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 May 20, 2019 Regular Meeting as prepared.

5. Consider a request by Shiny & Dry, LLC for approval of a sign plan for Tommy’s Express Carwash at 2323 East 23rd, Fremont, Nebraska.
   - Staff Report
   - Public Hearing
   - Commission discussion and approval or disapproval

6. Consider a request by Michael Sands on behalf of Fremont Enterprises, LLC, for Amendment to the Redevelopment Plan for the 23rd and Bell area, to identify a specific project, the Fountain Springs Apartment Properties, 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, and more generally located at the northwest corner of 29th Street and Yager, lying south of 32nd Street.
   - Staff Report
   - Public Hearing
   - Commission discussion and approval or disapproval
7. Consider a request by Jela Dilber on behalf of Suncap Associates, LP and Capstone Development Group for a Conditional Use Permit to allow for a 39 unit multi-family housing development to be known as Sunridge Apartments, located on Lot 7 Sunridge Place Addition, generally located at Jack Sutton Drive and Sunridge Lane.

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

8. Consider a request by Clark Boschult on behalf of Dodge County Historical Society for a Conditional Use Permit for a carriage house exhibit building at the May Museum located at 1643 North Nye Avenue.

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

9. Consider a request by Cheri Edwards on behalf of SBA Towers II LLC and T-Mobile Central LLC to add new collection equipment to the existing SBA tower and add a 10’ by 15’ leased space within the existing SBA lease area, located at 600 S. Main Street.

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

10. Adjournment.

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, and Carlson were present. Commissioners Sawyer and Bowen were absent. Seven 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 April 15, 2019 Regular Meeting as prepared into the record. It was moved by Commissioner Landholm and seconded by Commissioner Borisow to approve the minutes of the April 15, 2019 Regular Meeting as prepared. A roll call vote showed all seven 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 presented her staff report and recommendation. Chairman Sookram opened the public hearing. Myron Andrews offered a document into the record. It was moved by Commissioner Gifford and seconded by Commissioner Landholm to receive the document into the record. A roll call vote showed all seven Commissioners present voting aye. Motion carried unanimously. Chairman Sookram closed the public hearing after receiving comments from the public. It was moved by Commissioner Horeis and seconded by Commissioner Carlson to allow the lot to be split. A roll call vote showed Commissioners Nielsen, Landholm, Horeis, Sookram and Carlson voting aye, with Commissioners Gifford and Borisow voting nay. Motion carried 5 to 2.

Chairman Sookram read the item: Consider a request by Signworks Inc for approval of sign plan for Methodist Fremont Health at 450 East 23rd, Fremont, Nebraska, into the record. The Planning Director presented her staff report and recommendation. Chairman Sookram opened the public hearing. Chairman Sookram closed the public hearing after receiving no comments from the public. It was moved by Commissioner Gifford and seconded by Commissioner Landholm to approve the sign plan for Methodist Fremont Health. A roll call vote showed all seven Commissioners present voting aye. Motion carried unanimously.

Chairman Sookram read the item: 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 29th Street and Yager, lying south of 32nd Street, to be known as the Fountain Spring Adult Apartment Properties 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 Gifford and seconded by Commissioner Horeis to consider the request as being consistent with the comprehensive plan and approve changing the land use from commercial to residential. A roll call vote showed all seven Commissioners present voting aye. Motion carried unanimously.

Chairman Sookram read the item: 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 50+ workforce housing 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, and more generally located at the northwest corner of 29th Street and Yager, lying south of 32nd Street, to be known as the Fountain Spring Adult Apartment Properties, 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 Gifford and seconded by Commissioner Horeis to approve the request for the conditional use permit for a Residential Cluster for a 216 unit apartment complex of age 50+ workforce housing to be known as the Fountain Spring Adult Apartment Properties at the northwest corner of 29th Street and Yager, lying south of 32nd Street upon the conditions in the staff report. A roll call vote showed all seven Commissioners voting aye. Motion carried unanimously.

Chairman Sookram read the item: Consider a request by Anew Development LLC on behalf of Brian Zubert for approval of a Voluntary Annexation of Lot 2, Fountain Springs 4th Subdivision, located at the northwest corner of 29th Street and Yager, lying South of 32nd Street, 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 Gifford and seconded by Commissioner Landholm to approve the Conditional Voluntary Annexation of Lot 2, Fountain Springs 4th Subdivision. A roll call vote showed all seven Commissioners voting aye. Motion carried unanimously.

Chairman Sookram read the item: 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 into the record. Commissioner Nielsen stated he would abstain from the matter and left the meeting at 5:43 p.m. The Planning Director presented her staff report and recommendation. Chairman Sookram opened the public hearing. Chairman Sookram closed the public hearing after receiving no comments from the public. It was moved by Commissioner Landholm and seconded by Commissioner Gifford to approve the conditional use permit to expand a nonstandard use on property located at 1500 Front Street, Fremont,
Nebraska. A roll call vote showed all six Commissioners present voting aye. Motion carried unanimously. Commissioner Nielsen returned to the meeting at 5:47 p.m.

Chairman Sookram read the item: 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 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 Landholm and seconded by Commissioner Borisow to approve the conditional use permit to expand a nonstandard use on property located at 220 North H, Fremont, Nebraska. A roll call vote showed all seven 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 Borisow to adjourn the meeting. A roll call vote showed all seven Commissioners present voting aye. Motion carried unanimously. Meeting was adjourned at approximately 5:53 p.m.

APPROVED

__________________________________________
Dev Sookram, Chairman

ATTEST

__________________________________________
Director of Planning
Staff Report

TO: Planning Commission
FROM: Jennifer Dam, Planning Director
DATE: June 12, 2019
SUBJECT: Tommy’s Express Car Wash Sign Plan

Recommendation: Approval conditioned upon provision of illumination levels of the electronic message center, and assurance that the illumination level will be reduced at night.

Background:

Tommy’s Express Carwash is under construction at 2323 E. 23rd St, which is zoned GC, General Commercial.

The criteria in 11-827.02 specify that the number, types, maximum size and materials may be adjusted with an approved sign plan. Shiny & Dry, LLC is requesting an increase in the number of signs permitted on the building, but not an increase in size of those signs. They are also requesting an increase in the size of the electronic changeable message center on the pylon sign and that it not be required to be surrounded by six inches of material on all sides.

The sign regulations in Table 11-825.01.02 allows one sign of 2 square feet of signage per lineal foot of building frontage per tenant per frontage for a wall sign and 253 square feet of signage for a free standing sign. The proposed signage does meet the requirements of 11-827.02F.2

The proposed wall signage includes:

- 57.5 square foot wall sign on the front of the building which is less than the 102 square feet allowed by 11-825.01.02
- 148.75 square foot wall sign on the west side of the building. This is not street frontage so would not be allowed unless the sign plan is approved.
- 57.5 square foot wall sign on the east side of the building. This is not street frontage so would not be allowed unless the sign plan is approved.
- Directional signage for the carwash lanes which is allowed.
- A pylon sign that includes an electronic message center. The proposed electronic message center is not surrounded by 6 inches of finish material on all sides and is larger than the 25% of sign area that is allowed.
11-825.04.C. states that electrically activated changeable copy message components are only permitted on freestanding signs ... which enclose the ... component on all sides with a finish of brick, stone, stucco, or sign face that extends not less than six inches from the electrically activated changeable copy message center component in all directions.

The proposed electronic message center is not enclosed by 6 inches on all sides. The design of the sign has the electronic message and the cabinet sign protruding by several inches.

Additionally, the message center components are allowed to make up not more than 25% of the area of a freestanding sign.

The proposed electronic message center is 32 square feet. The proposed “Tommy’s Express Car Wash” portion of the pylon is 41 square feet. The proposed message center make up 40% of the total signage area.

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 contents of the sign plan are to include the sign locations, heights and dimensions, material colors, illumination, illumination levels, a design theme, and a demonstration that the sign plan will improve the aesthetics of the development, per 11-827.01B. The proposed information is attached, however we do need the illumination levels of the proposed signage.

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.

Section 11-827.02A allows a deviation from “the standards of this section in terms of the types and numbers of signs allowed, the maximum sign area, and materials and illumination standards (including changeable copy message centers), subject to compliance with a sign plan that is approved according to criteria set out in this subsection.

Section 11-827.02.D states that

1. All signs shall be architecturally integrated into or complimentary to the design of the building and character of the site, and shall use similar and coordinated design
features, materials and colors. The sign plan shall establish an integrated architectural vocabulary and cohesive theme for the lot or tract proposed for development.

The proposed signs are architecturally consistent with each other and the building. The design is a fun, vibrant and modern aesthetic.

2. The design, character, location, and/or materials of all detached and attached signs proposed in a sign plan shall be demonstrably more attractive than signs otherwise permitted on the tract proposed for development under the minimum standards of this subsection.

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:

   The proposed signs are in scale with the size of the proposed building

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);

   The building is set back from the street and side yards a considerable amount due to parking, drive lanes and buffeyards. The pylon sign is setback 25 feet.

c. Frontage

   There is approximately 175 feet of frontage on 23rd street. The bulk of the building signs are on the side of the building.

d. Access and visibility to the site

   Access to the site is from the 23rd St. frontage Road.

e. Intended traffic circulation pattern and the need for way-finding

   The signs on the side of the building can help with wayfinding particularly since the pylon sign is set back 25’.

f. Hierarchy of signage

   The hierarchy of signage is appropriate

g. Relationship between the site and adjacent uses

   The site is on a commercial strip. The adjacent uses include car lots and a fitness center. The bulk of the surrounding buildings are of metal materials.
h. The desired function of the site
   The site is a carwash

i. Consistency with the objectives and design policies of the comprehensive plan
   The proposed signage is consistent with the comprehensive plan.

Recommendation: Approval conditioned upon provision of illumination levels of the electronic message center and assurance that the illumination level will be reduced at night.

**Sign at 132 & F Streets in Omaha**
Sign in Joplin Missouri from Google Maps:
## Code Synopsis

### Tommy's Car Wash

<table>
<thead>
<tr>
<th>WALL SIGNAGE</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>What is the maximum S/F allowed per elevation?</td>
<td>2 sq. ft. per linear foot of building/tenant frontage. The linear footage shall be measured along the wall of the facade on which the sign will be located.</td>
</tr>
<tr>
<td>Are signs allowed on all elevations?</td>
<td>No - 1 per building/tenant frontage.</td>
</tr>
<tr>
<td>What is the maximum S/F allowed per site?</td>
<td>N/A</td>
</tr>
<tr>
<td>Can the S/F be an accumulation of the independent components? Or does the entire sign need to be &quot;boxed&quot;?</td>
<td>Entire sign boxed</td>
</tr>
<tr>
<td>Are there height restrictions?</td>
<td>Nothing above the roofline</td>
</tr>
<tr>
<td>Are there color restrictions?</td>
<td>No</td>
</tr>
</tbody>
</table>

### FREESTANDING SIGNAGE

| Are freestanding signs (monument or pylon) allowed? | Yes |
| What is the maximum height allowed? | Max. Sign Height. |
| 25-35 mph: 30 ft. |  |
| 40-50 mph: 48 ft. |  |
| 55+ mph: 60 ft. |  |
| What is the maximum S/F allowed? Can it be calculated as a footprint? Or does the entire sign need to be "boxed"? | Max. Sign Area. |
| Adjacent to roadways marked as 25-35 mph: 112 sf. |  |
| Adjacent to roadways marked as 40-50 mph: 253 sf. |  |
| Adjacent to roadways marked as 55+ mph: 450 sf. |  |
| What is the required setback? | Minimum setback of ten (10) feet from any property line. |

### Window Signage

| Window Signage | Yes, permit required. 1 window sign per building/tenant frontage. Min. Window transparency is 15%. |

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**Kieffer Starlite**

National Sign Manufacturers and Consultants

Dallas Ft. Worth | Chicago | Shreveport | Charlotte

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**Kieffer Starlite**

For Contact Information visit us at www.kssigngroup.com

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**1801331N**
Customer
Location
Date
Revision
P2142
2415 E 23rd Ave S, Fremont, NE 68025
2/22/19
3

Confidential Warning: This sheet contains and constitutes
confidential information, images and trade secrets of Tommy
Car Wash Systems. Any unauthorized use or disclosure of any
portion thereof, is strictly prohibited. This work is the exclusive
property of Tommy Car Wash Systems. All rights reserved.

130' Tunnel | 12 Vacuums | 3 Pay Lanes
Site Plan

130' Tunnel | 12 Vacuums | 3 Pay Lanes
CASHIER

536-1000-10C-XX Channel Letter Sign (1 Required) Scale: 3/8" = 1'-0"
4 Sq. Ft.
535-1000-10APP Channel Letter Sign (2 Required)

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

4 Sq. Ft.
ENTRANCE

Channel Letter Sign (1 Required)
10.25 Sq. Ft.

Scale: 1"=1'-0"

8'9 3/4" x 1'6"

- 3/16" Acrylic Face (#220 White) or Optional 1ST SURF TRNS. VINYL (COLOR)
- UL Approved Remote Power Supply Box with Disconnect
- #8 x 1 1/2" Tekscrews
- Pin Trim Cap
- 1" Trim Cap (Black) 43"-
- 30mil White ACM Backs
- 0.040 Pre-finished Black Alum. Returns Auto-forced and Auto-closer to Alum. Back

Expansion Anchor into Masonry or Through Bolt into Blocking Behind

This is an original unaltered drawing submitted for use in connection with a proposal to the owner of the property of the building. It is not to be reproduced, copied or exhibited in any fashion without the written permission of Kiefer Starlite Consultants.
$7 CAR WASH

SCALE: 1" = 1'-0"

6.25 SQ.FT.

536-2000-165

CABINET
24 m

Modules: 48
Watts: 34.6 of 60.0
PS: Standard 60W(BOOTH SIDES)

24 Modules=2' Principal LED - Street Fighter Plus - PL-OP2-SF3-P-TW-CC

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Staff Report

TO: Planning Commission
FROM: Jennifer L. Dam, AICP, Planning Director
DATE: April 10, 2019
SUBJECT: Request for Amendment to 23 & Bell Redevelopment Plan

Recommendation: Finding that the proposed amendment is consistent with the Comprehensive Plan

Background:

This is a request for an amendment to the Redevelopment Plan for the 23rd & Bell Redevelopment Area to include the Fountain Springs 55+ apartment complex project. The proposed project includes a 9 building 216 unit phased apartment complex for residents aged 55 and over, 266 surface parking stalls and 110 garage stalls, an office for staff, a community room or clubhouse community room, a gazebo, trail and sidewalk extensions together with all infrastructure and other improvements necessary to support the apartment complex.

The 23 & Bell Redevelopment area was declared blighted and substandard by the Fremont City Council on July 15, 2014. The 23 & Bell Area Redevelopment Plan was approved July 29, 2014. An amendment to the Redevelopment Plan for the Fountain Springs elderly housing consisting of 32 units was approved by the City Council on December 29, 2015.

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

The area for which project are proposed consists of 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.

These lots are zoned UR, Urban Residential.

The property is currently undeveloped agricultural land.

The City Council held a public hearing on an amendment to the Comprehensive Plan to change the designation from commercial to residential on June 11, 2019.

Apartments are allowed in commercially zoned properties.

The “Blue Print for Tomorrow” Comprehensive Plan notes that “...the total acres of land needed for 55-year old and older adults is expected to represent approximately 40% of the future land development” (p.4.4)
The proposed Redevelopment Plan addresses the statutory elements required in such a plan. (Attached with the proposed plan amendment.)

The plan states that

“[a]ccording to Redeveloper, the cost to construct the apartment complex is greater than the Project’s as-completed fair market value. Further, without the assistance of TIF, the return on investment for the Project would be too low to attract prudent investors given the risks involved in preparing the site, constructing the apartment complex, stabilizing the occupancy rates in the apartments, and other business risks. Specifically, the extraordinary costs associated with soil mitigation, storm water facilities, strengthened or modified building components, and thickened reinforced pavement make the Project cost prohibitive without the assistance of TIF. Without TIF, the Project yields a return-on-investment of approximately 4 percent. With TIF, the Project yields a return-on-investment of 11.39% percent. A return-on-investment below 10 percent would not overcome the risk factors to attract the investment and financing needed to build and maintain the Project. Thus, according to the Redeveloper, an ordinarily prudent developer would not construct the Project without TIF. “

The redevelopment area lacks infrastructure and has poor soil conditions, which contributes to the inability to attract development to the area. TIF can be used to address that blighting condition.

The proposed improvements for which approximately $5,869,200 of Tax Increment Financing would be utilized include site acquisition, site preparation, architectural and engineering fees, public utility extension and installation, installation of streets and sidewalks, landscaping, façade enhancements, energy efficiency enhancements, and other improvements deemed feasible and necessary in support of the public health, safety and welfare.

The cost benefit analysis is based on projects that consists a 9 building 216 unit phased apartment complex for residents aged 55 and over, 266 surface parking stalls and 110 garage stalls, an office for staff, a community room or clubhouse community room, a gazebo, trail and sidewalk extensions together with all infrastructure and other improvements necessary to support the apartment complex.

The project will add sales tax revenue to the community.

The cost benefit analysis estimates the following tax shift based on the 2018 Dodge County tax levy and estimated completed assessed value of the buildings:

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estimated Base Project Area Valuation:</td>
<td>$696,390</td>
</tr>
<tr>
<td>Estimated Completed Project Assessed Valuation:</td>
<td>$19,656,375</td>
</tr>
<tr>
<td>Estimated Tax Increment Base</td>
<td>$5,869,200</td>
</tr>
<tr>
<td>Estimated Annual Projected Tax Shift:</td>
<td>$391,280</td>
</tr>
</tbody>
</table>

The developer proposes that approximately $5,869,200 be financed with Tax Increment Financing (TIF) to provide for the construction and installation of infrastructure, acquisition, soil mitigation and related improvements.
The property was platted in anticipation of the receipt of TIF for eligible expenses. However, the project, as designed would not be feasible without the availability of tax increment financing for eligible public expenses.

Findings:

   The area was declared blighted and substandard in July 2014.
   The proposed uses are consistent with the Comprehensive Plan.
   The estimated annual projected tax shift is $391,280
   An estimated $5,869,200 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 GENERAL REDEVELOPMENT PLAN
FOR THE 23RD & BELL AREA

(FOUNTAIN SPRINGS APARTMENTS REDEVELOPMENT PROJECT)
23RD & YAGER

FREMONT, DODGE COUNTY, NEBRASKA

PREPARED MAY, 2019
FOR
THE COMMUNITY DEVELOPMENT
AGENCY OF
FREMONT, NEBRASKA
A. Introduction

This Amendment to the General Redevelopment Plan for the 23rd and Bell Area ("Redevelopment Plan") is a guide for redevelopment activities to remove or eliminate blight and substandard conditions within the City of Fremont, Nebraska (the "City"). The Mayor and City Council of the City (the "Council"), recognizing that blighted and substandard conditions are a threat to the continued stability and vitality of the City, passed a resolution designating certain areas of the City to be blighted and substandard and in need of redevelopment pursuant to the requirements of section 18-2103 of the Nebraska Community Development Law, sections 18-2101 et. seq., as amended (the "Act"). One of the areas the Council designated as blighted and substandard and in need of redevelopment is the "23rd and Bell Area" (referred to herein as the "Redevelopment Area").

The City further adopted a "General Redevelopment Plan for the 23rd and Bell Area" (the "Master Plan"). A copy of the Master Plan is attached hereto as Exhibit "A" and incorporated herein. The Master Plan sets forth the goals and parameters for redevelopment projects within the Redevelopment Area. The Master Plan contemplates that the Community Development Agency of the City (the "Agency") or private developers may set forth redevelopment projects under the Act via amendments to the Master Plan.

In conformance with the Master Plan, this Redevelopment Plan submits the phased implementation of a redevelopment project in the Redevelopment Area utilizing tax increment financing ("TIF") resources for site acquisition, construction of eligible public improvements, and to remove existing and avoid future blighted and substandard conditions, as further described in this Redevelopment Plan (the "Project"). The Project contemplates the phased construction of a 9-building apartment complex consisting of approximately 216 market rate residential units primarily for residents age 55 and over, 266 surface level parking stalls, 110 garage stalls, an office for the apartment complex staff, a community room or clubhouse community room, a gazebo covered picnic area, and trail and sidewalk extensions, together with all infrastructure and other improvements necessary to support the apartment complex. Fremont Enterprises, LLC, a Nebraska Limited Liability Company, or its assigns ("Redeveloper") will undertake construction of the Project.

The Project encompasses only a portion of the real property within the Redevelopment Area. As such, the Master Plan remains subject to further amendment upon the identification of additional redevelopment projects within the Redevelopment Area.
B. Redevelopment Area; Existing Conditions

Exhibit 1 to the Master Plan sets forth the boundaries of the Redevelopment Area. The Redevelopment Area is identical to the "23rd and Bell Area," which the Council previously declared blighted and substandard and in need of redevelopment.

C. Project Site

Exhibit "B", sets forth the boundaries and existing conditions of the development area for the Project (the "Project Site"). The approximate address of the Project Site is 29th and Yager Road. The Project Site is completely within the blighted and substandard Redevelopment Area and is in need of redevelopment.

D. Conformance with the Master Plan for the Redevelopment Area and Comprehensive Plan of the City

The Master Plan sets forth the following objectives for development within the Redevelopment Area: (1) improving unsafe or unsanitary conditions relating to drainage and related infrastructure; (2) assembling and platting of land for redevelopment; (3) developing or improving other infrastructure in the area, including sidewalks, trails, streets, and utilities; and (4) undertaking façade, structural, streetscaping, or landscape improvements in the area. The Project meets the above objectives, and therefore conforms to the Master Plan.

Pursuant to the Act, the Project must also conform to and further the objectives of the City of Fremont comprehensive plan for land use and development (the "Comprehensive Plan"). The Comprehensive Plan anticipates future residential and commercial development focused primarily to the north and east of existing development within the City. Regarding the City's need for additional housing, the Comprehensive Plan provides that "the total acres of land needed for 55-year old and older adults is expected to represent approximately 40 percent of future land development." The Comprehensive Plan further sets forth the objective to "[e]xpand the use of standard economic development tools and incentives such as Tax Increment Financing."

Redeveloper intends to develop the Project Site for the purpose of constructing a 9-building apartment complex comprised of approximately 216 market rate residential units for residents age 55 and over. The Comprehensive Plan and other plans for development and expansion of the City contemplate the need for housing, with specific emphasis on housing options for residents age 55 and over. The migration of this demographic from single family homes to the apartment complex will aid the stressed housing market of affordable single family
units in the City. This Redevelopment Plan and the Project described herein further those goals and comply with the Comprehensive Plan.

Exhibit "C", shows the future land use map (showing the Redevelopment Area and surrounding areas) included within the Comprehensive Plan. The map sets forth a "Commercial" designation for future use of the Redevelopment Area. As part of the Project, and due to the lack of commercial development in the area, the City intends to amend the future use map to set forth a residential designation for the Project Site.

E.  Project Overview

The Project Site is directly west of North Yager Road, north of East 29th Street and south of East 32nd Street. The Project Site is approximately 10.46 acres. The Project Site was improved for development in 2004-2006, but has remained vacant due to the extraordinary costs of development specific to the area detailed below. The Project will consist of the phased construction of 9 buildings comprised of approximately 216 market rate residential units primarily for residents age 55 and over, 266 surface level parking stalls, 110 garages, an office for the apartment complex staff, a community room clubhouse, and a gazebo picnic area. Exhibit "D", attached hereto and incorporated herein, sets forth the proposed site plans for the Project. The Project does not constitute "workforce housing", as defined under section 18-2103(32) of the Act.

Redeveloper does not yet own the Project Site but has entered into a purchase agreement with the three current owners. Redeveloper plans to close on the Project Site shortly after approval of this Redevelopment Plan. No public acquisition of the Project Site is necessary. The Project will not displace any families or businesses.

The Project requires infrastructure improvements and other public improvements, as well as private improvements, as described in Paragraph G of this Redevelopment Plan, which are not financially feasible to undertake at one time. Completing the Project in phases will allow Redeveloper to maximize the TIF resources available for public improvements, which is necessary for the Project to succeed. Further, implementation of the Project in multiple phases will allow Redeveloper to construct the private improvements at a rate that the market can support, and to adapt subsequent phases of the Project to the changing needs of the City. The Agency and Redeveloper anticipate that Redeveloper will construct the Project in three phases consisting of the following private improvements:

"Phase One": Construction of approximately 2 apartment buildings (comprised of 48 individual units), 60 surface lot parking spaces, 2 garage buildings (comprised of 20 total parking spaces), the community room, and the office area for apartment staff.
"Phase Two": Construction of approximately 4 apartment buildings (comprised of 96 individual units), 118 surface lot parking spaces, 4 garage buildings (comprised of 40 total parking spaces), and the gazebo covered picnic area.

"Phase Three": Construction of approximately 3 apartment buildings (comprised of 72 individual units), 87 surface lot parking spaces, and 5 garage buildings (comprised of 50 total parking spaces).

Exhibit "D" sets forth the proposed site plans for each of the three phases. Redeveloper intends to administratively subdivide the Project Site so that the area comprising each phase is a separate tax lot (or made up of two tax lots). The "effective date" (as provided under section 18-2147 of the Act) for purposes of TIF for each phase will be determined on a lot by lot basis in order to maximize the TIF proceeds available to help finance the public improvements. While the market will determine the actual completion schedule for each phase, Redeveloper anticipates that the buildout of each phase will take approximately six to eight months for construction plus lease-up and move-in time. However, the Project requires flexibility and may require more or less time between phases.

F. Existing Conditions (All Phases)

1. Existing Land Use

The Project Site consists of vacant, undeveloped land.

2. Existing Zoning

The Project Site is currently zoned UR (Urban Residential). Multi-family dwellings are a conditional use in UR zoning districts. Part of the Project Site lies outside the City's corporate limits and is being conditionally annexed pending successful closing on the Project by the Developer.

3. Existing Public Improvements

The streets adjacent to the Project Site (East 29th Street, East 32nd Street, and North Yager Road) provide access to the Project Site. Water and sewer infrastructure exists in the areas adjacent to the Project Site and Redeveloper will extend the utilities therefrom to serve the Project Site. Redeveloper will regrade and improve the drainage ditch along the south side of 32nd to prevent back up onto the roadway and continuous flow to the crossing at Yager.
G. **Proposed Redevelopment (All Phases)**

1. **Public Improvements**

The Project will require infrastructure improvements and other public improvements. These improvements will include, but are not limited to:

   a. **Public Access; Traffic Flow, Street Layouts and Street Grades**

      The public streets adjacent to the Project Site (East 29th Street, East 32nd Street, and North Yager Road) provide access to the Project Site. As shown on the site plans in Exhibit "D", Redeveloper will construct internal private roadways, parking lots and sidewalks for use by the apartment's employees, residents and guests. Redeveloper will cooperate with the City to address any issues related to increased traffic flow and other street improvement issues created by the Project. All streets, sidewalks and other infrastructure constructed by Redeveloper will be subject to review and approval by the City's engineer or other designee of the City.

   b. **Construction of Electrical, Water and Sewer Improvements.**

      Redeveloper will construct or extend water and sanitary sewer systems to provide appropriate service to the Project Site. The Project Site is currently undeveloped and will require grading to provide effective drainage throughout the area. The Project Site requires filling and grading to properly drain the ground water runoff and provide appropriate grading levels to erect the apartment complex. Redeveloper also anticipates the construction of electric utilities extending to the residences within the Project Site.

   c. **Other incidental improvements**

      The topsoil within the Project Site requires considerable mitigation prior to infill. Additionally, due to the soil makeup, all surface-level concrete within the Project Site must be at least 7 inches thick and strengthened by steel reinforcing bars, rather than a normal thickness of 3.5 inches. Such costs are extraordinary costs incurred by Redeveloper and greatly contribute to the Project Site's vacant, blighted and substandard condition. Additionally, the City requires Redeveloper to construct extensions to trails and sidewalks in the area, upgrade the landscaping, and construct amenities such as the picnic area to prevent the recurrence of substandard and blighted conditions. The extraordinary expenses detailed herein exceed the minimum building and design standards in the City and aim to prevent the recurrence of substandard and blighted conditions; such costs are therefore included as eligible costs under Exhibit "F".

   d. **Additional public facilities or utilities**
Other than the construction or extension of the utilities and infrastructure detailed above, Redeveloper and the City anticipate that the existing public facilities and utilities can adequately meet the demands of the Project.

e. **Property Acquisition, Demolition and Disposal**

No public acquisition of private property or relocation of families or businesses is necessary to accomplish the Project. Redeveloper intends to purchase the Project Site from the current owner subsequent to approval of this Redevelopment Plan. Pursuant to a purchase agreement between Redeveloper and the current owner, the sale price of the Project Site will be $1,150,000 plus additional soft costs.

f. **Population Density**

The Project Site currently sits undeveloped and vacant. The Project will increase population density in the area. However, the City desires an increase in population density in the area to provide additional housing in the City. Adequate public infrastructure exists to accommodate the increase in population density anticipated in relation to the Project.

g. **Land Coverage**

Land coverage for the Project Site includes approximately 10.46 acres of undeveloped land. The Project contemplates the construction of a 9-building apartment complex consisting of approximately 216 market rate residential units primarily for residents age 55 and over, 266 surface level parking stalls, 110 garages, an office for the apartment complex staff, a clubhouse, and a picnic area, together with all infrastructure and other improvements necessary to support the apartment complex, as shown on the site plans set forth in Exhibit "D". The Project will comply with all applicable land coverage ratios required by the City.

h. **Parking**

The Project includes the construction of 266 surface level parking stalls and 110 garages. All parking facilities will comply with the City’s zoning ordinance.

g. **Zoning, Building Code and Ordinance**

The Project Site is zoned as UR (Urban Residential). Multi-family dwellings are a conditional use in UR zoning districts. Accordingly, Redeveloper will pursue a conditional use permit allowing multi-family residential use within the Project Site. Redeveloper and the City
further anticipate that the City will annex the northern half of the Project Site so that the entire Project Site is within the City's corporate limits. Redeveloper will be responsible for all zoning, building code, or ordinance changes that are necessary for the Project.

3. **Private Improvements**

Private improvements for the Project include the construction of a 9-building apartment complex consisting of approximately 216 market rate residential units primarily for residents age 55 and over, 110 garages, an office for the apartment complex staff, and a clubhouse. Redeveloper or other builders taking reconveyance from Redeveloper will construct the private improvements. Paragraphs E and I of this Redevelopment Plan details the anticipated implementation of the private improvements.

H. **Project Costs (All Phases)**

The total estimated cost of the Project is $20,491,248. A breakdown of the estimated cost of the Project is attached and incorporated herein as Exhibit "E". The estimated costs of the Project are preliminary and subject to change.

I. **Implementation**

Redeveloper is unable to undertake the construction in Phase One of the Project without some assurance that Redeveloper can undertake Phase Two and Phase Three. Redeveloper would not complete the initial public improvements for Phase One but-for the approval of the entire Project and, likewise, the subsequent phases of the Project would not occur but-for these initial public improvements. Accordingly, this Redevelopment Plan contemplates that the costs and expenses of all the public improvements for the Project are eligible TIF uses for each phase of the Project. As such, Redeveloper may apply the TIF Revenues (defined below) generated from each phase of the Project toward the payment of the eligible expenses of the entire Project, if necessary, provided there is no duplication of expenses between phases.

The Project's construction schedule will depend on the market demand and availability of construction materials and services, but based upon the current housing market and the need for housing in the City, Redeveloper anticipates the following construction schedule for the Project:

**Phase One:**
- Construction start date 7/15/2019
- Construction completion 12/31/2019

**Phase Two:**
Construction start date 1/1/2020
Construction completion 12/31/2020

Phase Three:

Construction start date 1/1/2021
Construction completion 12/31/2021

The anticipated start dates and completion dates are preliminary and subject to change based upon market conditions, availability of materials, workforce availability and other extraneous factors.

Upon the completion of each phase, Redeveloper will submit to the Agency an amendment to the redevelopment contract on a form prescribed by the Agency. Each amendment to the redevelopment contract shall set forth the "effective date" (as defined in the Act) for the pertinent phase and must be submitted to the Agency on or before June 30 of the year in which taxes are to be divided for such phase.

J. Financing

The City and the Agency contemplate the use of TIF for the Project. Section 18-2147 of the Act authorizes the use of TIF. It provides that any ad valorem tax levied upon real property, or any portion thereof, in a redevelopment project shall be divided, for a period not to exceed fifteen years after the effective date as identified in the redevelopment contract, or amendment thereof, or in the resolution(s) of the authority authorizing the issuance of bonds pursuant to the Act, as follows:

(a) That portion of the ad valorem tax the levy produces at the rate fixed each year by or for each public body upon the redevelopment project valuation shall be paid into the funds of each such public body in the same proportion as are all other taxes collected by or for the body (“Base Tax Amount”); and

(b) That portion of the ad valorem tax on real property, as provided in the redevelopment contract or bond resolution, in the redevelopment project in excess of the Base Tax Amount, if any, (referred to herein as “TIF Revenues”) shall be allocated to and, when collected, paid into a special fund of the Agency to be used solely to pay the principal of, the interest on, and any premiums due in connection with the bonds of, loans, notes, or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such authority for financing or refinancing, in whole or in part, the redevelopment project.
With respect to the Project, Redeveloper and the Agency will conclusively set forth the actual base tax year and Base Tax Amount for each phase in the redevelopment contract, or amendment thereof, and/or the resolution authorizing the TIF Indebtedness. The Agency and Redeveloper anticipate that the effective dates will be different for each of the phases; and therefore the increment period for each phase will be different. It is further anticipated that the Agency will issue one TIF bond or note for all three phases.

Notwithstanding any provision herein to the contrary, all TIF Revenues resulting from improvements constructed/installled after the commencement of the first portion of each phase shall only be divided and allocated over the applicable 15-year increment period.

1. Necessity of TIF

Redeveloper advised and warranted to the City that it would not be economically feasible to develop the Project without TIF. According to Redeveloper, the cost to construct the apartment complex is greater than the Project's as-completed fair market value. Further, without the assistance of TIF, the return on investment for the Project would be too low to attract prudent investors given the risks involved in preparing the site, constructing the apartment complex, stabilizing the occupancy rates in the apartments, and other business risks. Specifically, the extraordinary costs associated with soil mitigation, storm water facilities, strengthened or modified building components, and thickened reinforced pavement make the Project cost prohibitive without the assistance of TIF. Without TIF, the Project yields a return-on-investment of approximately 4 percent. With TIF, the Project yields a return-on-investment of 11.39% percent. A return-on-investment below 10 percent would not overcome the risk factors to attract the investment and financing needed to build and maintain the Project. Thus, according to the Redeveloper, an ordinarily prudent developer would not construct the Project without TIF.

Additionally, due to significant public improvement and mitigation costs, Redeveloper cannot construct the Project without the use of TIF for all phases of the Project. Construction of Phase One is not feasible without the intent to complete all the phases, and Phases Two and Phase Three are not feasible without the use of TIF. Thus, the approval of TIF for all three phases is critical to Redeveloper's undertaking of the Project.

2. Sources and Uses of Financing

Based upon the projections in Exhibit "F", the Agency and Redeveloper contemplate issuance of a TIF bond or note in an amount not to exceed $5,869,200 (the "TIF Indebtedness").

As shown on Exhibit "F", the anticipated TIF Indebtedness amount does not exceed the anticipated TIF-eligible costs for all three phases.
The total estimated cost of the Project is $20,491,248. As such, the TIF Indebtedness covers approximately one-quarter of the total cost. Redeveloper anticipates it will finance the balance of the public and private costs exceeding the TIF Indebtedness via a mix of owner's equity (21%) and traditional bank financing (51%). In addition to owner's equity, Redeveloper will pledge personal assets valued at $5,000,000 as collateral on its construction loan. Redeveloper and the Agency will provide a detailed breakdown of the TIF sources and uses in the redevelopment contract for the Project. The above figures are only projections and are subject to change as a result of market conditions and other extraneous factors.

K. **Cost-Benefit Analysis**

A cost-benefit analysis for the Project is attached as Exhibit "G" and incorporated herein.

Exhibits:

- Exhibit A: Master Plan
- Exhibit B: Project Site
- Exhibit C: Future Land Use
- Exhibit D: Site Plan
- Exhibit E: Estimated Cost of the Project
- Exhibit F: Sources and Uses of TIF
- Exhibit G: Cost-Benefit Analysis
EXHIBIT "A"

Master Plan

(See attached)
General Redevelopment Plan
for the
23rd & Bell Area
July 2014

CITY OF
FREMONT
NEBRASKA PATHFINDERS

Prepared by:
Fremont Planning Department
Purpose of the Redevelopment Plan
The purpose of this redevelopment plan is to help guide the general redevelopment of the area contained within the 23rd & Bell Blight Study. According to the Community Development Law contained within state statutes, the general redevelopment plan is geared toward establishing remedies that alleviate the conditions causing blighted and substandard conditions and thus improving the overall economic well-being of the area and community as a whole.

Legal Description of the redevelopment area
The legal description for the 23rd & Bell redevelopment area is the same as adopted in the 23rd & Bell Blight Study; which was more particularly described as:

The 23rd and Bell Street Blight area contains an estimated 219 acres located in northeast Fremont and shall be described as follows:

From the point of beginning at the west right of way of North Platte Ave and the southeast corner of Northside Block 17; thence continuing north along the west right of way of North Platte Avenue and continuing along the west property line of Lewis Addition Lots 1, 3, and 2 to the south property line of Rodamar Addition Replat 1 Lot 6; thence continuing west to the southwest corner of Rodamar Addition Replat 1 Lot 6; thence continuing north along the west property line of Rodamar Addition Replat 1 Lot 6 and Rodamar Addition Replat 1 Lot 2 to the northwest corner of Rodamar Addition Replat 1 Lot 2; thence continuing east along the north property line
of Rodamar Addition Replat 1 Lot 2 to the west right of way of North Yager Road/CR-46; thence continuing north along the west right of way of North Yager Road/CR-46 to the northeast corner of Rodamar Addition replat 1 Lot 7; thence continuing west along the north property line of Rodamar Addition replat 1 Lot 7 to the southeast corner of Fountain Springs Addition Lot 1 Block 2; thence continuing north along the east property line of Fountain Springs Addition Block 2 and Fountain Springs Addition Lot 1 to the north right of way of 29th Street; thence east along the north right of way of 29th Street to the southwest corner of Fountain Springs 2nd Lot 2; thence north along the west property line of Fountain Springs 2nd Lot 2 to the northwest corner of Fountain Springs 2nd Lot 2; thence continuing west along the north property line of Fountain Springs 2nd Lot 1 and Fountain Springs Addition Lot 1 Block 1 to the northwest corner of Fountain Springs Addition Lot 1 Block 1 and the east property line of Shalimar 6th Lot 1; thence continuing north along the east property line of east property line of Shalimar 6th Lot 1 until it intersects with the half section line of SE1/4 Section 11-Township 17-Range 8E; thence continuing along east along the half section line of the N1/2 SW1/4 Section 12-Township 17-Range 8E to the northeast corner of Fremont Technology Park Outlot B; thence continuing south along the east property line of Fremont Technology Park Outlot B to the southeast corner of Fremont Technology Park Outlot B; thence continuing west along the south property line of Fremont Technology Park to a point intersecting a line extending north from the west right of way of North Lincoln Avenue; thence continuing south along the west right of way of North Lincoln Avenue to the northeast corner of Lincoln Park Addition Lot 3; thence continuing west along the north property line of Lincoln Park Addition Lot 3 to the northwest corner of Lincoln Park Addition Lot 3; thence continuing south along the west property line of Lincoln Park Addition Lot 3 to the southwest corner of Lincoln Park Addition Lot 3; thence continuing west to the east boundary line of the W1/2 of SW1/4 of SW1/4 Section 12-Township 17-Range 8E; thence continuing south along the east boundary line of the W1/2 of SW1/4 of SW1/4 Section 12-Township 17-Range 8E to the north right of way of East 23rd Street; thence continuing east approximately 88 feet to a point intersecting a line extending north from the east right of way of North Clarimar Avenue; thence continuing south across 23rd Street and the east right of way of North Clarimar Avenue to the southwest corner of Fair Acres 5th Replat Lot 4; thence continuing west across North Clarimar Avenue and the south boundary of Fair Acres 2nd Addition Block 5 to the east right of way of North Yager Road; thence continuing south along the east right of way of North Yager Road to a point of intersection with the south right of way of East 19th Street; thence continuing west along the south right of way of East 19th Street to the point of beginning at the west right of way of N Platte Ave and the southeast corner of Northside Block 17.

See Exhibit 1 for map and list of properties in the 23rd and Bell Street Blight area.
Background

Community Development Law, found in Sections 18-2101 through 18-2144 of the Nebraska Revised Statutes, allows a community to undertake efforts to revitalize blighted and substandard areas. The City has undertaken the preparation of this redevelopment plan with the desire to improve the social and economic well-being of the community by either introducing projects that address the conditions that contribute to blight or undertaking efforts by the private sector to alleviate such conditions through specific projects.

This redevelopment plan notes general activities and/or projects within the 23rd and Bell study area. A redevelopment project can involve a broad range of activities including:

- Disposal of property, either real or personal
- Acquisition of blighted and substandard areas
- Sale or lease of land for a variety of purposes
- Acquisition of real property to be repaired or rehabilitated
- Demolition of existing buildings, structures, public facilities, and infrastructure as well as the construction of the same as deemed essential to the preparation of sites for uses in accordance with a redevelopment plan

However, it is important to note that state statutes mandate a detailed proposal outlining a redevelopment project or activity must be submitted to the City and its redevelopment authority for evaluation prior to approval as a qualified project. This also includes a cost benefit analysis for any potential project involving Tax Increment Financing (TIF).

With regard to the comprehensive plan, it is hereby incorporated by reference. Additionally, if any conditions found in the redevelopment plan are found to be in conflict with the comprehensive plan, the provisions of the comprehensive plan shall supersede this document. Furthermore, this redevelopment plan shall not constitute an amendment of the comprehensive plan.

Outline of the Redevelopment Plan

The area included in redevelopment plan is highlighted in Exhibit 1, which is on the following page.
The area includes approximately 219 acres of land, and is a mix of residential, commercial, and light industrial uses. The blight study for this area noted that over 73% of the buildings within the redevelopment area were considered substandard due to age; with many of these structures being residential in nature. In addition, the blight study noted that almost 70% of the structures in the redevelopment area were considered blighted due to structural condition. Furthermore, the blight study notes a number of unsafe conditions relating to street layout and deteriorating infrastructure (or lack thereof).

**Potential redevelopment projects**
As specific redevelopment projects are considered for the area, multiple factors contributing the blighted and substandard conditions should be addressed. Possible activities that would improve these conditions include:

- Removal of deteriorating and/or dilapidated structures
- Renovation or rehabilitation of structures
- Improving unsafe or unsanitary conditions relating to drainage and related infrastructure
- Assembling and platting of land for redevelopment
- Developing or improving other infrastructure in the area, including sidewalks, trails, streets, and utilities
- Increased enforcement of municipal codes relating to nuisances
- Undertaking façade, structural, streetscaping, or landscape improvements in the area

**Relationship to the Comprehensive Plan**
Redevelopment activities should be in conformance with the future land use map (attached herein) as well as the comprehensive plan as a whole. Concerning the comprehensive plan, this redevelopment plan supports the recommendations regarding the improvement of existing housing stock, redevelopment of deteriorating economic areas, and improvement of facilities that enhance the overall quality of life. Because this redevelopment plan is general in nature, specific redevelopment project must be weighed against and found to be in harmony with the comprehensive plan before being undertaken.
EXHIBIT "B"

Project Site

Legal Description:

Lot 1, Fountain Springs Second Subdivision, an Addition to the City of Fremont, Dodge County, Nebraska,

AND

Lot 2, Fountain Springs Second Subdivision, an Addition to the City of Fremont, Dodge County, Nebraska,

AND

Lot 2, Fountain Springs Third Subdivision, an Addition to the City of Fremont, Dodge County, Nebraska,

AND

Lot 1, Fountain Springs Fourth Subdivision, an Addition to the City of Fremont, Dodge County, Nebraska,

AND

Lot 2, Fountain Springs Fourth Subdivision, an Addition to the City of Fremont, Dodge County, Nebraska,

TOGETHER WITH

All public rights-of-way contiguous thereto.

* Subsequent to the approval of this Redevelopment Plan, Redeveloper intends to administratively subdivide the Project Site, or a portion thereof. Subsequent to said administrative subdivision, the above legal description shall be replaced with the legal description provided in the administrative subdivision of the Project Site approved by the City.

Exhibit "B"
Depiction (outlined in red):

Exhibit "B"
EXHIBIT "D"

Site Plan

(See attached)
EXHIBIT "E"

Estimate of Construction Costs

(See attached)

* The attached estimate of construction costs for the Project are preliminary in nature and are subject to change.
# Project Construction Cost Estimate

## Fountain Springs 50 & Over Workforce Apartments Project Data

### Brian M. Zubert or Assign(s)

**Market Rate 50 & Over and Professionals**  
29TH STREET AND NORTH YAGER RD.  
FREMONT, DODGE COUNTY, NEBRASKA  68025

**Incomplete to be updated upon construction bid phase of project**  
Presentation below represents various overall expenses broken to one 24 unit building

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<th>Phase Description</th>
<th>Contractor / Work Detail</th>
<th>Gross Price or Area</th>
<th>Original Bid Amount Per Building</th>
<th>Change Orders</th>
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Anew Development, LLC Confidential  
5/9/2019  
C:/Users/ced/Dropbox/Fountain Springs Fremont Storm Sewer Proforma 05-09-19.xls
### Sources and Uses of TIF for All Phases

#### Sources

Assumptions:

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#### Uses

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</table>

**TOTAL USES:** $6,699,174

*The above "sources" and "uses" for the Project are estimates based upon the assumptions of Redeveloper and are subject to change.*
EXHIBIT "G"

Cost-Benefit Analysis
(Pursuant to Neb. Rev. Stat. § 18-2113)

The cost-benefit analysis for the Project, described in the attached Redevelopment Plan, which will utilize funds authorized by section 18-2147 of the Act, is below:

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

   The City and Dodge County will continue to allocate the taxes generated by the base value of the Project Site between the relevant taxing jurisdictions pursuant to the Act. Only the incremental taxes created by the Project will be captured to pay for the project's eligible public expenditures. Since the incremental taxes would not exist without the use of TIF to support the Project, the true tax shift of the Project is a positive shift in taxes after 15 years. However, for the purposes of illustrating the incremental taxes used for TIF, the estimated 15 year tax shift for the Project is set forth below:

   Assumptions:

<table>
<thead>
<tr>
<th>Assumption</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Base Tax Amount of Project Site</td>
<td>$696,390</td>
</tr>
<tr>
<td>Post-Redevelopment Valuation</td>
<td>$19,656,375</td>
</tr>
<tr>
<td>Tax Levy</td>
<td>2.0845580</td>
</tr>
<tr>
<td>TIF Revenues/Year</td>
<td>$391,280</td>
</tr>
<tr>
<td>Total TIF Revenues</td>
<td>$5,869,200</td>
</tr>
</tbody>
</table>

   Notes:

   The numbers above represent the aggregate of all three phases collected over the course of 17 years (i.e., Phase One: year 1 – 15; Phase Two: year 2-16; and Phase Three: year 3-17).

   The Base Tax Amount provided above is the assessed value of the Project Site in 2018.

   The projected TIF Revenues are 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 2018 levy rate is assumed to be the levy rate.
2. Public infrastructure and community public service needs impacts and local tax impacts arising from the approval of the Project:

   a. Public infrastructure improvements and impacts:

      Redeveloper will construct or extend water and sewer systems to provide appropriate service to the Project Site; and Redeveloper will fill and grade the Project Site to provide for effective surface water runoff. Redeveloper also anticipates the construction of electric utilities extending to the residences within the Project Site. It is the intent of this Redevelopment Plan that such infrastructure and site preparation are paid for by the Redeveloper and reimbursed by TIF. Other than the construction or extension of the utilities and infrastructure detailed above, Redeveloper and the City anticipate that the existing public facilities and utilities can adequately meet the demands of the Project.

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

      The Project should create material tax and other public revenue for the City and other local taxing jurisdictions. While the use of TIF will defer receipt of a majority of new ad valorem real property taxes generated by the Project, the Project should generate immediate revenues for the City. The Project and new residences therein will require and pay for City services. Additionally, the City will benefit from the sales tax charged on materials used to construct the Project. Redeveloper and the Agency do not anticipate that the Project will have any material adverse impact on such City services, but will generate revenue providing support for those services.

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

   Other than the management and leasing offices for the apartment complex, Agency and Redeveloper do not anticipate that any employers will locate within the Project Site. However, the Project will provide additional housing for employees in the area. The Agency and Redeveloper do not anticipate that the Project will have an adverse impact on employers and employees of firms locating or expanding within the boundaries of the area of the Project Site.

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 Project:

   The Project should have a material positive impact on private sector businesses surrounding the Project Site. The Project will provide much needed housing in the community, which will benefit employers, employees, and the City in general. Further, the residences
constructed as part of the Project should increase the need for services and products from existing businesses, such as household products and general consumer services.

The Agency and Redeveloper do not anticipate that the Project will have a negative impact on local employers. Construction of the apartment complex should create a pool of additional employees in the City and/or additional housing options for current employees.

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

Due to the targeted demographic of the apartment complex, the Project will not result in the addition of school-aged children to the school district. The school district will not receive taxes from the residences built during the time the increased taxes are utilized to pay the TIF Indebtedness. The school district has received state aid to education in the past. Part of the school aid formula involves assessed valuation in the school district. The valuation that generates the TIF Indebtedness payments is not included in the formula and does not count against the state aid that the school district would receive. Taxes on any increase in the base value of the land will benefit the school district. After the TIF Indebtedness is paid, or at the end of the respective 15 years of division of taxes, whichever is sooner, the increased valuation from the residential construction will be available to and benefit the school district.

6. **Other impacts determined by the Agency to be relevant to the consideration of costs and benefits arising from the Project:**

The Project Site is blighted and contains substandard conditions that are a detriment to the City as a whole. The Project will revitalize and occupy a vacant space without negatively impacting the surrounding businesses or straining the public infrastructure. There are no other material impacts determined by the City or Agency relevant to the consideration of the cost or benefits arising from the Project. As such, the benefits of the Project outweigh the costs.
Staff Report

TO: Planning Commission
FROM: Jennifer L. Dam, AICP, Planning Director
DATE: June 11, 2019
SUBJECT: Request for a Conditional Use Permit for a 39 unit multi-family complex

RECOMMENDATION: Conditional Approval with the conditions that an updated landscape plan meeting the requirements of 11-813 ti 11-816 is provided and that the complex meet all other local, state and federal laws, permits and requirements.

Background:

This is a request for approval of a conditional use permit for a 39 unit multi-family complex. The proposal is on property generally described as Lot 7 Sunridge Place Addition.

The area to the west, north and east is under development and is zoned UR, Urban Residential. The area to the south is zoned LI, Light Industrial and is developed with the city’s solar farm and utility plant. The area is separated from the LI area by a collector roadway.

The area of application is zoned UR, Urban Residential which allows a maximum of 24 units per acre. The site contains 3.25 acres. The proposed density is 12 units per acre- half of the maximum allowed by Table 11-602.01 of the UDC.

The proposed complex consists of four buildings with 39 three and four bedroom units. A community center is included in one of the buildings.

The proposed site includes a playground, a community garden and a barbeque patio.

The property was zoned R-4 in 2017. Multi-family units were permitted uses at the time.

The UDC was adopted in January, 2018 and the zoning was updated to UR, Urban Residential. Multi-family uses were permitted uses at that time.

A change to the zoning regulations was approved by the City Council in April, 2018 which changed multi-family uses to conditional uses in the UR, Urban Residential zoning district.

The use of this property for multi-family residential units has been discussed since the time preliminary plat and final plat and zoning changes had public hearings and action by the Planning Commission and City Council in 2017 and 2018.

11-316.05.B Identifies criteria for approval of a Conditional Use Permit.
11-316.05.B.1 states that “the conditional use shall not be of a type that would tend to undermine the implementation of an adopted plan that includes the lot or tract proposed for development.

Finding: The use of this property for multi-family residential units has been discussed since the time preliminary plat and final plat and zoning changes had public hearings and action by the Planning Commission and City Council in 2017 and 2018. The proposal will provide needed rental housing for families.

11-316.05.B.2 states “The conditional use shall be compatible with surrounding land uses and the natural environment, and will not materially detract from the character of the immediate area or negatively affect the planned or anticipated development or redevelopment trajectory.”

Finding: The proposal is compatible with the industrial uses to the south and the future mixed density residential uses to the west, north and east. The proposed was anticipated during the zoning and platting of the area thus is compatible with the future development of the area.

11-316.05.B.3 states “There is no practicable alternative location where the use is permitted as-of-right within 1,000 feet of the lot or tract proposed for development, or if such a location exists, the proposed location is more favorable in terms of: a) providing a needed community service; b) providing a critical mass of jobs that are likely to pay more than the median wages for the region; c) providing a balance of land uses, ensuring that appropriate supporting activities, such as employment, housing, leisure-time, and retail centers are in close proximity to one another; or d) making more efficient use of public infrastructure, such as off-peak street capacity.

Finding: There is not a site within 1,000 feet in which the multi-family complex would be permitted as-of-right. The multi-family complex was anticipated as the zoning and plats were moving through the approval process. The multi-family complex will provide a needed community service.

11-316.06.B.4 states “The approval of the conditional use will not create a critical mass of similar conditional uses that is likely to discourage permitted uses by making the area less desirable.”

Finding: The proposed multi-family complex was anticipated at the time of development as were other multi-family uses in the vicinity. At the time of zoning approval multi-family units were permitted by right. Approval of the conditional use permit will not create a critical mass that will discourage permitted uses or make the area less desirable.
11-316.06.B.5 states “The conditional use and any conditions of development shall adequately protect public health and safety against natural and man-made hazards which include, but are not limited to, traffic noise, water pollution, airport hazards, and flooding.

Finding: The proposed multi-family complex does not create man-made hazards. There will not be a significant increase in traffic noise. The use will not create water pollution— a SWPP permit will be required prior to land disturbance. The proposal does not impact and is not near the airport. A grading and drainage plan was approved with the preliminary plat and there will not be an increase in flooding as a result of this proposal.

11-316.06.B.6 states “The conditional use will not use an unfairly disproportionate share of public services that would compromise the delivery of those services to other uses in the vicinity. Applicable public services include, but are not limited to, utilities, police protection, fire protection, schools, parks, and libraries.”

Finding: The proposed use will not use an unfairly disproportionate share of public services. The impact on public services was considered at the time that the change of zone and preliminary plat was approved. A playground and a community garden are being included on the site for the use of the residents.

11-504.01.B states Multi-family Dwellings are permitted if it is demonstrated that:

1. “They are located greater than 300 feet from either R, MH, BP, LI, GI, AV or PO district boundaries as measured from the boundary lines nearest each other, unless separated from such district by a Type B bufferyard or a collector or arterial roadway:

Finding: The proposed multi-family development is separated by a collector roadway from the LI district to the south.

2. “They are located greater than 300 feet from any other multiple family development, as measured from the boundary lines nearest each other:

Finding: There are no other multi-family developments in the area.

3. “There are no more than 12 units per acre.”

Finding: The proposed density is 12 units per acre.

4. The use operates in accordance with all other applicable federal, state and local laws and, if additional permits are required, such permits were obtained prior to beginning operation.”

Finding: This will be a condition of approval in the resolution.
The site plan shows 62 parking stalls - three more than the minimum requirement of 1.5 stalls per dwelling unit as required by Table 11-803.02.01.

The site plan shows bicycle parking per the requirements of 11-803.06.C.

The setbacks shown meet the minimum requirements of a 25 foot front yard, 15 foot rear yard and 13 foot side yard per 11-602.02.02. The proposed development also appears to meet the 65% maximum building coverage ratio. Specific details will be provided at the time of building permit.

A conceptual landscape plan was provided. However, an updated landscape plan drawn to scale, with specific plant materials and locations identified and meeting the requirements of 11-813 to 11-816 is required.

A sign permit meeting the requirements of 11-825.02.01 will be required for the complex sign.

**Staff Recommendation:** The proposal meets the requirements delineated in the UDC as outlined above. Staff recommends Conditional Approval with the requirements that an updated landscape plan meeting the requirements of 11-813 to 11-816 is provided and that the complex meet all other local, state and federal laws, permits and requirements.
Location Map
The map below illustrates the location of the Subject.
Project Data:
3.26 Acres 141,880 sf
25 - Three Bedroom Garden Units
1 - Three Bedroom Garden Accessible Unit
1 - Three Bedroom Garden S/I Accessible Unit
11 - Four Bedroom Garden Apt
1 - Four Bedroom Accessible Garden Apt
99 Total Units
57 Standard Parking Spaces
5 Accessible Parking Spaces
62 Total On Site Parking Spaces

Sunridge Apartments
Fremont, Nebraska
Jack Sutton Drive

CAPSTONE

Sheet No: A-1

Webster Design
Building 1
Street Front Elevation

Sunridge Apartments
Fremont, Nebraska
Sunridge Apartments
Fremont, Nebraska
TO: Planning Commission
FROM: Jennifer L. Dam, AICP, Planning Director
DATE: June 11, 2019
SUBJECT: Request for a Conditional Use Permit to expand the May Museum (public assembly)

RECOMMENDATION: Approval conditioned upon receipt of all other applicable federal, state, and local permits.

Background:

This is a request for approval of an amendment of a conditional use permit to expand a public assembly/cultural center, specifically to expand the May Museum by building a carriage house.

The proposed carriage house will be similar in size, design and location to the original carriage house that was on the property.

The proposal is on property generally located at 17th St. and Nye Avenue.

The area of application is zoned SR, Suburban Residential and is developed with the May Museum, an historic house.

The surrounding area is zoned SR, Suburban Residential. It is developed with apartments to the west and a church and parking lot to the south. Single family residential uses are to the north and east.

11-316.05.B Identifies criteria for approval of a Conditional Use Permit.

11-316.05.B.1 states that “the conditional use shall not be of a type that would tend to undermine the implementation of an adopted plan that includes the lot or tract proposed for development.

Finding: The proposed conditional use permit will not undermine the implementation of a plan. It will enhance the museum as it recreates the historic carriage house.

11-316.05.B.2 states “The conditional use shall be compatible with surrounding land uses and the natural environment, and will not materially detract from the character of the immediate area or negatively affect the planned or anticipated development or redevelopment trajectory.”

Finding: The museum exists. The proposed carriage house is compatible with the surrounding uses.
11-316.05.B.3 states "There is no practicable alternative location where the use is permitted as-of-right within 1,000 feet of the lot or tract proposed for development, or if such a location exists, the proposed location is more favorable in terms of: a) providing a needed community service; b) providing a critical mass of jobs that are likely to pay more than the median wages for the region; c) providing a balance of land uses, ensuring that appropriate supporting activities, such as employment, housing, leisure-time, and retail centers are in close proximity to one another; or d) making more efficient use of public infrastructure, such as off-peak street capacity.

Finding: There is no alternate location for this particular use as it is specifically associated with the museum.

11-316.06.B.4 states "The approval of the conditional use will not create a critical mass of similar conditional uses that is likely to discourage permitted uses by making the area less desirable."

Finding: The proposed expansion will not make the area less desirable.

11-316.06.B.5 states "The conditional use and any conditions of development shall adequately protect public health and safety against natural and man-made hazards which include, but are not limited to, traffic noise, water pollution, airport hazards, and flooding.

Finding: The proposed use will protect the public health and safety.

11-316.06.B.6 states "The conditional use will not use an unfairly disproportionate share of public services that would compromise the delivery of those services to other uses in the vicinity. Applicable public services include, but are not limited to, utilities, police protection, fire protection, schools, parks, and libraries."

Finding: The proposed expansion will provide a public service.

11-504.02.I states: Public Assembly facilities are permitted if it is demonstrated that:

1. They are located greater than 300 feet from either GI or AV district boundaries, as measured from the boundary lines nearest each other, unless separated from such district by a type B bufferyard or a local, collector, or arterial roadway;
   Finding: The proposed use is farther than 300 feet from a GI or AV district.

2. Primary access to the site is from a collector or arterial roadway;
   Finding: Access is from a collector roadway.

3. Adequate precautions have been taken on behalf of the operator so as not to create an undue burden on neighboring properties via traffic, parking, and noise;
Finding: The proposed expansion includes additional parking and circulation on the site. Arrangements have been made with the Church to the south to share their parking lot during large events.

4. The use operates in accordance with all other applicable federal, state, and local laws and, if additional permits are required, such permits were obtained prior to beginning operation.
Finding: This will be a condition of the permit.

**Staff Recommendation:** Approval conditioned upon receipt of all other applicable federal, state, and local permits.
NONEXCLUSIVE LICENSE AGREEMENT

THIS NONEXCLUSIVE LICENSE AGREEMENT (this "Agreement") is entered into as of this 20th day of May 2019, by and between ST. TIMOTHY LUTHERAN CHURCH ELCA, a Nebraska Nonprofit Corporation ("St. Timothy"), and DODGE COUNTY HISTORICAL SOCIETY OF FREMONT, NEBRASKA, a Nebraska Nonprofit Corporation ("DCHS").

PRELIMINARY STATEMENT

A. St. Timothy is the owner of church facilities and surrounding parking area located at 538 West 16th Street, Fremont, Nebraska; and,

B. DCHS leases the Louis E. May Museum owned by Dodge County, Nebraska, consisting of a log cabin and other facilities together with a surrounding parking area located at 1643 North Nye Avenue, Fremont, Nebraska; and,

C. St. Timothy has agreed to allow DCHS and its visitors to utilize St. Timothy’s parking stalls on a non-exclusive basis in accordance with the terms of this Agreement; and, further,

D. DCHS has agreed to allow St. Timothy and its visitors to utilize DCHS’s parking stalls on a non-exclusive basis in accordance with the terms of this Agreement.

NOW, THEREFORE, for and in consideration of the foregoing recitals and the mutual covenants and agreements set forth herein, St. Timothy and DCHS hereby agree as follows:

1. PARKING STALL LICENSE FROM ST. TIMOTHY TO DCHS. St. Timothy hereby grants DCHS and its employees, invitees and visitors (collectively, "Licensee Parties") with a license to utilize parking stalls located on the St. Timothy premises at all times other than times in which St. Timothy is engaged in regular or specially planned worship services as well as other planned events requiring the utilization by St. Timothy of such stalls. St. Timothy reserves the right to otherwise utilize its parking areas at all times subject to the terms of this Agreement.

2. PARKING STALL LICENSE FROM DCHS TO ST. TIMOTHY. DCHS hereby grants to St. Timothy and its employees, invitees and visitors (collectively, "Licensee Parties") with a license to utilize parking stalls located on the DCHS premises at all times other than times in which DCHS is engaged in regular or specially planned events requiring the utilization by DCHS of such stalls. DCHS reserves the right to otherwise utilize its parking areas at all times subject to the terms of this Agreement.

3. LICENSE FEE. No license fees will be charged by either party in connection with this Agreement.

4. TERM. This term of this Agreement shall be perpetual and shall continue until such time as either party elects to terminate this Agreement. In the event that either party elects to terminate this Agreement, then such party shall provide not less than 12 months’ advance written notice to the other party stating the intent to terminate this Agreement and this Agreement shall thereupon terminate 12 months after the date of the delivery of such written notice from the terminating party to the non-terminating party.

5. DODGE COUNTY, NEBRASKA. Dodge County, Nebraska, the owner of the property and improvements located at 1643 North Nye Avenue shall be deemed to be an intended beneficiary of this Agreement and of the rights granted to DCHS, subject to the specific terms of this Agreement.
6. **MISCELLANEOUS.**

6.1 **Entire Agreement.** This Agreement constitutes the entire understanding between the parties with respect to the transaction contemplated herein, and all prior or contemporaneous oral agreements, understandings, representations and statements, and all prior written agreements, understandings, letters of intent and proposals are merged into this Agreement. Except as otherwise expressly provided herein, neither this Agreement nor any provisions hereof may be waived, modified, amended, discharged or terminated except by an instrument in writing signed by the party against which the enforcement of such waiver, modification, amendment, discharge or termination is sought, and then only to the extent set forth in such instrument.

6.2 **Assignment.** Neither this Agreement nor any rights granted under this Agreement may be assigned by either party.

6.3 **No Recording.** The rights granted under this Agreement to either party shall not create any interest in real property. The rights granted hereunder constitute a license and do not constitute a lease. Neither this Agreement nor any memorandum thereof shall be recorded, and the act of recording by either party shall be deemed an event of default by either party hereunder.

6.4 **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Nebraska.

6.5 **Construction of Agreement.** In construing this Agreement, all headings and titles are for the convenience of the parties only and shall not be considered a part of this Agreement. Whenever required by the context, the singular shall include the plural and the masculine shall include the feminine and vice versa. This Agreement shall not be construed as if prepared by one of the parties, but rather according to its fair meaning as a whole, as if both parties had prepared it.

6.6 **Partial Invalidity.** The provisions hereof shall be deemed independent and severable, and the invalidity or partial invalidity or enforceability of any one provision shall not affect the validity of enforceability of any other provision hereof.

6.7 **Counterparts.** This Agreement may be executed in multiple counterparts and shall be valid and binding with the same force and effect as if all parties had executed the same Agreement. A fully executed facsimile copy or pdf of this Agreement shall be effective as an original.

IN WITNESS WHEREOF, the undersigned have executed this Agreement as of the date first set forth above.

ST. TIMOTHY LUTHERAN CHURCH ELCA, 
By: Dean R. Carstensen 
Name: Dean R. Carstensen 
Its: Church Treasurer

DODGE COUNTY HISTORICAL SOCIETY, 
By: Elizabeth J. Petersen 
Name: Elizabeth J. Petersen 
Its: EXECUTIVE BOARD MEMBER
To the Office of County Surveyor

In compliance with Section 15 of L.B. No. 153 Serial No. 182 Nebraska State Statutes 1957, I, the undersigned registered Land Surveyor, do hereby, submit for filing, the following, legal description, plat, and transcript of field notes.

Legal Description: Survey and Plat of Part of Block 11 and Midland College Subdivision of Part of Block 11, Nye Haultsne Addition to Fremont, Dodge County, Nebraska.

Plat to scale showing plot surveyed with all pertinent points.

STATE OF NEBRASKA, DODGE COUNTY, SS

For record this 4 day of Oct., 1967, at 2:03 p.m., all recorded to Book 779, page 1, by

By

Deputy

Date of Survey August 1, 1967
Survey Ordered By

http://registerofdeeds.com/RegisterofDeeds/Plats%20jpeg/Plat%20350B.jpg
MAIN FLOOR PLAN

Scale: 1/8" = 1'-0"

BOSCHULT ENGINEERING CO
340 W. 22nd  721-1017
Fremont, NE 68025
5/16/19
Staff Report

TO: Planning Commission
FROM: Jennifer L. Dam, AICP, Planning Director
DATE: June 11, 2019
SUBJECT: Request for a Conditional Use Permit to collocate telecommunications equipment on an existing tower and add an area for base equipment

RECOMMENDATION: Approval

Background:
This is a request for approval of an amendment of a conditional use permit for a wireless communications facility to allow the co-location of additional equipment on an existing tower and to allow an additional area for base equipment on the ground.

The proposal is on property generally located at 600 S Main, described as attached.

The area of application is zoned GI, General Industrial.

The area to the west is zoned LI, Light Industrial, the areas to the north, east and south are zoned and developed as GI General Industrial.

The proposal consists of adding a platform with handrails, antennas, radio heads, associated equipment and an additional 10’ by 15’ leased area for base equipment to an existing wireless communications tower.

11-316.05.B Identifies criteria for approval of a Conditional Use Permit.

11-316.05.B.1 states that “the conditional use shall not be of a type that would tend to undermine the implementation of an adopted plan that includes the lot or tract proposed for development.

Finding: The site is zoned GI, General Industrial and is developed with industrial uses. This is a request to co-locate on an existing tower. The proposal will not undermine an adopted plan.

11-316.05.B.2 states “The conditional use shall be compatible with surrounding land uses and the natural environment, and will not materially detract from the character of the immediate area or negatively affect the planned or anticipated development or redevelopment trajectory.”

Finding: The proposed use is compatible with the surrounding area.
11-316.05.B.3 states “There is no practicable alternative location where the use is permitted as-of-right within 1,000 feet of the lot or tract proposed for development, or if such a location exists, the proposed location is more favorable in terms of: a) providing a needed community service; b) providing a critical mass of jobs that are likely to pay more than the median wages for the region; c) providing a balance of land uses, ensuring that appropriate supporting activities, such as employment, housing, leisure-time, and retail centers are in close proximity to one another; or d) making more efficient use of public infrastructure, such as off-peak street capacity.

Finding: This proposal is preferable to construction of a new tower. The proposed location is favorable in terms of aesthetics, providing a balance of land uses and making more efficient use of existing resources.

11-316.06.B.4 states “The approval of the conditional use will not create a critical mass of similar conditional uses that is likely to discourage permitted uses by making the area less desirable.”

Finding: The proposal enhances the area by minimizing the need for additional wireless communication towers in the vicinity.

11-316.06.B.5 states “The conditional use and any conditions of development shall adequately protect public health and safety against natural and man-made hazards which include, but are not limited to, traffic noise, water pollution, airport hazards, and flooding.

Finding: There are no hazards or harm to the public health and safety.

11-316.06.B.6 states “The conditional use will not use an unfairly disproportionate share of public services that would compromise the delivery of those services to other uses in the vicinity. Applicable public services include, but are not limited to, utilities, police protection, fire protection, schools, parks, and libraries.”

Finding: The proposed use will not use a disproportionate share of public services.

This proposal is to co-locate on an existing tower. Thus the applicable section of 11.504.04 DD. States “Telecommunication Towers are permitted if it is demonstrated that:

2. Tower facilities are designed to be aesthetically and architecturally compatible with the surrounding built environment, as recommended by the planning commission and approved by the city council; associated support buildings are also designed with materials that are consistent with those in the adjacent and surrounding areas (metal exteriors are not be permitted for support accessory buildings)

Finding: The proposed addition is compatible with the surrounding uses.

4. Co-location. It is the policy of the city to encourage the co-location of new communication towers with existing towers or as part of suitable existing structures.
This is for the purpose of minimizing the number of telecommunication sites. All applications for approval of a communication tower location shall include evidence that all potential alternatives for location on existing towers or suitable buildings has been explored and exhausted. Applicants may not be denied space on an existing tower within the city or extra-territorial jurisdiction unless mechanical, structural, or regulatory factors prevent co-location. a. No wireless telecommunication facility owner or operator shall unfairly exclude a telecommunication competitor from using the same facility or location. Upon request by the city, the owner or operator shall provide evidence stating why co-location is not possible.

Finding: This is a proposal to co-locate that is consistent with the City’s policy

Staff Recommendation: Approval: The proposal is consistent with City policy to encourage co-location and is compatible with the surrounding land uses.
Generalized area of application
May 6, 2019

Planning and Zoning
Attn: Don Simon/Jennifer Dam
City of Fremont, NE
400 E. Military
Fremont, NE 68025
(402) 727-6236

RE: Zoning Application on behalf of T-Mobile Central LLC for existing SBA tower located at 600 S. Main Street, Fremont, NE 68025 (ON04037B_NE11085-A-02)

Dear Don/Jennifer:

Enclosed please find the Zoning application for the above site. Enclosed please find the following:

- Zoning application fees ($300.00)
- Zoning Application
- 6409 Letter stating Federal approval regulations
- Legal Descripton
- Redacted Easement Agreement with Property Owner
- Survey
- (3) Engineering Structural Analysis
- (3) Construction Drawings showing placement of T-Mobile equipment on existing tower

If you have any questions or need anything further, please contact me at the number or email listed below.

Thank you,

Cheri Edwards
Cheri Edwards
12431 Cambridge Circle
Leawood, KS 66209
(913) 400-3677 +O
(816) 289-0110 +C
chedwards@sbasite.com
Your Signal Starts Here.
Quitclaim Deed dated September 27, 2016 and recorded October 17, 2016 in Instrument No. 201604967.

Tax Parcel No. 270062552

Said interest being over land more particularly described by the following description:

Exclusive Easement

Situated in the City of Fremont, County of Dodge and State of Nebraska. Known as being part of Tax Lot 30 in Section 23, Township 17 North, Range 8 East of the 6th P.M., Dodge County, Nebraska, and being a 1,800 square foot Exclusive Easement Area over and upon a parcel of land now or formerly conveyed to J & R. Store More, LLC, a Nebraska limited liability company as recorded in Document No. 201604967 of Dodge County records and being more particularly described as follows:

Commencing at a point on the easterly right-of-way of Platte River Bridge Road, said point being the southwesterly corner of said J & R Store More, LLC lands;
Thence along said right-of-way, North 00°10'53" East a distance of 35.67 feet to a point;
Thence South 89°49'07" East a distance of 176.84 feet to the Point of Beginning;

Thence North 00°00'00" East a distance of 60.00 feet to a point;
Thence South 90°00'00" East a distance of 30.00 feet to a point;
Thence South 00°00'00" West a distance of 60.00 feet to a point;
Thence North 90°00'00" West a distance of 30.00 feet to the Point of Beginning and containing
0.041 acres (1,800 square feet) of land, more or less.

Access and Utility Easement

Non-Exclusive Access & Utility Easement:

Situated in the City of Fremont, County of Dodge and State of Nebraska. Known as being part of Tax Lot 30 in Section 23, Township 17 North, Range 8 East of the 6th P.M., Dodge County, Nebraska, and being a 4,984 square foot Non-Exclusive Access & Utility Easement over and upon a parcel of land now or formerly conveyed to J & R. Store More, LLC, a Nebraska limited liability company as recorded in Document No. 201604967 and Document No. 201604966 of Dodge County records and being more particularly described as follows:
Commencing at a point on the easterly right-of-way of Platte River Bridge Road, said point being the southwesterly corner of said J & R Store More, LLC lands;
Thence along said right-of-way, North 00°10'53" East a distance of 12.11 feet to a point;
Thence South 90°00'00" East a distance of 206.91 feet to a point;
Thence North 00°00'00" East a distance of 48.83 feet to the Point of Beginning;

Thence continuing North 00°00'00" East a distance of 12.00 feet to a point;
Thence South 90°00'00" East a distance of 37.75 feet to a point;
Thence North 00°00'00" East a distance of 328.88 feet to a point;
Thence South 90°00'00" East a distance of 32.66 feet to a point;
Thence North 00°00'00" East a distance of 4.11 feet to a point;
Thence South 89°59'00" East a distance of 12.00 feet to a point;
Thence South 00°00'00" West a distance of 16.11 feet to a point;
Thence North 90°00'00" West a distance of 32.66 feet to a point;
Thence South 00°00'00" West a distance of 328.88 feet to a point;
Thence North 90°00'00" West a distance of 49.75 feet to the Point of Beginning and containing
0.114 acres (4,984 square feet) of land, more or less.
Non-Exclusive Utility Easement:

Situated in the City of Fremont, County of Dodge and State of Nebraska. Known as being part of Tax Lot 30 in Section 23, Township 17 North, Range 8 East of the 6th P.M., Dodge County, Nebraska, and being a 4,236 square foot Non-Exclusive Utility Easement over and upon a parcel of land now or formerly conveyed to J & R Store More, LLC, a Nebraska limited liability company as recorded in Document No. 201604967 of Dodge County records and being more particularly described as follows:

Commencing at a point on the easterly right-of-way of Platte River Bridge Road, said point being the southwesterly corner of said J & R Store More, LLC lands; Thence along said right-of-way, North 00°10’53” East a distance of 4.11 feet to the Point of Beginning; Thence continuing North 00°10’53” East a distance of 8.00 feet to a point; Thence South 90°00’00” East a distance of 206.91 feet to a point; Thence North 00°00’00” East a distance of 100.11 feet to a point; Thence North 90°00’00” West a distance of 206.60 feet to a point; Thence North 00°10’53” East a distance of 8.00 feet to a point; Thence South 90°00’00” East a distance of 214.57 feet to a point; Thence South 00°00’00” West a distance of 116.11 feet to a point; Thence North 90°00’00” West a distance of 214.94 feet to the Point of Beginning and containing 0.097 acres (4,236 square feet) of land, more or less.
GENERAL SITE NOTES:

1. CONTRACTOR WILL NOT START CONSTRUCTION UNTIL AFTER THEY HAVE RECEIVED THE PRE-CON PACKAGE AND HAVE A PRE-CON WALK WITH THE PROJECT MANAGER.

2. CONTRACTOR TO HIRE PUBLIC (811) AND PRIVATE LOCATING SERVICE IN ORDER TO LOCATE AND PROTECT ALL SURFACE UTILITIES. DO NOT SCALE OFF THESE PLANS FOR ANY BELOW GRADE UTILITIES.

3. CONTRACTOR SHALL VERIFY ALL EXISTING BURIED AND OVERHEAD UTILITIES PRIOR TO EXCAVATION. CONTRACTOR SHALL REPAIR ALL DAMAGED UTILITIES AT HIS OWN COST AND COORDINATE ANY REPAIRS WITH RESPECTIVE UTILITY COMPANY.

4. CONTRACTOR SHALL VERIFY ALL HEIGHTS AND ADJUSTMENTS IN FIELD PRIOR TO CONSTRUCTION. CONTRACTOR SHALL NOTIFY T-MOBILE AND ENGINEERING FIRM IF ANY DISCREPANCIES BEFORE PROCEEDING.

5. CONTRACTOR SHALL RESTORE AND REPAIR ANY DAMAGED AREAS CAUSED BY CONSTRUCTION.
EXISTING COMPOUND

EXISTING UTILITY FRAME TO BE UTILIZED

EXISTING HANDHOLE

EXISTING CARRIER ICE BRIDGE

EXISTING CARRIER EQUIPMENT SHELTER

EXISTING CHAIN LINK FENCE

EXISTING GRAVEL COMPOUND

EXISTING DOUBLE SWING ACCESS GATE

NEW T-MOBILE 10'-0" X 15'-0" LEASE AREA (SEE C-3 FOR ENLARGED EQUIPMENT PLAN)

EXISTING MONOPOLE

EXISTING HANDHOLE

EXISTING CARRIER EQUIPMENT SHELTER

EXISTING COMPOUND

EXISTING CARRIER ICE BRIDGE

EXISTING CHAIN LINK FENCE

EXISTING GRAVEL COMPOUND

EXISTING DOUBLE SWING ACCESS GATE

NEW T-MOBILE 10'-0" X 15'-0" LEASE AREA (SEE C-3 FOR ENLARGED EQUIPMENT PLAN)
NEW 12" ICE BRIDGE TO BE INSTALLED. SEE 1/C-5

NEW 200A PPC TO BE INSTALLED

NEW MODULE H-FRAME (SEE 4/A-7 & A-8):
   • (2) NEW UMTS FSMF'S
   • NEW ABIA CAPACITY MODULES
   • NEW ABIA SYSTEM MODULE WITH PLINTH
(1) NEW ASIA CORE MODULE
(1) NEW ABIL CAPACITY MODULE

NEW FREE-SLAVE GPS ANTENNA TO BE INSTALLED. SEE 2/A-4

NEW CIENA TO BE INSTALLED. SEE 2/A-3

NEW GFCI/LIGHT SWITCH WITH TIMER

NOTE: W-T’S SCOPE OF WORK DOES NOT INCLUDE A STRUCTURAL EVALUATION OR DESIGN OF THE T-MOBILE GROUND EQUIPMENT PLATFORM.

NEW T-MOBILE 10'-0" X 15'-0" LEASE AREA

EXISTING CARRIER ICE BRIDGE

EXISTING MONOPOLE

EXISTING CHAIN LINK FENCE

EXISTING UTILITY FRAME TO BE UTILIZED

EXISTING T-MOBILE PEDESTAL

EXISTING HANDHOLE

NEW FYGA GPS ANTENNA TO BE INSTALLED. SEE 2C/A-5

EXISTING METER CENTER TO BE UTILIZED FOR ELECTRICAL CONNECTION. FINAL ROUTE AND CONNECTION TO BE VERIFIED IN FIELD PRIOR TO CONSTRUCTION