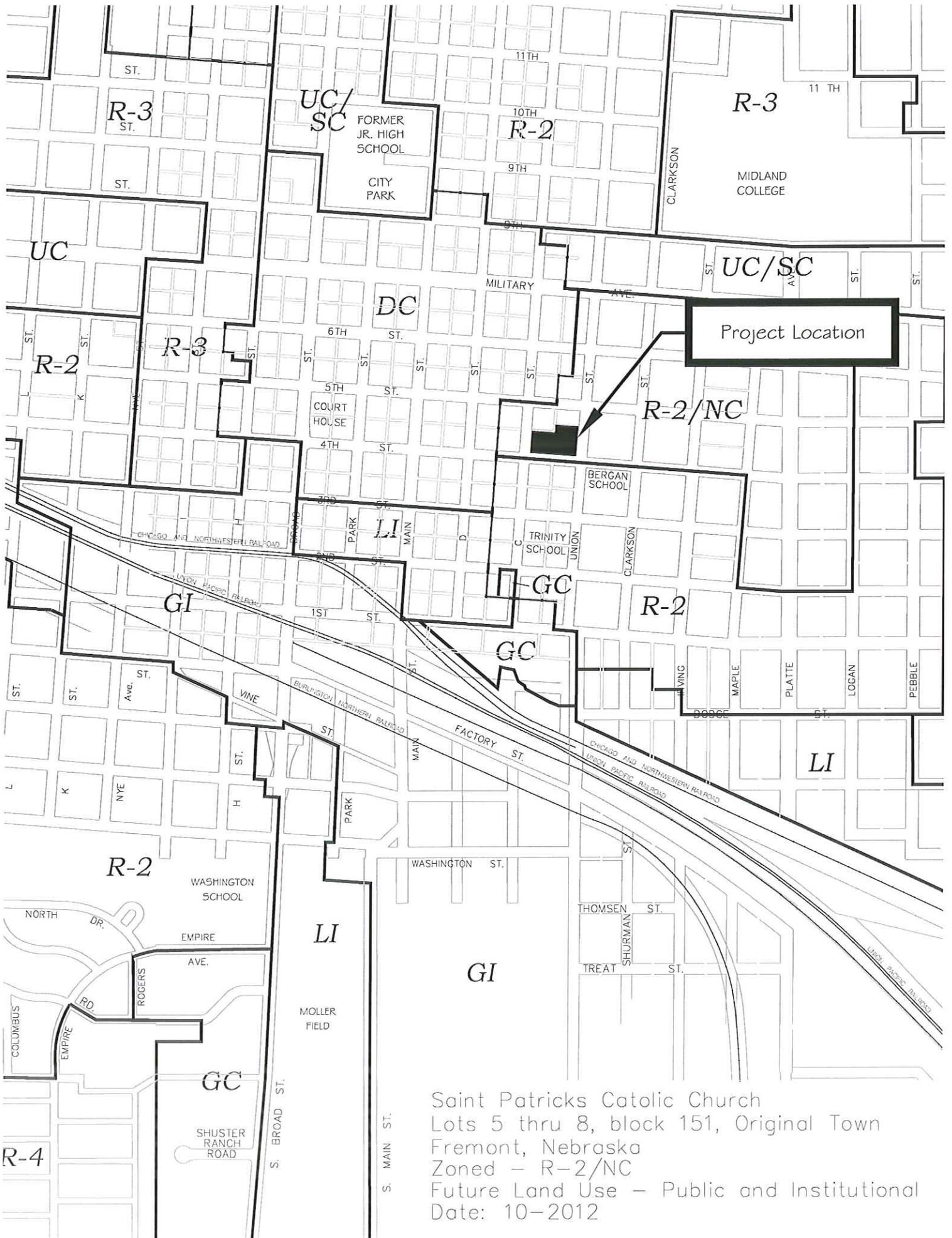
The property is located at the intersection of fourth and C Streets, and is currently zoned R-2 Moderate Family Residential with a Neighborhood Conservation Overlay (NC). All of the adjacent properties to the north, east, and west are zoned in a similar manner; with R-2 Moderate Family Residential (without the NC Overlay) situated to the south. The area is designated neighborhood conservation in nature according to the comprehensive plan.

Proposed parcel one contains the former church building, as it is proposed, the parcel would not be able to meet current street side and rear yard setback requirements (15' and 20' respectively). Front and interior side yard setbacks are able to be met with the proposed lot layout.

Proposed parcel two contains the church offices and existing church/school buildings. As it is proposed, parcel two would not be able to meet current street side and rear yard setback requirements (currently the buildings site 3 feet from the rear lot line and 9 feet from the street lot line). Front and interior side yard setbacks are able to be met with the proposed lot layout for this parcel.

**Findings:**

The proposed lot split will continue to allow the property to meet the intent of the R-2 Moderate Family Residential zoning district as well as the intent of the Future land Use Plan, and is in conformance with the proposed Comprehensive Plan, Blueprint for Tomorrow.



Saint Patricks Catholic Church  
 Lots 5 thru 8, block 151, Original Town  
 Fremont, Nebraska  
 Zoned - R-2/NC  
 Future Land Use - Public and Institutional  
 Date: 10-2012

FIFTH

450

425

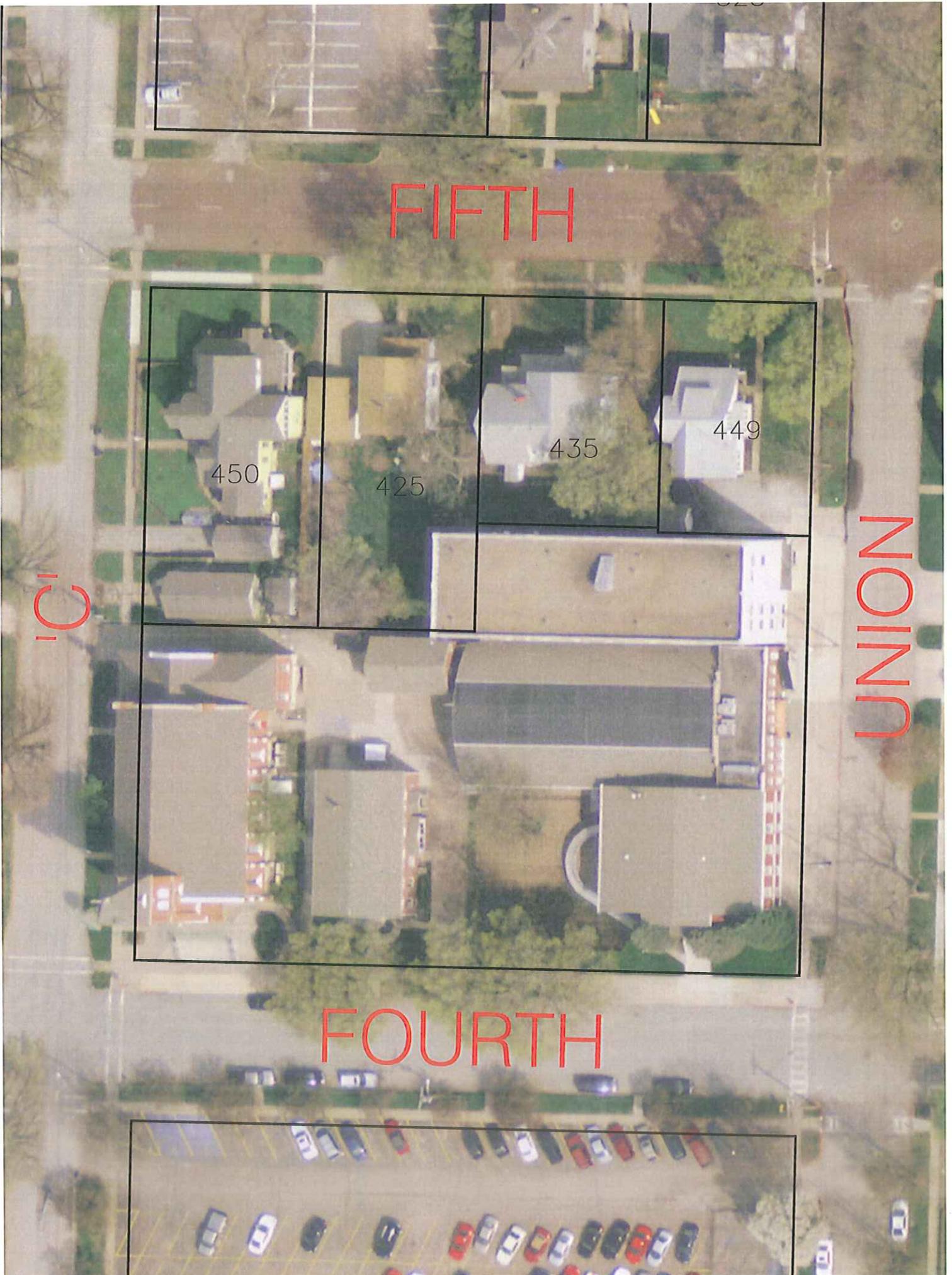
435

449

U

UNION

FOURTH



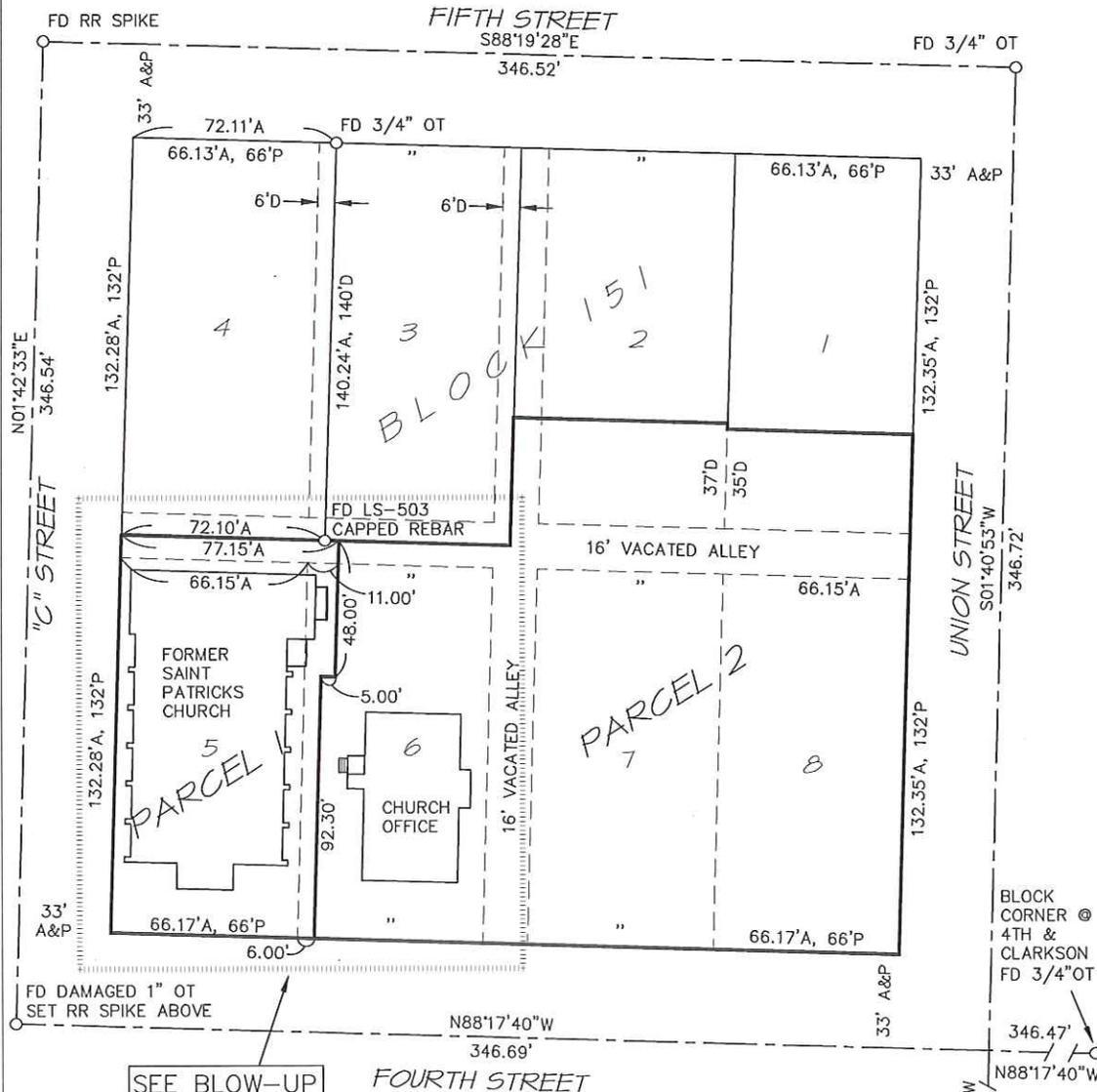
TO THE OFFICE OF COUNTY SURVEYOR  
DODGE COUNTY



SCALE: 1" = 50'

LEGEND

- A ACTUAL DISTANCE
- P PLATTED DISTANCE
- D DEEDED DISTANCE
- R RECORDED DISTANCE
- OT OPEN TOP PIPE
- o FD FOUND POINT
- SET 3/4" X 24" REBAR WITH LS-503 CAP UNLESS OTHERWISE NOTED



SEE BLOW-UP  
ON SHEET 2

LOCATION OF BLOCK  
CORNER @ 2ND &  
UNION CALCULATED  
FROM CITY TIES



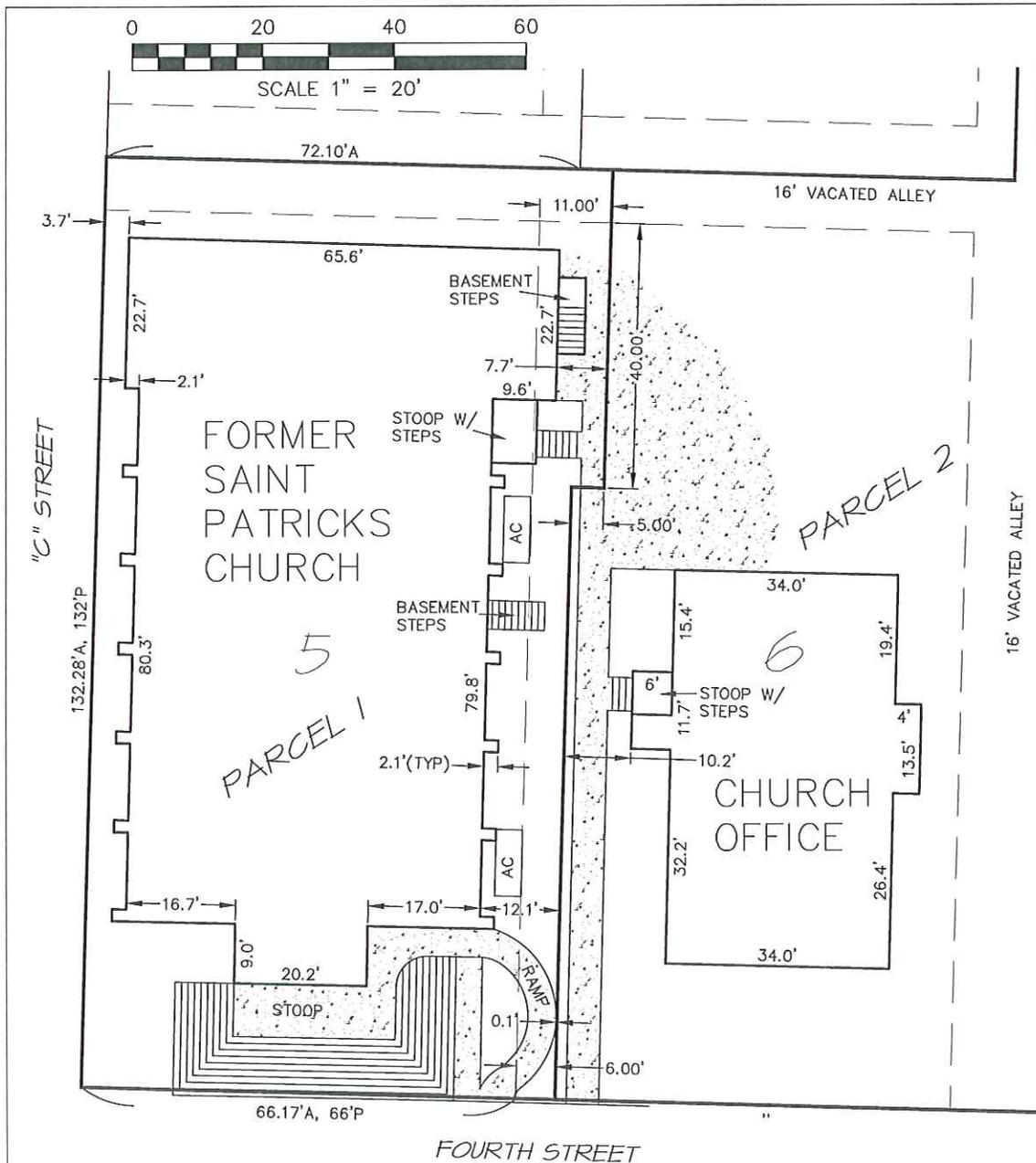
I HEREBY CERTIFY THAT THIS PLAT, MAP,  
SURVEY OR REPORT WAS MADE BY ME  
OR UNDER MY DIRECT PERSONAL  
SUPERVISION AND THAT I AM A DULY  
REGISTERED LAND SURVEYOR UNDER THE  
LAWS OF THE STATE OF NEBRASKA.

**Dodd Engineering  
& Surveying LLC**



Stephen W. Dodd  
P.E. & L.S.  
Ph. 402-727-9067, FAX 721-0509  
402 North D St., P.O. Box 1855  
Fremont, NE 68026-1855

STEPHEN W. DODD, LS-503



EXISTING LEGAL DESCRIPTION:

LOTS 5, 6, 7 AND 8; THE SOUTH 35 FEET OF LOT 1; THE SOUTH 37 FEET OF LOT 2;  
 THE NORTH-SOUTH ALLEY BETWEEN LOTS 6 AND 7;  
 THE SOUTH HALF OF THE EAST-WEST ALLEY ADJOINING THE NORTH SIDE OF LOTS 5 AND 6;  
 THE EAST-WEST ALLEY BETWEEN LOTS 1 AND 8; THE EAST-WEST ALLEY BETWEEN LOTS 2 AND 7;  
 THE EAST 10 FEET OF THE ALLEY ADJOINING THE WEST SIDE OF LOT 2;  
 THE EAST 10 FEET OF THE NORTH HALF OF THE INTERSECTION OF THE EAST-WEST ALLEY AND THE  
 NORTH-SOUTH ALLEY;  
 THE SOUTH HALF OF THE INTERSECTION OF THE EAST-WEST ALLEY AND THE NORTH-SOUTH ALLEY;  
 ALL IN BLOCK 151, ORIGINAL TOWN OF FREMONT, DODGE COUNTY, NEBRASKA.

PROPOSED LEGAL DESCRIPTIONS:

PARCEL 1:

LOT 5; THE WEST 6 FEET OF LOT 6;  
 THE EAST 5 FEET OF THE WEST 11 FEET OF THE NORTH 40 FEET OF LOT 6;  
 THE SOUTH HALF OF THE EAST-WEST ALLEY ADJOINING LOT 5 AND THE WEST 11 FEET OF LOT 6;  
 ALL IN BLOCK 151, ORIGINAL TOWN OF FREMONT, DODGE COUNTY, NEBRASKA.

PARCEL 2:

LOTS 7 AND 8; THE SOUTH 35 FEET OF LOT 1; THE SOUTH 37 FEET OF LOT 2;  
 LOT 6 EXCEPT THE WEST 6 FEET AND EXCEPT THE EAST 5 FEET OF THE WEST 11 FEET OF THE NORTH 40 FEET;  
 THE NORTH-SOUTH ALLEY BETWEEN LOTS 6 AND 7;  
 THE SOUTH HALF OF THE EAST-WEST ALLEY ADJOINING THE NORTH SIDE OF LOT 6 EXCEPT THE WEST 11 FEET;  
 THE EAST-WEST ALLEY BETWEEN LOTS 1 AND 8; THE EAST-WEST ALLEY BETWEEN LOTS 2 AND 7;  
 THE EAST 10 FEET OF THE ALLEY ADJOINING THE WEST SIDE OF LOT 2;  
 THE EAST 10 FEET OF THE NORTH HALF OF THE INTERSECTION OF THE EAST-WEST ALLEY AND THE  
 NORTH-SOUTH ALLEY;  
 THE SOUTH HALF OF THE INTERSECTION OF THE EAST-WEST ALLEY AND THE NORTH-SOUTH ALLEY;  
 ALL IN BLOCK 151, ORIGINAL TOWN OF FREMONT, DODGE COUNTY, NEBRASKA.

## SAINT PATRICKS LOT SPLIT LEGAL DESCRIPTIONS

### EXISTING LEGAL DESCRIPTION:

LOTS 5, 6, 7 AND 8; THE SOUTH 35 FEET OF LOT 1; THE SOUTH 37 FEET OF LOT 2;  
THE NORTH-SOUTH ALLEY BETWEEN LOTS 6 AND 7;  
THE SOUTH HALF OF THE EAST-WEST ALLEY ADJOINING THE NORTH SIDE OF LOTS 5 AND 6;  
THE EAST-WEST ALLEY BETWEEN LOTS 1 AND 8; THE EAST-WEST ALLEY BETWEEN LOTS 2 AND 7;  
THE EAST 10 FEET OF THE ALLEY ADJOINING THE WEST SIDE OF LOT 2;  
THE EAST 10 FEET OF THE NORTH HALF OF THE INTERSECTION OF THE EAST-WEST ALLEY AND THE NORTH-SOUTH ALLEY;  
THE SOUTH HALF OF THE INTERSECTION OF THE EAST-WEST ALLEY AND THE NORTH-SOUTH ALLEY;  
ALL IN BLOCK 151, ORIGINAL TOWN OF FREMONT, DODGE COUNTY, NEBRASKA.

### PROPOSED LEGAL DESCRIPTIONS:

#### PARCEL 1:

LOT 5; THE WEST 6 FEET OF LOT 6;  
THE EAST 5 FEET OF THE WEST 11 FEET OF THE NORTH 40 FEET OF LOT 6;  
THE SOUTH HALF OF THE EAST-WEST ALLEY ADJOINING LOT 5 AND THE WEST 11 FEET OF LOT 6;  
ALL IN BLOCK 151, ORIGINAL TOWN OF FREMONT, DODGE COUNTY, NEBRASKA.

#### PARCEL 2:

LOTS 7 AND 8; THE SOUTH 35 FEET OF LOT 1; THE SOUTH 37 FEET OF LOT 2;  
LOT 6 EXCEPT THE WEST 6 FEET AND EXCEPT THE EAST 5 FEET OF THE WEST 11 FEET OF THE NORTH 40 FEET;  
THE NORTH-SOUTH ALLEY BETWEEN LOTS 6 AND 7;  
THE SOUTH HALF OF THE EAST-WEST ALLEY ADJOINING THE NORTH SIDE OF LOT 6 EXCEPT THE WEST 11 FEET;  
THE EAST-WEST ALLEY BETWEEN LOTS 1 AND 8; THE EAST-WEST ALLEY BETWEEN LOTS 2 AND 7;  
THE EAST 10 FEET OF THE ALLEY ADJOINING THE WEST SIDE OF LOT 2;  
THE EAST 10 FEET OF THE NORTH HALF OF THE INTERSECTION OF THE EAST-WEST ALLEY AND THE NORTH-SOUTH ALLEY;  
THE SOUTH HALF OF THE INTERSECTION OF THE EAST-WEST ALLEY AND THE NORTH

## STAFF REPORT

**TO:** Planning Commission  
**FROM:** Rian Harkins, Planning Director  
**DATE:** 9 October 2012  
**SUBJECT:** Study Session – Business Improvement Districts

<b>Recommendation: None, this is merely a study session item.</b>
---

**Background:**

As part of an effort to provide additional regarding implementation elements of the comprehensive plan, there will a short study session on the topic of business improvement districts.