PLANNING COMMISSION MEETING
MONDAY, May 20, 2019
City Council Chambers, 400 East Military Avenue, Fremont NE
STUDY SESSION – 4:45 P.M.
PLANNING COMMISSION MEETING – 5:00 P.M.
AGENDA

1. Call to Order.

2. Roll Call.

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

4. Dispense with the reading and approve the minutes of the April 15, 2019 Regular Meeting as prepared.

5. Consider a request by Stephen Dodd on behalf of property owners for conditional use permit to expand a nonstandard use to allow two houses on a single nonstandard lot to be split into two nonstandard lots on property located at 315 N Linden Ave and 1250 N D St.
   - Staff Report
   - Public Hearing
   - Commission discussion and approval or disapproval

6. Consider a request by Signworks Inc for approval of sign plan for Methodist Fremont Health at 450 East 23rd, Fremont, Nebraska.
   - Staff Report
   - Public Hearing
   - Commission discussion and approval or disapproval
7. Consider a request by Anew Development, LLC. on behalf of Brian Zubert for a Comprehensive Plan Amendment to the Future Land Use Map, from Commercial to Residential on approximately 11 acres located at the northwest corner of 29\textsuperscript{th} Street and Yager, lying south of 32\textsuperscript{nd} Street, to be known as the Fountain Spring Adult Apartment Properties.

- Staff Report
- Public Hearing
- Commission discussion and approval or disapproval

8. Consider a request by Brian Zubert on behalf of Eastowne Development, Fremont Health and Signa Properties, for a Conditional Use Permit for a Residential Cluster for a 216 unit apartment complex of age 55= workforce housing generally described as Lots 1 & 2 Fountain Springs 2\textsuperscript{nd} Subdivision, Lot 2 Fountain Springs 3\textsuperscript{rd} Subdivision and Lots 1 & 2 Fountain Springs 4\textsuperscript{th} Subdivision located in the SE \(\frac{1}{4}\) Section 11, Township 17 Range 8 East, and more generally located at the northwest corner of 29\textsuperscript{th} Street and Yager, lying south of 32\textsuperscript{nd} Street, to be known as the Fountain Spring Adult Apartment Properties.

- Staff Report
- Public Hearing
- Commission discussion and approval or disapproval

9. Consider a request by Anew Development LLC on behalf of Brian Zubert for approval of a Voluntary Annexation of Lot 2, Fountain Springs 4\textsuperscript{th} Subdivision, located at the northwest corner of 29\textsuperscript{th} Street and Yager, lying South of 32\textsuperscript{nd} Street.

- Staff report
- Public Hearing
- Commission discussion and recommendation

10. Consider a request by Tom Thompson on behalf of Adams Oil, Inc. property owners for conditional use permit to expand a nonstandard use on property located at 1500 Front Street, Fremont, Nebraska.

- Staff Report
- Public Hearing
- Commission discussion and approval or disapproval
11. Consider a request by Kelly Group Inc. property owners for conditional use permit to expand a nonstandard use on property located at 220 North H, Fremont, Nebraska.

- Staff Report
- Public Hearing
- Commission discussion and approval or disapproval


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

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

Chairman Sookram read the item: dispense with the reading and approve the minutes of the February 11, 2019 Regular Meeting as prepared into the record. It was moved by Commissioner Borisow and seconded by Commissioner Gifford to approve the minutes of the February 11, 2019 Regular Meeting as prepared. A roll call vote showed all eight Commissioners present voting aye. Motion carried unanimously.

Chairman Sookram read the item: Consider a request by Heather Carver on behalf of Morningside Commercial, LLC for Amendment to the Redevelopment Plan for the Morningside Road Redevelopment Area to identify a specific project, the Morningside Crossing Project, generally located at the Northeast corner of Morningside Rd, Johnson Rd into the record. The Planning Director presented her staff report and recommendation. Chairman Sookram opened the public hearing. Chairman Sookram closed the public hearing after receiving comments from the public. It was moved by Commissioner Sawyer and seconded by Commissioner Borisow to consider the request as being consistent with the comprehensive plan. A roll call vote showed all eight Commissioners present voting aye. Motion carried unanimously.

Chairman Sookram read the item: Consider a request by Heather Carver on behalf of WCBS, LLC to amend the Morningside Area Redevelopment Plan to specifically identify the WCBS project generally located 400 feet northeast of the intersection of Morningside Rd and Luther Rd into the record. The Planning Director presented her staff report and recommendation. Chairman Sookram opened the public hearing. Chairman Sookram closed the public hearing after receiving comments from the public. It was moved by Commissioner Borisow and seconded by Commissioner Horeis to consider the request as being consistent with the comprehensive plan. A roll call vote showed all eight Commissioners present voting aye. Motion carried unanimously.

Chairman Sookram read the item: Consider a request by Stephen Dodd on behalf of property owners for conditional use permit to expand a nonstandard use to allow two houses on a single nonstandard lot to be split into two nonstandard lots on property located at 315 N. Linden Ave and 1250 N D St. into the record. The Planning Director stated that the requestor requested a continuance until the next meeting. It was moved
by Commissioner Landholm and seconded by Commissioner Borisow to continue the item to the next meeting. A roll call vote showed all eight Commissioners present voting aye. Motion carried unanimously.

Chairman Sookram read the item: Consider a request by Doug Whitehead on behalf of NEBCO, Inc. for a conditional use permit to construct a private campground on Lake Leba, generally located 800 feet southwest of the intersection of Ridge Rd and W Military Avenue into the record. The Planning Director presented her staff report and recommendation. Chairman Sookram opened the public hearing. Chairman Sookram closed the public hearing after receiving comments from the public. It was moved by Commissioner Sawyer and seconded by Commissioner Carlson to approve the request on behalf of NEBCO, Inc for a conditional use permit to construct a private campground on Lake Leba, generally located 800 feet southwest of the intersection of Ridge Rd and W Military Avenue. A roll call vote showed all eight Commissioners present voting aye. Motion carried unanimously.

Hearing no other business, Chairman Sookram stated he would entertain a motion to adjourn the meeting. It was moved by Commissioner Landholm and seconded by Commissioner Sawyer to adjourn the meeting. A roll call vote showed all eight Commissioners present voting aye. Motion carried unanimously. Meeting was adjourned at approximately 5:26 p.m.

APPROVED

______________________________
Dev Sookram, Chairman

ATTEST

______________________________
Director of Planning
Staff Report

TO: Planning Commission
FROM: Jennifer L. Dam, AICP, Planning Director
DATE: May 20, 2019

SUBJECT: Request for Conditional Use Permit to Expand and Subdivide Non-Standard Use on property legally described as the N 66’ of Lots 3 & 4, Block 34, Chase’s Addition, generally located at 315 East Linden Ave. and 1250 N D St.

Recommendation: Denial of Request

Background:

This is a request for a Conditional Use Permit to “expand a nonstandard use” to allow the subdivision of a parcel that contains two separate dwelling units. The property is described as the north 66 feet of lots 3 and 4, Block 34, Chase’s Addition to Fremont, generally located at 315 East Linden Ave. and 1250 N. D St.

The applicant has provided a copy of a plat that appears to have the area originally subdivided into smaller lots. However, the north 66’ of Lots 3 and 4 were deeded as a parcel by Charles Morse to Julius Morgan in 1901.

It was not uncommon to sell portions of lots and file the deed with the Register of Deeds prior to the adoption of subdivision regulations.

The lot contains 9,240 square feet, which would be classified as a Standard 1 lot in the AR zoning district.

A duplex would require a 6,500 square foot lot, so could be placed on this parcel.

A single family “Standard II lot in the AR Auto-Urban Residential district is a minimum of 5,750 square feet. The proposed lot split would result in lots of 4,356 and 4,884 both of which are smaller than the minimum size required.

The existing units appear to conform to the setback requirements of the district.

A building permit was issued in 1970 to move the second house onto the site. The parcel was zoned R-2 two-family residential at the time.

It is not clear why the building permit was issued to allow a second house on the lot. It seems that it must have been due to a misinterpretation of the zoning ordinance.

In 1978 the City of Fremont passed Ordinance 2980 listing conditions for approval to subdivide lots of record or portions of lots of record which do not meet the minimum requirements.
On May 19, 1980 a request to subdivide the north 66-feet of Lots 3 and 4, Block 34, Chase’s Addition into two lots was presented to the Planning Commission. The Planning Commission voted unanimously to get the City Attorney’s opinion as to if we can legally grant this request.

On May 27, 1980 continued consideration of Resolution permitting Ila Andrews to subdivide north 66 feet of Lots 3 and 4, Block 34, Chases Addition into two lots for recommendation of Planning Commission. The City Council voted unanimously to continue the matter.

On June 10, 1980 continued consideration of Resolution to permit Ila D. Andrews to subdivide north 66 feet of Lots 3 and 4, Block 34, Chases Addition into two lots. The City Council voted unanimously to continue the matter.

On June 16, 1980 the Planning Commission heard the continued consideration of request of Ila Andrews to subdivide the north 66-feet of Lots 3 and 4, block 34, Chase’s Addition into two lots. After discussion and comments from the City Attorney, the Planning Commission voted unanimously to recommend denial of the request.

On June 24, 1980, a Resolution was presented to the City Council requesting permission to subdivide north 66 feet of Lots 3 and 4, Block 34, Chase’s Addition into two lots. Since this was denied by the Planning Commission, the City Council unanimously voted nay and the Resolution failed.

The existing houses do not meet the definition of a non-standard use as the houses comply with the minimum setbacks and lot area for a duplex. A “Non-standard Use” is defined as “…the category of nonconformance consisting of Premises occupied by buildings, structures or uses which existed immediately prior to the effective date of this UDC or becomes nonconforming through a change in this UDC or district boundaries, which fails to comply with the minimum requirements for the area, density, width, front yard, side yard, rear yard, height, unobstructed open space, or parking for the district in which it is located, even though the use of the Premises conforms to the Permitted Uses within the district as set out in this UDC.”

The intent of the ordinance to allow the expansion of non-standard uses was to promote the economic vitality of the community by allowing structures which might not otherwise be maintained and repaired to be continued, altered or expanded, it was not intended to create non-conforming uses. Approval of this request would create two non-conforming lots.

This property is unique in that the houses are not attached. However, it is in actuality no different than a lot developed with a duplex that could not be subdivided due to the parcel size or construction method. Both houses can continue to be occupied.

Approval of the request would encourage additional non-standard or non-conforming subdivisions, which is contrary to the criteria for approval of a conditional use permit listed in 11-316.05(B)(1) and (4). The lot across the street to the west has three houses constructed on it.
ORDINANCE NO. 2980

AN ORDINANCE OF THE CITY OF FREMONT, NEBRASKA, AMENDING SECTION IV OF ORDINANCE NO. 2770, RELATING TO LOTS OF RECORD OR PORTIONS OF LOTS OF RECORD, WHICH DO NOT MEET THE MINIMUM REQUIREMENTS OF PARAGRAPHS 2 AND 5, BY ADDING PARAGRAPH 8 TO SECTION IV; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF FREMONT, NEBRASKA.

SECTION I. AMENDMENT. That Paragraph 8, be added to Section IV to read as follows:

8. Notwithstanding any other provision of this ordinance, the City Council may, after receiving a recommendation of the Planning Commission, approve the subdivision of lots of record or portions of lots of record, into parcels which do not meet the minimum requirements of Paragraphs 2 and 5 of this section. Such subdivision may only be approved when it can be shown that:

a. The majority of lots within 300 feet of the proposed subdivision are of equal size or smaller, in both dimension and area, than the smallest lot that would result from the subdivision.

b. The subdivision will not adversely alter the character of the neighborhood.

c. In no case shall the width of a lot be less than 40-feet or the total area be less than 4000 square feet.

d. Where, by reason of exceptional narrowness, shallowness, or shape of specific piece of property, the strict application of any enacted regulation under this act would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon the owner of such property.

SECTION II. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED AND APPROVED THIS 25th DAY OF April, 1978

JOHN M. DICK, MAYOR

ATTEST:

A. Earl Neuring
City Clerk
MINUTES
PLANNING COMMISSION
7:30 P.M.
COUNCIL CHAMBERS

MAY 19, 1980

Present: Folsom, Gifford, Miller, McDonald, Peterson, Praumer and
Warnier; also Director of Public Works Derrill Marshall,
Building Inspector Ray Coday and Engineer Grant Eklund

Absent: Hansen and Swanson

Chairman McDonald read a statement that a public notice of this meeting
was given in advance by publicized notice in the Fremont Tribune, a copy
of which is attached to these minutes and made a part thereto and on
Radio RHUB; and the agenda displayed in the lobby of the Municipal
Building, Fremont Police Station and the Dodge County Courthouse on
May 14, 1980; and is open to the public. Moved by Praumer, seconded
by Miller to approve the Chairman's statement that this meeting is
now determined to be a legal meeting. Roll Call Vote showed all
members voting aye - 7 aye. Motion Carried. The Chairman then de-
clared the meeting duly convened.

Moved by Gifford to dispense with the reading of the minutes of the
Special May 5th meeting and the April 21 regular meeting.

Folsom asked that the condensed version of the minutes of the Special
Meeting be amended to reflect more clearly the reason for his request
at 849 North "D" Street. After some discussion, Chairman McDonald stated
this item would be considered later in the meeting and would now consider
Item No. 3.

Request of Jack G. and Janice E. Davis to subdivide the east 208.25 feet
of Lot 1, except the south 33-feet, all in Block 1, Meierhenry Sub-
division, into two (2) Tracts of Land

Jack Davis was present. Moved by Miller, seconded by Warner to recom-
 mend approval of this request. Roll Call Vote showed all members voting
aye - 7 Aye. Motion Carried.

Request of Ila D. Andrews to subdivide the north 66-feet of Lots 3 and 4,
Block 34, Chase's Addition, into two (2) lots

Attorney Avis R. Andrews was present, representing Ila D. Andrews and
stated that in 1969 permission was received from the City to move a second
house onto this property. There are separate drives and sewer taps for
each property. The hardship is that it restricts the owner in the sale
of her property. Derrill Marshall explained the request did not meet the
requirements of Ordinance No. 2980 and could not therefore be recom-

Mandated for approval. Miss Andrews disagreed. Moved by Praumer, seconded
by Miller to get the City Attorney's opinion as to if we can legally grant
this request. Roll Call Vote showed all members voting aye - 7 aye.
Motion Carried.
Meeting recessed at 8:37 p.m.

Meeting reconvened at 8:47 p.m.

Because of lack of quorum, there was no Development and Improvement Committee meeting, therefore Councilman Row moved, seconded by Councilman Sixta to continue sidewalk installations on south side of Empire Avenue west of Broad Street and east of North Drive. Roll call vote showed all Councilmen present voting aye - 7 ayes. Thereupon the Mayor declared the motion carried.

Upon recommendation of the Resources Committee, Councilman Edwards moved, seconded by Councilman Sixta to approve the request of the Parks and Recreation Director to employ a Park Maintenance II employee at Range 32, Step E. Roll call vote showed all Councilmen present voting aye - 7 ayes. Thereupon the Mayor declared the motion carried.

The City Clerk read a resolution offered by Councilman Edwards, seconded by Councilman Musseck authorizing amendments to Bylaws for Sick Bank of Fremont employees. Moved by Councilman Sixta, seconded by Councilman Musseck to add the word "shift" between the words "Fire Department" and "personnel". Roll call vote showed all Councilmen present voting aye - 7 ayes. Thereupon the Mayor declared the motion carried. Roll call vote on the amended resolution showed all Councilmen present voting aye - 7 ayes. Thereupon the Mayor declared the resolution approved.

The City Clerk read a resolution offered by Councilman McIntosh, seconded by Councilman Row granting a $25/month Training and Proficiency Increase, Phase I to police officers Craig L. Ganzel and Steven L. Lutes retroactive to March 1, 1980. Roll call vote showed all Councilmen present voting aye - 7 ayes. Thereupon the Mayor declared the resolution approved.

The City Clerk read a resolution offered by Councilman Hoppel, seconded by Councilman Sixta granting a $25/month Training and Proficiency Increase, Phase I to Firefighters Roger N. Charette and Richard A. Schinostock effective June 1, 1980. Roll call vote showed all Councilmen present voting aye - 7 ayes. Thereupon the Mayor declared the resolution approved.

The City Clerk read a resolution offered by Councilman Edwards, seconded by Councilman Row granting Jack G and Janice E. Davis permission to subdivide the east 208.25 feet of Lot 1, except the south 33 feet, Block 1, Maierhenry Subdivision into two (2) tracts of land. This was approved by the Planning Commission. Roll call vote showed all Councilmen present voting aye - 7 ayes. Thereupon the Mayor declared the resolution approved.

The City Clerk read a resolution offered by Councilman Row, seconded by Councilman Edwards granting William R and Patricia L. Legler permission to subdivide the south 137 feet of Lot 1, Block 4, Davenport Second Subdivision into two (2) lots. This was approved by the Planning Commission. Roll call vote showed all Councilmen present voting aye - 7 ayes. Thereupon the Mayor declared the resolution approved.

Moved by Councilman McIntosh, seconded by Councilman Row to continue the resolution permitting Ila D. Andrews permission to subdivide north 66 feet of Lots 3 and 4, Block 34, Chases Addition into two (2) lots for recommendation of Planning Commission. Roll call vote showed all Councilmen present voting aye - 7 ayes. Thereupon the Mayor declared the motion carried.

The City Clerk read a resolution offered by Councilman Hoppel, seconded by Councilman Sixta to accept and award bid for Pierce Street Storm Sewer to Carlstrom Brothers, Inc., in amount of $81,193.08. Roll call vote showed all Councilmen present voting aye - 7 ayes. Thereupon the Mayor declared the resolution approved.
The City Clerk gave the third reading, by title only, of an ordinance amending snow routes. Roll call vote showed all Councilmen voting aye - 8 ayes. Thereupon the Mayor declared Ordinance No. 3083 passed.

Moved by Councilman Sixta, seconded by Councilman McIntosh to continue until a recommendation is received from the Planning Commission the request of Tla D. Andrews to subdivide north 66 feet of Lots 3 and 4, Block 34, Chase's Addition, into two lots. Roll call vote showed all Councilmen voting aye - 8 ayes. Thereupon the Mayor declared the motion carried.

The City Clerk read a resolution offered by Councilman Edwards, seconded by Councilman McIntosh accepting Right-of-Way Dedication from NF Industries, Inc. at 23rd and Nye Avenue. Roll call vote showed all Councilmen voting aye - 8 ayes. Thereupon the Mayor declared the resolution approved.

The City Clerk gave the first reading, by title only, of an ordinance amending Ordinance No. 3069 as it pertains to patching of City streets.

The City Clerk gave the first reading, by title only, of an ordinance amending Ordinance No. 3081 as it pertains to Fast Food Restaurants. Moved by Councilman Sixta, seconded by Councilman Lemons to suspend the rules and place on final reading. Roll call vote showed all Councilmen voting aye - 8 ayes. Thereupon the Mayor declared the motion carried. The City Clerk then gave the second and third readings, by title only. Roll call vote showed all Councilmen voting aye - 8 ayes. Thereupon the Mayor declared Ordinance No. 3084 passed.

Moved by Councilman Lemons, seconded by Councilman McIntosh authorizing the Mayor and City Clerk to execute an agreement with the Nebraska Department of Roads covering the cost of lane marking on City streets. Roll call vote showed all Councilmen voting aye - 8 ayes. Thereupon the Mayor declared the motion carried.

Moved by Councilman McIntosh, seconded by Councilman Lemons, to instruct the City Attorney to draft an Inter-Local Cooperative Agreement with the Village of Inglewood covering water service based on guidelines explained by Mr. Sutton, and bring back to the next Council meeting. Roll call vote showed all Councilmen voting aye - 8 ayes. Thereupon the Mayor declared the motion carried.

The Mayor announced there will be a special meeting on Budget for the General Fund on Tuesday, June 17, 1980. The next regular meeting of the Council will be on June 24, 1980 at 7:30 p.m.

Jack Sutton also announced he would like the full Council to see the film prepared by Bob Meyer on the stop light situation at Military and D Streets. He suggested perhaps a date of July 8th or the meeting on June 17th. He will check into the availability of the film and advise.

Moved by Councilman Lemons, seconded by Councilman McIntosh to adjourn the meeting. Roll call vote showed all Councilmen voting aye - 8 ayes. Thereupon the Mayor declared the meeting adjourned.

Meeting adjourned at 9:50 p.m.

John M. Dick, Mayor

ATTEST:
A. Earl Heuring
City Clerk
Chairman McDonald read a statement that a public notice of this meeting was given in advance by publicized notice in the Fremont Tribune, a copy of which is attached to these minutes and made a part thereto and on Radio KHUB; and the agenda displayed in the lobby of the Municipal Building, Fremont Police Station and the Dodge County Courthouse on June 11, 1980; and is open to the public. Moved by Prauner, seconded by Peterson to approve the Chairman's statement that this meeting is now determined to be a legal meeting. Roll Call Vote showed all members voting aye - 9 aye. Motion Carried. The Chairman then declared the meeting duly convened.

Report on minutes of May 5, Meeting

Derril Marshall explained that the recording had been reviewed on the action taken on the request at 849 North "D" Street; and that the minutes as originally prepared were accurate. Moved by Folsom, seconded by Prauner to accept the report. Roll Call Vote showed all members voting aye - 9 aye. Motion Carried.

Reading of Minutes of May 19 Meeting

Moved by Swanson, seconded by Peterson to dispense with the reading of the May 19 meeting and approve as distributed. Roll Call Vote showed all members voting aye - 9 aye. Motion Carried.

Continued consideration of request of Ila D. Andrews to subdivide the north 66-feet of Lots 3 and 4, Block 34, Chase's Addition, into two (2) lots

Attorney Avis Andrews was present, representing Ila D. Andrews, and stated that in 1969 permission was received from the City to move a second house onto this property. The question was raised at the last meeting whether or not there was any authority for the Planning Commission to approve this request. Miss Andrews felt the Planning Commission had the authority to approve as these properties fit into the character of the neighborhood one for rental and the other the owners home. Not being able to subdivide presents an unreasonable hardship - first it presently restricts her ability to transfer the property; and second this situation existed at the time the ordinance was adopted and now is considered non-compliance.

Attorney Lyle Gill explained that the City Council passed Ordinance No. 2980 and set forth requirements before a request of this nature could be granted. This ordinance binds everyone in city government, the City Council as well as the Planning Commission. The request does not comply with the requirements of the Ordinance. Moved by Hansen, seconded by Gifford to recommend denial of the request. Roll Call Vote showed all members voting aye - 9 aye. Motion Carried.
Moved by Councilman Sixta, seconded by Councilman McIntosh to continue the Ordinance to rezone NE5-NE5, Section 27, T17N, R8E of 6th P.M. from R-3 Multiple Family Residential District to PS-1 Planned Suburban District, except that portion which is Marcella Road. Roll call vote showed all Councilmen present voting aye - 6 ayes. Thereupon the Mayor declared the motion carried.

The City Clerk gave the first reading, by title only, of an Ordinance to create Paving District in that portion of PIERCE STREET from north margin of Military Avenue to south margin of Tenth Street.

The City Clerk gave the first reading, by title only, of an Ordinance amending Ordinance No. 2770 pertaining to allowing churches Permitted Conditional Uses in S-1, R-1, R-2 and R-3 Zoning Districts.

The City Clerk read a resolution offered by Councilman Mussack, seconded by Councilman Row permitting Ila D. Andrews permission to subdivide north 66 feet of Lots 3 and 4, Block 34, Chase’s Addition into two lots. Avis Andrews, Attorney for Mrs. Andrews spoke in favor of this subdivision. This was denied by the Planning Commission. Roll call vote showed all Councilmen present voting nay - 6 nays. Thereupon the Mayor declared the resolution failed.

The City Clerk read a resolution offered by Councilman Row, seconded by Councilman McIntosh to approve payment No. 2, in amount of $71,450.54, in favor of Carlstrom Brothers, Inc. for work completed in Paving District No. 498, FIFTH STREET from Clarmar Avenue to Luther Road. Roll call vote showed all Councilmen present voting aye - 6 ayes. Thereupon the Mayor declared the resolution approved.

The City Clerk read a resolution offered by Councilman Mussack, seconded by Councilman Lemons approving payment No. 2, in amount of $15,416.12, in favor of Hass Industries, Inc. for work completed for Water Main Installation in Clarkson Street from 23rd Street north approximately 1200 feet. Roll call vote showed all Councilmen present voting aye - 6 ayes. Thereupon the Mayor declared the resolution approved.

Moved by Councilman Lemons, seconded by Councilman McIntosh to continue the consideration of the Preliminary Plat of Regency II Subdivision for recommendation from the Planning Commission. Roll call vote showed all Councilmen present voting aye - 6 ayes. Thereupon the Mayor declared the motion carried.

The City Clerk read a resolution offered by Councilman McIntosh, seconded by Councilman Row to approve payment No. 1, in amount of $16,475.37, in favor of Carlstrom Brothers, Inc. for work completed on Lift Station Installation, 15th and Garden City Road. Roll call vote showed all Councilmen present voting aye - 6 ayes. Thereupon the Mayor declared the resolution approved.

The City Clerk read a resolution offered by Councilman Row, seconded by Councilman Mussack to approve plans, specifications and estimate of cost for Sanitary Sewer Replacement at various locations and granted permission to advertise for bids on same. Moved by Councilman Sixta, seconded by Councilman McIntosh to amend the resolution by changing "FIRST STREET from Somers" to "FIRST STREET from Moxrell" and delete "this Sewer Reconstruction and add "bids" motion carried. Roll call vote showed all Councilmen present voting aye - 6 ayes. Mayor declare Roll call vote showed all Councilmen present voting aye - 6 ayes. Thereupon the Mayor declared the resolution approved.

The City Clerk read a resolution offered by Councilman Mussack, seconded by Councilman McIntosh to approve the lease agreement for Electrical Substation Site. Roll call vote showed all Councilmen present voting aye - 6 ayes. Thereupon the Mayor declared the resolution approved.

The City Clerk read a resolution offered by Councilman Lemons, seconded by Councilman Mussack approving the Change Authorization Request of Martin K. Eby Construction Co. on Contract 79-A3, Construction of Ash System Improvements. Roll call vote showed all Councilmen present voting aye - 6 ayes. Thereupon the Mayor declared the resolution approved.

The Mayor announced the next regular Council meeting to be July 8, 1980 at 7:30 p.m.

Moved by Councilman Sixta, seconded by Councilman McIntosh that the meeting adjourn. Roll call vote showed all Councilmen present voting aye - 6 ayes. Thereupon the Mayor declared the meeting adjourned. Adjourned at 10:24 p.m.

ATTEST:
A. Earl Heuring, City Clerk

John M. Dick, Mayor
Copy of Chase's Addition to The Town of Fremont

Filed the 24th day of January, A.D. 1869, at 3 O'Clock P.M. and pasted in Book O of deeds at Page 101, By request of Dr. E. Chase.

A. G. Bough,
County Clerk
Dodge Co. Neb.
Staff Report

TO: Planning Commission
FROM: Jennifer Dam, Planning Director
DATE: May 20, 2019
SUBJECT: Fremont Health/Methodist Sign Package

Recommendation: Approval

Background:

Fremont Health Center is changing its name to Methodist Fremont Health.

Fremont/Methodist Health Center is located in the GC, General Commercial District.

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

Fremont/Methodist Health has a large amount of lineal frontage. The signage includes identification signs and wayfinding signs for the hospital and associated offices.

The proposed signage consists entirely of sign “face” changes. There is not a proposed increase of signage.

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

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

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

The Planning Director is to “review all sign types for the lots or tracts proposed for development, to determine the degree of compliance with this section and shall report to the planning commission with regard to the degree of deviation from these standards that is sought by the applicant.”
The criteria in 11-827.02 specify that the number, types, maximum size and materials may be adjusted with an approved sign plan. Walmart is requesting an increase in the number of signs permitted on the building, but not an increase in size.

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

The scale of the proposed signs is appropriate.

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

The contents of the sign plan are attached for your reference.
D/F ILLUMINATED MONUMENT SIGN
Scale 1/2" = 1'

Saw out Existing GLUED-IN Faces LEAVING 3 1/2" TO ACT AS INNER RETAINER;
WELD STUDS TO BACK OF NEW FACES FOR INSTALLATION.
EXISTING FRAME IS 2" x 2" SQUARE TUBE with 2 1/2" bent C-channel across bottom/inner retainer.

Make and Install (2) new Faces,
Faces to be .100 Routed Aluminum painted to match PMS 301C BLUE backed with .177 WHITE ACRYLIC.

PMS 301C BLUE
D/F ILLUMINATED MONUMENT SIGNS
Scale 3/4" = 1'

Saw out Existing GLUED-IN Faces LEAVING 3" TO ACT AS INNER RETAINER;
WELD STUDS TO BACK OF NEW FACES FOR INSTALLATION.
EXISTING FRAME IS 1 1/2" x 1 1/2" SQUARE TUBE with bent C-channel across bottom/inner retainer.

Make and install (2) new faces, 
Faces to be .100 Routed Aluminum painted to match PMS 301C BLUE backed with .177 WHITE ACRYLIC.

A & B  DOUBLE FACE

PMS 301C BLUE
D/F ILLUMINATED MONUMENT SIGNS
Scale 3/4" = 1'

Saw out Existing GLUED-IN Faces LEAVING 3" TO ACT AS INNER RETAINER;
WELD STUDS TO BACK OF NEW FACES FOR INSTALLATION.
EXISTING FRAME IS 1 1/2" x 1 1/2" SQUARE TUBE with bent C-channel across bottom/inner retainer.

Make and Install (2) new Faces,
Faces to be .100 Routed Aluminum painted to match PMS 301C BLUE backed with .177 WHITE ACRYLIC.

PMS 301C BLUE
D/F NON-ILLUMINATED MONUMENT SIGN
Scale 3/4" = 1"

Make and Install (2) new Faces, Faces to be .100 Routed Aluminum painted to match PMS 301C BLUE with WHITE vinyl.

WELD STUDS TO BACK OF NEW FACES FOR INSTALLATION.
EXISTING FRAME IS 1 1/2" x 1 1/2" SQUARE TUBE.
Existing faces are glued on.

- painted to match PMS 301C BLUE
- WHITE (7720-10) 3m vinyl

DOUBLE FACE
(4) D/F NON-ILLUMINATED GROUND SIGNS
Scale 1 1/2"=1"  
Remove Existing GLUED-ON Faces.
Make and Install new .100 ALUMINUM overlay with WELDED STUDS IN BACK.

- painted to match PMS 301C BLUE
- WHITE (7720-10) 3m vinyl
D/F NON-ILLUMINATED MONUMENT SIGN
Scale 3/4" = 1'

Make and Install (2) new Faces,
Faces to be .100 Routed Aluminum painted to match PMS 301C BLUE with WHITE vinyl.

WELD STUDS TO BACK OF NEW FACES FOR INSTALLATION.
EXISTING FRAME IS 1 1/2" x 1 1/2" SQUARE TUBE.
Existing faces are glued on.

- painted to match PMS 301C BLUE
- WHITE (7720-10) 3m vinyl

F DOUBLE FACE

Client: Methodist Fremont Health
Address: 450 E. 23rd St. Fremont, NE 68025

Contact: 299419
Date: 3.6.19
Approved by: Gabrielle Ryan

Design: 29706b_SIGN F
Approved date: 
Designer: Heidi Clauussen

SIGNWORKS INC
4713 F Street Omaha, NE 68117 402-346-5447 402-346-9250 fax signworksomaha.com
A Family Tradition of Quality Signs Since 1935

Due to the nature of Color Representations, the colors on this drawing may vary from actual colors (material samples are available upon request). This is an ORIGINAL UNPUBLISHED DRAWING by SIGNWORKS, Inc submitted for your approval. It is not to be reproduced without written permission of SIGNWORKS, Inc.
D/F ILLUMINATED MONUMENT SIGN
Scale 3/4" = 1'

Saw out Existing GLUED-IN Face LEAVING 3" TO ACT AS INNER RETAINER;
WELD STUDS TO BACK OF NEW FACES FOR INSTALLATION.
EXISTING FRAME IS 1 1/2" x 1 1/2" SQUARE TUBE with bent C-channel across bottom/inner retainer.

Make and Install (2) new Faces,
Faces to be .100 Routed Aluminum painted to match PMS 301C BLUE backed with .177 WHITE ACRYLIC.

PMS 301C BLUE
D/F NON-ILLUMINATED MONUMENT SIGN
Scale 3/4" = 1’

Make and Install (2) new Faces,
Faces to be .100 Routed Aluminum painted to match PMS 301C BLUE with WHITE vinyl.

WELD STUDS TO BACK OF NEW FACES FOR INSTALLATION.
EXISTING FRAME IS 1 1/2’ x 1 1/2” SQUARE TUBE.
Existing faces are glued on.

- painted to match PMS 301C BLUE
- WHITE (7720-10) 3m vinyl
S/F NON-ILLUMINATED GROUND SIGN
Scale 1 1/2" = 1'

Make and Install (1) new Face,
Face to be .100 Routed Aluminum painted to match PMS 301C BLUE with WHITE vinyl

WELD STUDS TO BACK OF NEW FACE FOR INSTALLATION.
EXISTING FRAME IS 2" x 2" SQUARE TUBE.
Existing face is glued to 2" sq tube.

- painted to match PMS 301C BLUE
- WHITE (7720-10) 3m vinyl
S/F NON-ILLUMINATED MONUMENT SIGN
Scale 1" = 1'

Remove existing overlay.
Make and install new 100 ALUMINUM
mounted to existing face with D/S tape and silicone

2" square tube frame
D/F NON-ILLUMINATED GROUND SIGN
Scale 1 1/2" = 1'

Make and Install (1) new Faces,
Faces to be .100 Routed Aluminum painted to match PMS 301C BLUE with WHITE vinyl

INSTALL USING D/S TAPE AND SILICONE.

- painted to match PMS 301C BLUE
- WHITE (7720-10) 3m vinyl

DOUBLE FACE
S/F NON-ILLUMINATED MONUMENT SIGN
Scale 3/4" = 1'

Remove existing overlay.
Make and Install (1) new .100 ALUMINUM overlay with WELDED STUDS IN BACK
Slides over 2" square tube steel frame with set screws on sides.

Note: DENNIS HAS PATTERN

- painted to match PMS 301C BLUE
- painted to match NIMBUS GREY (220-101) 3m vinyl
- WHITE (7720-10) 3m vinyl
Surgical Group
2830 North Clarkson Street

D/F NON-ILLUMINATED MONUMENT SIGN
Scale 3/4" = 1'

Remove existing overlay.
Make and install (2) new .100 ALUMINUM overlay with WELDED STUDS IN BACK

Existing frame is 1" steel frame with bent aluminum skin with overlay

- painted to match PMS 301C BLUE
- NIMBUS GREY (220-101) 3m vinyl
- WHITE (7720-10) 3m vinyl

2
D/F NON-ILLUMINATED MONUMENT SIGN
Scale 3/4" = 1'

Remove existing Cabinet.
Make and Install (1) new D/F Non-Illuminated Monument Cabinet on Existing Concrete Base

Exact specs TBD

- painted to match PMS 301C BLUE
- NIMBUS GREY (220-101) 3m vinyl
- WHITE (7720-10) 3m vinyl
D/F NON-ILLUMINATED MONUMENT SIGN
Scale 3/4" = 1'

Remove existing SCREWED-IN overlay. Behind existing aluminum overlay is ALUMINUM FACE ON 1 1/2" ALUMINUM FRAME to be used for mounting new faces.

Make and Install (2) new .100 ALUMINUM overlays with WELDED STUDS IN BACK

- painted to match PMS 301C BLUE
- NIMBUS GREY (220-101) 3m vinyl
- WHITE (7720-10) 3m vinyl
D/F ILLUMINATED MONUMENT FLEX FACE SIGN
Scale 3/4" = 1'

Remove existing Flex Faces and Frames.
Make and Install new Flex Faces on existing Frames.

- BRIGHT BLUE (3630-167) 3m vinyl
- TRANS GREY TBD

Contact info:
Methodist Fremont Health 450 E. 23rd St Fremont, NE 68025
Design no: 29832
Approval date: 3.6.19
Approved by: Gabrielle Ryan

Description of Revision:
Original

Design: Heidi Claussen
Staff Report

TO: Planning Commission
FROM: Jennifer L. Dam, AICP, Planning Director
DATE: May 20, 2019
SUBJECT: Request for Comprehensive Plan Amendment from Commercial to Residential

RECOMMENDATION: Approval

Background:

The area is zoned UR, Urban Residential.

The applicant intends to construct apartment buildings on the site.

The area has been declared blighted and substandard and has a redevelopment plan.

The applicant intends to apply to amend the redevelopment plan for the age 55+ apartment units.

A redevelopment plan must be in conformance with the comprehensive plan.

There is not a proposal for commercial development in this area.

There is a need for housing in the community.

It makes sense to have the comprehensive plan designation correspond with the underlying zoning, particularly since there are no plans for commercial development.
Future Land Use Map in the Comprehensive Plan

General Area of Application
General Vicinity Map

General Area of Application
Zoning Map

General Area of Application
To: Jennifer Dam  
City Planner  
City of Fremont  
400 East Military Avenue  
Fremont, Nebraska 68025  

Date: Thursday, April 11, 2019

This letter will serve to confirm our request for the change to the Comprehensive Plan on the approximately 11 acres known as the Fountain Springs Adult Apartment Properties as conceived by Brian Zubert and situate at the northwest corner of 29th Street and Yager, lying south of 32nd Street. While the underlying zoning of the property is and has been Urban Residential, a recent comprehensive plan envisioned these lots as commercial. The owners of the lots have held them for many years unsuccessfully. All owners agree with Mr. Zubert’s vision of the property use as a 55 and over Workforce housing development. The twenty-four apartment two story buildings are to be comprised of generous sized one and two bedroom units. There will be ample surface and garage parking to address the 55 and over complex. To that end I am attaching the fee for the change to the comprehensive plan and submitting therewith the request for contingent annexation of that part of the Eastowne Development, LLC parcel as well as the Conditional Use permit and associated fees.

Thank you in advance for your attention and assistance in this regard. Should you be in need of additional information regarding the above or have questions, please email me at anewdevelopment@outlook.com or contact me by phone or by mail as contained in the letterhead.

Very Truly Yours,

[Signature]

Robert Fields  
Anew Development, LLC  

cc: file
Staff Report

TO: Planning Commission

FROM: Jennifer L. Dam, AICP, Planning Director

DATE: April 22, 2019

SUBJECT: Request for a Conditional Use Permit for a 216 unit of 50+ and workforce apartment complex

RECOMMENDATION: Conditional Approval conditioned upon providing a dimensioned landscape plan meeting the requirements of 11-810-16; addition of bicycle parking; specification of which units are 55+ and which units are workforce housing; dimensioned parking and drive aisles.

Background:

This is a request for approval of a conditional use permit for a 216 unit apartment complex of age 55+ and workforce housing.

The proposal is on property generally described as Lots 1 & 2 Fountain Springs 2nd Subdivision, Lot 2 Fountain Springs 3rd Subdivision and Lots 1 & 2 Fountain Springs 4th Subdivision located in the SE ¼ Section 11 Township 17 Range 8 East, Fremont, Nebraska.

The area is zoned UR, Urban Residential which allows a maximum of 24 units per acre.

The applicant intends to construct nine twenty-four unit apartment buildings on the site.

The apartments will be for 55+ and workforce housing.

An annexation request for Lot 2, Fountain Springs 4th Subdivision is associated with this request.

A comprehensive plan amendment to change the designation of the area from commercial to residential is associated with this request.

The area has been declared blighted and substandard and has a redevelopment plan.

The applicant intends to apply to amend the redevelopment plan for the age 55+ apartment units.

Access to the private drives that serve the site will be from 32ndSt, N. Yager Rd and 29th St.

The proposed apartment buildings conform to the setback requirements.

A landscape plan is required that complies with Section 11-810-816 of the UDC.
The site plan shows 356 spaces including 110 garage spaces. 324 spaces are required under the UDC. Of the spaces provided, a minimum of 8 will need to be accessible. Dimensions of the parking and drive aisles are required.

18 bicycle parking spaces are required.

The site plan must show the building and impervious surface coverage ratios.

A type “B” bufferyard is required at the north and east sides of the property.

A landscape plan is required.

The proposal is compatible with the commercial uses to the south and proposed business park to the east.

The proposal will provide needed housing.

The proposal will not make the area less desirable to permitted uses.

The proposal complies with the criteria of 11-316.02(B-D)
Site Statistics: (Approximately 11.35 Acres Total or 494,406 sf)

Roofs
9 buildings x 10,632 sf = 95,688 sf
7 garages x 3324 sf = 23,668 sf
2 garages x 6448 sf = 12,896 sf
1 office x 720 sf = 720 sf
95,688 sf + 23,668 sf + 12,896 sf + 720 sf = 131,272 sf

Hard Surface
North parking lot = 60,909 sf
South parking lot = 55,170 sf
6 porches x 9 buildings x 80 sf = 4,320 sf
Sidewalks = 3,771 sf + 5,854 sf = 9,625 sf
Driveways = 2,316 sf + 3,265 sf + 1,809 sf = 7,390 sf
2 Dempsters = 350 sf = 700 sf
60,909 sf + 55,170 sf + 4,320 sf + 9,625 sf + 7,390 sf + 700 sf = 142,103 sf

Grass, Drainage & Previous Surface
92,228 sf property size + 131,872 sf (roof) + 142,102 sf (hard surface) = 218,204 sf (44% Previous)

Parking Facility
110 Garage Stalls of which 22 are HC
286 Surface Stalls of which 10 are HC
ENLARGED UNIT PLAN - TYPE 2
SCALE: 1" = 20'

ENLARGED UNIT PLAN - TYPE 2A
SCALE: 1" = 20'

ENLARGED UNIT PLAN - TYPE 2B
SCALE: 1" = 20'

FLOOR PLAN NOTES
1. REMOVE ALL STENCILED STAMPED CONCRETE, PAVING, FLOORING AND WALL FINISHES MENTIONED ON STRUCTURAL DRAWING PRIOR TO CONSTRUCTION.
2. REMOVE ALL STENCILED STAMPED CONCRETE, PAVING, FLOORING AND WALL FINISHES MENTIONED ON ELECTRICAL, PLUMBING, MECHANICAL, AND OTHER DRAWINGS PRIOR TO CONSTRUCTION.
3. REMOVE ALL STENCILED STAMPED CONCRETE, PAVING, FLOORING AND WALL FINISHES MENTIONED ON MECHANICAL, PLUMBING, AND ELECTRICAL DRAWINGS PRIOR TO CONSTRUCTION.
4. REMOVE ALL STENCILED STAMPED CONCRETE, PAVING, FLOORING AND WALL FINISHES MENTIONED ON MECHANICAL, PLUMBING, AND ELECTRICAL DRAWINGS PRIOR TO CONSTRUCTION.
5. REMOVE ALL STENCILED STAMPED CONCRETE, PAVING, FLOORING AND WALL FINISHES MENTIONED ON MECHANICAL, PLUMBING, AND ELECTRICAL DRAWINGS PRIOR TO CONSTRUCTION.
6. REMOVE ALL STENCILED STAMPED CONCRETE, PAVING, FLOORING AND WALL FINISHES MENTIONED ON MECHANICAL, PLUMBING, AND ELECTRICAL DRAWINGS PRIOR TO CONSTRUCTION.
7. REMOVE ALL STENCILED STAMPED CONCRETE, PAVING, FLOORING AND WALL FINISHES MENTIONED ON MECHANICAL, PLUMBING, AND ELECTRICAL DRAWINGS PRIOR TO CONSTRUCTION.
8. REMOVE ALL STENCILED STAMPED CONCRETE, PAVING, FLOORING AND WALL FINISHES MENTIONED ON MECHANICAL, PLUMBING, AND ELECTRICAL DRAWINGS PRIOR TO CONSTRUCTION.
9. REMOVE ALL STENCILED STAMPED CONCRETE, PAVING, FLOORING AND WALL FINISHES MENTIONED ON MECHANICAL, PLUMBING, AND ELECTRICAL DRAWINGS PRIOR TO CONSTRUCTION.
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11. REMOVE ALL STENCILED STAMPED CONCRETE, PAVING, FLOORING AND WALL FINISHES MENTIONED ON MECHANICAL, PLUMBING, AND ELECTRICAL DRAWINGS PRIOR TO CONSTRUCTION.
12. REMOVE ALL STENCILED STAMPED CONCRETE, PAVING, FLOORING AND WALL FINISHES MENTIONED ON MECHANICAL, PLUMBING, AND ELECTRICAL DRAWINGS PRIOR TO CONSTRUCTION.
13. REMOVE ALL STENCILED STAMPED CONCRETE, PAVING, FLOORING AND WALL FINISHES MENTIONED ON MECHANICAL, PLUMBING, AND ELECTRICAL DRAWINGS PRIOR TO CONSTRUCTION.
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15. REMOVE ALL STENCILED STAMPED CONCRETE, PAVING, FLOORING AND WALL FINISHES MENTIONED ON MECHANICAL, PLUMBING, AND ELECTRICAL DRAWINGS PRIOR TO CONSTRUCTION.
16. REMOVE ALL STENCILED STAMPED CONCRETE, PAVING, FLOORING AND WALL FINISHES MENTIONED ON MECHANICAL, PLUMBING, AND ELECTRICAL DRAWINGS PRIOR TO CONSTRUCTION.
17. REMOVE ALL STENCILED STAMPED CONCRETE, PAVING, FLOORING AND WALL FINISHES MENTIONED ON MECHANICAL, PLUMBING, AND ELECTRICAL DRAWINGS PRIOR TO CONSTRUCTION.
18. REMOVE ALL STENCILED STAMPED CONCRETE, PAVING, FLOORING AND WALL FINISHES MENTIONED ON MECHANICAL, PLUMBING, AND ELECTRICAL DRAWINGS PRIOR TO CONSTRUCTION.
19. REMOVE ALL STENCILED STAMPED CONCRETE, PAVING, FLOORING AND WALL FINISHES MENTIONED ON MECHANICAL, PLUMBING, AND ELECTRICAL DRAWINGS PRIOR TO CONSTRUCTION.
20. REMOVE ALL STENCILED STAMPED CONCRETE, PAVING, FLOORING AND WALL FINISHES MENTIONED ON MECHANICAL, PLUMBING, AND ELECTRICAL DRAWINGS PRIOR TO CONSTRUCTION.

Fifty & Over Workforce Housing
ENLARGED / SCALED PLANS
A202

Drawing Scale: 1" = 20'

Fountain Springs Apartments
Drawing No.: A202

Scale: 1" = 20'

ENLARGED UNIT PLAN - TYPE 2
ENLARGED UNIT PLAN - TYPE 2A
ENLARGED UNIT PLAN - TYPE 2B
Staff Report

TO: Planning Commission
FROM: Jennifer L. Dam, Planning Director
DATE: May 17, 2019
SUBJECT: Voluntary Annexation Lot 2, Fountain Springs 4th Subdivision

Recommendation: Approval

Background:

A Voluntary Annexation Petition has been received for Lot 2, Fountain Springs 4th Subdivision. This request is associated with a request for a comprehensive plan amendment and a request for a conditional use permits for apartments.

One lot in the proposed development is still outside of the City limits.

Annexation will allow the City to receive the property tax revenues from the development on the property as well as sales taxes on the materials used on the development.

Additions laid out contiguous or adjacent to the corporate limits may be included within the corporate limits and become a part of such municipality for all purposes whatsoever if approved by the legislative body of the city or village under Nebraska Revised Statutes § 19-916(3) following notice of the time and place of the hearing on the inclusion of the addition within the corporate limits and a vote of the legislative body to approve the inclusion of the addition within the corporate boundaries of the municipality in a separate vote from the vote approving the addition.

According to Nebraska Revised Statutes § 19-929, “The municipal governing body shall not take final action on matters relating to the comprehensive development plan, capital improvements, building codes, subdivision development, the annexation of territory, or zoning until it has received the recommendation of the planning commission if such commission in fact has been created and is existent.

Annexation of the subject property is consistent with the policies of the Comprehensive Plan (“Plan”) and the priorities for accommodating new development – specifically, annexing land that is immediately abutting the corporate limits and contiguous to existing infrastructure thereby allowing efficient and ready extension of streets, utilities, and police and fire protection services, and annexing land that is presently removed from the corporate limits but for which there are strategic benefits for economic development purposes.
Staff Report

TO: Planning Commission
FROM: Jennifer L. Dam, AICP, Planning Director
DATE: April 24, 2019
SUBJECT: Request to expand non-standard use at 1500 Front Street

Recommendation: Approval

Background:

Tom Thompson has requested a conditional use permit to expand a non-standard use for the purposes of subdividing the parcel into two lots.

The property is generally described as Tax Lots 108 and 86 in Section 14, T17, R8E, located at 1500 Front Street.

The property is zoned GI, General Industrial, which requires a 25 foot rear yard setback, 20 foot side yard setback and 25 foot front yard setback.

The existing buildings are non-standard as to the setbacks as the buildings and structures within the setbacks on the north, west and south. The proposed subdivision would create side yard setbacks as small as 8 feet on proposed lot 1 and as small as 18.9 feet on proposed lot 2.

The use on the property is a permitted use in the zoning district.

11-324-04 allows the granting of a Conditional Use Permit to expand a non-standard use provided that a decrease in the minimum requirements would not adversely affect the surrounding area and that the decrease is necessary to allow the structure to be enlarged, extended structurally altered, converted, reconstructed or subdivided.

11-324-04 requires specific consideration of the effects on adjacent property, safety, traffic, or city utility service needs, the density of land use zoning for the subject property and adjacent property and the economic impact for the city.

The proposal will have a minimal impact to the surrounding area. Structural Components is located to the west and north, a rail corridor is to the south and east.

The proposed subdivision will not impact emergency access to the property.

The criteria established for approval in 11-316-05(B) are addressed below:

The proposed expansion will not undermine an adopted plan.

The proposed expansion is compatible with the surrounding land uses.
The proposed expansion is located in an area that fits with the flow of work in the existing building. It would be difficult to locate the expansion in a different area on the property.

Approval of this Conditional Use Permit will not create a critical mass of similar conditional uses and will not make the vicinity less desirable for permitted uses.

The conditional use will not use a disproportionate share of public services.
Note: Red lines are zoning boundaries. Green dashed line is the City Limit line.
SURVEYOR'S NOTE: THIS DOCUMENT WAS PREPARED FOR THE PURPOSE OF LOCATING STRUCTURES AND TANKS ONLY. IT IS NOT A COMPLETE BOUNDARY SURVEY. A COMPLETE BOUNDARY SURVEY HAS BEEN PREPARED AND WILL BE FILED AT THE DODGE COUNTY SURVEYOR'S OFFICE.

TAX LOT 113

WEST LINE OF TAX LOTS 86 AND 108 AS SURVEYED BY HANSEN

LOT 1
0.86 ACRES

LOT 2
0.94 ACRES

FUEL TANK SUMMARY

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<td>45</td>
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0" = 40' SCALE

LEGEND

- EXISTING LOT LINE
- FENCE
- O MONUMENT FOUND
- MONUMENT SET (3/4" X 24" REBAR WITH LS-503 CAP)
- A ACTUAL DISTANCE
- D DISTANCE PER RECORDED LEGAL DESCRIPTION (MISC. BK15 PG966)
- R(H) RECORD DISTANCE PER HANSEN SURVEY DATED 1/16/1990

CURVE TABLE

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

7/2/2018

STEPHEN W. DODD
303 SURVEYORS
Staff Report

TO: Planning Commission
FROM: Jennifer L. Dam, AICP, Planning Director
DATE: April 24, 2019
SUBJECT: Request to expand non-standard use at 220 N “H” St.

Recommendation: Approval

Background:

The Kelly Group has an existing building that is constructed up to the south lot line. They propose to add a storage building with the south end along the lot line.

The property is located south of 3rd St. between H & Broad Streets and described as Block 186 Fremont.

The property is zoned GI, General Industrial, which requires a 25 foot rear yard setback and 25 foot front yard setbacks.

The existing buildings are non-standard as to the setbacks as the buildings are built up to the property lines on the north, east and south.

The use on the property is a permitted use in the zoning district.

The south end of the property abuts vacated 2nd Street and the Chicago & Northwestern Railroad tracks.

11-324-04 allows the granting of a Conditional Use Permit to expand a non-standard use provided that a decrease in the minimum requirements would not adversely affect the surrounding area and that the decrease is necessary to allow the structure to be enlarged, extended structurally altered, converted, or reconstructed.

11-324-04 requires specific consideration of the effects on adjacent property, safety, traffic, or city utility service needs, the density of land use zoning for the subject property and adjacent property and the economic impact for the city.

The proposal will have a minimal impact to the property to the south that abuts the proposed expansion as it is a rail corridor.

The proposed addition would be setback 16 feet from the east property line. This would allow emergency vehicles to get around the building if necessary.
The area is industrial in nature and the use is on an entire block. The addition would increase the total area of buildings on the tract by about 19%. The addition would increase the coverage on the tract by about 10%. The building coverage remains under the maximum Floor Area Ratio of 0.518.

The proposed addition will allow Kelly Industries to manufacture and store more jobs providing a positive economic impact for the city.

The criteria established for approval in 11-316-05(B) are addressed below:

The proposed expansion will not undermine an adopted plan.

The proposed expansion is compatible with the surrounding land uses.

The proposed expansion is located in an area that fits with the flow of work in the existing building. It would be difficult to locate the expansion in a different area on the property.

Approval of this Conditional Use Permit will not create a critical mass of similar conditional uses and will not make the vicinity less desirable for permitted uses.

The conditional use will not use a disproportionate share of public services.
Looking East Along Lot Line
Looking South Lot Line East
Looking North Alone both line East
Looking West Alone Lot - South
EXISTING ROLL-UP DOOR OPENING

EXISTING ROLLER

EXISTING MANUFACTURING BUILDING

NEW BUILDING TO BE FLASHED TO EXISTING BUILDING

STORAGE AREA

FLOOR PLAN

1" GAP BETWEEN NEW AND EXISTING BUILDINGS

DOOR SCHEDULE

MARK NO. | DESCRIPTION
--- | ---
A | 3'-0"W X 7'-0"H PERSONNEL DOOR (SWING AS SHOWN ON PLAN VIEW) 16G X 1"T HINGES OVERHEAD GARAGE DOOR MODEL 636 HEAVY-DUTY SLAT STYLE ROLLING STEEL DOOR W MANUAL CHAIN OPERATOR
B | 16G X 12'0" HINGES OVERHEAD GARAGE DOOR MODEL 636 HEAVY-DUTY SLAT STYLE ROLLING STEEL DOOR W MANUAL CHAIN OPERATOR
CROSS-SECTION

KELLY KLOSURE MODULAR PANEL, ROOF W/ 24 GA. 1 1/2" STANDING SEAM SHEETING

48'-0"

22'-0" H.

16'-2"

KELLY KLOSURE MODULAR PANEL WALLS W/ 20 GA. 22" CORRUGATED SHEETING

ROOF TRUSSES (9'-0" O.C.)

NEW FOUNDATION ELEVATION TO MATCH EXISTING BUILDING FOUNDATION ELEVATION