AGENDA

1. Call to Order.

2. Roll Call.

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

4. Dispense with the reading and approve the minutes of the July 8, 2019 Special Meeting as prepared.

5. Consider a request by 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. THIS ITEM WAS CONTINUED FROM THE JULY 8, 2019 SPECIAL PLANNING COMMISSION MEETING.
   - Staff Report
   - Public Hearing
   - Commission discussion and approval or disapproval

6. Consider a request by Timothy Bryson for a conditional use permit to construct a private campground at 797 North County Rd 19 & 839 N County Rd 19, generally located South of Lake #20, Fremont State Lakes.
   - Staff Report
   - Public Hearing
   - Commission discussion and approval or disapproval

7. Consider a request by Brian and Sherry Wiese for a conditional use permit to construct a private campground at 755 Co Rd 19.
   - Staff Report
   - Public Hearing
   - Commission discussion and approval or disapproval
8. Consider a request by Myra Katherine Hale for conditional use permit for a child care center at 1949 E. Military Avenue, Fremont, Nebraska.

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

9. Consider a request by April Ross for a change of zoning from Light Industrial to Suburban Commercial at 2407 Colorado Avenue.

   • 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 Bowen, Borisow, Landholm, Horeis, Gifford, Nielsen, and Carlson were present. Commissioner Sawyer was absent. Eight Commissioners present – a quorum was established.

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

Chairman Sookram read the item: dispense with the reading and approve the minutes of the May 20, 2019 Regular Meeting as prepared into the record. It was moved by Commissioner Landholm and seconded by Commissioner Gifford to approve the minutes of the May 20, 2019 Regular Meeting as prepared. A roll call vote showed all eight Commissioners present voting aye. Motion carried unanimously.

Chairman Sookram read the item: Consider a request by Shiny & Dry, LLC for approval of a sign plan for Tommy's Express Carwash at 2323 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 comments from the public. It was moved by Commissioner Gifford and seconded by Commissioner Carlson to approve the sign plan conditioned upon provision of illumination levels of the electronic message center, and assurance that the illumination level will be reduced at night. A roll call vote showed all eight Commissioners present voting aye. Motion carried unanimously.

Chairman Sookram read the item: 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 55+ Apartment Project, generally described as Lots 1 & 2 Fountain Springs 2nd Subdivision, Lot 2 Fountain Springs 3rd Subdivision and Lots 1 & 2 Fountain Springs 4th Subdivision and more generally 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 Borisow and seconded by Commissioner Landholm to approve the request for Amendment to the Redevelopment Plan for the 23rd and Bell area, to identify a specific project, the Fountain Springs 55+ Apartment Project and finding that the proposed amendment is consistent with the Comprehensive Plan. A roll call vote showed all eight Commissioners present voting aye. Motion carried unanimously.

Chairman Sookram read the item: Consider a request by 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, 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 Nielsen to approve the 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, with the conditions 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. A roll call vote showed all eight Commissioners present voting aye. Motion carried unanimously.

Chairman Sookram read the item: Consider a request by 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, into the record and stated that the developer requested this item be continued until the July 15, 2019 Planning Commission Meeting. It was moved by Commissioner Landholm and seconded by Commissioner Borisow to continue the request by 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 until the July 15, 2019 Planning Commission Meeting. A roll call vote showed all eight Commissioners present voting aye. Motion carried unanimously.

Chairman Sookram read the item: Consider a request by Cheri Edwards to expand a Conditional Use Permit on behalf of SBA Towers II LLC and T-Mobile Central LLC to add new equipment and lease area 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 into the record. The Planning Director presented her staff report and recommendation. Chairman Sookram opened the public hearing. Chairman Sookram closed the public hearing after receiving no comments from the public. It was moved by Commissioner Borisow and seconded by Commissioner Bowen to approve the Conditional Use Permit to add new equipment to the existing SBA tower and add a 10’ by 10’ leased space within the existing SBA lease area at 600 S. Main. A roll call vote showed all eight Commissioners 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 Nielsen to adjourn the meeting. A roll call vote showed all eight Commissioners present voting aye. Motion carried unanimously. Meeting was adjourned at approximately 5:34 p.m.

APPROVED

_____________________________________
Dev Sookram, Chairman

ATTEST

________________________________
Director of Planning
Staff Report

TO: Planning Commission

FROM: Jennifer L. Dam, AICP, Planning Director

DATE: July 15, 2019

SUBJECT: Request for a Conditional Use Permit to expand the May Museum (public assembly)

RECOMMENDATION: Approval conditioned upon meeting all other applicable federal, state, and local permits, and that all local, state and federal regulations be followed.

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, and that all local, state and federal regulations be followed.
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, plot, and transcript of field notes.

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

Plot to scale showing plot surveyed with all pertinent points.

1" = 100'

STATE OF NEBRASKA, DORSE COUNTY, ss.
I, a notary public, do certify that the foregoing instrument was duly executed by me on the 4th day of Oct., 1957, and is, in all respects, a true copy of the original instrument.

[Signature]
Notary Public

Date of Survey: August 1, 1957
Survey Ordered By:

[Date]

http://registerofdeeds.com/RegisterofDeeds/Plats%20jpeg/Plat%20350B.jpg
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: Executing Board Member
Staff Report

TO: Planning Commission
FROM: Jennifer L. Dam, AICP, Planning Director
DATE: July 15, 2019

SUBJECT: Request for a Conditional Use Permit to operate a campground

RECOMMENDATION: Conditional approval with the conditions that a revised site plan be provided that is drawn to scale and shows the specific locations of the camping pads and structures on the site, that a flood plain development permit be approved, that all state and local regulations related to well water and septic tanks be adhered to, and that all local, state and federal regulations be followed.

Background:
This is a request by Tim Bryson for approval of Conditional Use Permit to operate a campground for tents and campers. Air boating and outdoor recreation are already provided on the site.

The proposal is on property generally located at 797 N County Rd 19 & 839 N County Rd 19 (South of Lake #20, Fremont State Lakes).

The area is zoned R, Rural and has been developed as an outdoor recreational facility that offers air boating. The surrounding area is zoned R, Rural and is developed with cabins along the river, the state lakes (with camping facilities) and lake homes.

The property is within the 1% flood plain and large portions are within the flood way. Camping and campers are allowed within the flood way provided that they are not in place longer than 6 months, do not have permanent hook ups to utilities, and are in a “road ready” condition.

The site was flooded during the spring of 2019. The applicant is in the process of rebuilding his facilities. A flood plain development permit will be required.

The County Sheriff was contacted and expressed no concerns about the proposed use.

The Rural Fire Department was contacted but did not respond.

An adequate site plan showing dimensions of the site, specific locations of the camping pads, buildings, structures, setbacks, drives, parking areas, well locations, and septic locations is required.

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: A camp ground is an appropriate use along the river and will not undermine the implementation of 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 which is primarily devoted to river and lake residential and recreational 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: Campgrounds are an appropriate use on the river and adjacent to other camping facilities.

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 will not make the area less desirable. The flood plain and the flood way limit the ability of the property to be developed.

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 be required to obtain a flood plain development permit. There should be minimal traffic noise. The site is not in an airport zone. Water pollution should not be an issue, state permits are required for any septic system that is installed.

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 compromise or use a disproportionate share of public services.

11-504.002 (J) states:

"J. Campgrounds are permitted if it is demonstrated that:

1. They are located greater than 300 feet from either SR, AR, MH, GI or AV district boundaries, as measured from the boundary lines nearest each other, unless separated from such district by a type C bufferyard or a collector, or arterial roadway;"

The proposed application is more than 300 feet from a SR, AR, MH, GI or AV district.

2. "Primary access to the site is from a collector or arterial roadway;"

Access to the site is from a rural collector road.

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;"

There will not be an undue burden via traffic, parking and noise.

4. "Plumbing systems and equipment shall be constructed, installed and maintained in accordance with the most recently adopted version of the plumbing code with a minimum number of fixtures provided in accordance with R-2 occupancy classifications" (occupancy loads are calculated at a rate of four occupants per site);

The existing lavatories and well on site will be utilized. Campers will be required to use the facilities that are on board and remove their waste at an off-site dump station. The applicant does not propose to expand the septic system at this time.

5. "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."

Compliance with all federal, state and local permits is required.

**Staff Recommendation:** Conditional approval with the conditions that a revised site plan be provided that is drawn to scale and shows the specific locations of the camping pads and structures on the site, that a flood plain development permit be approved, that all state and local regulations related to well water and septic tanks be adhered to, and that all local, state and federal regulations be followed.
Generalized Area of Application
This location will have 6 RV's parked at a time. Come and go as they feel the need, May 1 through October 15.
This location will have 6 RV's parked & can come May 1 through October 15.
Staff Report

TO: Planning Commission
FROM: Jennifer L. Dam, AICP, Planning Director
DATE: July 15, 2019

SUBJECT: Request for a Conditional Use Permit to operate a private campground

RECOMMENDATION: Conditional approval with the conditions that a revised site plan be provided that is drawn to scale and shows the specific locations of the camping pads and structures on the site, that a flood plain development permit be approved, that all state and local regulations related to well water and septic tanks be adhered to, and that all local, state and federal regulations be followed.

Background:
This is a request by Brian and Sherry Wiese for approval of Conditional Use Permit to operate a private campground for camper pad sites for family and friends.

The proposal is on property generally located at 755 N County Rd 19.

The area is zoned R, Rural and has been developed as a private residence. The surrounding area is zoned R, Rural and is developed with cabins along the river, the state lakes (with camping facilities) and lake homes.

The property is within the 1% flood plain and large portions are within the flood way. Camping and campers are allowed within the flood way provided that they are not in place longer than 6 months, do not have permanent hook ups to utilities, and are in a “road ready” condition.

The site was flooded during the spring of 2019. A flood plain development permit will be required.

The County Sheriff was contacted and expressed no concerns about the proposed use.

The Rural Fire Department was contacted but did not respond.

An adequate site plan showing dimensions of the site, specific locations of the camping pads, buildings, structures, setbacks, drives, parking areas, well locations, and septic locations is required.

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: A camp ground is an appropriate use along the river and will not undermine the implementation of 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 which is primarily devoted to river and lake residential and recreational 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: Campgrounds are an appropriate use on the river and adjacent to other camping facilities.

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 will not make the area less desirable. The flood plain and the flood way limit the ability of the property to be developed.

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 be required to obtain a flood plain development permit. There should be minimal traffic noise. The site is not in an airport zone. Water pollution should not be an issue, state permits are required for any septic system that is installed.

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 compromise or use a disproportionate share of public services.

11-504.002 (J) states:

“J. Campgrounds are permitted if it is demonstrated that:

1. They are located greater than 300 feet from either SR, AR, MH, GI or AV district boundaries, as measured from the boundary lines nearest each other, unless separated from such district by a type C bufferyard or a collector, or arterial roadway;”

The proposed application is more than 300 feet from a SR, AR, MH, GI or AV district.

2. “Primary access to the site is from a collector or arterial roadway;”

Access to the site is from a rural collector road.

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;”

There will not be an undue burden via traffic, parking and noise.

4. “Plumbing systems and equipment shall be constructed, installed and maintained in accordance with the most recently adopted version of the plumbing code with a minimum number of fixtures provided in accordance with R-2 occupancy classifications (occupancy loads are calculated at a rate of four occupants per site);”

The existing lavatories and well on site will be utilized. Campers will be required to use the facilities that are on board and remove their waste at an off-site dump station. The applicant does not propose to expand the septic system at this time.

5. “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.”

Compliance with all federal, state and local permits is required.

Staff Recommendation: Conditional approval with the conditions that a revised site plan be provided that is drawn to scale and shows the specific locations of the camping pads and structures on the site, that a flood plain development permit be approved, that all state and local regulations related to well water and septic tanks be adhered to, and that all local, state and federal regulations be followed.
Generalized Area of Application
CO Rd 19

Brian and Sherry Wiese

755 CO Rd 19

Existing House

Existing Garage

Approx 7 acres

Proposed Camper Locations

Platte River
Staff Report

TO: Planning Commission
FROM: Jennifer L. Dam, AICP, Planning Director
DATE: July 15, 2019
SUBJECT: Request for a Conditional Use Permit to expand the Pearl Academy Daycare by adding infant facilities

RECOMMENDATION: Approval conditioned upon receiving state licensing and compliance with all applicable state and local laws and regulations.

Background:
This is a request for approval of a conditional use permit to expand a daycare to add infant and toddler facilities. There would be 12 infants, 24 toddlers, 7 staff and a director.

The proposal is located at 1949 East Military, which is a bay in a commercial strip center on property described as Tax Lot 128 located in S 24, T17N, R8E, Fremont, Nebraska.

The area is developed as a commercial strip center.

The police chief and fire chief reviewed this proposal and neither had concerns.

The area of application is zoned SC, Suburban Commercial.

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 a child care facility will not undermine the implementation of 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 proposal is compatible with a commercial strip center and will be used in coordination with an existing child care facility that is already on the premises.
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 use would be permitted as-of-right.

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: This will not create a critical mass, will not discourage permitted uses nor will it 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 conditional use will not impact the public health.

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.

11-504.02 (D) states “Child Care Centers are conditionally permitted provided that:

1. Child Care Centers in the R, SR, AR or UR districts may only be permitted in places of public assembly that provide adequate area for off-street circulation, drop-off and parking.”

   This is not in a residential area.

2. “In all instances the site is 300 feet from a MH, LI, GI, AV or PO district as measured from the boundary lines nearest each other, unless separated from such district by a type B bufferyard or a collector or arterial roadway;”

   The site is more than 300 feet from a MH, LI, GI, AV or PO district
3. “Primary access to the site is from a collector or arterial roadway”

   Primary access is from an arterial roadway.

4. “Adequate precautions have been taken on behalf of the operator so as not to create an undue burden on neighboring properties via traffic, parking and noise;”

   The property is in a commercial district with sufficient parking. It will not have an impact greater than other permitted uses.

5. “The application shall be accompanied by the following information a. The number of children and number of staff members on the largest shift; b. A physical description of the facility and a site plan drawn to scale that includes, but is not limited to, property boundaries, structures on the site, the location and arrangement of parking spaces, the traffic circulations pattern, loading and unloading areas, fencing, landscaping, play area, and entrances/exits to such facility. c. Prior to occupancy, such facilities shall comply with all applicable state and local laws and regulations.”

   All of the above information has been provided. State licensing is a condition of approval.

Staff Recommendation: Approval conditioned upon receiving state licensing and compliance with all applicable state and local laws and regulations.
Staff Report

TO: Planning Commission
FROM: Jennifer L. Dam, AICP, Planning Director
DATE: July 15, 2019
SUBJECT: Request for Change of Zone from LI, Light Industrial to SC, Suburban Commercial

Recommendation: Approval

Background:
This is a request to rezone property from Light Industrial, LI to Suburban Commercial, SC. The property described as part of Tax Lot 89, Tax Lot 86, Tax Lot 74, and Tax Lot 40 all located in S10, T17N, R8E and is generally located at the northwest corner of W. 23rd Street and Colorado Avenue.

The area to the north is zoned AR, Auto-urban Residential. The Area to the east is zoned LI, Light Industrial. A strip immediately south is zoned SC, Suburban Commercial. Further south is zoned LI, Light Industrial. The property to the west is zoned SC, Suburban Commercial.

The Future Land Use Map shows this area for “airport” uses. The “Blueprint for Tomorrow” states that “The City will preserve land for future airport development and ensure compatible land uses in contiguous areas”. This application is in a contiguous area. The proposal is consistent with the Comprehensive Plan.

The “Blueprint for Tomorrow” indicates that compatible land uses are non-residential uses such as commercial and industrial uses.

The property had been used by Oriental Trading but is now vacant.

The applicant is interested in using the property for a church, a daycare and a preschool.

Commercial use of the property would be consistent with other uses in the corridor.

The police chief and fire chief reviewed this request in a joint meeting. They have no concerns.

Recommendation: Approval