



**PLANNING COMMISSION MEETING  
MONDAY, May 18, 2020  
City Council Chambers, 400 East Military Avenue, Fremont NE  
PLANNING COMMISSION MEETING – 5:00 P.M.**

**Videoconference Meeting Participation Notice** In the interest of public health and safety, this meeting will be conducted online through the Zoom link below. Citizens may also call into the meeting with the phone number below.

**Join Zoom Meeting**

**<https://zoom.us/j/94498735771?pwd=dUp6NUVjRIIBZnV5ZVpOQ3MvR3lrQT09>**

**Meeting ID: 944 9873 5771**

**Password: 015668**

**One tap mobile**

**+16699009128,,94498735771# US (San Jose)**

**+12532158782,,94498735771# US (Tacoma)**

**Meeting ID: 944 9873 5771**

**Find your local number: <https://zoom.us/u/arWj3IPFS>**

**Please note: Zoom requires a name and an email address to participate via computer, tablet or smartphone. Please enter your first name and enter attendee@fremontne.gov as your email address.**

**If you participate by telephone, no identification is required.**

**To request to make a comment during a public hearing or public comment period, please press \*9 to electronically raise your hand allowing the Chair to call on you.**

**Once called upon you will be notified that you are unmuted. Press \*6 to unmute your phone and press \*6 to mute your phone when you are finished speaking, or wait to be muted by the host.**

**Zoom Tutorial: [https://support.zoom.us/hc/en-us/articles/206618765-Zoom-VideoTutorials?\\_ga=2.150510262.1497980210.1584968460-1067452037.1584536802](https://support.zoom.us/hc/en-us/articles/206618765-Zoom-VideoTutorials?_ga=2.150510262.1497980210.1584968460-1067452037.1584536802)**

**Any documents to be received into the record must be submitted to the Planning Director by 4:30 PM on the day prior to the meeting.**



**PLANNING COMMISSION MEETING  
MONDAY, May 18, 2020  
City Council Chambers, 400 East Military Avenue, Fremont NE  
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. Dispense with the reading and approve the minutes of the April 20, 2020 Meeting as prepared.
5. A request by Richard Wegner on behalf of Memorial Cemetery Association for a Conditional Use Permit to expand a cemetery on property generally located at 610 W 23<sup>rd</sup> St., Fremont, Nebraska.
6. A request by Heather Carver for amendment to the Redevelopment District #3 Redevelopment Area for the DPA Auction redevelopment project on property generally described as a part of Lot 4, Nelsen Business Park, generally located at the southwest corner of Morningside Drive and Highway 275.
7. A request by Jay Mullen on behalf of Fremont National Bank & Trust for a sign plan on property generally located at 610 N Main St.
8. A request by Jay Mullen on behalf of Fremont National Bank & Trust for a sign plan on property generally located at 801 East 23<sup>rd</sup> Street.
9. Discussion item- fences- requested by Commissioner Landholm.
10. Discuss draft RFP for UDC- requested by Chairman Sookram
11. Adjournment.

**THIS MEETING WAS PRECEDED BY PUBLICIZED NOTICE IN THE FREMONT TRIBUNE, THE AGENDA DISPLAYED IN THE LOBBY OF THE MUNICIPAL BUILDING AND POSTED ONLINE AT [WWW.FREMONTNE.GOV](http://WWW.FREMONTNE.GOV) IN ACCORDANCE WITH THE NEBRASKA OPEN MEETINGS ACT, A COPY OF WHICH IS POSTED CONTINUALLY IN THE COUNCIL CHAMBERS FOR PUBLIC INSPECTION, AND SAID MEETING IS OPEN TO THE PUBLIC. A COPY OF THE AGENDA WAS ALSO KEPT CONTINUALLY CURRENT AND AVAILABLE TO THE PUBLIC IN THE PRINCIPLE OFFICE OF THE DEPARTMENT OF PLANNING, 400 EAST MILITARY AVENUE. THE PLANNING COMMISSION RESERVES THE RIGHT TO ADJUST THE ORDER OF ITEMS ON THIS AGENDA.**

## PLANNING COMMISSION MINUTES

April 20, 2020

5:00 p.m. Meeting

Chairman Dev Sookram called the regular meeting to order at 5:00 p.m. He stated that a copy of the Open Meetings Act is posted continually for public inspection located near the entrance door by the agendas. Roll call showed Chairman Sookram and Commissioners, Nielsen, Gifford, Landholm, Carlson, Sawyer, Lathrop, and Borisow present. Horeis was absent. Eight Commissioners present – a quorum was established.

Chairman Sookram read the item: disclosure of Ex Parte communication regarding any item on the agenda into the record. None of the commissioners disclosed any ex parte contacts.

Chairman Sookram read the item: dispense with the reading of the minutes of the March 16, 2020 Planning Commission meeting as prepared. Sookram noted a correction to the vote on the Bluestem Commons Final Plat- it should be 4-1 and not 4-10 and that the vote to adjourn was 5-0 not 6-0. Landholm moved to approve the revised minutes, seconded by Nielsen. By a roll call vote, Carlson, Nielsen, Landholm, Gifford, Sookram, Borisow, Sawyer and Lathrop voted in favor, the motion carried 8-0.

Chairman Sookram read the item: A request by the City Attorney for a change to the text of Section 11-601.A of the Unified Development Code regarding the purpose of zoning districts and planned developments. City Attorney Pat Sullivan provided the staff report. Chairman Sookram opened the public hearing. Two individuals spoke against the proposal. Chairman Sookram closed the public hearing. Commissioner Gifford stated that he would abstain since the proposal could impact property that he has an interest in. Borisow moved to approve the text change which was seconded by Landholm. By a roll call vote, Carlson, Nielsen, Landholm, Sookram, Borisow, Sawyer and Lathrop voted in favor; Gifford abstained. The motion carried 7-0 with 1 abstention.

Chairman Sookram read the item: A request by Lifegate Church for a conditional use permit for a church in a LI, Light Industrial district on property generally located at 2407 Colorado Ave, Fremont, NE. The Planning Director, Jennifer Dam provided her staff report. Chairman Sookram opened the public hearing. No one spoke in favor or against the item. Chairman Sookram then closed the public hearing. Commissioner Gifford made a motion to recommend approval of the Conditional Use Permit. Commissioner Nielsen seconded the motion. By a roll call vote, Carlson, Nielsen, Landholm, Gifford, Sookram, Borisow, Sawyer and Lathrop voted in favor, the motion carried 8-0.

Chairman Sookram read the item: A request by Jerry Nelson on behalf of Ludvigsen Mortuary for a conditional use permit to expand a non-standard use into a required yard on property generally located at 1249 E 23<sup>rd</sup> St., Fremont, NE. The Planning Director, Jennifer Dam provided her staff report. Chairman Sookram opened the public hearing. One individual spoke in support of the item. Chairman Sookram then closed the public hearing. Commissioner Nielsen made a motion to recommend approval of the Conditional Use Permit. Commissioner Carlson seconded the motion. By a roll call vote, Carlson, Nielsen, Landholm, Gifford, Sookram, Borisow, Sawyer and Lathrop voted in favor, the motion carried 8-0.

Chairman Sookram stated he would entertain a motion to adjourn the meeting. It was moved by Commissioner Gifford and seconded by Commissioner Nielsen to adjourn the meeting. By roll call vote, Nielson, Landholm, Sookram, Carlson, Lathrop, Sawyer, Borisow and Gifford all voting aye. The motion carried 8-0. Meeting was adjourned at approximately 5:41 p.m.

APPROVED

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Dev Sookram, Chairman

ATTEST

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Jennifer Dam, Director of Planning

DRAFT

## STAFF REPORT

TO: Planning Commission  
FROM: Jennifer L. Dam, AICP, Planning Director  
DATE: May 18, 2020  
SUBJECT: Conditional Use Permit to expand Memorial Cemetery

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**Recommendation:** Recommend Approval to the City Council

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### **Background:**

Richard Wegner, on behalf of Memorial Cemetery Association, has requested a Conditional Use Permit to expand Memorial Cemetery.

Cemeteries were added to the Unified Development Code (UDC) as a conditional use in April, 2020.

The conditions require that the cemetery contain at least 15 acres. Memorial Cemetery, with the expanded area, is over 25 acres.

A site plan is attached that shows the layout of the cemetery, traffic circulation, landscaping, columbaria and grave sites.

The setback areas are landscaped. The garages for the apartments to the east provide a buffer in addition to the landscaping shown on the plan.

The cemetery is required to meet all other state and federal laws and regulations related to the use.



# Staff Report

**TO:** Planning Commission  
**FROM:** Jennifer L. Dam, AICP, Planning Director  
**DATE:** May 18, 2020  
**SUBJECT:** Request for Amendment to the Redevelopment District #3 Redevelopment Plan for the DPA Auctions Redevelopment Project

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**Recommendation:** Recommend approval of the redevelopment plan amendment and adoption of the findings to the Community Development Authority and the City Council.

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## **Background:**

This is a request for an amendment to the Redevelopment Area #3 Redevelopment Plan to include the DPA Auction redevelopment project.

The Nelsen Business Park Redevelopment area, including Redevelopment District #3, was declared blighted and substandard by the Fremont City Council on October 26, 2004 by Resolution #2004-227.

The Redevelopment District #3 Redevelopment Plan was approved November 5, 2004 by Resolution # 2004-261

The purpose of the amendment is to identify the DPA Auction project which will consist of the construction of an approximately 24,000 square foot office building, parking lot and associated site improvements.

The office building will constitute the headquarters for a local online auction company which is anticipated to employ up to 100 individuals over the next 5 years.

18-2103(28) of the Nebraska Revised Statutes defines what work may be included in a redevelopment project, including land acquisition, installation of public improvements, preparation of the plan, and survey work, among other things.

The commercial use of the property is consistent with the Comprehensive Plan, which designates the area for Commercial Uses on the Future Land Use Map.

An email in support of this project from Spencer Lombardo of Morningside Holdings LLC and Morningside Commercial LLC is attached.

## **Findings:**

The area was declared blighted and substandard in October, 2004.

The industrial uses are consistent with the Comprehensive Plan.

The estimated annual projected tax shift is \$63,000

The estimated total project investment is approximately \$3,150,000

An estimated \$632,000 in tax increment financing is necessary to provide for the construction and installation of infrastructure and related eligible expenditures.

The proposed redevelopment projects would not be feasible without tax increment financing.

The proposed redevelopment projects are in the best economic interest of the City of Fremont.

**AMENDMENT TO THE REDEVELOPMENT PLAN  
FOR THE REDEVELOPMENT DISTRICT #3 REDEVELOPMENT AREA  
IN THE CITY OF FREMONT, NEBRASKA**

**(DPA AUCTIONS REDEVELOPMENT PROJECT)**

The City of Fremont, Nebraska (“City”) has undertaken a plan of redevelopment within the community pursuant to the adoption of the Redevelopment Plan for the Redevelopment District #3 Redevelopment Area in the City of Fremont, as amended (the “Redevelopment Plan”). The Redevelopment Plan was prepared by the City in November of 2004 and was approved by the City Council of the City pursuant to Resolution No. 2004-261. The Redevelopment Plan serves as a guide for the implementation of redevelopment activities within certain areas of the City, as set forth in the Redevelopment Plan.

Pursuant to the Nebraska Community Development Law codified at Neb. Rev. Stat. §§ 18-2101 through 18-2154 (the “Act”), the City created the Community Development Agency of the City of Fremont (“CDA”), which has administered the Redevelopment Plan for the City.

The purpose of this Plan Amendment is to identify a specific project within the Redevelopment Area that will cause the removal of blight and substandard conditions on the site located in the City of Fremont, Nebraska, and legally described on the attached and incorporated Exhibit “A” (the “Project Site”). The project under consideration will consist of the construction of an approximately 24,000 square foot office building, a parking lot and associated improvements on the Project Site.

**The Project Site**

The Project Site is in need of redevelopment. The CDA has considered whether the redevelopment of the Project Site will conform to the City’s general plan and the coordinated, adjusted, and harmonious development of the City and its environs. In this consideration, the CDA finds that the proposed redevelopment of the Project Site will promote the health, safety, morals, order, convenience, prosperity, and the general welfare of the community including, among other things, the promotion of safety from fire, the promotion of the healthful and convenient distribution of population, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary and unsafe dwelling accommodations or conditions of blight. The blighted condition of the Project Site and the Redevelopment Area has contributed to its inability to attract business and/or development. In order to support private development, the Project Site and the Redevelopment Area are in need of redevelopment.

The City currently owns the Project Site, which is vacant and underutilized. Dilapidated grain bins, barns and sheds were previously located on the Project Site, but these structures were demolished in accordance with the Redevelopment Plan adopted in 2004, which called for acquisition of the Project Site by the CDA in order to clear the Project Site of such hazardous structures. Following clearance of the

dilapidated structures, the Redevelopment Plan provides for disposal of the Project Site to public or private parties for redevelopment, and contemplates the use of tax increment financing to aid in redevelopment of the Project Site.

Although the Project Site has been cleared of the dilapidated structures in accordance with the Redevelopment Plan, the City has been unable to attract private development on the Project Site due to the upfront costs required to develop the Project Site. Specifically, the Project Site requires site preparation and grading in order to be developed. Additionally, the City's investment in clearing the Project Site of dilapidated structures and in installing public infrastructure in the Redevelopment Area has increased the market value of the Project Site. The cost to acquire the Project Site, in combination with site preparation and grading costs, render the Project impractical without the use of tax increment financing, which will be used to pay for eligible expenditures under the Act. The redevelopment of the Project Site is anticipated to eliminate the current blight and substandard conditions of the Project Site and will further the purposes of the Act in conformity with the Redevelopment Plan.

### **Description of the Project**

Del Peterson and Associates, Inc. (the "Redeveloper") has submitted a proposal for the redevelopment of the Project Site. The Project will consist of the construction of a two-story, approximately 24,000 square foot office building, parking lot, and associated improvements on the Project Site. The office building will constitute the new headquarters for a local online auction company, DPA Auctions, which is anticipated to employ up to 100 individuals in the next 5 years. In addition to modern office and conference components, the building is anticipated to include wellness facilities for employees of the company.

The Redeveloper will pay the costs of the private improvements, including the costs of construction of the building on the Project Site. As part of the Project, the CDA shall capture available tax increment revenues generated by the redevelopment of the Project Site to reimburse the Redeveloper or assist in payment for the public improvements listed as eligible expenditures under the Act in the Redevelopment Area and to be more fully described in the Redevelopment Agreement. Such public improvements may include, but are not limited to: site acquisition, site preparation and grading, installation of utilities, architectural and engineering fees, façade enhancements, energy enhancements, and other improvements deemed feasible and necessary in support of the public health, safety, and welfare which qualify as eligible expenditures for public improvements under the Act. The specific public improvements for which the available tax increment revenues generated by the Project will be used will be described in more detail in the Redevelopment Agreement.

The Project is consistent with the Redevelopment Plan for Redevelopment District #3, which encourages development of a variety of commercial and general industrial uses in the Redevelopment Area to expand employment opportunities for all income groups. Further, the Project is consistent with the Comprehensive Plan of the City of Fremont. The Future Land Use map set forth in the Comprehensive

Plan identifies the future land use of the Project Site as commercial, and the Comprehensive Plan identifies the potential for development of a suburban business park in the vicinity of Morningside Road and Highway 275.

### **Statutory Elements**

As described above, the Project envisions the capture of the incremental taxes created by the Project on the Project Site to pay for those eligible expenditures as set forth in the Act. Attached as Exhibit “B” and incorporated herein by this reference is a consideration of the statutory elements under the Nebraska Community Development Law.

### **Cost-Benefit Analysis**

Pursuant to Section 18-2113 of the Act, the CDA must conduct a cost-benefit analysis for any redevelopment project that will utilize TIF. The Cost-Benefit Analysis for the Project is attached hereto as Exhibit “C” and shall be approved as part of this Plan Amendment. The estimated costs of the Project, the estimated TIF proceeds, and the proposed method of financing the Project are set forth in the Cost-Benefit Analysis.

### **Additional Project Information**

The Redeveloper has represented that without the use of TIF, this Project would not be feasible and the Redeveloper could not undertake the Project as designed on the Project Site. Redeveloper has further represented that it does not intend to file an application with the Department of Revenue to receive tax incentives under the Nebraska Advantage Act.

**EXHIBIT "A"**  
**Legal Description of the Project Site**

The improvements for this Project shall be constructed on the property legally described as follows:

Part of Lot 4, of Nelsen Business Park, to the City of Fremont, Dodge County, Nebraska, being described as follows: Beginning at the Southwest Corner of said Lot 4; thence  $N00^{\circ}27'27''E$  (assumed bearing) on the West Line of said Lot 4, a distance of 73.16 feet to a point of curvature; thence northwesterly continuing on said West Line on a 532.50 foot radius curve to the left an arc distance of 170.62 feet to a point of reverse curvature, the chord of said curve bears  $N08^{\circ}43'30''W$  169.89 feet; thence northerly continuing on said West Line on a 467.50 foot radius curve to the right an arc distance of 149.85 feet to a point of tangency, the chord of said curve bears  $N08^{\circ}43'30''W$  149.21 feet; thence  $N00^{\circ}27'27''E$  continuing on said West Line, a distance of 76.42 feet to a point on the West Right-of-Way Line of U.S. Highway No. 275, as previously described and recorded in Book 2005, page 0228, of the Dodge County Register of Deeds records; thence  $S86^{\circ}00'00''E$  on said West Right-of-Way Line, a distance of 100.92 feet, thence  $S81^{\circ}36'18''E$  continuing on said West Right-of-Way Line, a distance of 411.49 feet; thence  $S27^{\circ}30'16''E$  continuing on said West Right-of-Way Line, a distance of 449.43 feet to a point on the South Line of said Lot 4; thence  $N89^{\circ}56'04''W$  on said South Line, a distance of 668.09 feet to the true point of beginning, containing 5.76 acres, more or less.

**EXHIBIT “B”**  
**Statutory Elements**

A. Property Acquisition, Demolition and Disposal

No public acquisition of private property or relocation of families or businesses is necessary to accomplish the Project. The City of Fremont currently owns the Project Site, and the Redeveloper is under contract to acquire the Project Site from the City. The conveyance of the Project Site shall comply with the Nebraska Community Development Law and all other applicable laws.

B. Population Density

The proposed Project includes the construction of an approximately 24,000 square foot office building on undeveloped land, which will not affect population density in the project area.

C. Land Coverage

The Project is anticipated to consist of construction of an approximately 24,000 square foot office building on the approximately 5.76 acre Project Site. The Project will meet the applicable land-coverage ratios and zoning requirements as required by the City of Fremont.

D. Traffic Flow, Street Layouts, and Street Grades

No adverse impacts are anticipated with respect to traffic flow, street layouts and street grades. The Project Site is currently vacant, so the Project will naturally increase traffic to and from the Project Site. However, the Project Site is located on Bud Boulevard, and is adjacent to Morningside Road and Highway 275, which should be sufficient to accommodate the anticipated increase in traffic.

E. Parking

The Project will include construction a surface parking lot that will meet or exceed parking requirements set forth in the applicable zoning district.

F. Zoning, Building Code, and Ordinances

The Project Site will be subdivided from the larger approximately 12 acre parcel owned by the City of Fremont prior to conveyance to the Redeveloper. The Project Site is located in the General Industrial zoning district. Redeveloper will be responsible for obtaining any zoning, building code, or ordinance changes that are necessary for the Project.

**EXHIBIT “C”  
Cost-Benefit Analysis**

**COMMUNITY DEVELOPMENT AGENCY  
CITY OF FREMONT, NEBRASKA  
DPA AUCTIONS REDEVELOPMENT PROJECT  
COST-BENEFIT ANALYSIS  
(Pursuant to Neb. Rev. Stat. § 18-2113)**

The DPA Auctions Redevelopment Project (the “Project”) will consist of construction of an approximately 24,000 square foot office building and associated improvements on the Project Site, as more particularly described on Exhibit “C-1”. The cost-benefit analysis for the Project, which will utilize funds authorized by Neb. Rev. Stat. § 18-2147, can be summarized as follows:

**1. Tax shifts resulting from the approval of the use of funds pursuant to Section 18-2147:**

a.	Estimated Base Project Area Valuation:	\$58,000
b.	Estimated Completed Project Assessed Valuation:	\$3,150,000
c.	Estimated Tax Increment Base (b. minus a.):	\$3,092,000
d.	Estimated Annual Projected Tax Shift:	\$63,000

*Note: The Estimated Annual Projected Tax shift is based on assumed values and levy rates; actual amounts and rates will vary from those assumptions, and it is understood that the actual tax shift may vary materially from the projected amount. The estimated tax levy for this analysis is 2.047225, which is the 2019 Dodge County tax levy, and is subject to change.*

**2. Public infrastructure and community public service needs impacts and local tax impacts arising from the approval of the redevelopment project:**

a. Public infrastructure improvements and impacts:

The Redeveloper will make significant expenditures for the acquisition, construction and installation of the Project and related and ancillary improvements. It is proposed that approximately \$632,000 of these expenditures will be financed with the proceeds of tax increment financing indebtedness, with the remaining balance to be paid by the Redeveloper. The sources and uses of the TIF indebtedness will be more particularly set forth in the Redevelopment Agreement for this Project. It is anticipated that eligible uses of the TIF indebtedness may include the following: site acquisition, site preparation and grading, architectural and engineering fees, utility installation, façade enhancements, energy efficiency enhancements, and other improvements deemed feasible and necessary in support of the public health, safety, and welfare. All expenditures financed by tax increment financing indebtedness shall be eligible in accordance with the requirements of the Nebraska Community Development Law.

It is not anticipated that the Project will have a material adverse impact on public infrastructure or community public service needs. The Project will result in the redevelopment of a vacant and underutilized parcel without adverse effects on public infrastructure and community public service needs.

b. Local Tax impacts (in addition to impacts of Tax Shifts described above):

The Project will create material tax and other public revenue for the City and other local taxing jurisdictions. While the use of tax increment financing will defer receipt of a majority of new ad valorem real property taxes generated by the Project, it is intended to create a long term benefit and substantial increase in property taxes to the City and other local taxing jurisdictions. Since the Project Site has been owned by the City for over a decade, the City has not historically relied on tax revenue from the Project Site. Further, the City has been unable to attract private development to the Project Site, and thus, would be unlikely to realize additional ad valorem taxes in the near future without the Project, because the Project Site is unlikely to be developed without the use of tax increment financing to eliminate blight and substandard conditions. The Project should also generate immediate tax growth for the City. It is anticipated that the Project will include a significant amount of personal property that will be installed within the office building constructed, which will be on the property tax rolls upon its acquisition and installation.

**3. Impacts on employers and employees of firms locating or expanding within the boundaries of the area of the redevelopment project:**

It is anticipated that the Project will have a material positive impact on employers and employees of firms locating or expanding within the boundaries of the redevelopment project, because the enhancements to the Project Site should attract additional redevelopment to the area of the Project. Further, the Project will likely require products and services from firms located within the boundaries of the area of the redevelopment project.

It is not anticipated that the Project will have a material adverse impact on employers and employees of firms locating or expanding within the boundaries of the area of the redevelopment project.

**4. Impacts on other employers and employees within the City and the immediate area that is located outside of the boundaries of the area of the redevelopment project:**

The Project should have a material positive impact on private sector businesses in and around the area outside the boundaries of the redevelopment project. The Project is not anticipated to impose a burden or have a negative impact on other local area employers, but should also increase the need for services and products from existing businesses. Since the Project includes an office component, upon occupancy the Project may require the purchase of janitorial services, office supplies, and other similar products and services.

**5. Impacts on the student populations of school districts within the City:**

The Project is not expected to have an impact on student populations of school districts within the City of Fremont because the Project does not include the construction of any dwelling units.

**6. Other impacts determined by the agency to be relevant to the consideration of costs and benefits arising from the redevelopment project:**

The Project is anticipated to create around 50 to 75 full- and part-time jobs at the office building constructed on the Project Site within approximately 5 years of completion, which will have secondary employment effects in other employment sectors in the City of Fremont.

There are no other material impacts determined by the agency relevant to the consideration of the cost of benefits arising from the Project.

**6. Cost Benefit Analysis Conclusion:**

Based upon the findings presented in this cost benefit analysis, the benefits outweigh the costs of the proposed Project.

Approved by the Community Development Agency, City of Fremont this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
\_\_\_\_\_, Chairman

\_\_\_\_\_  
\_\_\_\_\_, Secretary

## EXHIBIT C-1

### PROJECT INFORMATION

The Project will be undertaken on the real estate legally described as:

Part of Lot 4, of Nelsen Business Park, to the City of Fremont, Dodge County, Nebraska, being described as follows: Beginning at the Southwest Corner of said Lot 4; thence N00°27'27"E (assumed bearing) on the West Line of said Lot 4, a distance of 73.16 feet to a point of curvature; thence northwesterly continuing on said West Line on a 532.50 foot radius curve to the left an arc distance of 170.62 feet to a point of reverse curvature, the chord of said curve bears N08°43'30"W 169.89 feet; thence northerly continuing on said West Line on a 467.50 foot radius curve to the right an arc distance of 149.85 feet to a point of tangency, the chord of said curve bears N08°43'30"W 149.21 feet; thence N00°27'27"E continuing on said West Line, a distance of 76.42 feet to a point on the West Right-of-Way Line of U.S. Highway No. 275, as previously described and recorded in Book 2005, page 0228, of the Dodge County Register of Deeds records; thence S86°00'00"E on said West Right-of-Way Line, a distance of 100.92 feet, thence S81°36'18"E continuing on said West Right-of-Way Line, a distance of 411.49 feet; thence S27°30'16"E continuing on said West Right-of-Way Line, a distance of 449.43 feet to a point on the South Line of said Lot 4; thence N89°56'04"W on said South Line, a distance of 668.09 feet to the true point of beginning, containing 5.76 acres, more or less,

(the "Project Site"). The Project shall consist of the following Private Improvements and Public Improvements:

- (a) **Private Improvements.** The private improvements to be constructed by the Redeveloper on the Project Site include a new approximately 24,000 square foot office building, surface parking lot, and associated improvements.
- (b) **Public Improvements.** Land acquisition, installation of utilities, site preparation and grading, façade enhancements, energy efficiency enhancements, architecture and engineering fees, and other eligible public expenditures under the Act as determined in the Redevelopment Agreement; paid for, in part, by the tax increment generated by the private improvements.

**From:** [Spencer Lombardo](#)  
**To:** [Dam, Jennifer](#)  
**Subject:** RE: Del Auctions  
**Date:** Monday, May 11, 2020 1:58:37 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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We probably wont attend the meeting, but we will go on record as saying:

We support this project as we believe it will bring more quality jobs to Fremont. We are providing high-quality housing for Fremont's workforce, and future retail/commercial lots across the street; so, it's very complimentary to both projects. We're glad to see an additional office use on Morningside Road and believe that's a very appropriate use of that lot.

Spencer Lombardo  
Morningside Holdings LLC (Fremont Crossing Apartments)  
Morningside Commercial LLC (Commercial lots adjacent to Apartments)

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**From:** Dam, Jennifer <[Jennifer.Dam@fremontne.gov](mailto:Jennifer.Dam@fremontne.gov)>  
**Sent:** Monday, May 11, 2020 1:00 PM  
**To:** Spencer Lombardo <[spencer@accesscommercial.com](mailto:spencer@accesscommercial.com)>  
**Subject:** RE: Del Auctions

Hi Spencer,  
RTG, the medical staffing office, is building at Gallery 23. This will be office space and an auction facility. I am attaching a copy of the proposed redevelopment plan.  
Best,  
Jennifer

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**From:** Spencer Lombardo <[spencer@accesscommercial.com](mailto:spencer@accesscommercial.com)>  
**Sent:** Monday, May 11, 2020 12:47 PM  
**To:** Dam, Jennifer <[Jennifer.Dam@fremontne.gov](mailto:Jennifer.Dam@fremontne.gov)>  
**Cc:** 'conmuilenburg@aol.com' <[conmuilenburg@aol.com](mailto:conmuilenburg@aol.com)>; Ben Muilenburg <[benjamin.majestic@gmail.com](mailto:benjamin.majestic@gmail.com)>  
**Subject:** Del Auctions

Jennifer,

Would you please send me more info on the Del Auctions redevelopment? Last time I heard the medical staffing place was building there?

Spencer Lombardo  
*Director of Asset Management*  
**ACCESS Commercial, LLC**

402.502.1983

1303 S. 72nd Street, Suite 209  
Omaha NE | 68124  
[www.accesscommercial.com](http://www.accesscommercial.com)



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# Staff Report

**TO:** Planning Commission  
**FROM:** Jennifer Dam, Planning Director  
**DATE:** May 18, 2020  
**SUBJECT:** FNBO Sign Plan for 610 N Main and 626 N Main

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**RECOMMENDATION:** Staff recommends a modified sign plan as follows:

Set labeled 610 N. Main

- Sign 1 on the southernmost wall of the west façade should be reduced in scale slightly to be proportionate with the façade
- Sign 2, the free standing sign is adequate
- Sign 3 along 6<sup>th</sup> Street should be removed and replaced with a pedestrian scaled sign, similar to the one on Main Street in front of the bank.

Set labeled 626 N. Main

- Sign 1 is an excellent example of a pedestrian oriented sign that is compatible with the district.
  - Sign 2 should be re-designed to be similar to sign 1. The location of the sign needs to be reviewed at the time of building permit to ensure that it is outside of the vision clearance triangle.
  - Sign 3 is a re-facing of an existing directional sign and should remain.
  - Signs 4 and 5 are not compatible with the DC district and should not be permitted.
- 

## Background:

Jay Mullen, on behalf of Fremont National Bank is proposing a sign plan for its 601 and 626 North Main street site that consists of wall signs, monument signs, and a pole signs. Many of the proposed signs are “re-facing” existing signs. However, new wall signs are proposed over both sides of the drive-thru, on the building facing Main Street, and on the east side of the building. A new ground sign is proposed to replace the signage at the corner of 6<sup>th</sup> & Main.

The property is zoned DC, Downtown Commercial. Section 11-825.03A describes signage for downtown:

*Generally.* Downtown is the symbolic center of the community, which is conducive to a pedestrian environment. Signs help to convey an image and communicate a message of businesses, which also contribute significantly to the character and visual harmony of Downtown Fremont. Therefore, signs in Downtown must be pedestrian-scaled and be of an artistic quality and creative design to reinforce the aesthetic and historic integrity of the area. The standards set out in this subsection are to implement this vision.

### **Overview of existing and proposed signage:**

The two sets of exhibits attached show 5 signs on the set labeled 626 N Main and three on the set labeled 610 N. Main. The conformance to the UDC signage regulations will be addressed by address and type of sign.

The set labeled 610 N. Main shows 3 signs. Sign 1 is a new wall sign on the south end of the building; 2 is a re-faced ground sign both on the west side of the building. Sign 3 is a re-faced pole sign.

Sign 1 meets the requirements of the UDC which allow an attached sign of 2 square feet per lineal foot of building frontage. The proposed sign is about 97 feet in area which is less than what could be constructed. However, the proportion of the sign dominates the façade. A smaller type face would be more proportionate.

Signs 2 and 3 are existing signs. Sign 2 is a 4' by 6' ground sign that identifies the bank services and an insurance company. It is adjacent to the façade of the building near the entrance. Sign 3 is an existing three-sided pole sign. The plans do not specify the height. The applicant proposes to reface the sign with 3 panels that are approximately 3' by 5' each. This would be a total of 45 square feet of signage. This particular sign does not fit the character of the downtown district and would be better if it were replaced with a sign similar to the existing sign in front of the bank on Main Street.

The set labeled 626 N Main shows 5 signs. Sign 1 is a re-faced pole sign; sign 2 is a proposed replacement monument sign; sign 3 is a re-faced directional sign and signs 4 and 5 are wall signs over the drive thru advertising the bank's website.

The bank has four free-standing signs on Main Street and one on 6<sup>th</sup> Street. The proposal is to re-face three of the signs on Main Street and the one on 6<sup>th</sup> Street. It proposes to replace the sign at the corner of Military & Main.

The UDC allows 1 detached sign per street frontage with a maximum area of 28 square feet and a height of 16 feet. One more sign is allowed for each additional 300 feet of frontage. There is approximately 276 feet of frontage along Main Street between Military and 6<sup>th</sup> Streets. The number of signs can be changed through a sign plan.

Sign 1 is of a character that is pedestrian in scale and compatible with the DC district.

Sign 2 is a freestanding sign proposed to replace the existing sign on the corner of 6<sup>th</sup> and Main. It contains a sign area of 24 square feet. The style is more consistent with a suburban corridor than an historic downtown area. A design similar to Sign 1 would be more compatible, and would contain the same amount of sign area. The placement of the sign will need to be reviewed in greater detail to ensure that it is outside of the vision clearance area.

Sign 3 is an existing free-standing directional sign. While it is an additional free-standing sign, it provides important guidance to the drive-thru lanes.

Signs 4 and 5 are proposed to be placed on each side of the wall over the drive thru lanes. The signs are 24 square feet in area. These advertise the banks web site. The signs are consistent with a suburban area. They are not reinforce the aesthetic and historic integrity of the area as required by 11-825.03 of the UDC.

Section 11-827.01.A.1 of the UDC provides that a Sign Plan Program can be approved as an alternate to the requirements of Section 11-820. The purpose is to provide for “alternative standards [that] may contribute to the aesthetic qualities of the development.”

Section 11-827.01.A.2 states 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 zoning administrator shall review all sign types...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.” (Emphasis added)

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.*” (Emphasis added)

Section 11-827.02.D states that the proposed signs shall be architecturally integrated into or complimentary to the design of the building and character of the site and *must be demonstrably more attractive than signs otherwise permitted.* (Emphasis added)

11.827.02.F.1 states:

“The height, area, number and location of signs permitted through the sign plan shall be determined by the planning commission based on the following criteria:

- a. The overall size of the lot or tracts proposed for development and the scale of the use or uses located or anticipated to be located there.
- b. Relationship between the building setback and sign location (additional signage may be appropriate for buildings with less visibility, particularly where buffering is providing an aesthetic and/or environmental benefit to the city);

- c. Intended traffic circulation pattern and the need for way-finding
- d. Hierarchy of signage
- e. Relationship between the site and adjacent uses
- f. The desired function of the site
- g. Consistency with the objectives and design policies of the comprehensive plan.”

The proposed signage is a mix of new and replacement signage. Most of the signage is of a pedestrian scale and consistent with the DC district. However, the signs over the drive-thru do not meet that character. The sign replacement proposed for the corner of 6<sup>th</sup> and Military would be more consistent if it were of a design similar to the existing sign on Main Street in front of the bank. The triangular pole sign on 6<sup>th</sup> street would also be more compatible and of a pedestrian scale if it were consistent with the sign on Main Street in front of the bank (labeled Sign 1 on the 626 Main Street plans).

Staff recommends approval of the following sign plan that is largely restricted to replacing existing signs:

Set labeled 610 N. Main

- Sign 1 on the southernmost wall of the west façade should be reduced in scale slightly to be proportionate with the façade
- Sign 2, the free standing sign is adequate
- Sign 3 along 6<sup>th</sup> Street should be removed and replaced with a pedestrian scaled sign, similar to the one on Main Street in front of the bank.

Set labeled 626 N. Main

- Sign 1 is an excellent example of a pedestrian oriented sign that is compatible with the district.
- Sign 2 should be re-designed to be similar to sign 1. The location of the sign needs to be reviewed at the time of building permit to ensure that it is outside of the vision clearance triangle.
- Sign 3 is a re-facing of an existing directional sign and should remain.
- Signs 4 and 5 are not compatible with the DC district and should not be permitted.

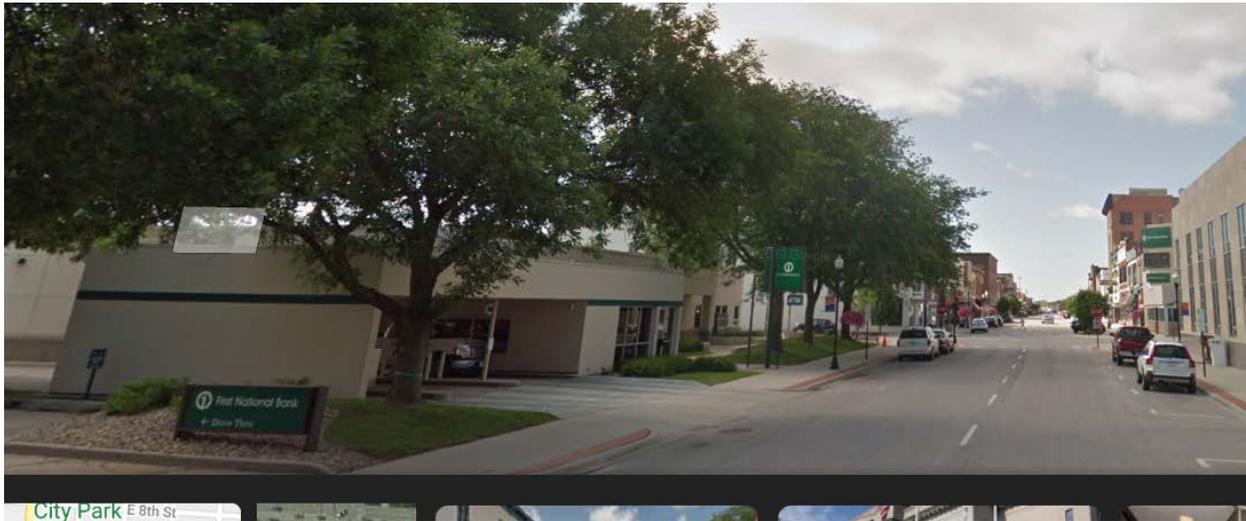
**West Façade, Pole Sign and ground sign, looking east**



Military & Main looking south



**West side of building looking south**



**East 6<sup>th</sup> Street, south side of building, looking west**



**Vicinity Map**





DRAWING #: Site Plan  
PROJECT ID: 22927

SALES PERSON: Troy Panagiotis

DRAWN BY: wes stephens

DATE: 10.24.19 INSPECTED BY:

Revised:



Banking • Mortgage • Wealth

610 North Main  
Fremont, NE



1120 N 18th Street • Omaha 68102  
402.341.6077 • 402.341.7654 fax

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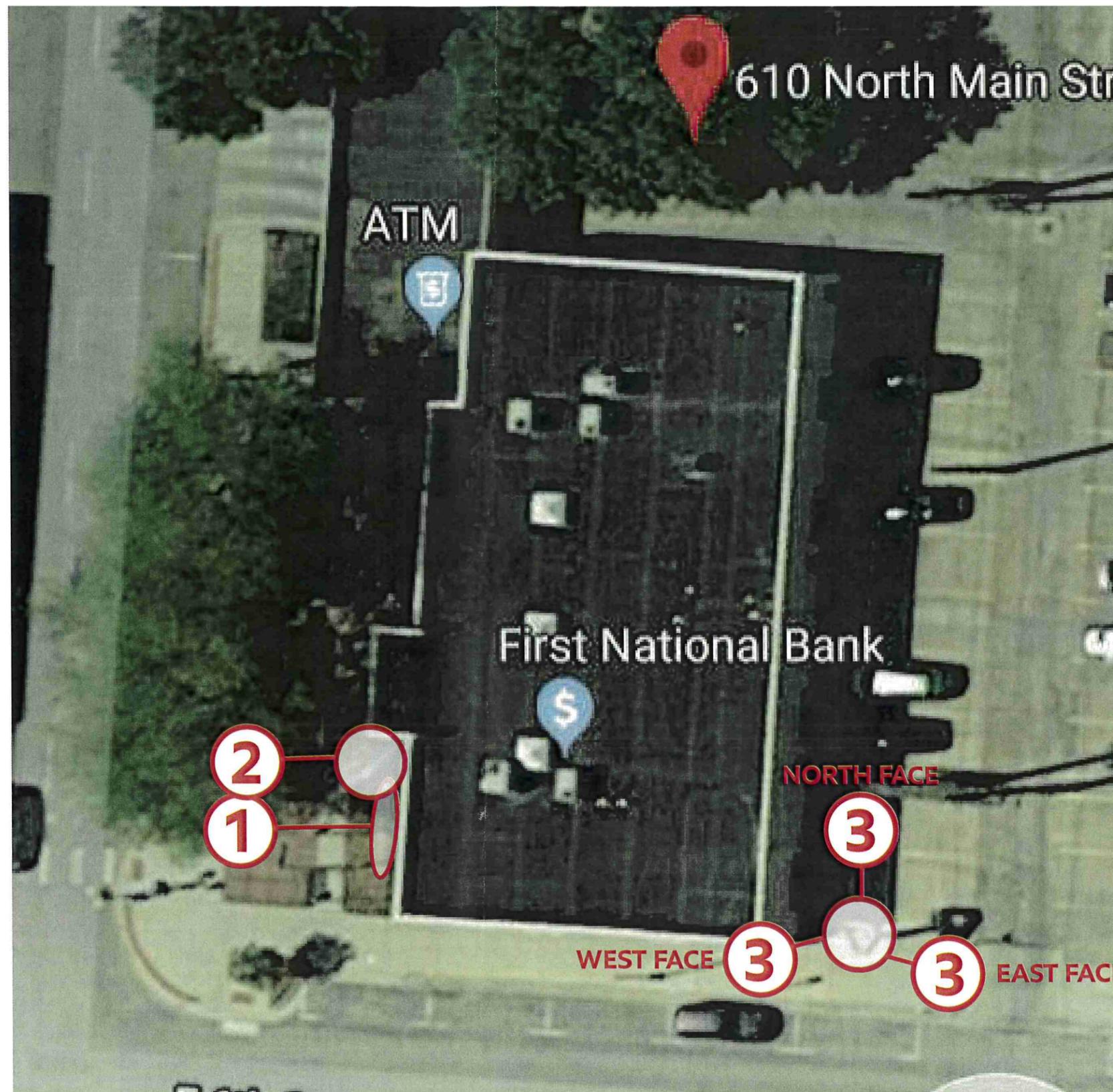
Signed \_\_\_\_\_ Date \_\_\_\_\_

Sales Rep. \_\_\_\_\_ Date \_\_\_\_\_

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electric Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.



NORTH





DRAWING #: 122233  
PROJECT ID: 22927

SALES PERSON: Troy Panagiotis

DRAWN BY: Wes Stephens  
Sean Cornett

DATE: 10.24.19 INSPECTED BY:

Revised:



Banking • Mortgage • Wealth

610 North Main  
Fremont, NE



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402.341.6077 • 402.341.7654 fax

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Signed \_\_\_\_\_ Date \_\_\_\_\_  
Sales Rep. \_\_\_\_\_ Date \_\_\_\_\_

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electric Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.



**FLUSH MOUNTED CHANNEL LETTER DISPLAY**

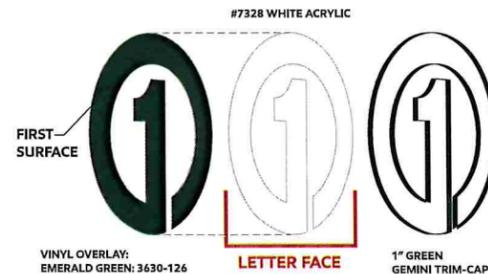
SCALE: 3/8" = 1'-0"

**SIGN 1**

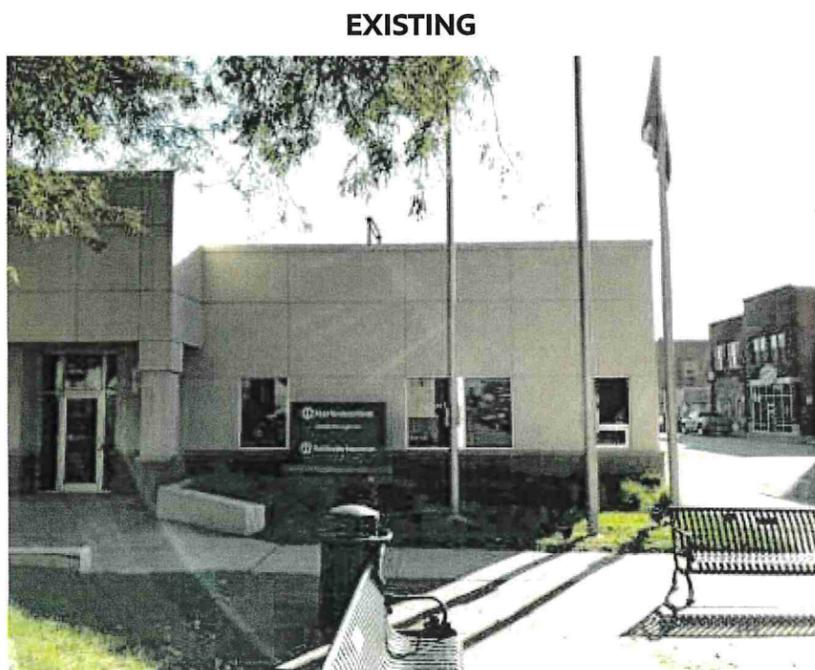


LETTER SPECIFICATIONS:	
5 Inch Letter Coil - pre-finished FNBO Green	
WHITE PRE-FINISHED ALUMINUM (.063 ALLUM.)	
WHITE #7328 (3/16")	
JEWELITE (1" FNBO Emerald Green)	
GEMX71-G 1 GREEN LED's	

LETTERS ARE TO BE MOUNTED TO AN EXTRUDED ALUMINUM RACEWAY (PAINTED TO MATCH CUSTOMER FASCIA). SIGNAGE IS TO BE MOUNTED TO FASCIA USING PROPER HARDWARE AND FASTENERS (NON-CORROSIVE).



PROPOSED



EXISTING



1 fnbo  
The great big small bank



NEW ACRYLIC FACE  
SCALE: 3/4" = 1' - 0"

**SIGN 2**

DRAWING #: 122234  
PROJECT ID: 22927

SALES PERSON: Troy Panagiotis

DRAWN BY: Wes Stephens  
Sean Cornett

DATE: 10.24.19 INSPECTED BY:

Revised: DATE: 02.21.20



610 North Main  
Fremont, NE

Omaha Neon  
Sign Co., Inc.

1120 N 18th Street • Omaha 68102  
402.341.6077 • 402.341.7654 fax

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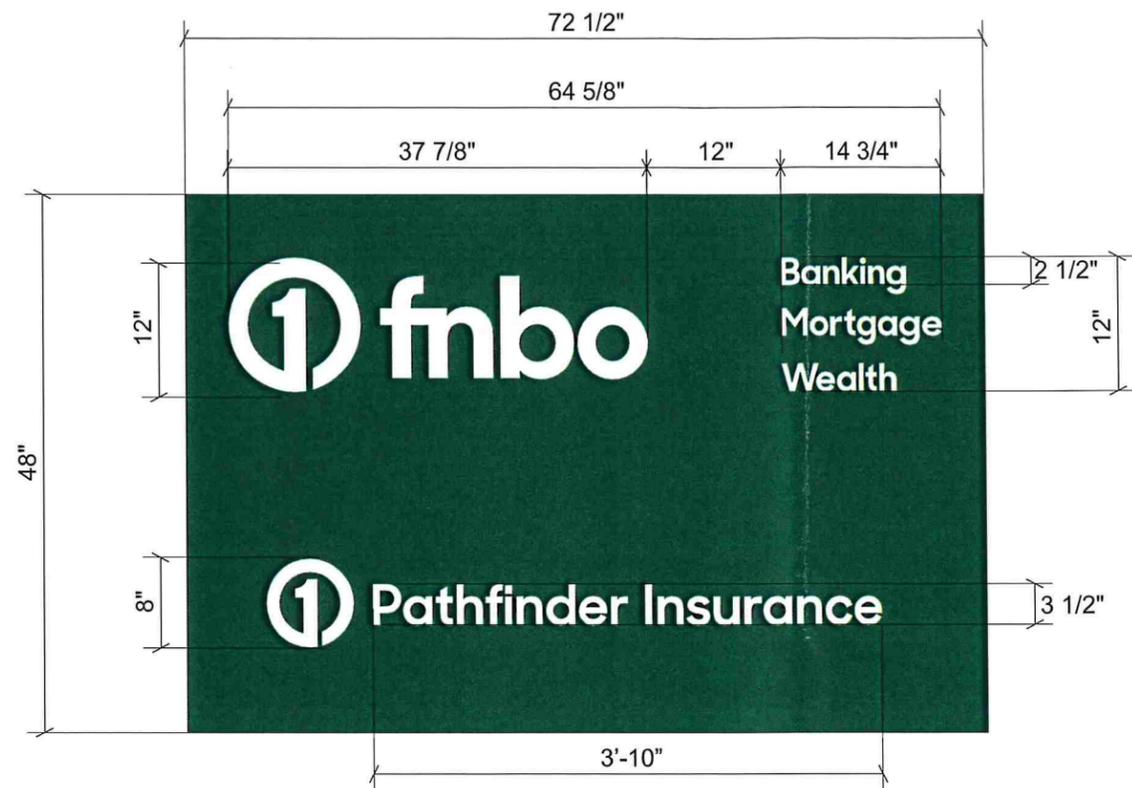
Notes:

**NOTICE:**

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Signed \_\_\_\_\_ Date \_\_\_\_\_  
Sales Rep. \_\_\_\_\_ Date \_\_\_\_\_

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electric Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.



**SCOPE OF WORK**

FABRICATE AND INSTALL (1) ONE NEW FACES FOR EXISTING S/F CABINET SIGN DISPLAY. FACES ARE ACRYLIC, COLOR: PANTONE 3425c GREEN. EXISTING LIGHTING IS TO BE REPLACED WITH WHITE LED'S. INSTALL SIGN IN CURRENT LOCATION.

**NOTE:**

CABINET AND RETURNS ARE TO BE PAINTED PMS 3425c.

*Face change*

**PROPOSED**

**EXISTING**





NEW ACRYLIC FACE  
SCALE: 3/4" = 1' - 0"

**SIGN 3**

**SCOPE OF WORK**

FABRICATE AND INSTALL (1) ONE NEW FACES FOR EXISTING S/F CABINET SIGN DISPLAY. FACES ARE ACRYLIC, COLOR: PANTONE 3425c GREEN. EXISTING LIGHTING IS TO BE REPLACED WITH WHITE LED'S. INSTALL SIGN IN CURRENT LOCATION.

**NOTE:**

CABINET AND RETAINERS (2") AND RETURNS ARE TO BE PAINTED PMS 3425c.

DRAWING #: 122235

PROJECT ID: 22927

SALES PERSON: Troy Panagiotis

DRAWN BY: Wes Stephens  
Sean Cornett

DATE: 10.24.19 INSPECTED BY:

Revised:



610 North Main  
Fremont, NE



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Signed \_\_\_\_\_ Date \_\_\_\_\_  
Sales Rep. \_\_\_\_\_ Date \_\_\_\_\_

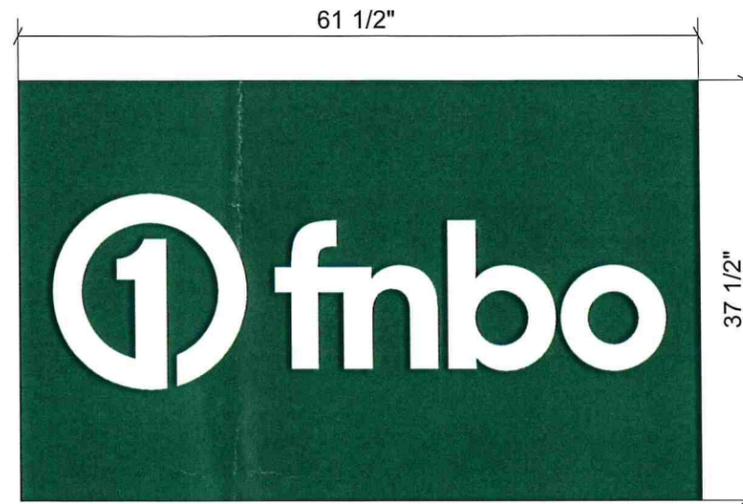
This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electric Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.



EAST FACE



NORTH FACE



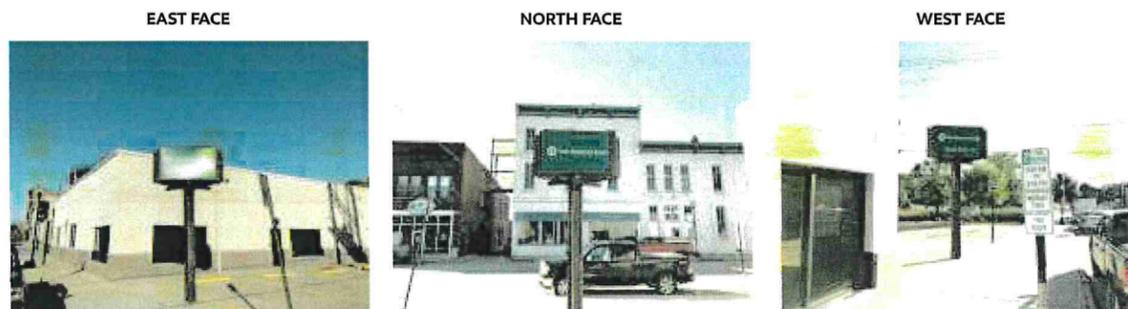
WEST FACE



*Face change only*

**PROPOSED**

**EXISTING**



**EAST FACE**

**NORTH FACE**

**WEST FACE**





DRAWING # : Site Plan  
PROJECT ID: 22927

SALES PERSON: Troy Panagiotis

DRAWN BY: Sean Cornett

DATE: 10.23.19 INSPECTED BY:

Revised: 21 Apr 2020



Banking • Mortgage • Wealth

626 N Main St.  
Fremont, NE 68025



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402.341.6077 • 402.341.7654 fax

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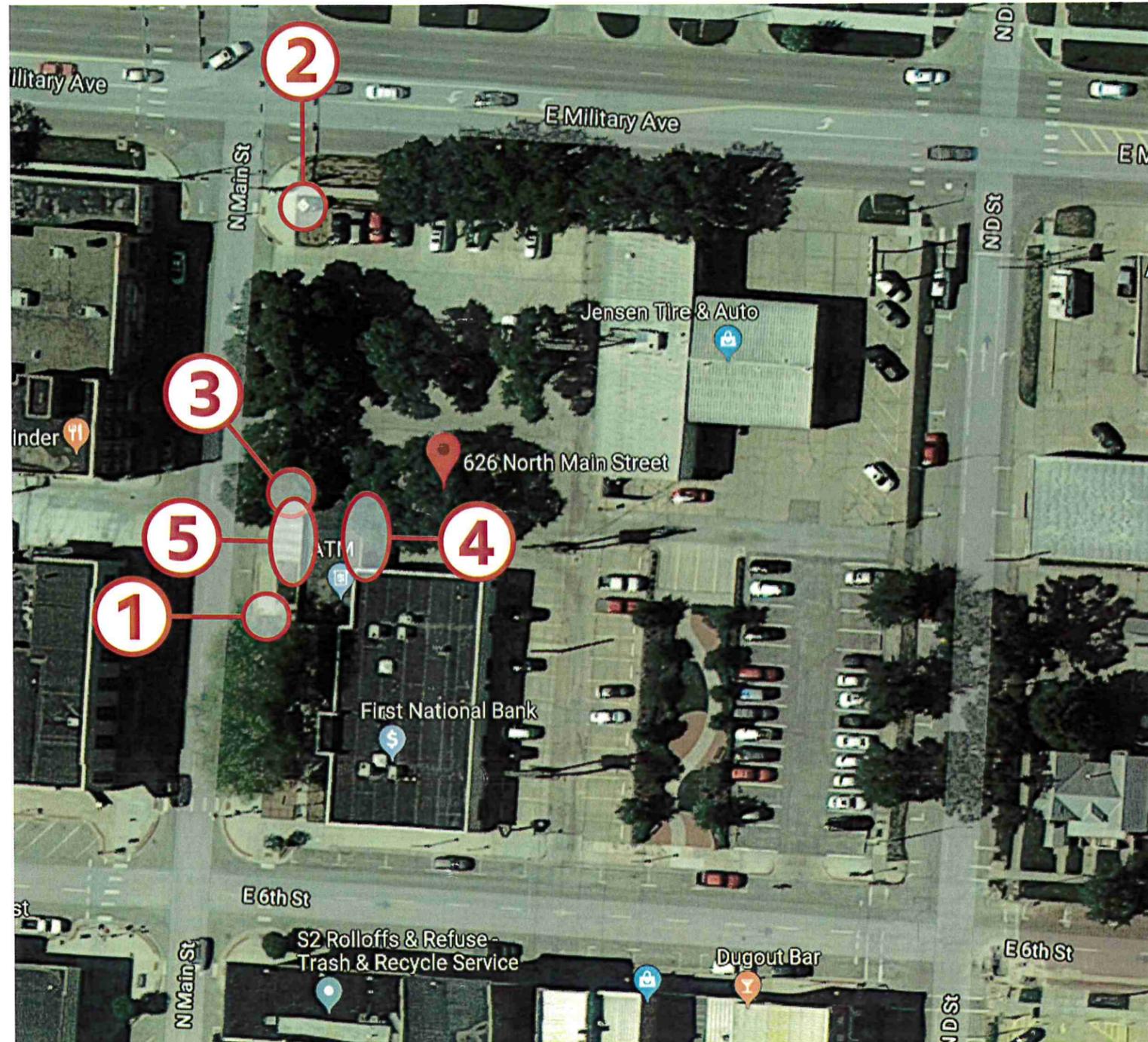
Notes:

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Signed \_\_\_\_\_ Date \_\_\_\_\_  
Sales Rep. \_\_\_\_\_ Date \_\_\_\_\_

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electric Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.





DRAWING #: 122203  
PROJECT ID: 22927

SALES PERSON: Troy Panagiotis

DRAWN BY: Sean Cornett

DATE: 10.23.19 INSPECTED BY:

Revised:



626 N Main St.  
Fremont, NE 68025



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402.341.6077 • 402.341.7654 fax

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Signed \_\_\_\_\_ Date \_\_\_\_\_  
Sales Rep. \_\_\_\_\_ Date \_\_\_\_\_

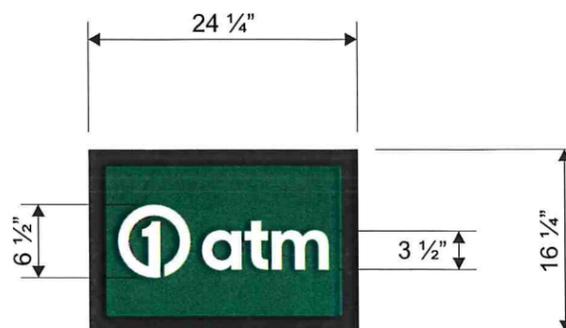
This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electric Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.



**NEW FACE BACKING AND ILLUMINATION**

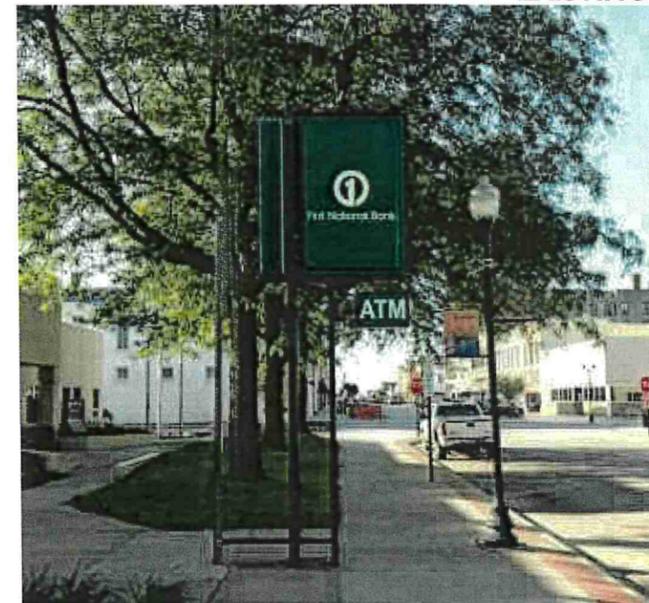
SCALE: 3/8" = 1'-0"

**SIGN 1**



*Face change only*

EXISTING



PROPOSED



**SCOPE OF WORK**

FABRICATE AND INSTALL (2) TWO NEW FACES FOR EXISTING D/F POLE SIGN DISPLAY. FACES ARE FABRICATED FROM ALUMINUM PAINTED PANTONE 3425c GREEN WITH ROUTED COPY AREA (WHITE ACRYLIC BACKING). EXISTING LIGHTING IS TO BE REPLACED WITH WHITE LED'S. INSTALL SIGN IN CURRENT LOCATION.



DRAWING #: 122204  
PROJECT ID: 22927

SALES PERSON: Troy Panagiotis

DRAWN BY: Sean Cornett

DATE: 10.23.19 INSPECTED BY:

Revised:



Banking • Mortgage • Wealth

626 N Main St.  
Fremont, NE 68025



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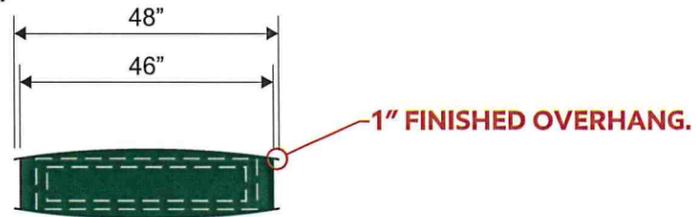
Signed \_\_\_\_\_ Date \_\_\_\_\_  
Sales Rep. \_\_\_\_\_ Date \_\_\_\_\_

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electric Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.



**D/F MONUMENT SIGN DISPLAY**

SCALE: 3/8" = 1'-0"

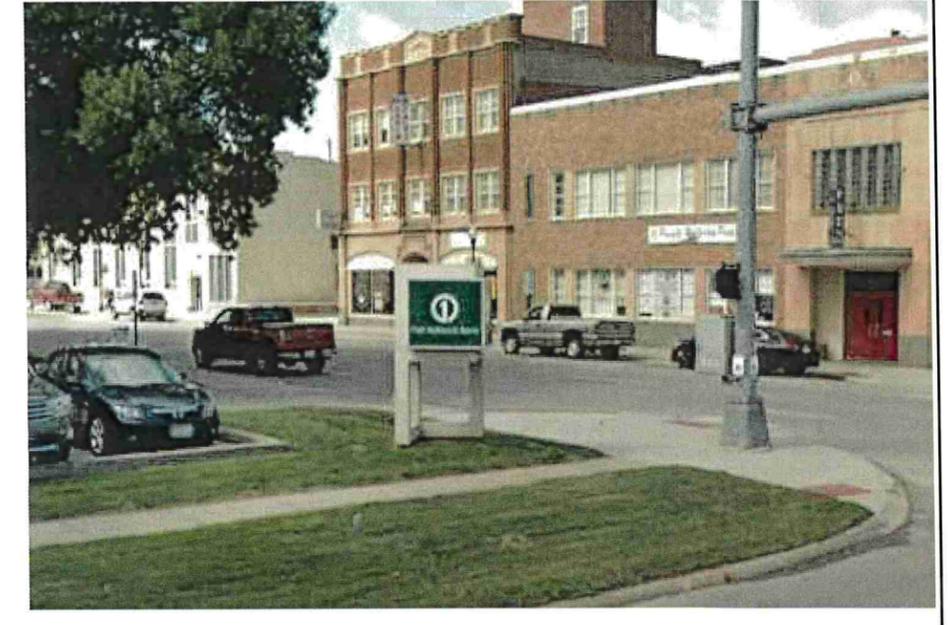


FOOTING DETAIL	
DEPTH:	60"
WIDTH:	36"
TYPE:	CIRCULAR
STEEL SIZE:	4 INCH STD.
<b>NOTE:</b> TO BE VERIFIED.	

**D/F ROUTED ALUMINUM GROUND SIGN**

CABINET AND REVEAL FABRICATED FROM ANGLE ALUMINUM SKINNED WITH .100 ALUMINUM FACES (BOWED) AND RETURNS. CABINET AND REVEAL TO BE PAINTED Pantone 3425c GREEN. COPY AREA IS TO BE ROUTED FROM BACKGROUND AND BACKED WITH 3/16" WHITE PLEXIGLAS. CABINET RETURNS ARE TO HAVE WHITE ACRYLIC SIDE PANELS. INTERNAL ILLUMINATION WITH WHITE LED'S.

NEW SIGN





DRAWING #: 122205  
PROJECT ID: 22927

SALES PERSON: Troy Panagiotis

DRAWN BY: Sean Cornett

DATE: 10.23.19 INSPECTED BY:

Revised: DATE: 01.14.20



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Fremont, NE 68025



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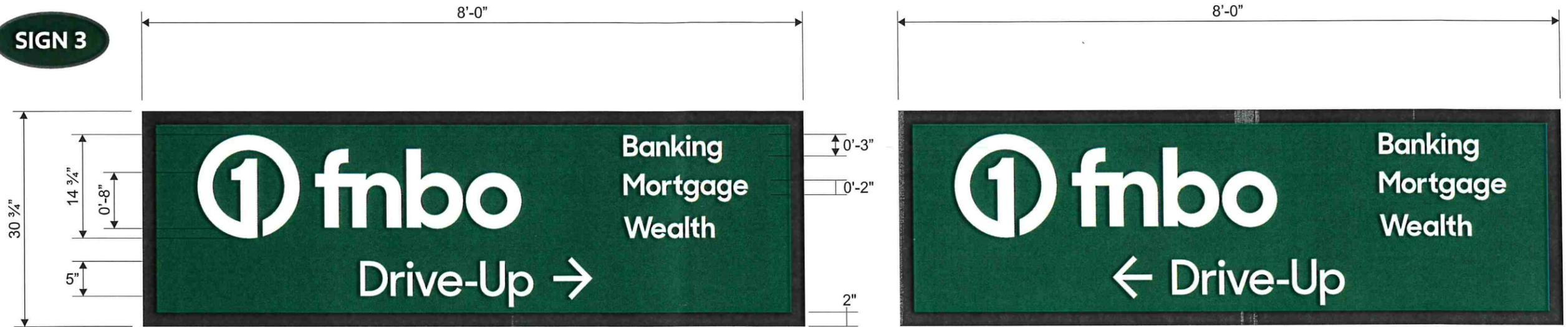
Signed \_\_\_\_\_ Date \_\_\_\_\_  
Sales Rep. \_\_\_\_\_ Date \_\_\_\_\_

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electric Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.



**NEW FACE BACKING AND ILLUMINATION**  
**SCALE: 3/8" = 1'-0"**

**SIGN 3**



**SCOPE OF WORK**

FABRICATE AND INSTALL (2) TWO NEW FACES FOR EXISTING D/F POLE SIGN DISPLAY. FACES ARE FABRICATED FROM ALUMINUM PAINTED PANTONE 3425c GREEN WITH ROUTED COPY AREA (WHITE ACRYLIC BACKING). EXISTING LIGHTING IS TO BE REPLACED WITH WHITE LED'S. INSTALL SIGN IN CURRENT LOCATION.

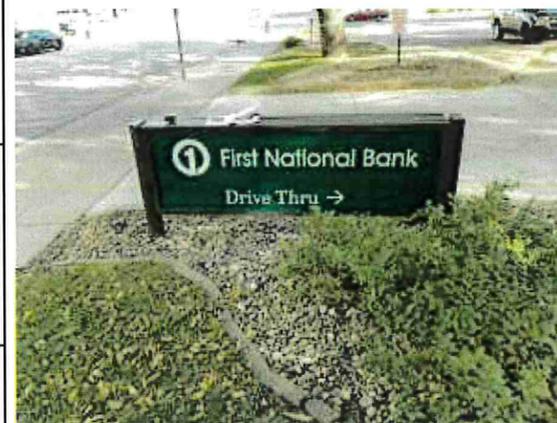
**NOTE:**

CABINET AND RETURNS ARE TO BE PAINTED PMS 3425c.

*Face change only*



**EXISTING**



**SOUTH**



**PROPOSED**

**NORTH**





DRAWING #: 122206  
PROJECT ID: 22927

SALES PERSON: Troy Panagiotis

DRAWN BY: Sean Cornett

DATE: 10.23.19      INSPECTED BY:

Revised: 02.11.20



Banking • Mortgage • Wealth

626 N Main St.  
Fremont, NE 68025



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Signed \_\_\_\_\_ Date \_\_\_\_\_  
Sales Rep. \_\_\_\_\_ Date \_\_\_\_\_

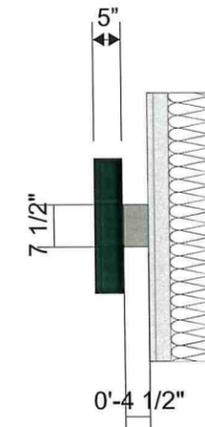
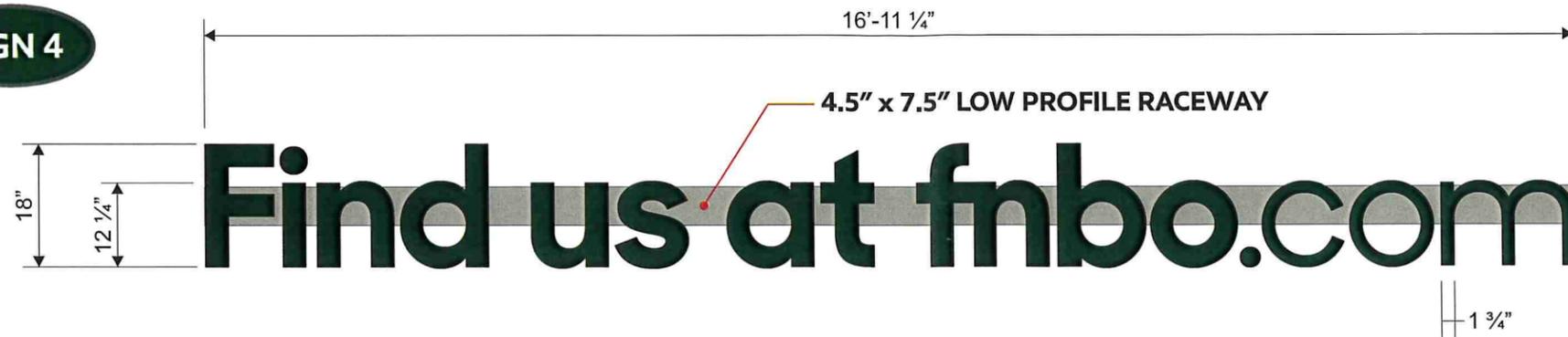
This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electric Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.



**FLUSH MOUNTED CHANNEL LETTER DISPLAY**

SCALE: 1/2" = 1'-0"

**SIGN 4**

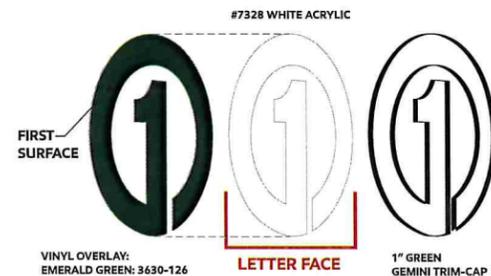


**LETTER SPECIFICATIONS:**

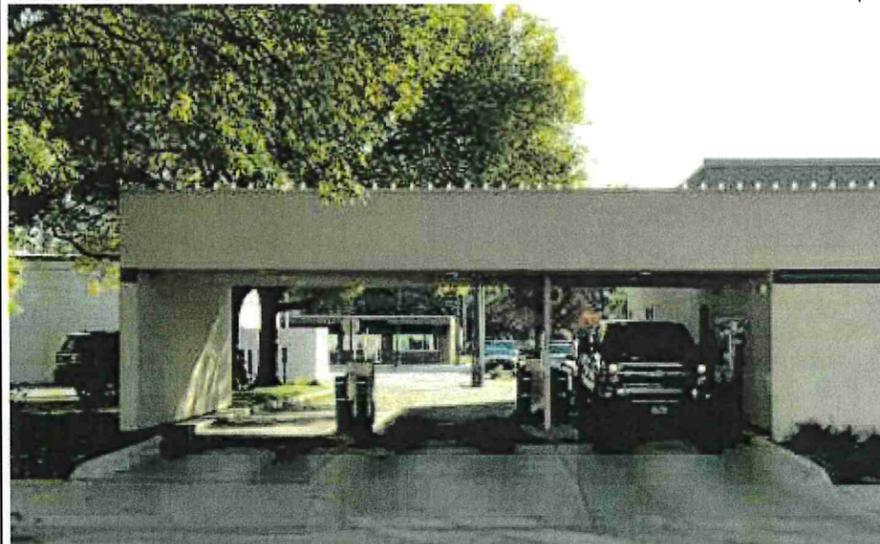
RETURNS:	5 Inch Letter Coil - pre-finished <b>FNBO Green</b>
BACKS:	WHITE PRE-FINISHED ALUMINUM (.063 ALUM.)
FACES:	WHITE #7328 (3/16")
TRIM-CAP:	JEWELITE (1" <b>FNBO Emerald Green</b> )
ILLUMINATION:	GEMX71-G 1 GREEN LED's

**INSTALLATION:**

LETTERS ARE TO BE MOUNTED TO A **LOW PROFILE EXTRUDED ALUMINUM RACEWAY** (PAINTED TO MATCH CUSTOMER FASCIA). SIGNAGE IS TO BE MOUNTED TO FASCIA USING PROPER HARDWARE AND FASTENERS (NON-CORROSIVE).



**EXISTING**



EQ

EQ

**PROPOSED**

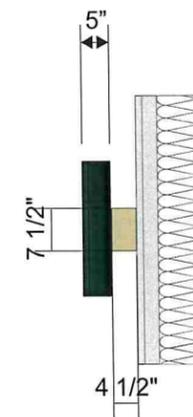
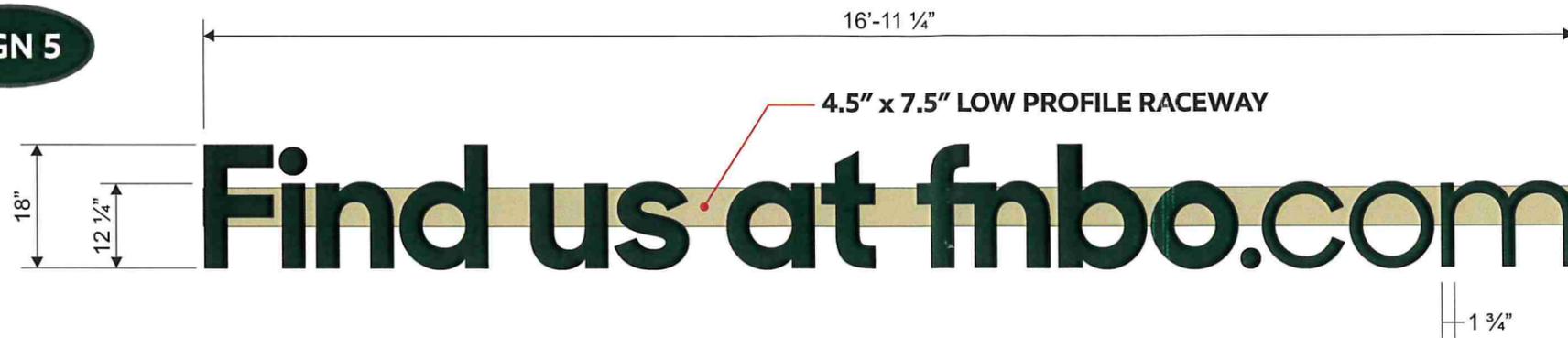




### FLUSH MOUNTED CHANNEL LETTER DISPLAY

SCALE: 1/2" = 1'-0"

**SIGN 5**



DRAWING #: 122207  
PROJECT ID: 22927

SALES PERSON: Troy Panagiotis

DRAWN BY: Sean Cornett

DATE: 10.23.19      INSPECTED BY:

Revised: 02.11.20



Banking • Mortgage • Wealth

626 N Main St.  
Fremont, NE 68025



1120 N 18th Street • Omaha 68102  
402.341.6077 • 402.341.7654 fax

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Signed \_\_\_\_\_ Date \_\_\_\_\_  
Sales Rep. \_\_\_\_\_ Date \_\_\_\_\_

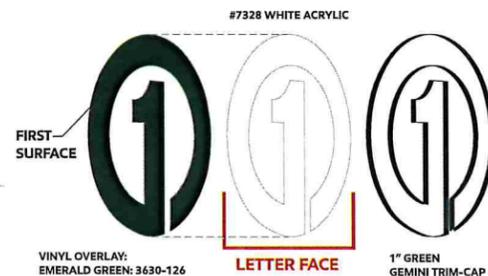
This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electric Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.



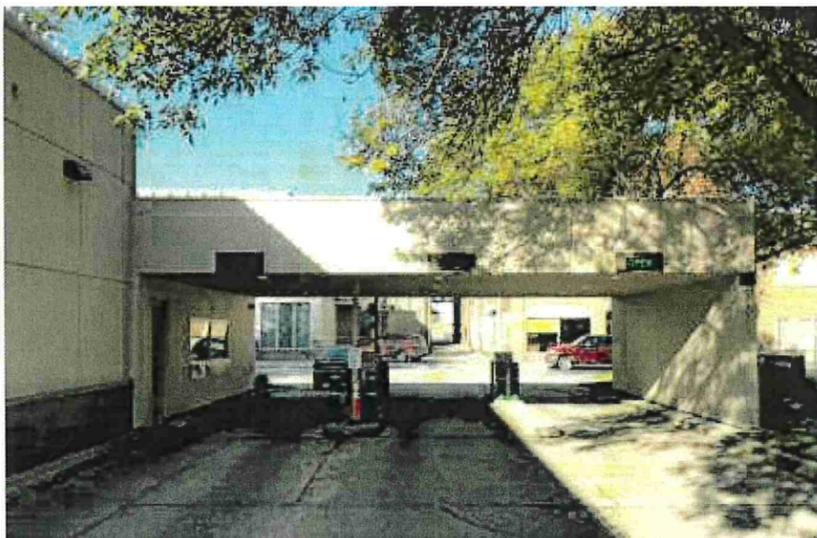
#### LETTER SPECIFICATIONS:

RETURNS:	5 Inch Letter Coil - pre-finished <b>FNBO Green</b>
BACKS:	WHITE PRE-FINISHED ALUMINUM (.063 ALUM.)
FACES:	WHITE #7328 (3/16")
TRIM-CAP:	JEWELITE (1" FNBO Emerald Green)
ILLUMINATION:	GEMX71-G 1 GREEN LED's

**INSTALLATION:**  
LETTERS ARE TO BE MOUNTED TO A **LOW PROFILE EXTRUDED ALUMINUM RACEWAY** (PAINTED TO MATCH CUSTOMER FASCIA). SIGNAGE IS TO BE MOUNTED TO FASCIA USING PROPER HARDWARE AND FASTENERS (NON-CORROSIVE).



EXISTING



# Staff Report

**TO:** Planning Commission  
**FROM:** Jennifer Dam, Planning Director  
**DATE:** May 18, 2020  
**SUBJECT:** FNBO Sign Plan for 801 E 23<sup>rd</sup> Street

---

**RECOMMENDATION:** Approval of a sign plan modified as follows:

- Sign #1 on the north façade can replace the existing sign 10. The proposed sign #10 must be removed.
- Re-facing sign #2 is permitted.
- Signs #3 and #4 are not permitted.
- Re-facing signs #5 and #6 are permitted.
- Signs #7 and #8 must be reduced to a total height of 30” from the ground, including the base.
- Sign #10 must be removed.

---

## **Background:**

Jay Mullen, on behalf of Fremont National Bank, is proposing a sign plan for its 801 E. 23<sup>rd</sup> Street site that consists of wall signs, monument signs, and a pole sign. Many of the proposed signs are “re-facing” existing signs. However, new wall signs are proposed over the drive-thru, on the east facade of the building, and on the north facade of the building. New directional signs are proposed to replace the signage at the entry and exit to 23<sup>rd</sup> Street.

The property is zoned GC, General Commercial.

## **Overview of existing and proposed signage:**

Attached wall signs, shown as #1, #2, #3, #4 and #10 on the attached documents:

- The sign regulations in Table 11-825.01.02 allows 1 sign of up to 2 square feet of attached signage per lineal foot of building frontage per tenant per frontage for a wall sign provided that the elevation contains a public entrance. Wall sign #1 that is proposed on the 23<sup>rd</sup> Street façade meets the size requirements if the existing sign on the west end of this façade is removed (proposed sign 10). However, there is not a public entrance on this side of the building.

- Sign #2 proposed on the south side of the building is a “face change” of the existing sign. This sign is over the public entrance to the building and meets the size requirements of the UDC.
- Sign #3 is proposed over the drive-thru and on the east façade. The proposed signage advertises the bank website. This sign exceeds the signage allowed by the UDC.
- Sign #4 is proposed on the east façade. It is proposed to be approximately 17.5 sq. ft. and contains the bank logo along with a description of services provided. Signage on a side of the building that does not have frontage is not permitted by the UDC.
- Sign #10 is a reface of the existing sign that is on the west end of the north façade of the building.

Detached signs, shown as #5, #6, #7, #8, and #9 on the attached documents:

- Sign #5 is an existing pole sign with fixed signage and an electronic message center. The proposal is to replace the fixed signage with a panel of the same size.
- Sign #6 is an existing ground sign that is approximately 5 feet tall. The signage area is 17.5 square feet. The proposal is to reface the sign. The existing and proposed signage contain the logo and directions to the drive thru. The sign is non-conforming in that a new freestanding sign would not be permitted.
- Signs #7 and #8 are proposed replacements for the existing enter/exit ground signs. The existing signs are 4 ½' tall and 37" wide. The proposed sign is 5'4" tall and 36" wide. These signs are in the vision clearance triangle. The vision clearance triangle for a driveway onto a 35 mile per hour road can be defined as the area 20 feet from the back of the curb to a point 70 feet to the right or left of 250 the driver's perspective (measured from an “eye height” of 3 ½ ' high). Obstructions in the vision clearance triangle need to be lower than 30" in total height. Directional signage is not addressed in the UDC.
- Sign #9 is actually multiple signs on the ATM machine. These are replacement signs and are non-conforming. The UDC does not allow this type of signage.

Section 11-827.01.A.1 of the UDC provides that a Sign Plan Program can be approved as an alternate to the requirements of Section 11-820. The purpose is to provide for “alternative standards [that] may contribute to the aesthetic qualities of the development.”

Section 11-827.01.A.2 states 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 zoning administrator shall review all sign types...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.” (Emphasis added)

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.*” (Emphasis added)

Section 11-827.02.D states that the proposed signs shall be architecturally integrated into or complimentary to the design of the building and character of the site and *must be demonstrably more attractive than signs otherwise permitted.* (Emphasis added)

11.827.02.F.1 states:

“The height, area, number and location of signs permitted through the sign plan shall be determined by the planning commission based on the following criteria:

- a. The overall size of the lot or tracts proposed for development and the scale of the use or uses located or anticipated to be located there.
- b. Relationship between the building setback and sign location (additional signage may be appropriate for buildings with less visibility, particularly where buffering is providing an aesthetic and/or environmental benefit to the city);
- c. Intended traffic circulation pattern and the need for way-finding
- d. Hierarchy of signage
- e. Relationship between the site and adjacent uses
- f. The desired function of the site
- g. Consistency with the objectives and design policies of the comprehensive plan.”

The existing signage exceeds that of other buildings along this corridor and exceeds what is permitted by the UDC. The signage on the site is cluttered and the enter/exit signs create vision hazards. The signage should be cohesive and provide adequate way-finding.

Staff recommends approval of the following sign plan that is largely restricted to replacing existing signs:

- Sign #1 on the north façade can replace the existing sign #10. The proposed sign #10 must be removed.
- Re-facing sign #2 is permitted.
- Signs #3 and #4 are not permitted.
- Re-facing signs #5 and #6 are permitted.
- Signs #7 and #8 must be reduced to a total height of 30” from the ground, including the base.
- Sign #10 must be removed.

Front Façade looking southeast



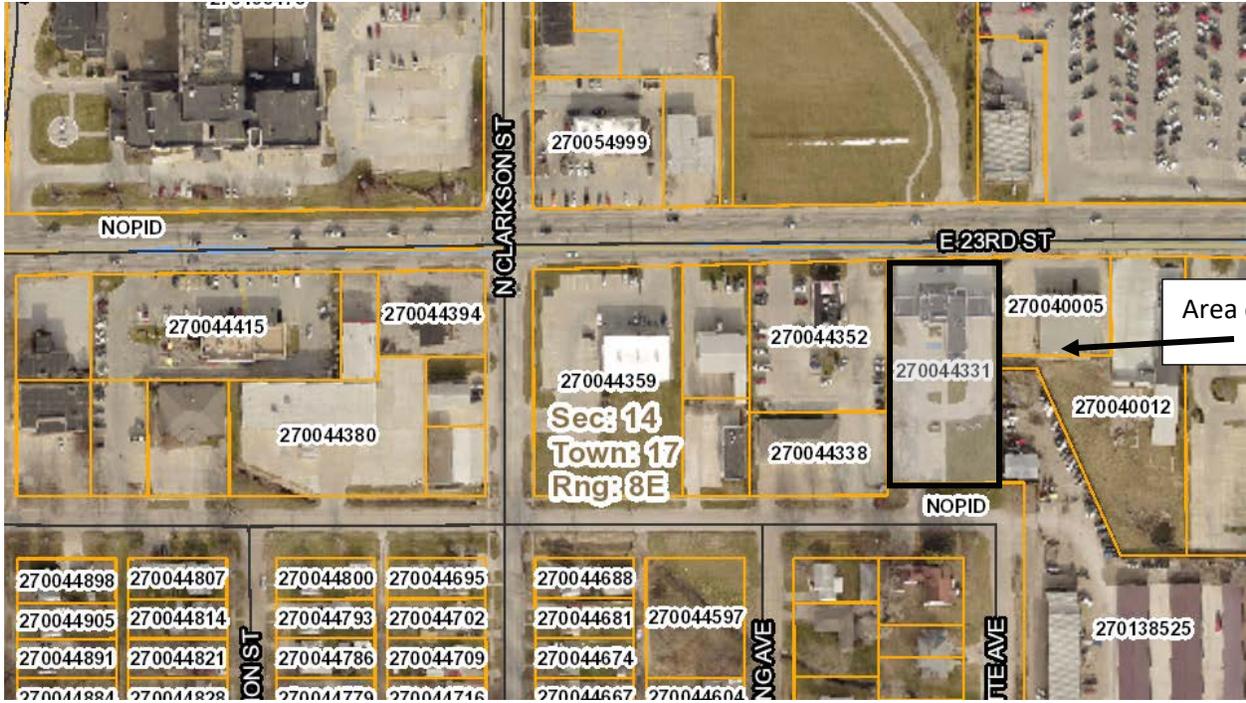
Front Façade looking southwest



**Back façade looking north**



**Vicinity Map**

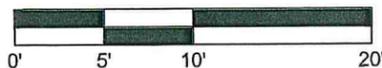
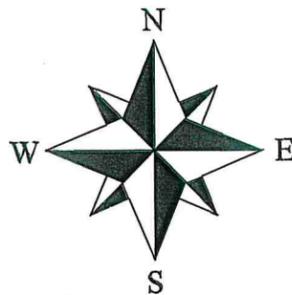


Area of Proposal

Sec: 14  
Town: 17  
Rng: 8E

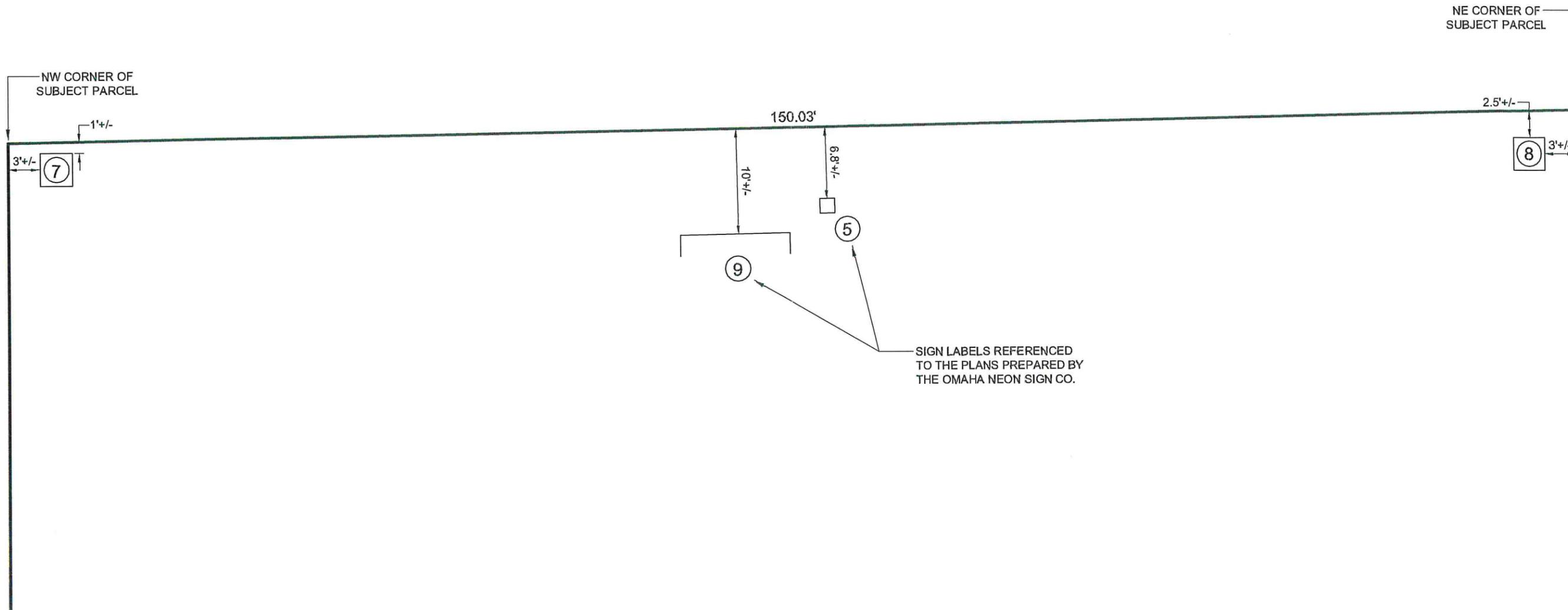
# EXISTING SITE PLAN

PART OF OUTLOT A, OF NORTHSIDE ADDITION  
 CITY OF FREMONT, DODGE COUNTY, NEBRASKA  
 (801 EAST 23RD STREET, FREMONT, NE)



SCALE: 1" = 10'

23RD STREET



**APEX**  
**LAND SURVEYING, LLC**  
 Danny Martinez, RLS  
 125 N. Clarmar Ave.  
 Fremont, Nebraska 68025  
 (402) 720-9339 Office / Mobile  
 danm.surveying@gmail.com

Client:	Omaha Neon Sign Co. - FNBO	
Date:	04/17/2020	Project No.: 046-2020
Scale:	1" = 10'	Drawing File: 05-FR-FNBO-Site Plan.dwg
Sheet:	2 of 2	Issue No.: 1



DRAWING #: Site Plan  
PROJECT ID: 22895

SALES PERSON: Troy Panagiotis

DRAWN BY: Sean Cornett

DATE: 10.23.19 INSPECTED BY:

Revised:



Banking • Mortgage • Wealth

801 E 23rd St.  
Fremont, NE 68025



1120 N 18th Street • Omaha 68102  
402.341.6077 • 402.341.7654 fax

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Notes:

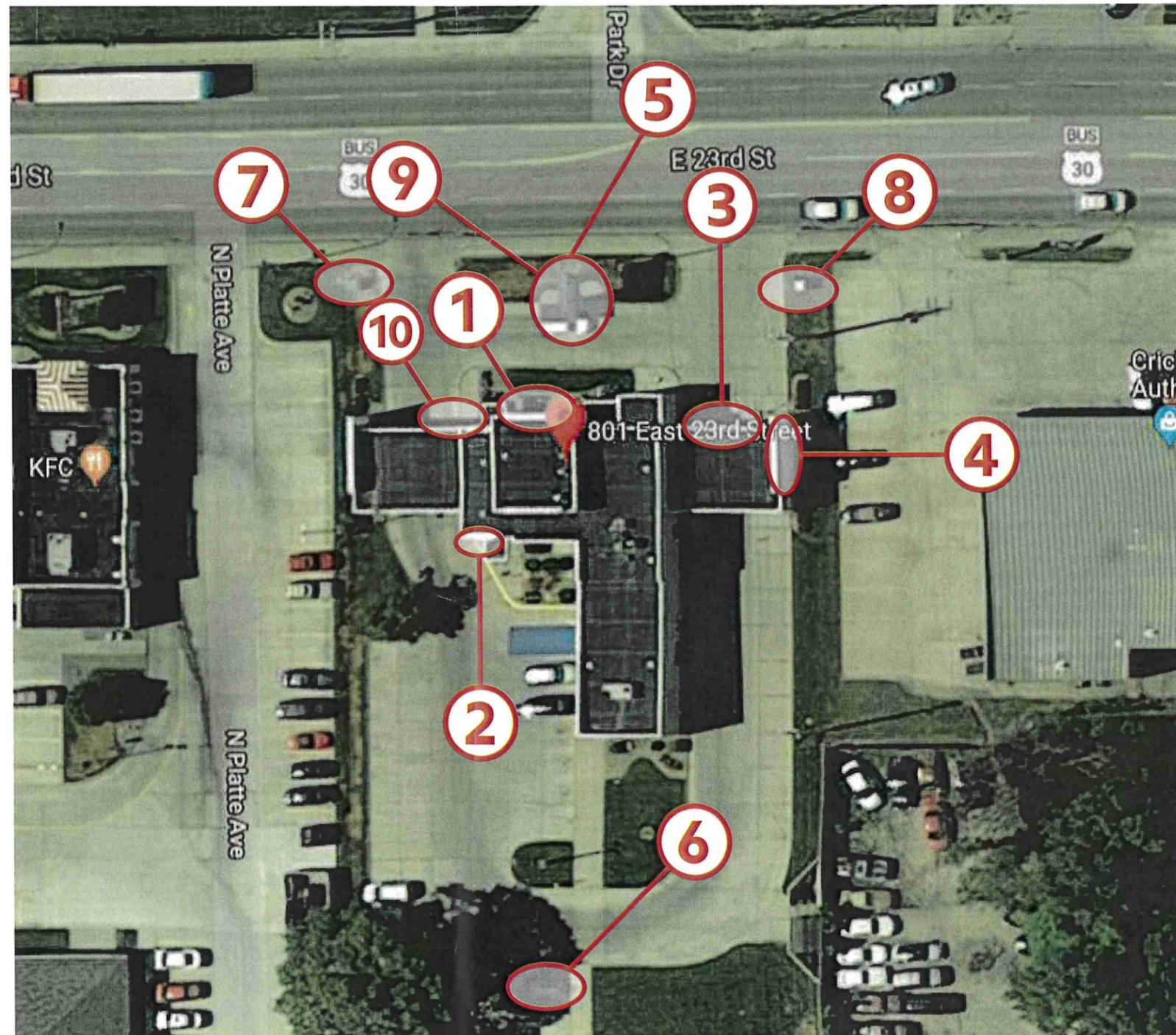
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Signed \_\_\_\_\_ Date \_\_\_\_\_

Sales Rep. \_\_\_\_\_ Date \_\_\_\_\_

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electric Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.





**DRAWING # : 122178**  
**PROJECT ID: 22895**

**SALES PERSON: Troy Panagiotis**

**DRAWN BY: Sean Cornett**  
**Wes Stephens**

**DATE: 10.23.19**    **INSPECTED BY:**

**Revised: DATE: 02.14.20**



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**Fremont, NE 68025**



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Signed \_\_\_\_\_ Date \_\_\_\_\_  
 Sales Rep. \_\_\_\_\_ Date \_\_\_\_\_

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**FLUSH MOUNTED CHANNEL LETTER DISPLAY**  
**SCALE: 3/8" = 1'-0"**

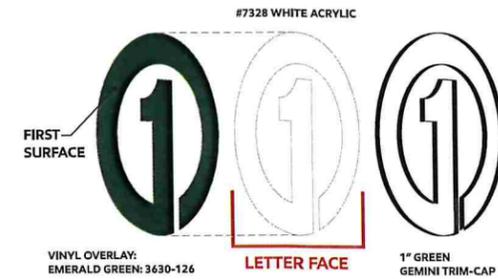
**SIGN 1**



**LETTER SPECIFICATIONS:**

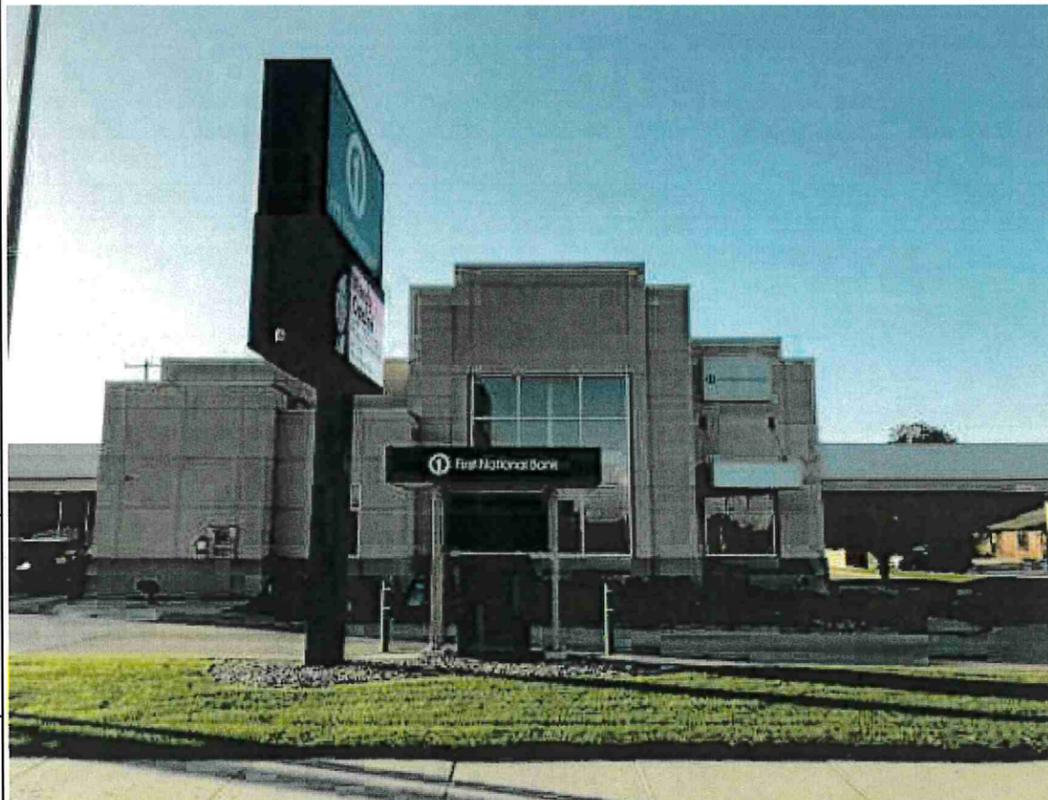
5 Inch Letter Coil - pre-finished FNBO Green
WHITE PRE-FINISHED ALUMINUM (.063 ALUM.)
WHITE #7328 (3/16")
JEWELITE (1" FNBO Emerald Green)
GEMX71-G 1 GREEN LED's

LETTERS ARE TO BE MOUNTED TO A 2" DEEP CONTROL PANEL (PAINTED TO MATCH CUSTOMER FASCIA). SIGNAGE IS TO BE MOUNTED TO FASCIA USING PROPER HARDWARE AND FASTENERS (NON-CORROSIVE).



**PROPOSED**

**EXISTING**





DRAWING #: 122179  
PROJECT ID: 22895

SALES PERSON: Troy Panagiotis

DRAWN BY: Sean Cornett

DATE: 10.23.19 INSPECTED BY:

Revised:



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801 E 23rd St.  
Fremont, NE 68025



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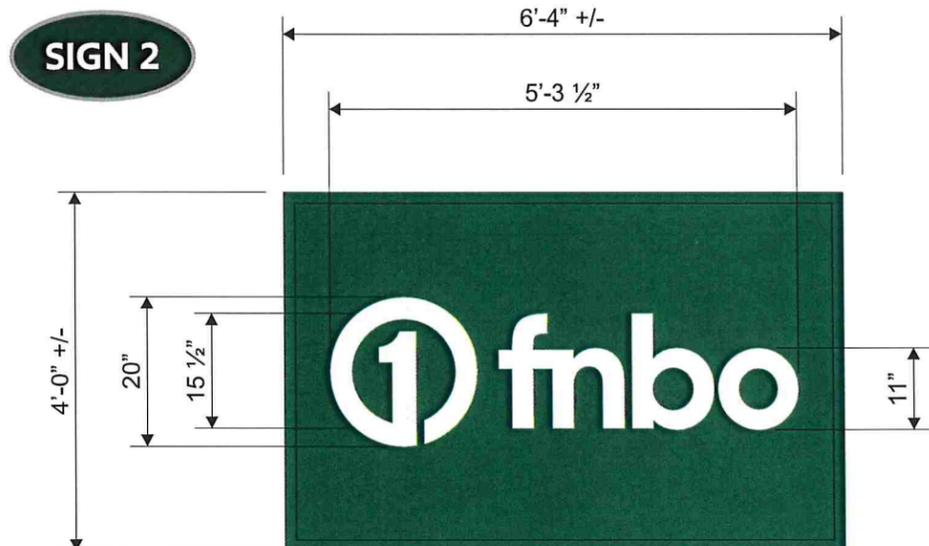
Signed \_\_\_\_\_ Date \_\_\_\_\_  
Sales Rep. \_\_\_\_\_ Date \_\_\_\_\_

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electric Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.



**NEW ROUTED ALUMINUM SIGN FACE**

SCALE: 1/2" = 1'-0"



*New  
FACE only*

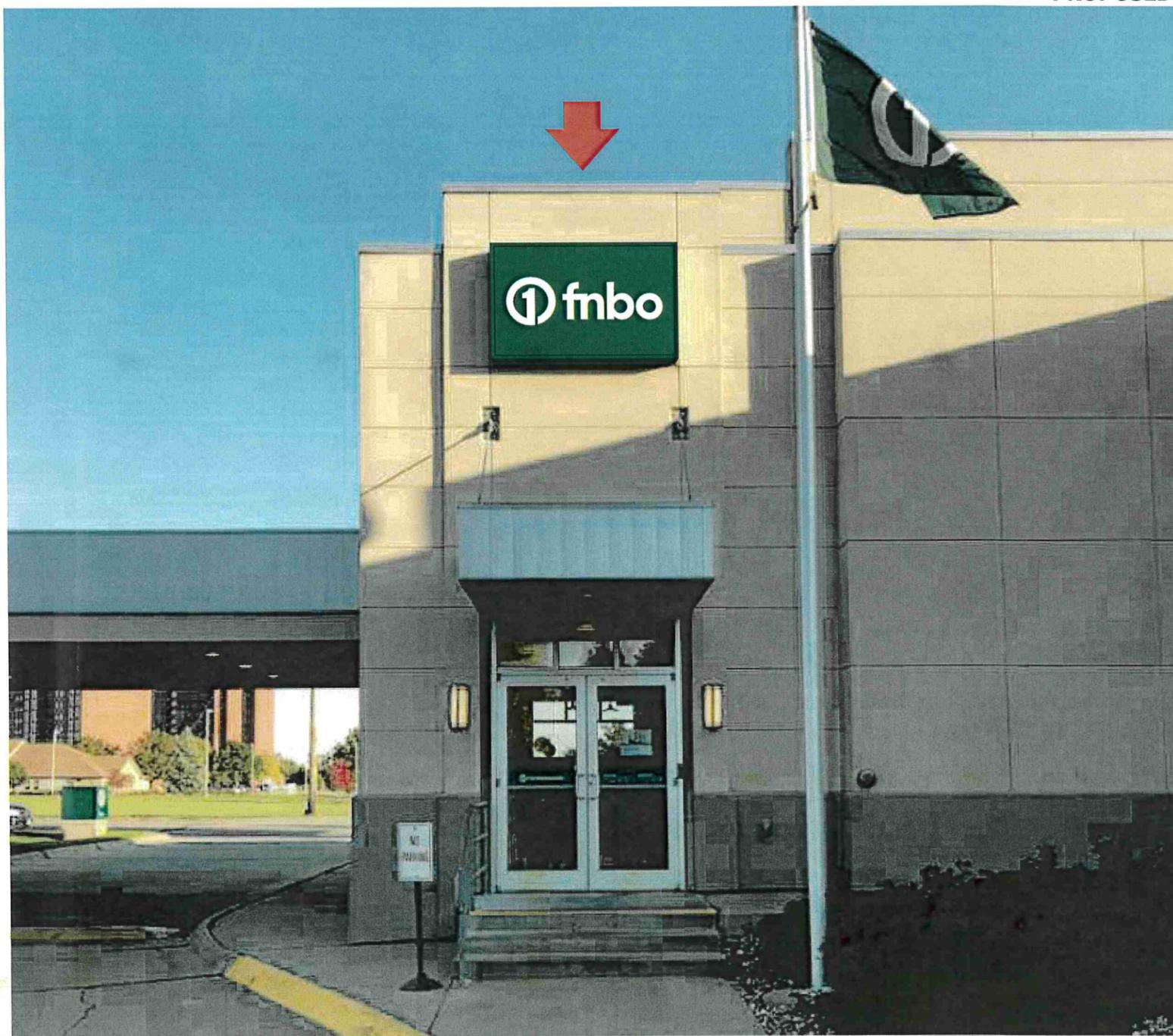
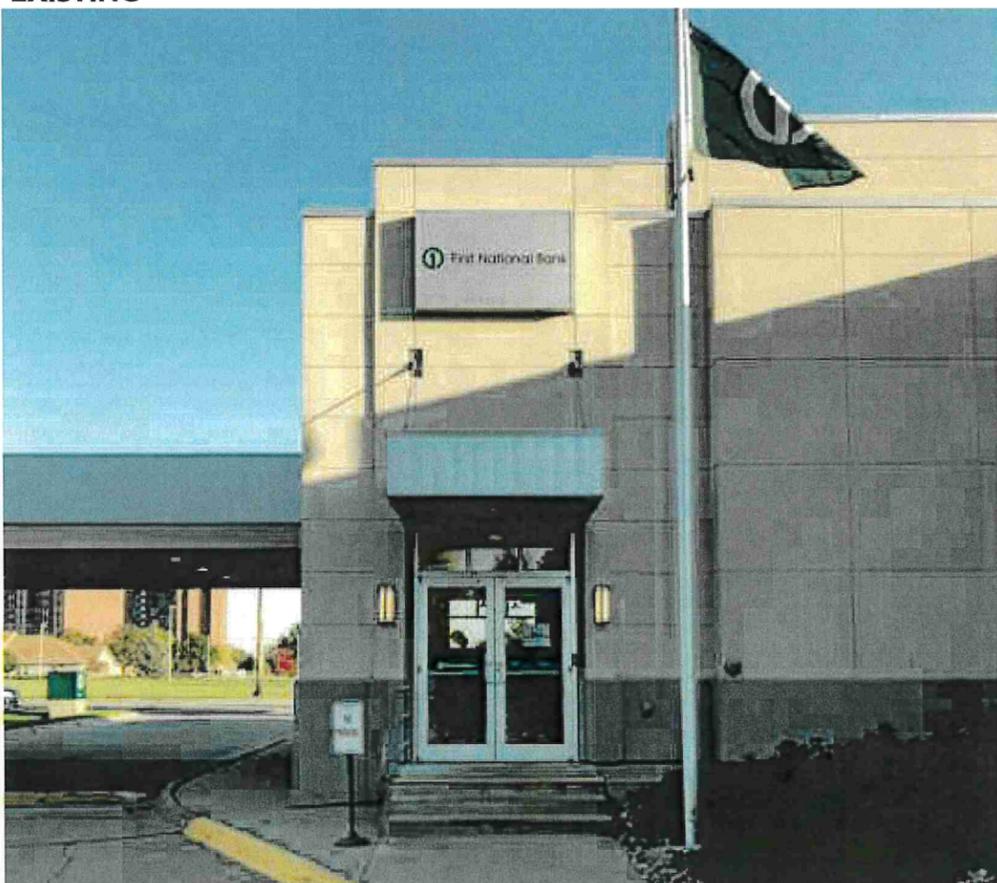
**SCOPE OF WORK**

FABRICATE AND INSTALL ONE (1) ONE NEW S/F WALL SIGN DISPLAY. CABINET IS FABRICATED FROM ALUMINUM OVER AN INTERNAL ANGLE FRAME. SIGN CABINET, FACE AND RETAINERS ARE TO BE PAINTED Pantone 3425c. LOGO/COPY AREA IS TO BE ROUTED FROM BACKGROUND AND BACKED WITH 3/16" WHITE PLEXIGLAS. INTERNAL ILLUMINATION WITH WHITE LED's. CABINET IS TO BE INSTALLED IN CUSTOMER SPECIFIED LOCATION USING PROPER HARDWARE AND FASTENERS (NON-CORROSIVE).



PROPOSED

EXISTING





**FLUSH MOUNTED CHANNEL LETTER DISPLAY**  
**SCALE: 1/2" = 1'-0"**

**SIGN 3**

**DRAWING # : 122180**  
**PROJECT ID: 22895**

**SALES PERSON: Troy Panagiotis**

**DRAWN BY: Sean Cornett**  
**Wes Stephens**

**DATE: 10.23.19**      **INSPECTED BY:**

**Revised: 02.11.20**



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**801 E 23rd St.**  
**Fremont, NE 68025**



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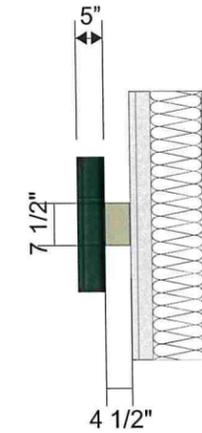
**Notes:**

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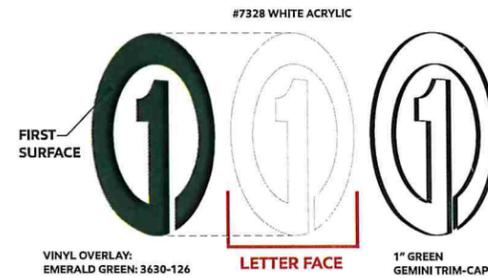
Signed \_\_\_\_\_ Date \_\_\_\_\_  
Sales Rep. \_\_\_\_\_ Date \_\_\_\_\_

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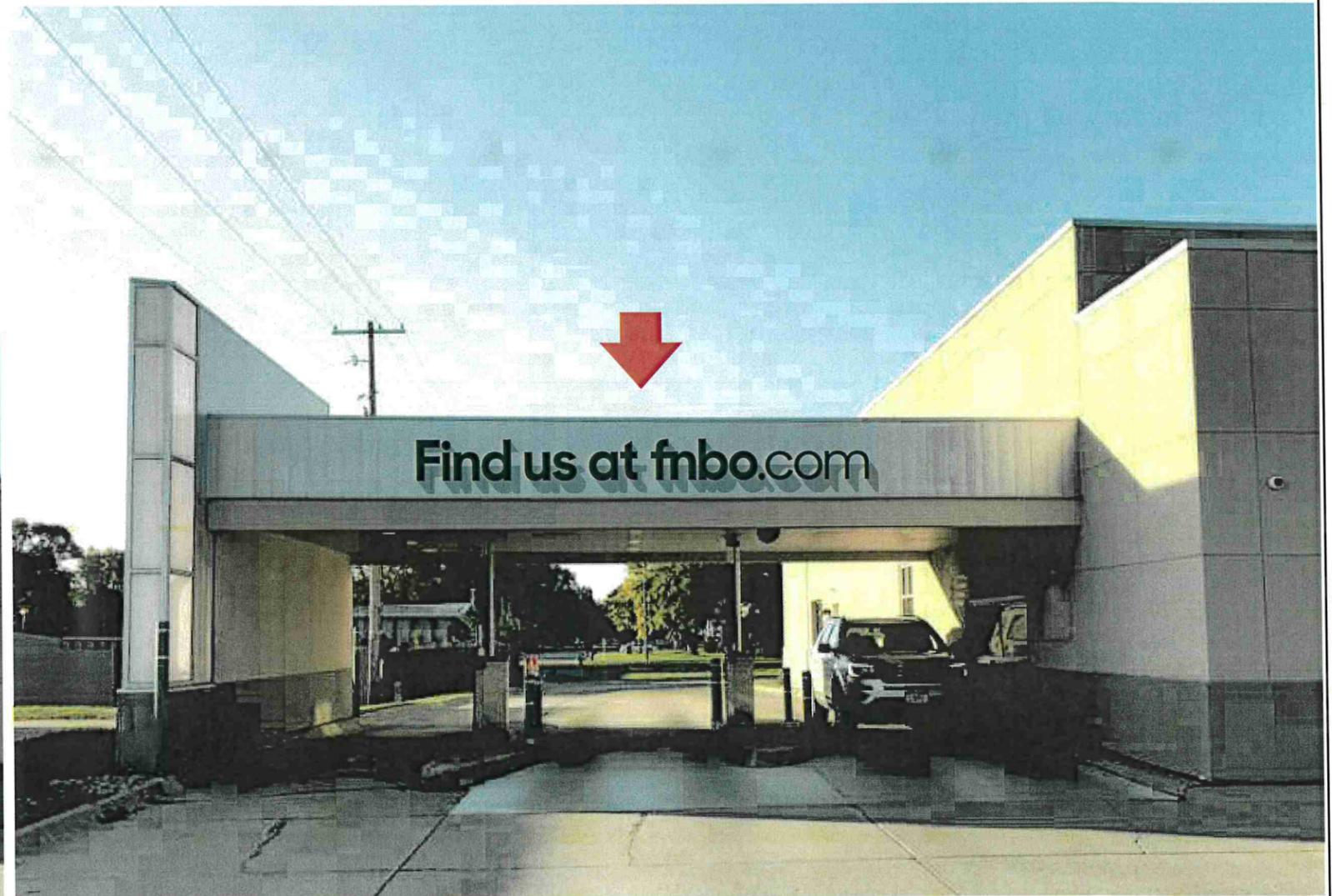
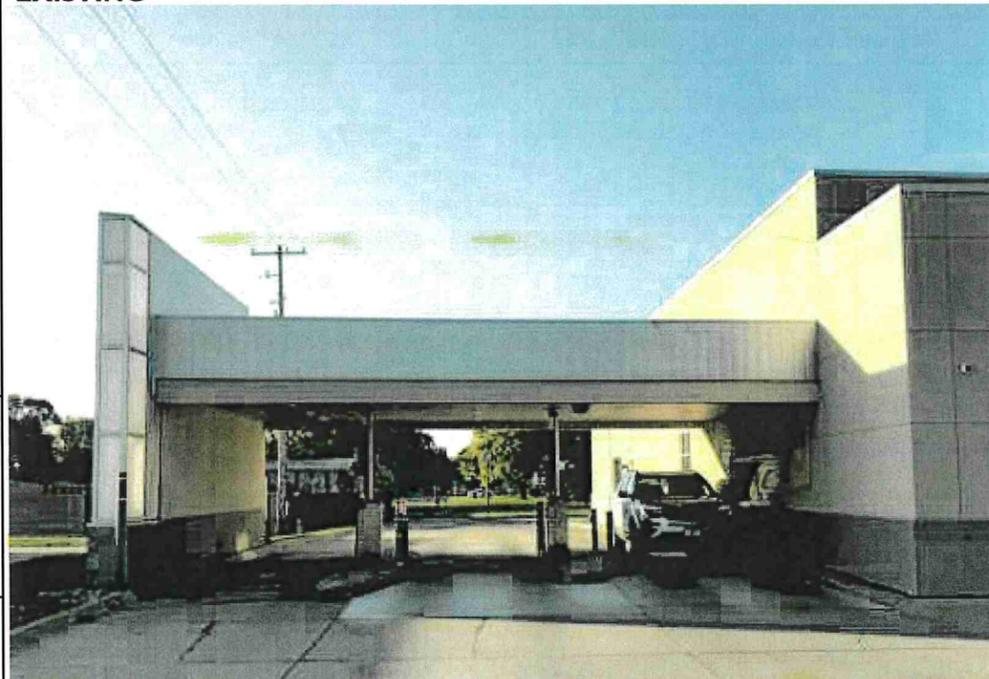
LETTER SPECIFICATIONS:	
Letter Coil	5 Inch Letter Coil - pre-finished <b>FNBO Green</b>
Letter Face	WHITE PRE-FINISHED ALUMINUM (.063 ALUM.)
Letter Backing	WHITE #7328 (3/16")
Letter Trim	JEWELITE (1" <b>FNBO Emerald Green</b> )
Letter LED's	GEMX71-G 1 GREEN LED's

LETTERS ARE TO BE MOUNTED TO A **LOW PROFILE EXTRUDED ALUMINUM RACEWAY** (PAINTED TO MATCH CUSTOMER FASCIA). SIGNAGE IS TO BE MOUNTED TO FASCIA USING PROPER HARDWARE AND FASTENERS (NON-CORROSIVE).



**PROPOSED**

**EXISTING**





DRAWING #: 122181  
PROJECT ID: 22895

SALES PERSON: Troy Panagiotis

DRAWN BY: Sean Cornett

DATE: 10.23.19  
INSPECTED BY:

Revised: DATE: 01.15.20



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Fremont, NE 68025



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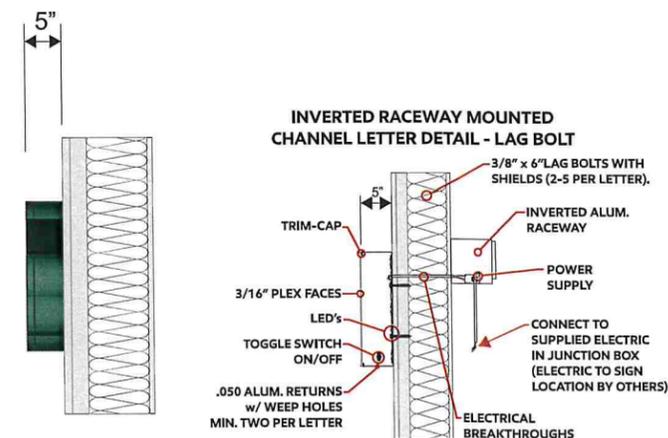
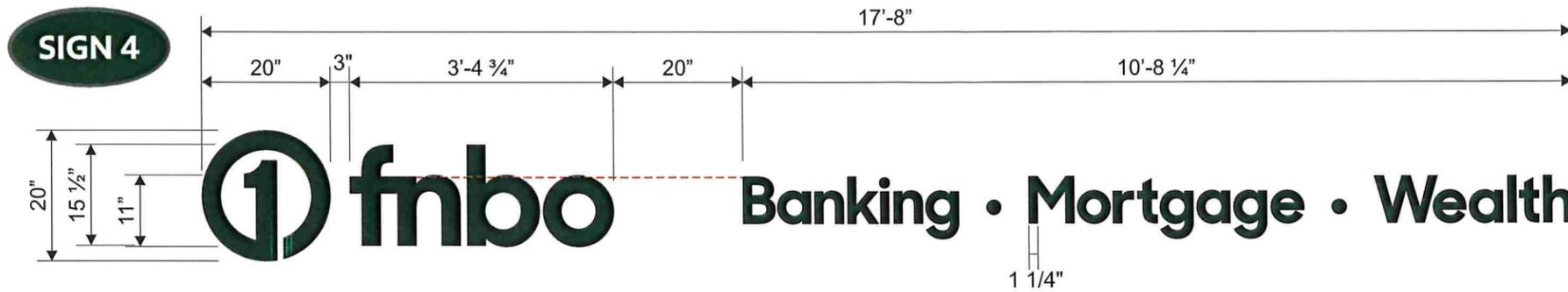
Signed \_\_\_\_\_ Date \_\_\_\_\_  
Sales Rep. \_\_\_\_\_ Date \_\_\_\_\_

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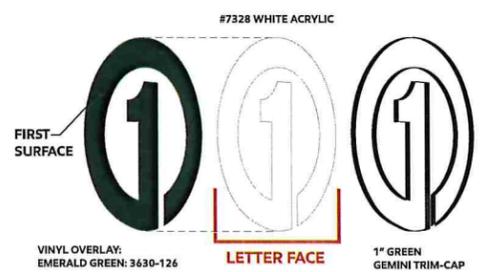
**FLUSH MOUNTED CHANNEL LETTER DISPLAY**

SCALE: 1/2" = 1'-0"

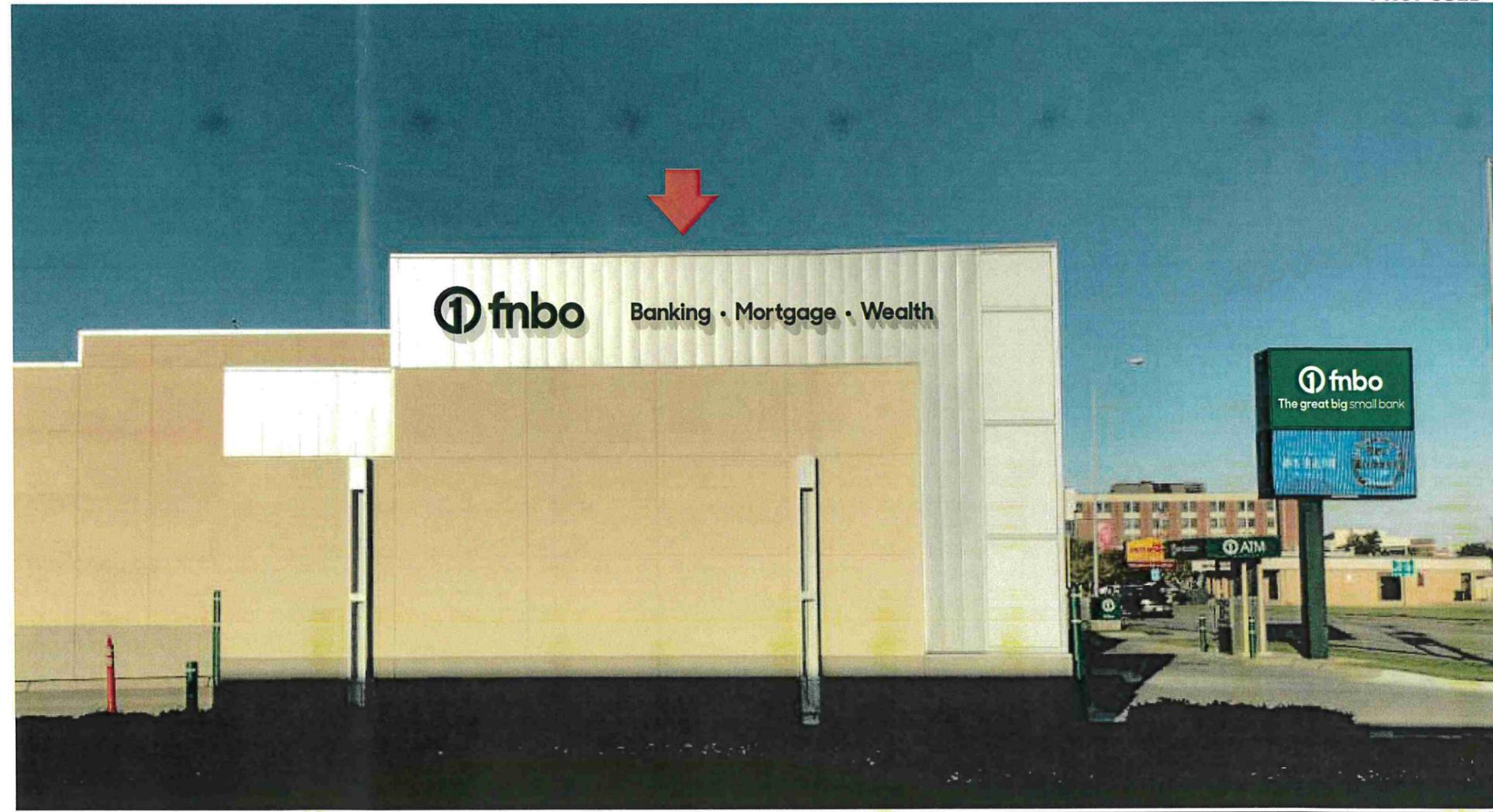


LETTER SPECIFICATIONS:	
Letter Coil	5 Inch Letter Coil - pre-finished FNBO Green
Letter Face	WHITE PRE-FINISHED ALUMINUM (.063 ALUM.)
Letter Trim	WHITE #7328 (3/16")
Letter Color	JEWELITE (1" FNBO Emerald Green)
Letter LED's	GEMX71-G 1 GREEN LED'S

LETTERS ARE TO BE MOUNTED TO AN EXTRUDED ALUMINUM RACEWAY (PAINTED TO MATCH CUSTOMER FASCIA). SIGNAGE IS TO BE MOUNTED TO FASCIA USING PROPER HARDWARE AND FASTENERS (NON-CORROSIVE).



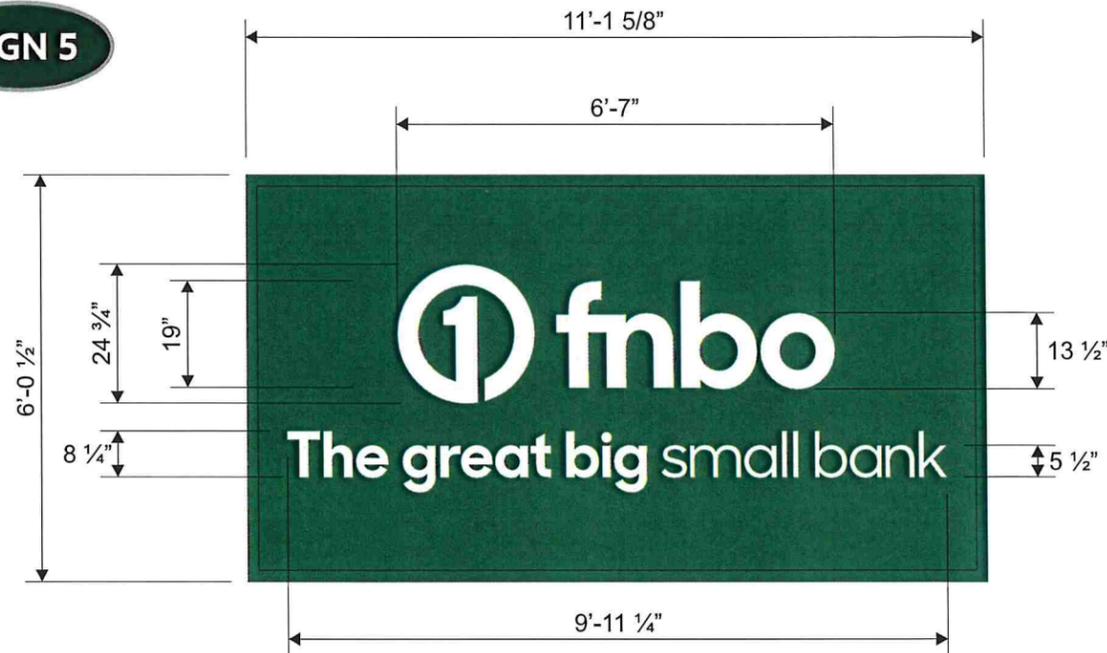
PROPOSED





**NEW FACE BACKING AND ILLUMINATION**  
**SCALE: 3/8" = 1'-0"**

**SIGN 5**



**DRAWING # : 122182**  
**PROJECT ID: 22895**

**SALES PERSON: Troy Panagiotis**

**DRAWN BY: Sean Cornett**

**DATE: 10.23.19**    *INSPECTED BY:*

**Revised:**



**801 E 23rd St.**  
**Fremont, NE 68025**

**Omaha Neon Sign Co., Inc.**

1120 N 18th Street • Omaha 68102  
402.341.6077 • 402.341.7654 fax

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Signed \_\_\_\_\_ Date \_\_\_\_\_  
Sales Rep. \_\_\_\_\_ Date \_\_\_\_\_

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electric Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.



**SCOPE OF WORK**

FABRICATE AND INSTALL (2) TWO NEW FACES FOR EXISTING D/F POLE SIGN DISPLAY. FACES ARE FABRICATED FROM ALUMINUM PAINTED PANTONE 3425c GREEN WITH ROUTED COPY AREA (WHITE ACRYLIC BACKING). EXISTING LIGHTING IS TO BE REPLACED WITH WHITE LED'S. INSTALL SIGN IN CURRENT LOCATION.

**NOTE:**

CABINET AND RETURNS ARE TO BE PAINTED PMS 3425c.

**PROPOSED**

**EXISTING**





DRAWING #: 122183  
PROJECT ID: 22895

SALES PERSON: Troy Panagiotis

DRAWN BY: Sean Cornett

DATE: 10.23.19 INSPECTED BY:

Revised: DATE: 01.14.20



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Signed \_\_\_\_\_ Date \_\_\_\_\_  
Sales Rep. \_\_\_\_\_ Date \_\_\_\_\_

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**NEW FACE BACKING AND ILLUMINATION**

SCALE: 3/4" = 1'-0"

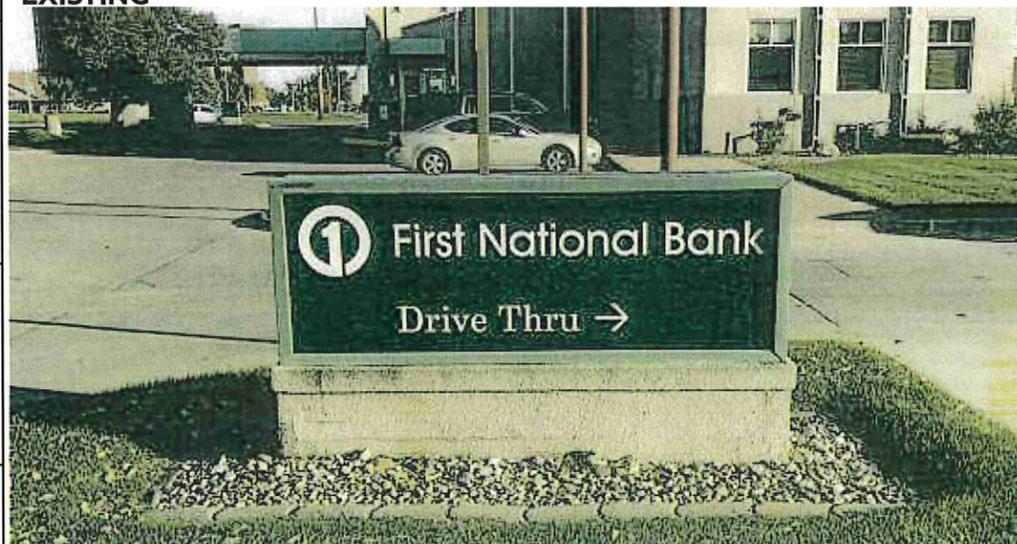


*New sign*

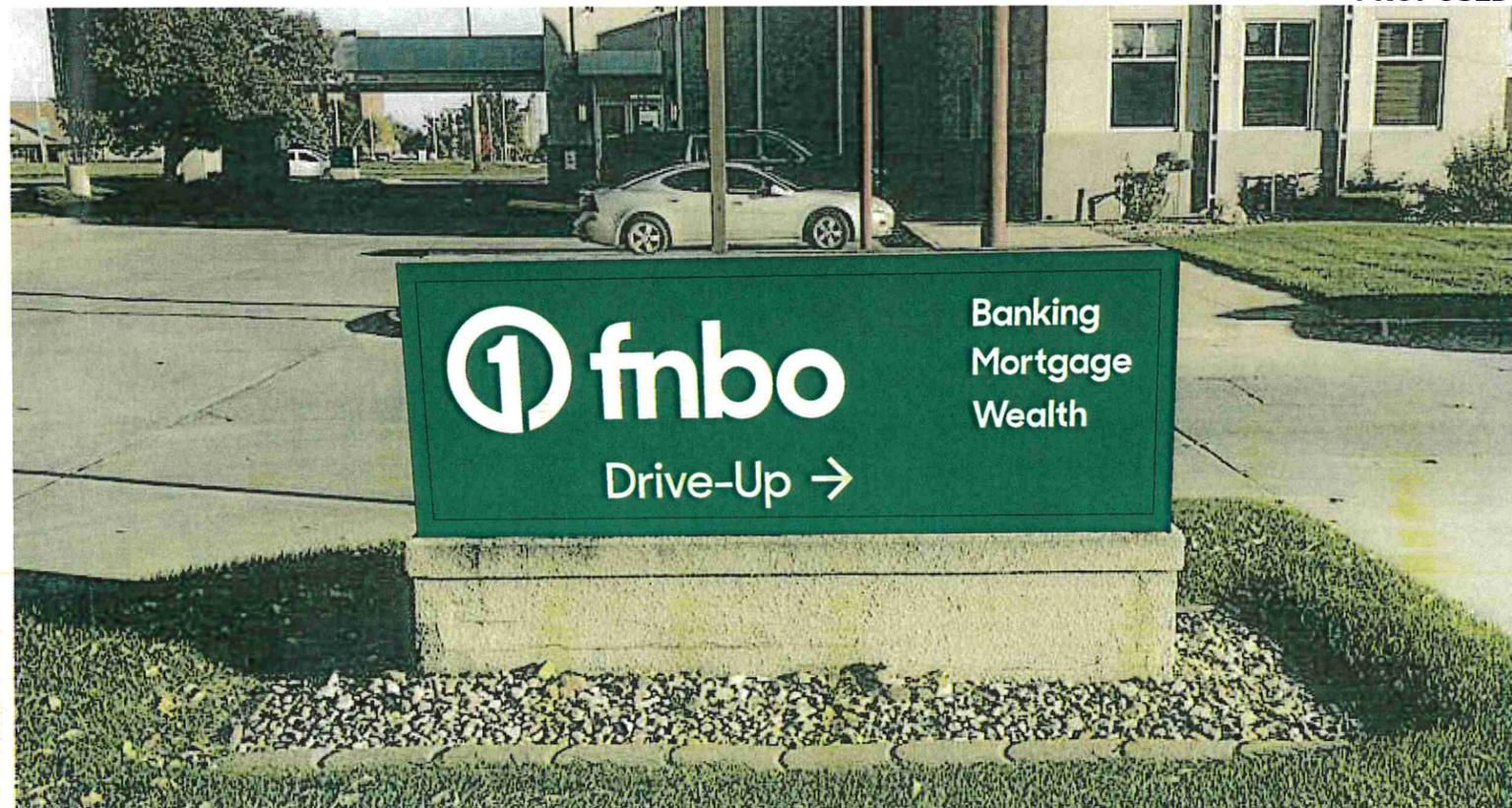
**SCOPE OF WORK**

FABRICATE AND INSTALL ONE (1) ONE NEW D/F CABINET SIGN DISPLAY. CABINET IS FABRICATED FROM ALUMINUM OVER AN INTERNAL ANGLE FRAME. SIGN CABINET, FACE AND RETAINERS ARE TO BE PAINTED Pantone 3425c. LOGO/COPY AREA IS TO BE ROUTED FROM BACKGROUND AND BACKED WITH 3/16" WHITE PLEXIGLAS. INTERNAL ILLUMINATION WITH WHITE LED'S. CABINET IS TO BE INSTALLED IN CUSTOMER SPECIFIED LOCATION USING PROPER HARDWARE AND FASTENERS (NON-CORROSIVE).

**EXISTING**



**PROPOSED**

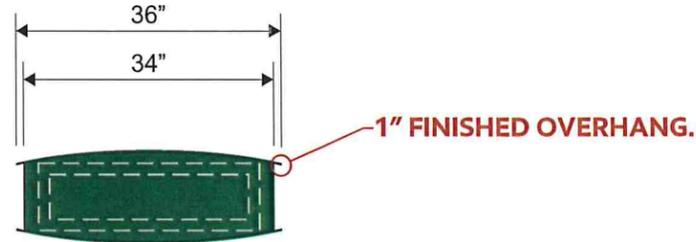




**D/F DIRECTIONAL SIGN DISPLAY:**

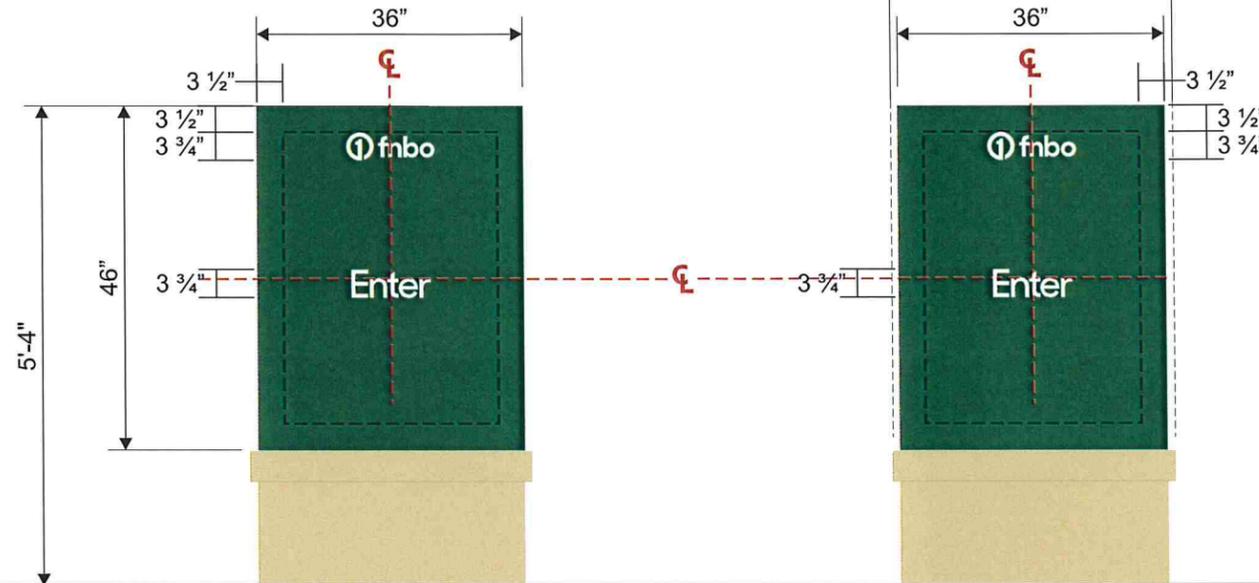
SCALE: 1/2" = 1'-0"

**SIGN 7**

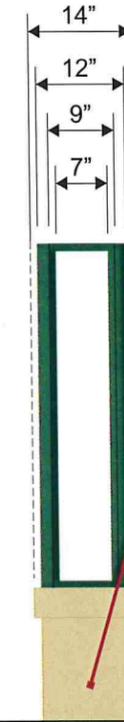


**D/F ROUTED ALUMINUM GROUND SIGN**

CABINET AND REVEAL FABRICATED FROM ANGLE ALUMINUM SKINNED WITH .100 ALUMINUM FACES (BOWED) AND RETURNS. CABINET AND REVEAL TO BE PAINTED Pantone 3425c GREEN. COPY AREA IS TO BE ROUTED FROM BACKGROUND AND BACKED WITH 3/16" WHITE PLEXIGLAS. CABINET RETURNS ARE TO HAVE WHITE ACRYLIC SIDE PANELS. INTERNAL ILLUMINATION WITH WHITE LED'S.



*New sign*



**NEW SIGN BASE**  
FABRICATED FROM ALUMINUM OVER AN INTERNAL ANGLE FRAME TEXTURED AND PAINTED TO MATCH EXISTING SIGN BASE.

DRAWING #: 122184  
PROJECT ID: 22895

SALES PERSON: Troy Panagiotis

DRAWN BY: Sean Cornett

DATE: 10.23.19 INSPECTED BY:

Revised: DATE: 01.13.20



801 E 23rd St.  
Fremont, NE 68025



1120 N 18th Street • Omaha 68102  
402.341.6077 • 402.341.7654 fax

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Signed \_\_\_\_\_ Date \_\_\_\_\_  
Sales Rep. \_\_\_\_\_ Date \_\_\_\_\_

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electric Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.



**NOTE**  
REMOVE AND DISPOSE OF EXISTING SIGN CABINET AND BASE.

**EXISTING**



**PROPOSED**

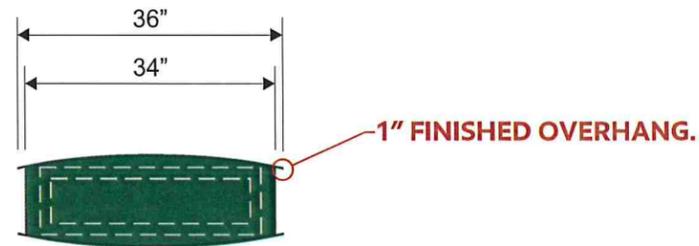




**D/F DIRECTIONAL SIGN DISPLAY:**

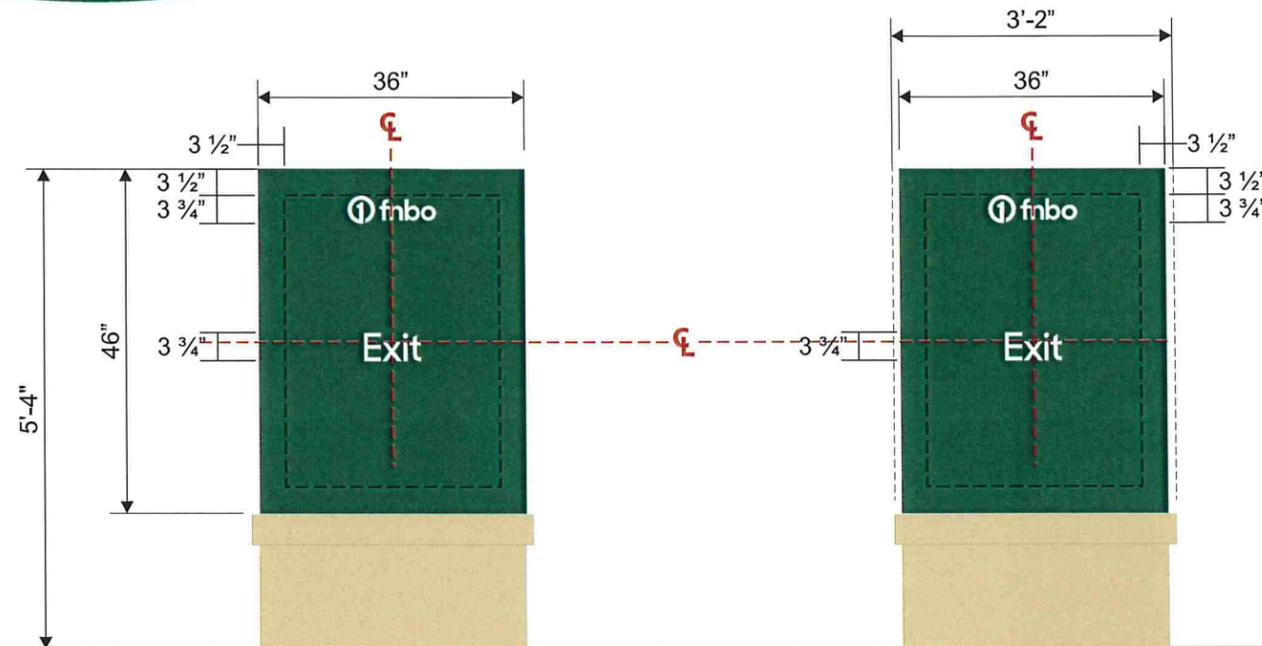
SCALE: 1/2" = 1'-0"

**SIGN 8**



**D/F ROUTED ALUMINUM GROUND SIGN**

CABINET AND REVEAL FABRICATED FROM ANGLE ALUMINUM SKINNED WITH .100 ALUMINUM FACES (BOWED) AND RETURNS. CABINET AND REVEAL TO BE PAINTED Pantone 3425c GREEN. COPY AREA IS TO BE ROUTED FROM BACKGROUND AND BACKED WITH 3/16" WHITE PLEXIGLAS. CABINET RETURNS ARE TO HAVE WHITE ACRYLIC SIDE PANELS. INTERNAL ILLUMINATION WITH WHITE LED'S.



*New sign*



**NEW SIGN BASE**  
FABRICATED FROM ALUMINUM OVER AN INTERNAL ANGLE FRAME TEXTURED AND PAINTED TO MATCH EXISTING SIGN BASE.

**DRAWING # : 122185**  
**PROJECT ID: 22895**  
SALES PERSON: Troy Panagiotis  
DRAWN BY: Sean Cornett  
DATE: 10.23.19  
INSPECTED BY:  
Revised: DATE: 01.13.20



801 E 23rd St.  
Fremont, NE 68025



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Signed \_\_\_\_\_ Date \_\_\_\_\_  
Sales Rep. \_\_\_\_\_ Date \_\_\_\_\_

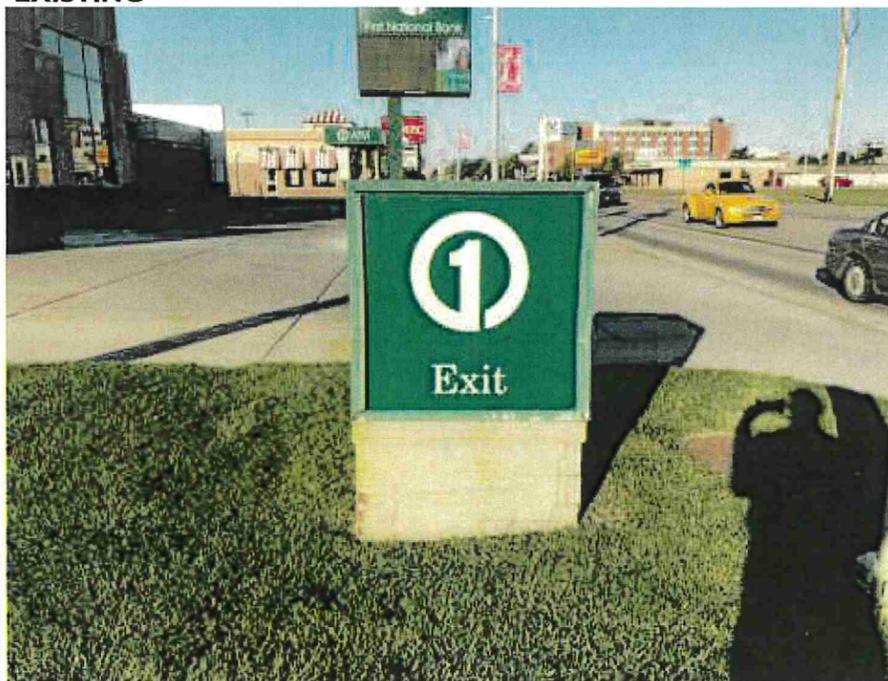
This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electric Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.



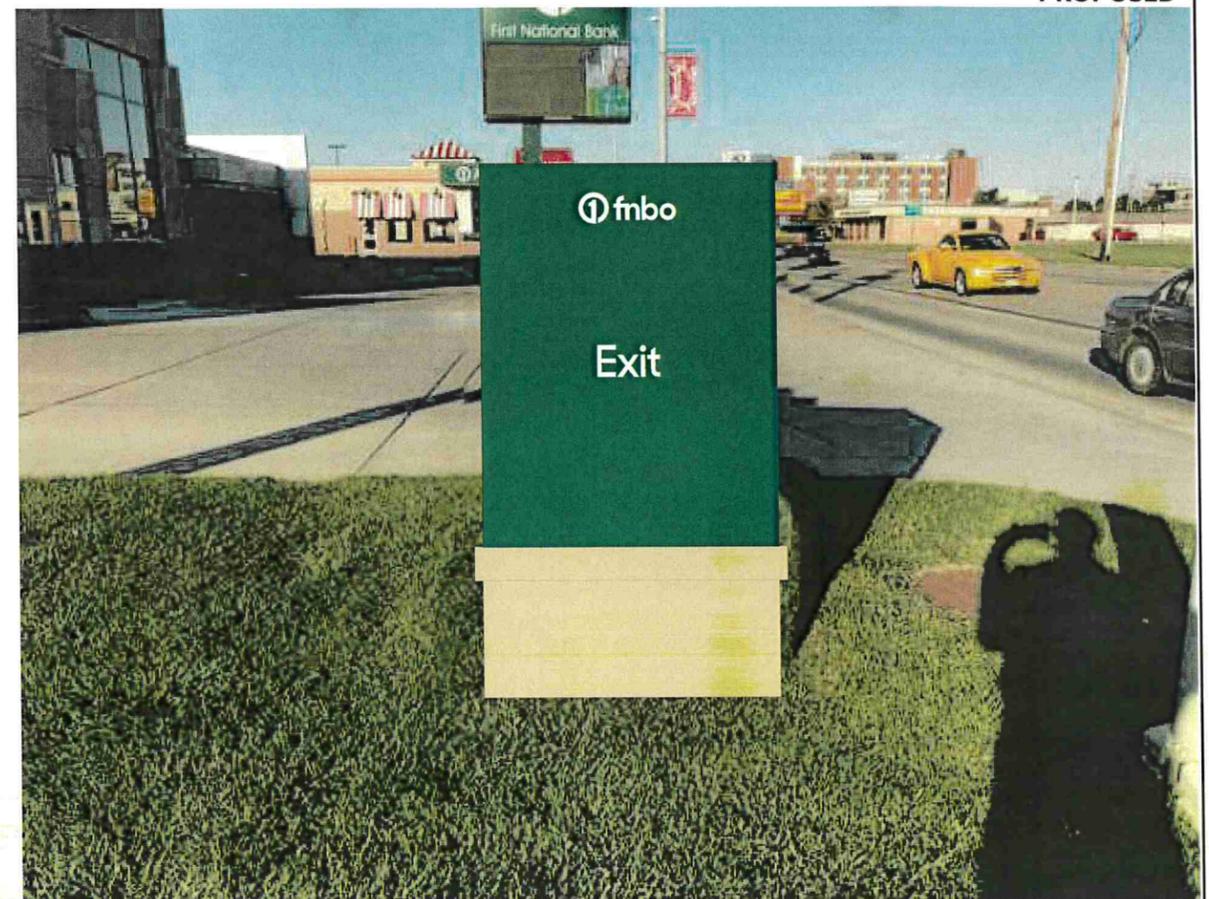
**NOTE**

REMOVE AND DISPOSE OF EXISTING SIGN CABINET AND BASE.

**EXISTING**



**PROPOSED**





DRAWING #: 122186  
PROJECT ID: 22895

SALES PERSON: Troy Panagiotis

DRAWN BY: Sean Cornett

DATE: 10.23.19  
INSPECTED BY:

Revised:



Banking • Mortgage • Wealth

801 E 23rd St.  
Fremont, NE 68025



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Signed \_\_\_\_\_ Date \_\_\_\_\_  
Sales Rep. \_\_\_\_\_ Date \_\_\_\_\_

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electric Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.



**ATM CANOPY - GRAPHICS**

SCALE: 1/2" = 1'-0"



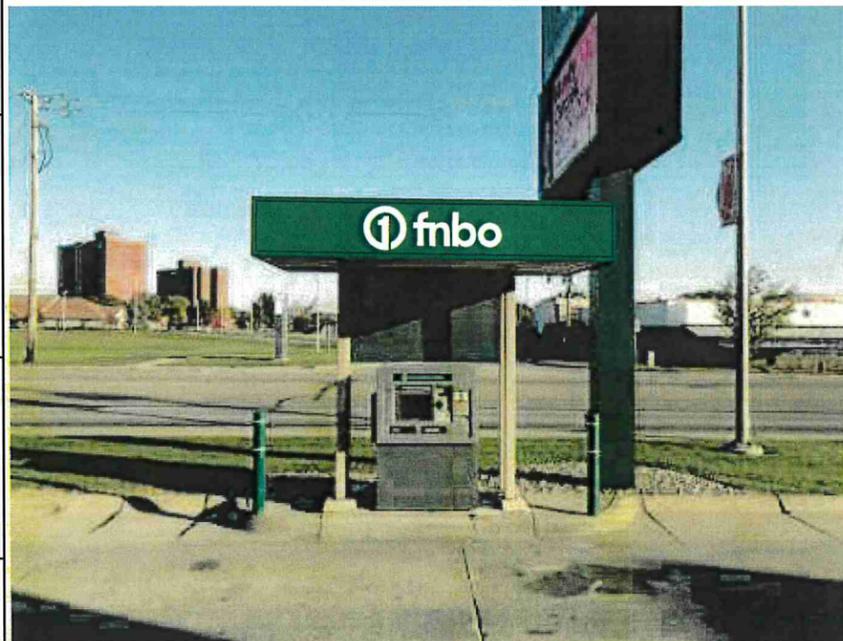
**SCOPE OF WORK**

RE-PAINT EXISTING CANOPY (GREEN PMS 3425c). FABRICATE AND INSTALL NEW FACES WITH 3M VINYL GRAPHICS APPLIED TO THE FIRST SURFACE (AS NOTED).

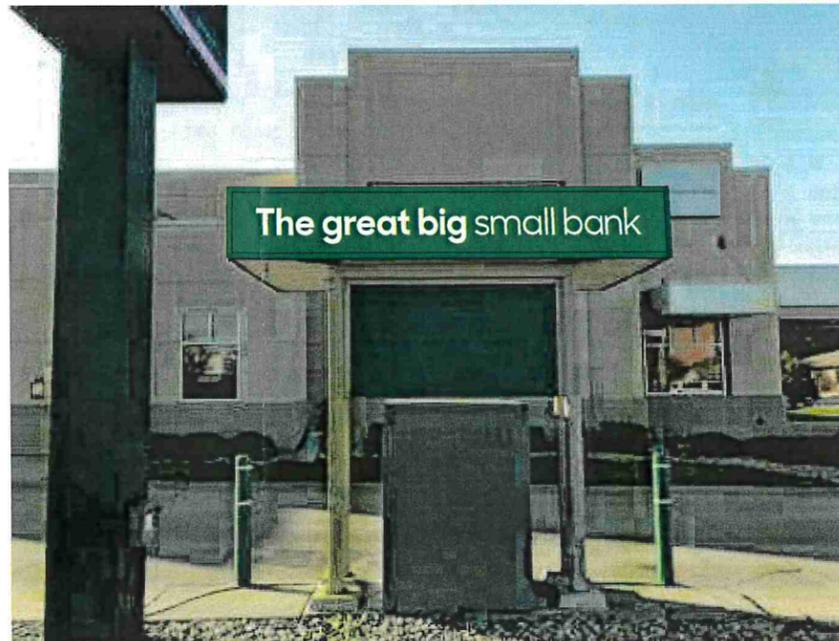
**MATCH COLOR**  
Pantone 3425c

*New Faces only*

**FACING BANK**



**FACING STREET**



**EXIT - ENTER (OPPOSITE SIDE)**





DRAWING #: 123798  
PROJECT ID: 22895

SALES PERSON: Troy Panagiotis

DRAWN BY: Sean Cornett

DATE: 03.19.20 INSPECTED BY:

Revised:



Banking • Mortgage • Wealth

801 E 23rd St.  
Fremont, NE 68025



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Signed \_\_\_\_\_ Date \_\_\_\_\_  
Sales Rep. \_\_\_\_\_ Date \_\_\_\_\_

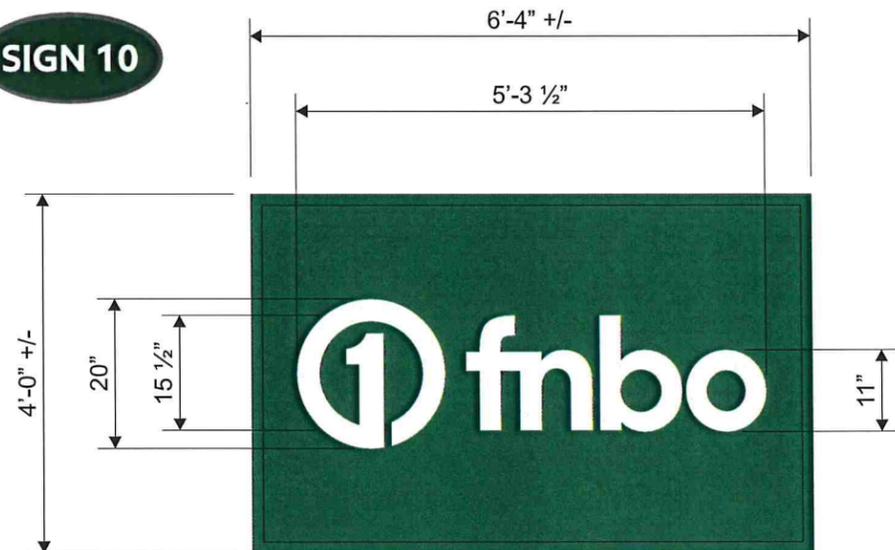
This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electric Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.



**NEW ROUTED ALUMINUM SIGN FACE**

SCALE: 1/2" = 1'-0"

**SIGN 10**



**SCOPE OF WORK**

FABRICATE AND INSTALL ONE (1) ONE NEW S/F WALL SIGN DISPLAY. CABINET IS FABRICATED FROM ALUMINUM OVER AN INTERNAL ANGLE FRAME. SIGN CABINET, FACE AND RETAINERS ARE TO BE PAINTED Pantone 3425c. LOGO/COPY AREA IS TO BE ROUTED FROM BACKGROUND AND BACKED WITH 3/16" WHITE PLEXIGLAS. INTERNAL ILLUMINATION WITH WHITE LED'S. CABINET IS TO BE INSTALLED IN CUSTOMER SPECIFIED LOCATION USING PROPER HARDWARE AND FASTENERS (NON-CORROSIVE).



*New Faces only*

**PROPOSED**

**EXISTING**





**PARKING SIGN PANELS**  
SCALE: 3" = 1'-0"

**SIGN 10**

**DRAWING # : 122187**  
**PROJECT ID: 22895**

**SALES PERSON: Troy Panagiotis**

**DRAWN BY: Sean Cornett**

**DATE: 10.23.19**    *INSPECTED BY:*

**Revised:**



**801 E 23rd St.**  
**Fremont, NE 68025**

**Omaha Neon Sign Co., Inc.**

1120 N 18th Street • Omaha 68102  
402.341.6077 • 402.341.7654 fax

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**Notes:**

**NOTICE:**

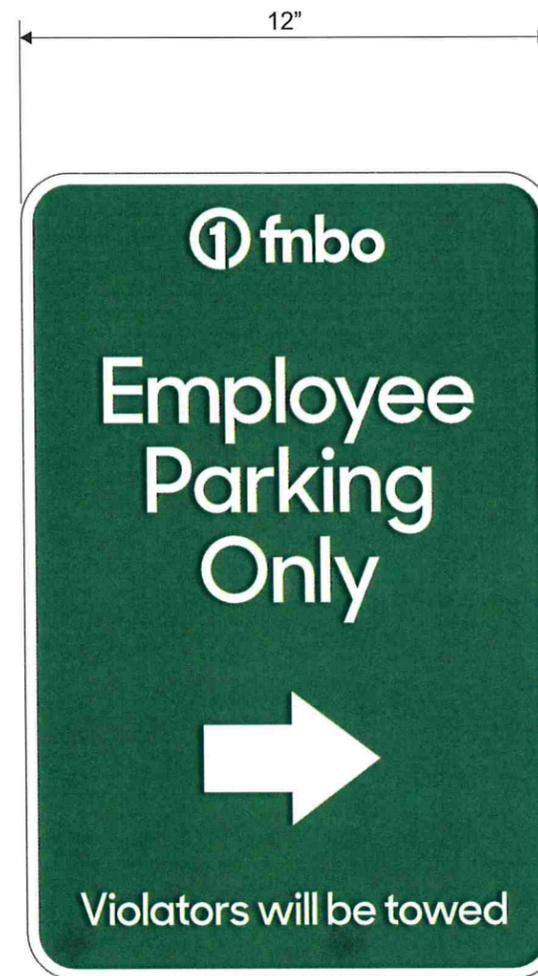
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Signed \_\_\_\_\_ Date \_\_\_\_\_  
Sales Rep. \_\_\_\_\_ Date \_\_\_\_\_

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electric Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.



**QUANTITY: TWO (2)**



**QUANTITY: TWO (2)**

**PARKING SIGN PANELS**

PRE-STAMPED PARKING SIGN PANELS WITH 3M VINYL GRAPHICS APPLIED TO THE FIRST SURFACE.

 **MATCH COLOR**  
**Pantone 3425c**

## Item 9 Commissioner Landholm discussion regarding fences.

### Existing UDC regulations below:

Sec. 11-614.02. - Fences and walls.

- A. *Generally.* The requirements of this section apply to fences and walls in residential districts.
- B. *Application.* This section applies to all fences and walls with a height of 30 inches or more, above finished grade. Any owner or authorized agent who intends to construct, enlarge, alter, repair, relocate, or demolish a fence, shall first make application to the zoning administrator and obtain the required permit.
- C. *Height.* The maximum height of a fence or wall within a required front yard or street yard setback shall be 42 inches. The maximum height of any fence or wall outside of a required front yard shall be six feet.

Exception: A fence or wall built within the required street yard of a lot abutting an arterial street, including street yards of corner lots and rear yards of double frontage lots, may be built to a height of six feet, so long as access to the property is not taken from the same arterial street.

- D. *Openness.* Fences located in a required front yard or street yard setback shall not exceed more than 50 percent opacity. All other fences and walls built on residential property outside of required front or street yards may exceed 50 percent opacity.

Exception: A fence or wall built within the required street yard of a lot abutting an arterial street, including street yards of corner lots and rear yards of double frontage lots, may exceed 50 percent opacity, so long as access to the property is not taken from the same arterial street.

- E. *Materials.*

- 1. *Allowed Materials.* Materials used for fences and walls shall be durable, and of a character commonly used in residential applications, including:
  - a. Weather-resistant or pre-finished (painted or stained and sealed) wood;
  - b. Ornamental wrought iron or powder-coated aluminum (except on fences/walls that are used for screening purposes);
  - c. Masonry (brick, stucco-finished concrete, split face concrete masonry units, or stone), but not unfinished concrete block; or
  - d. Chain link along the front or street side yard is only allowed if installed flush with the face of the house. Chain link is permitted in the rear or side yard; or
  - e. Any combinations of these materials
- 2. *Limited Materials.*

- a. Slatted chain link is only permitted in side and rear yards, not adjacent to a public or private street.
  - b. Wire mesh is only permitted where enclosing sport courts and tennis courts.
3. *Prohibited Materials.* The following materials are not permitted as fence or wall components: scrap lumber, plywood, tree branches, tree trunks, sheet metal, plastic or fiberglass sheets, barbed wire, spikes, nails, razors, electric currents or other features specifically designed to injure or scratch an individual or animal who attempts to negotiate the fence or wall.

Exception: Barbed wire is permitted in R Rural districts where enclosing lots or tracts used exclusively for crop production and/or animal husbandry.

F. *Fence/Wall Orientation and Maintenance.*

1. *Orientation.* It is strongly encouraged that all fence runs be finished and identical on both sides of the fence (i.e. pickets on both sides). Where fences are not finished and identical on both sides of the fence, and where written authorization has been provided by the adjacent property owner, 50 percent of the fence run, in linear increments no less than six feet and no more than eight feet, may be finished with pickets facing inward toward the subject property; all other fence runs shall be finished with all pickets facing outward toward neighboring properties or adjacent rights-of-way.
2. *Maintenance.* Fences and walls shall be maintained in an upright position (not more than five degrees from vertical orientation), and in good condition (e.g., free of rust, peeling paint or coatings, missing or broken pickets, wood rot, or graffiti).

G. *Protective Fences around Swimming Pools.* An outdoor swimming pool, including an in-ground, above-ground or on-ground pool, hot tub or spa, shall be surrounded by a barrier in accordance with the most recently adopted version of the building code, and any local amendments thereto.

H. *Location Restriction and Drainage.*

1. No fence or wall shall be built on any lot or tract outside the surveyed lot lines.
2. No fence or wall shall be built which obstructs the flow of water in natural drainage courses, or drainageways created within easements (see Subsection 11-405.02, Floodway (FW) Overlay and Flood Fringe (FF) Overlay Districts).

(Ord. No. 5453, 7-31-18)

Sec. 11-615.02. - Fences and walls.

- A. *Generally.* The requirements of this section apply to fences and walls in nonresidential and mixed-use districts.

- B. *Application.* This section applies to all fences and walls with a height of 30 inches or more, above finished grade.
- C. *Height.* The maximum height of a fence or wall within a required front yard or street yard setback shall be 42 inches. The maximum height of any fence or wall outside of a required front yard shall be six feet.

Exception: A fence or wall built within the required street yard of a lot abutting an arterial street, including street yards of corner lots and rear yards of double frontage lots, may be built to a height of six feet, so long as access to the property is not taken from the same arterial street.

- D. *Openness.* Fences located in a required front yard or street yard setbacks shall not exceed more than 50 percent opacity. All other fences and walls built in nonresidential and mixed-use districts outside of required front or street yards may exceed 50 percent opacity.

Exception: A fence or wall built within the required street yard of a lot abutting an arterial street, including street yards of corner lots and rear yards of double frontage lots, may exceed 50 percent opacity, so long as access to the property is not taken from the same arterial street.

E. *Materials.*

1. *Allowed Materials.* Materials used for fences and walls shall be durable, and of a character commonly used in nonresidential and mixed-use applications, including:
  - a. Weather-resistant or pre-finished (painted or stained and sealed) wood;
  - b. Ornamental wrought iron or powder-coated aluminum (except on fences/walls that are used for screening purposes);
  - c. Masonry (brick, stucco-finished concrete, split face concrete masonry units, or stone), but not unfinished concrete block; or
  - d. Any combinations of these materials.
2. *Limited Materials.*
  - a. Slatted chain link is only permitted in side and rear yards, not adjacent to a public or private street.
  - b. Wire mesh is only permitted where enclosing sport courts and tennis courts.
3. *Prohibited Materials.* The following materials are not permitted as fence or wall components: scrap lumber, plywood, tree branches, tree trunks, sheet metal, plastic or fiberglass sheets, barbed wire, spikes, nails, razors, electric currents or other features specifically designed to injure or scratch an individual or animal who attempts to negotiate the fence or wall.

Exception: Barbed wire or razor wire may be permitted by the planning commission in the form of a special exception where it can be demonstrated

that such security measures are required and cannot be achieved by other means.

F. *Fence/Wall Orientation and Maintenance.*

1. *Orientation* . It is strongly encouraged that all fence runs be finished and identical on both sides of the fence (i.e. pickets on both sides). Where fences are not finished and identical on both sides of the fence, and where written authorization has been provided by the adjacent property owner, 50 percent of the fence run, in linear increments no less than six feet and no more than eight feet, may be finished with pickets facing inward toward the subject property; all other fence runs shall be finished with all pickets facing outward toward neighboring properties or adjacent rights-of-way.
2. *Maintenance* . Fences and walls shall be maintained in an upright position (not more than five degrees from vertical orientation), and in good condition (e.g., free of rust, peeling paint or coatings, missing or broken pickets, wood rot, or graffiti).

G. *Exceptions.* Fences or walls, which are specifically required pursuant to Section 11-810, *Landscaping, Buffering, and Screening* , shall conform to the requirements in that section.

H. *Location Restriction and Drainage.*

1. No fence or wall shall be built on any lot or tract outside the surveyed lot lines.
2. No fence or wall shall be built which obstructs the flow of water in natural drainage courses, or drainageways created within easements (see Subsection 11-405.02, Floodway (FW) Overlay and Flood Fringe (FF) Overlay Districts).

Request for Proposals  
For  
Planning Services  
For a comprehensive re-write of the  
City of Fremont, Nebraska  
Unified Development Code

The City of Fremont, Nebraska is seeking qualified consulting firms to submit proposals for a comprehensive revision the Unified Development Code to clarify, simplify, update, and create a cohesive code.

Sealed Proposals are due by:\_\_\_\_\_.

Sealed proposals shall be hand carried or delivered by traceable means to \_\_\_\_\_. All proposals should be clearly marked **Request for Proposal for Planning Services, Unified Development Code re-write. RFP # \_\_\_\_\_**

## **PURPOSE & OVERVIEW**

The City of Fremont is seeking planning consultant, consulting firm or team to clarify, simplify, reorganize, and update the City's Unified Development Code (UDC), Chapter 11 of the City's Municipal Code. The consultant(s) must have national knowledge of best practices in land use planning, urban design, land use law, community engagement, transportation planning and parking standards, as well as experience drafting subdivision and zoning ordinances in the State of Nebraska.

The City's last significant zoning code changes were adopted on November 28, 2017, however, many of the UDC sections are unclear, cumbersome, and difficult to interpret. This results in uncertainty for citizens, elected officials, and the development community.

The City will be issuing a request for proposals for an update to the City's Comprehensive and Transportation Plan in June 2020. It is expected that the consultant for the UDC project will coordinate with the consultant selected to update the Comprehensive and Transportation Plan.

## **BACKGROUND**

The City of Fremont is the county seat of Dodge County located in eastern Nebraska. Fremont is approximately 38 miles northwest of downtown Omaha and approximately 52 miles north of Lincoln.

Fremont is nestled between the Platte and Elkhorn Rivers. The Platte River is adjacent to the south edge of the City's extra-territorial jurisdiction, the Elkhorn River is a few miles to the east. As such, much of the City's jurisdiction is located in or adjacent to a floodplain. Additionally, many sand-pit lake developments are located near the Platte River, along the southwest edge of the City's jurisdiction. Lake and river recreation are important to the community.

The City has a population of 27,021 and a median age of 40. The annual growth rate has traditionally been under 1% annually, however the rate is expected to increase with the recent opening of new industries and businesses, as well as the many business expansions that are underway. Food processing, construction and wholesale trade are among the largest employers.

Fremont Public Schools, Arch Bishop Bergen and several parochial schools are the primary providers of elementary and secondary education in the community. Midland University and Metropolitan Community College provide higher education and trade education.

## **SCOPE OF WORK**

With assistance from City Staff, the selected consultant will conduct a public process to develop a new Development Code (zoning and subdivision) for the City of Fremont.

The City is open to conventional Zoning and Subdivision Ordinances as well as other types/styles of ordinances such as a Unified Development Code or a Form Based Code. Final determination will depend on the submittals provided and the strengths of the firm selected.

It is anticipated that the consultant will develop an ordinance that addresses, among other things, standards for older, existing residential, commercial and industrial neighborhoods; opportunities for planned development and historic districts; concise, understandable standards for new developments; signage regulations; landscape standards and green infrastructure opportunities; supplemental uses; mixed use opportunities along existing corridors; coordinated subdivision

regulations; land uses along with standards for limited and conditional uses; design standards; and, clear definitions.

It is anticipated that the consultant will work with the community to develop a zoning ordinance that articulates good standards that support walkable, mixed use neighborhoods. The ordinance will provide for administrative approval opportunities, will address the needs of older neighborhoods and will provide updated zoning and subdivision standards for newer and yet-to-be developed areas of the City.

The final ordinance will be a code that provides the City with the best workable and least burdensome ordinance (i.e. conventional code, unified development code, form-based code, etc.). The City desires a high degree of illustrative and pictorial examples.

The final work program will be developed in conjunction with City staff but the scope of work should include the following:

- Initial Review and Analysis. The consultants will work closely with the Planning Commission and City staff in a thorough review of the existing ordinance, development challenges and an on-site analysis of the community.
- The consultant will coordinate with the consultant leading the concurrent effort to update the Comprehensive Plan to ensure the new code will be consistent with the identified goals, objectives and recommendations of the updated Comprehensive Plan.
- Public Outreach. The consultant will develop a public outreach strategy designed to inform community stakeholders and the general public on the benefits of the update, as well as conducting regular meetings and web/social media interaction throughout the process. Public meetings should include a visual approach such as a visioning charrette, visual preference surveys, or other methods to help with understanding of the intent and outcomes or proposed options. The number and type of meetings should be detailed.
- Drafting the Document. The consultant will prepare drafts of the zoning/subdivision ordinance, including graphics, for review by staff, Steering Committee, and Planning Commission. The proposed number of meetings and timeline should be specified. A final version will be reviewed by the Planning Commission for recommendation to the City Council for final action.
- Presentation of Final Draft. The consultant will present the initial draft ordinance in two public information sessions, in two meetings to the Planning Commission and three meetings to the City Council. The consultant should provide costs to present to additional meetings, should they be necessary.
- User-Friendly Format. The consultant will work with City staff to create a user-friendly, interactive format in which the public can access the revised code make the revised code accessible, user friendly and interactive for the public.
- Deliverables. The consultant will be expected to provide all graphics and illustrations to be included in the ordinance, the synopsis and any hand-outs used in public meetings in both “hard copy” and electronic form. In addition all text produced through this assignment will be provided in “hard copy” and electronic form.

## PROPOSAL CONTENTS

The RFP proposal will include:

- A cover letter signed by the consultant or a member of the consulting firm empowered to commit the firm to a contractual arrangement with the City. The cover letter should also identify the consultant and/or firm submitting the proposal and any sub-consultants that may be proposed. It should generally outline your understanding of the assignment.
- A detailed discussion of your work approach to fulfill the requirements of this request for proposal. For each task, describe the activity, the intended results, any work or activity you assume will be conducted by the City. Identify the type of zoning ordinance that will be proposed (i.e. conventional, unified, form-based, etc.).
- A project schedule outlining the timeline and estimated completion date of each major task identified in your scope of work.
- The name, qualifications, experience and availability of the project manager and other key members of the project team that will work with the City, their roles in the project and their related experience.
- Past experience that the team has recently completed providing planning services for at least three (3) similar zoning ordinance projects. Include reference names and contact information and design fees for the referenced projects.
- Project fees. Provide your fees for performing the services required as detailed in your proposal. Describe any modifications you would recommend to the general work scope described in this request for proposal and the impact of those modifications on your fee proposal. Fees shall be stated as a total not-to-exceed fee for the services outlined, based on the hourly billing rates of the staff that would serve the City together with any added reimbursable costs for such expenses as printing, mileage, data or sub-consultants.

**PROPOSAL SUBMISSION.** A total of 10 copies of the proposal must be received no later than 4:00 p.m. on \_\_\_\_\_, 2020. Proposals received after this deadline will not be considered. Submitted proposals shall remain in effect for 120 days from the due date. All costs incurred for proposal preparation, presentation or contract negotiations are the responsibility of the consultant. The City of Fremont reserves the right to reject any or all proposals submitted in response to this request for proposal and/or to select the proposal that it determines, in its sole judgment, to best meet the needs of the City. To be considered, proposals should include the information set forth below and must be received by the due date at the following address:

Tyler Ficken  
City Clerk  
City of Fremont  
400 E. Military Ave.  
Fremont, NE 68025

## EVALUATION OF PROPOSALS.

The City will evaluate all submitted proposals based on the responsiveness of the work approach proposed, the qualifications of the staff that will work with the City, the overall qualifications of the firm and the fees proposed. Specifically, the City is seeking consultants with the following capabilities and experience:

- Experience in preparing ordinances or codes to regulate development and redevelopment in smaller, Midwestern, agricultural communities.
- Experience in building community consensus to support innovative regulatory structures
- Strong graphics and written and oral communication skills
- Experience in evaluating, codifying and capturing qualities of community design and character consistent with the culture of the community.

The City may schedule oral interviews with some or all of the firms responding and, in that event, the outcome of such interviews may influence the evaluation of proposals.

**TIMING.** It is expected that a contract will be executed with the selected firm within 90 days of the due date for proposals.

DRAFT