PLANNING COMMISSION MEETING
MONDAY, January 21, 2019
City Council Chambers, 400 East Military Avenue, Fremont NE
STUDY SESSION – 4:45 P.M.
PLANNING COMMISSION MEETING – 5:00 P.M.
AGENDA

1. Call to Order.

2. Roll Call.

3. Disclosure of Ex Parte communication regarding any item on the agenda

4. Elect a Chair and Vice-Chair in accordance with Commission By-laws.

5. Dispense with the reading and approve the minutes of the December 17, 2018 Regular Meeting as prepared.

6. Consider a request by Jodi Benjamin on behalf of Midland University for conditional use permit to remove a residence hall and replace it with a new 3 story residence hall.
   • Staff Report
   • Public Hearing
   • Commission discussion and approval or disapproval

7. Consider a request by LK Architecture for approval of sign plan for Walmart at 3010 E 23rd, Fremont, Nebraska.
   • Staff Report
   • Public Hearing
   • Commission discussion and approval or disapproval
8. Adjournment.

After the study session, Chairman Dev Sookram called the meeting to order. He stated a copy of the open meeting law is posted continually for public inspection located near the entrance door by the agendas. Roll call showed Chairman Sookram, Commissioners Borisow, Bowen, Carlson, Horeis, Nielsen, Sawyer and Gifford present. Commissioner Barton was absent. Eight Commissioners present, one Commissioner absent – a quorum was established.

Chairman Sookram read the item; disclosure of Ex Parte communication regarding any item on the agenda into the record. There were no Ex Parte communications stated.

Chairman Sookram read the item, dispense with the reading and approve the minutes of the November 19, 2018 Regular Meeting as prepared into the record. It was moved by Commissioner Borisow and seconded by Commissioner Bowen to approve the minutes of the November 19, 2018 Regular Meeting as prepared. A roll call vote showed all Commissioners present voting aye. Motion carried unanimously.

Chairman Sookram read the item, dispense with the reading and approve the minutes of the November 26, 2018 Special Meeting as prepared into the record. It was moved by Commissioner Nielsen and seconded by Commissioner Borisow to approve the minutes of the November 26, 2018 Special Meeting as prepared. A roll call vote showed seven Commissioners present voting aye, with Commissioner Gifford abstaining. Motion carried 7-0.

Chairman Sookram read the item: discuss 2019 meeting calendar into the record. There was discussion about changing the date of the February meeting. No action was taken on this item.

Chairman Sookram read the item continued from November 19, 2019 Planning Commission Meeting: Review and consider Amendments to Chapter 11 of the Fremont Municipal Code pertaining to subdivision and site development regulations, hereinafter referred to as the Unified Development Code of the City of Fremont (“UDC”), particularly: i. Requirements regarding fences and walls in residential districts The Planning Director presented her staff report and recommendation. Chairman Sookram opened the public hearing. It was moved by Commissioner Borisow and seconded by Commissioner Bowen to receive documents presented by Julie Karschwar into the record. A roll call vote showed all eight Commissioners present voting aye. Motion carried unanimously. Chairman Sookram closed the public hearing after receiving comments from the public. It was moved by Commissioner Gifford and seconded by Commissioner Bowen to recommend continuing the item until the January Planning Commission Meeting. A roll call vote showed all Commissioners present voting aye. Motion carried unanimously.
Chairman Sookram read the item: Review and consider Amendments to Chapter 11 of the Fremont Municipal Code pertaining to subdivision and site development regulations, hereinafter referred to as the Unified Development code of the City of Fremont (“UDC”), particularly: ii. Expansion of Uses on Non-Standard Lots, into the record. It was moved by Commissioner Bowen and seconded by Commissioner Borisow to receive document presented by Director of Planning Jennifer Dam into the record. A roll call vote showed all eight Commissioners present voting aye. Motion carried unanimously. The Planning Director presented her staff report and recommendation. Chairman Sookram opened the public hearing. Chairman Sookram closed the public hearing after receiving no comments from the public. It was moved by Commissioner Gifford and seconded by Commissioner Carlson to recommend approving the Expansion of Uses on Non-Standard Lots as presented in the document presented into the record. A roll call vote showed all Commissioners present voting aye. Motion carried unanimously.

Chairman Sookram read the item: Consider a request by Brad Marshall on behalf of Jeremy Guenthner, owner of property generally located at NW ¼ section, T17N, R6E, for PD Amendment to change the height for commercial zoning from 45’ to 60’ at Block 6, Lot 33, Gallery 23 East Addition, into the record. The Planning Director presented her staff report and recommendation. Chairman Sookram opened the public hearing. Chairman Sookram closed the public hearing after receiving no comments from the public. It was moved by Commissioner Bowen and seconded by Commissioner Sawyer to recommend approving the request for PD Amendment to change the height for commercial zoning from 45’ to 60’ at Block 6, Lot 33, Gallery 23 East Addition with the conditions recommended by staff of the City of Fremont in the staff report. A roll call vote showed all Commissioners present voting aye. Motion carried unanimously.

Chairman Sookram read the item: Consider a request by Justin Stark on behalf of PCCW, Inc. for approval of a Preliminary Plat called Poultry Complex located generally north of Hills Farm Road, West of Old Hwy 275, East of S. Main Street (in Inglewood) and south of Cloverly Road, and more particularly described as Tracts of land located in Sections 25, 26, 36 all in Township 17N, Range 8E of the 6th P.M., Dodge County, Nebraska, into the record. The Planning Director presented her staff report and recommendation. Chairman Sookram opened the public hearing. Chairman Sookram closed the public hearing after receiving comments from the public. It was moved by Commissioner Sawyer and seconded by Commissioner Gifford to recommend approval of the Preliminary Plat called Poultry Complex, located generally north of Hills Farm Road, West of Old Hwy 275, East of S. Main Street (in Inglewood) and south of Cloverly Road. A roll call vote showed all Commissioners present voting aye. Motion carried unanimously.

Chairman Sookram read the item: Consider a request by Justin Stark on behalf of PCCW, Inc. for approval of a Final Plat called Poultry Complex located generally north of Hills Farm Road, West of Old Hwy 275, East of S. Main Street (in Inglewood) and south of Cloverly Road, and more particularly described as Tracts of land located in Sections 25, 26, 36 all in Township 17N, Range 8E of the 6th P.M., Dodge County, Nebraska, into the record. The Planning Director presented her staff report and recommendation. Chairman Sookram opened the public hearing. Chairman Sookram closed the public hearing after receiving comments from the public. It was moved by Commissioner Sawyer and seconded by Commissioner Gifford to recommend approval of the Final Plat called Poultry Complex, located generally north of Hills Farm Road, West of Old Hwy 275, East of S. Main Street (in Inglewood) and south of Cloverly Road. A roll call vote showed all Commissioners present voting aye. Motion carried unanimously.
Chairman Sookram read the item: Consider a request by Bruce Coffey on behalf of Costco Wholesale / PCCW, Inc. for: (a) Approval of a Voluntary Annexation of: Part of Lot 1, East of Inglewood Subdivision generally located in the Southeast Quarter of the Northwest Quarter of Section 26, Township 17 North, Range 8 East of the 6th P.M., Dodge County, Nebraska, into the record. The Planning Director presented her staff report and recommendation. Chairman Sookram opened the public hearing. Chairman Sookram closed the public hearing after receiving no comments from the public. It was moved by Commissioner Borisow and seconded by Commissioner Sawyer to recommend approval of the Voluntary Annexation of Part of Lot 1, East of Inglewood Subdivision generally located in the Southeast Quarter of the Northwest Quarter of Section 26, Township 17 North, Range 8 East of the 6th P.M., Dodge County. A roll call vote showed all Commissioners present voting aye. Motion carried unanimously.

Chairman Sookram read the item: Consider a request by Bruce Coffey on behalf of Costco Wholesale / PCCW, Inc. for (b) Approval of a Voluntary Annexation of land located in part of the Northeast Quarter of the Southwest Quarter of Section 25, Township 17 North, Range 8 East of the 6th P.M., Dodge County, Nebraska, into the record. The Planning Director presented her staff report and recommendation. Chairman Sookram opened the public hearing. Chairman Sookram closed the public hearing after receiving no comments from the public. It was moved by Commissioner Nielsen and seconded by Commissioner Horeis to recommend approval of the Voluntary Annexation of land located in part of the Northeast Quarter of the Southwest Quarter of Section 25, Township 17 North, Range 8 East of the 6th P.M., Dodge County, Nebraska. A roll call vote showed all Commissioners present voting aye. Motion carried unanimously.

Hearing no other business, Chairman Sookram stated he would entertain a motion to adjourn the meeting. It was moved by Commissioner Bowen and seconded by Commissioner Nielsen to adjourn the meeting. Meeting was adjourned at approximately 5:29 p.m.

APPROVED

_____________________________________
Dev Sookram, Chairman

ATTEST

__________________________________________
Director of Planning
Staff Report

TO: Planning Commission
FROM: Jennifer Dam, Planning Director
DATE: January 15, 2019
SUBJECT: Conditional Use Permit for Men’s Dorm at Midland University

Recommendation: conditional approval

Background: Jodi Benjamin, on behalf of Midland University, has requested a conditional use permit to replace Men’s Hall with a new dorm.

The site is located at west 8th and N Logan Streets. It is zoned UR, Urban Residential.

The zoning to the north, east and west is UR, Urban Residential and is developed with Midland University buildings and Sinai Lutheran Church.

The zoning to the south is SC, Suburban Commercial and is developed primarily with residential uses.

Colleges, Universities and Vocational Schools are conditional uses in the UR, Urban Residential district provided that:

- They are located greater than 300 feet from any residential, LI, GI, AV or PO district boundaries, as measured from the boundary lines nearest each other, unless separated from such district by a type B bufferyard or a collector or arterial roadway.
  - The proposed hall is located in a residential district that contains the boundaries of the campus. The next closest residential district is 500 feet to the south. Additionally, the 25’ front yard setback along H Street significantly exceeds the 10’ required in a “B” type bufferyard and the landscaping exceeds the requirement of 2 trees and 8 shrubs per 100 lineal feet. The block face is 150 feet long which would require 3 trees and 12 shrubs. The proposed landscape includes 6 trees and 95 shrubs.
- Primary access to the site is from a collector or arterial roadway.
  - Access is from 8th Street which acts as a collector in this area.
- Adequate precautions have been taken on behalf of the operator so as not to create an undue burden on neighboring properties via traffic, parking, and noise.
  - The dorm is residential in nature- each student is assigned an off-street parking space. There should be no increase in impact beyond the existing dorm use.
• The use operates in accordance with all other applicable federal, state, and local laws and, if additional permits are required, such permits were obtained prior to beginning operation.
  o This requirement will be made a condition of approval of the resolution.

This proposal meets the conditions for the Conditional Use that are specified in the UDC.
Staff Report

TO: Planning Commission
FROM: Jennifer Dam, Planning Director
DATE: January 15, 2019
SUBJECT: Walmart Sign Package

Recommendation: Approval

Background:

Walmart is located in the GC, General Commercial District.

The GC district allows 1 attached sign per building per tenant on each exterior wall with a maximum sign area of 2 square feet per linear foot of frontage provided that the total attached signage does not exceed 20% of the building elevation to which it is attached.

Walmart has roughly 610 feet of lineal frontage. Most of the front wall is 25 feet high, with parts that are 35 feet high. If this were strictly followed, Walmart would be allowed one sign that could be up to 1,220 square feet. For reference, the area of the front wall, using 25 feet as the height, is 15,250, which could allow up to just over 3,000 square feet of signage (20%).

If this building was divided into multiple tenants, each tenant would be allowed a sign that was up to 2 square feet per lineal foot of their frontage.

Walmart is proposing multiple signs for their own singular tenancy along the front and sides of their building. This is to help with identification of the store as well as wayfinding to specific departments within the store.

Section 11-827 of the UDC provides that a Sign Plan Program can be approved as an alternate to the requirements of Section 11-820.

Leila Loomis of LK Architecture has submitted a sign plan package for Walmart.

The existing signage on the front of Walmart is 534.61 square feet. The proposed is 601.21 square feet. Note that this is less than 4% of the total area of the front of the building.
The proposed front signage would identify “Walmart” as the business, identify the “Grocery”, “Home & Pharmacy” and “Lawn & Garden” entrances, and would provide direction to the “Auto Center” and “Pickup” areas.

The proposed signage for the sides changes slightly. The proposed signage for the auto center increases from 39.96 square feet to 41.86 square feet. The proposed signage on the right side increases from 298 square feet to 299.04 square feet.

The proposed changes to the pole sign are to just change the face of the lower sign. The existing upper “Walmart” sign is 110 square feet, the existing lower sign is 40 square feet.

Section 11-827.01 states that the purpose of a sign program alternative is to allow for “unified presentation of signage throughout a lot or tract for development, flexibility to provide for unique environments, and pre-approval of designs and design elements to make subsequent applications for sign permits more efficient.

The approval criteria are that the Planning Commission may approve a sign plan if it “results in a substantially improved, comprehensive, and unified proposal compared to what is allowed through strict compliance with the sign regulations of this section.”

The Planning Director is to “review all sign types for the lots or tracts proposed for development, to determine the degree of compliance with this section and shall report to the planning commission with regard to the degree of deviation from these standards that is sought by the applicant.

The criteria in 11-827.02 specify that the number, types, maximum size and materials may be adjusted with an approved sign plan. Walmart is requesting an increase in the number of signs permitted on the building, but not an increase in size.

The proposed signs are architecturally consistent with each other and the building.

The scale of the proposed signs is appropriate.

The proposed sign plan does not have an adverse impact on the adjacent property or the community.

The contents of the sign plan are attached for your reference.