



**PLANNING COMMISSION MEETING  
MONDAY, October 19, 2020  
City Council Chambers, 400 East Military Avenue, Fremont NE  
5:00 P.M.**

**The Municipal Building is undergoing renovations to install a new elevator. The west side of the building is closed. Please enter through the east door. You can take the stairs to the second floor or access the elevator by going through the lobby.**

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

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

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

**Topic: Planning Commission October 19, 2020  
Time: Oct 19, 2020 05:00 PM Central Time (US and Canada)**

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**Passcode: 027182**

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**+13462487799,,91481147097# US (Houston)**

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**PLANNING COMMISSION MEETING**  
**Monday, October 19, 2020**  
**City Council Chambers, 400 East Military Avenue, Fremont NE**  
**PLANNING COMMISSION MEETING – 5:00 P.M.**  
**AGENDA**

1. Call to Order.
2. Roll Call.
3. Disclosure of Ex Parte communication regarding any item on the agenda.
4. Dispense with the reading and approve the minutes of the September 21, 2020 Meeting as prepared.
5. Introduction of team from Houseal Lavigne who will be updating the UDC and Comprehensive Plan/ Long Range Transportation Plan.
6. A request by David Mitchell for a special exception to Sections 11-615.03 and 11-812(d)(1 and 2) related to all weather surfacing and landscape buffering for a 15.62 acre property generally located at the northwest intersection of County Road S and US Highways 77 & 275, continued from September 21, 2020.
7. A request by Martunus Potgieter on behalf of Sweetwater Inc. for a Conditional Use Permit for soil excavation on approximately 10 acres of property generally located at the southwest corner of the Old Highway 8 cul-de-sac and Highway 275, continued from September 21, 2020.
8. A request by Jerry Heinrichs for a Conditional Use Permit to expand a Non-Standard Use by reducing the setbacks of existing buildings in order to allow the property to be subdivided into two lots on property generally located at Proctor and Dunbar Streets.
9. A request by Charlie Pleskac for a Conditional Use Permit to expand a Non-Standard Use to allow a drive-thru restraint to be reconstructed on property generally located at 22<sup>nd</sup> and Broad Streets.
10. Green and Complete Streets presentation.

11. Adjournment.

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

## PLANNING COMMISSION MINUTES

September 21, 2020

5:00 p.m. Meeting

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

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

Chairman Sookram read the item: dispense with the reading of the minutes of the August 17, 2020 meeting. Commissioner Borisow made a motion to approve the minutes as prepared. Commissioner Landholm seconded the motion. By a roll call vote, Borisow, Gifford, Lathrop, Nielsen, Carlson, Sawyer, Sookram, Landholm and Horeis voted in favor. The motion carried 9-0.

Chairman Sookram read the item: a request by David Mitchell for a special exception to Sections 11-615.03 and 11-812(d)(1 and 2) related to all weather surfacing and landscape buffering for a 15.62 acre property generally located at the northwest intersection of County Road S and US Highways 77 & 275. Chairman Sookram noted that the applicant has requested that this item be continued until the October 19, 2020 Planning Commission meeting. Commissioner Sawyer moved to continue the item until the October 19, 2020 meeting. Commissioner Gifford seconded the motion. By roll call vote, Nielson, Landholm, Sookram, Sawyer, Lathrop, Borisow, Gifford, Horeis and Carlson all voting aye. The motion carried 9-0.

Chairman Sookram read the item: a request by Martunus Potgieter on behalf of Sweetwater Inc. for a Conditional Use Permit for soil excavation on approximately 10 acres of property generally located at the southwest corner of the Old Highway 8 cul-de-sac and Highway 275.

Planning Director Dam stated that she had received several items to distribute including a memo from the Public Works Director, excerpts from the SWPP plan, a letter from a neighbor and an aerial image from a neighbor.

Commissioner Landholm moved to receive the memo from the Public Works Director. Commissioner Gifford seconded the motion. By a roll call vote, Borisow, Gifford, Lathrop, Nielsen, Carlson, Sawyer, Sookram, Landholm and Horeis voted in favor. The

motion carried 9-0. The memo was passed out to the Commission and read aloud by Director Dam. The memo indicated that the submittals comply with the requirements of the UDC and good engineering design. A copy of the letter is included with the minutes.

Commissioner Borisow made a motion to receive the information from the SWPP plan which was seconded by Commissioner Horeis. By a roll call vote, Sookram, Landholm, Carlson, Horeis, Nielsen, Lathrop, Gifford and Borisow voted in favor. The motion carried 9-0. Director Dam handed out two maps from the SWPP plan that show the general area of the proposal in relation to the design for the new interchange for the south by-pass. She pointed out the location of the culverts on the detailed plan and the right-of-way on the expanded map. Copies are included with the minutes.

Commissioner Gifford made a motion to receive the letter from a neighbor. Commissioner Carlson seconded the motion. By a roll call vote, Borisow, Gifford, Lathrop, Nielsen, Carlson, Sawyer, Sookram, Landholm and Horeis voted in favor. The motion carried 9-0. Director Dam passed out copies of the letter and read it aloud. The letter stated the author's concern with water and potential flooding as a result of the project. A copy is included with the minutes.

Commissioner Nielsen made a motion to receive the aerial photo which was seconded by Sawyer. By a roll call vote, Sookram, Landholm, Carlson, Horeis, Nielsen, Lathrop, Gifford and Borisow voted in favor. The motion carried 9-0. Director Dam handed out copies of a photo with red lines indicating an area in which surface water drains. A copy is included with the minutes.

Planning Director Dam then provided her staff report. Chairman Sookram opened the public hearing. Ten members of the public spoke expressing concern about flooding, drainage and a potential building site.

An individual asked to hand out a photo of their back yard with ponding from snow melt just prior to the 2019 flood. Borisow made a motion to receive, which was seconded by Landholm. On a roll call vote, Sookram, Borisow, Nielsen, Carlson, Lathrop, Horeis, Gifford, Sawyer and Landholm voted in favor. The motion carried 9-0. A copy of the map is attached to the minutes.

An individual asked to hand out photos of ponding in the area. Nielsen made a motion to receive which was seconded by Gifford. By a roll call vote, Horeis, Borisow, Gifford, Carlson, Sookram, Landholm, Nielsen, Sawyer and Lathrop voted in favor. The motion carried 9-0. A copy of the photos are attached to the minutes.

Chairman Sookram closed the public hearing and asked for discussion among the Planning Commission. After discussion, the Planning Commission indicated that they wanted additional information regarding the grading and drainage for the proposal.

Commissioner Horeis moved to continue the item to the next meeting with a request for documentation that shows that the natural drainage will be maintained during

construction and a detailed grading plan showing the final grading. Landholm seconded the motion. Commissioner Borisow requested that the Public Works director attend the next meeting to answer questions about the grading and drainage. On a roll call vote Borisow, Gifford, Lathrop, Nielsen, Carlson, Sawyer, Sookram, Landholm and Horeis voted in favor. The motion carried 9-0.

Planning Director Dam provided an update on Comprehensive Plan and UDC interviews. She noted that the interviews went well and that the interview team had recommended one team for both the Comprehensive Plan and UDC updates. She stated that she hoped that a contract could be approved prior to the next meeting so that she could introduce the team.

Chairman Sookram stated he would entertain a motion to adjourn the meeting. It was moved by Commissioner Sawyer and seconded by Commissioner Nielsen to adjourn the meeting. By roll call vote, Nielson, Landholm, Sookram, Sawyer, Lathrop, Borisow Gifford, Horeis and Carlson all voting aye. The motion carried 9-0. Meeting was adjourned at approximately 6:10 p.m.

APPROVED

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Dev Sookram, Chairman

ATTEST

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Jennifer Dam, Director of Planning

## Memo

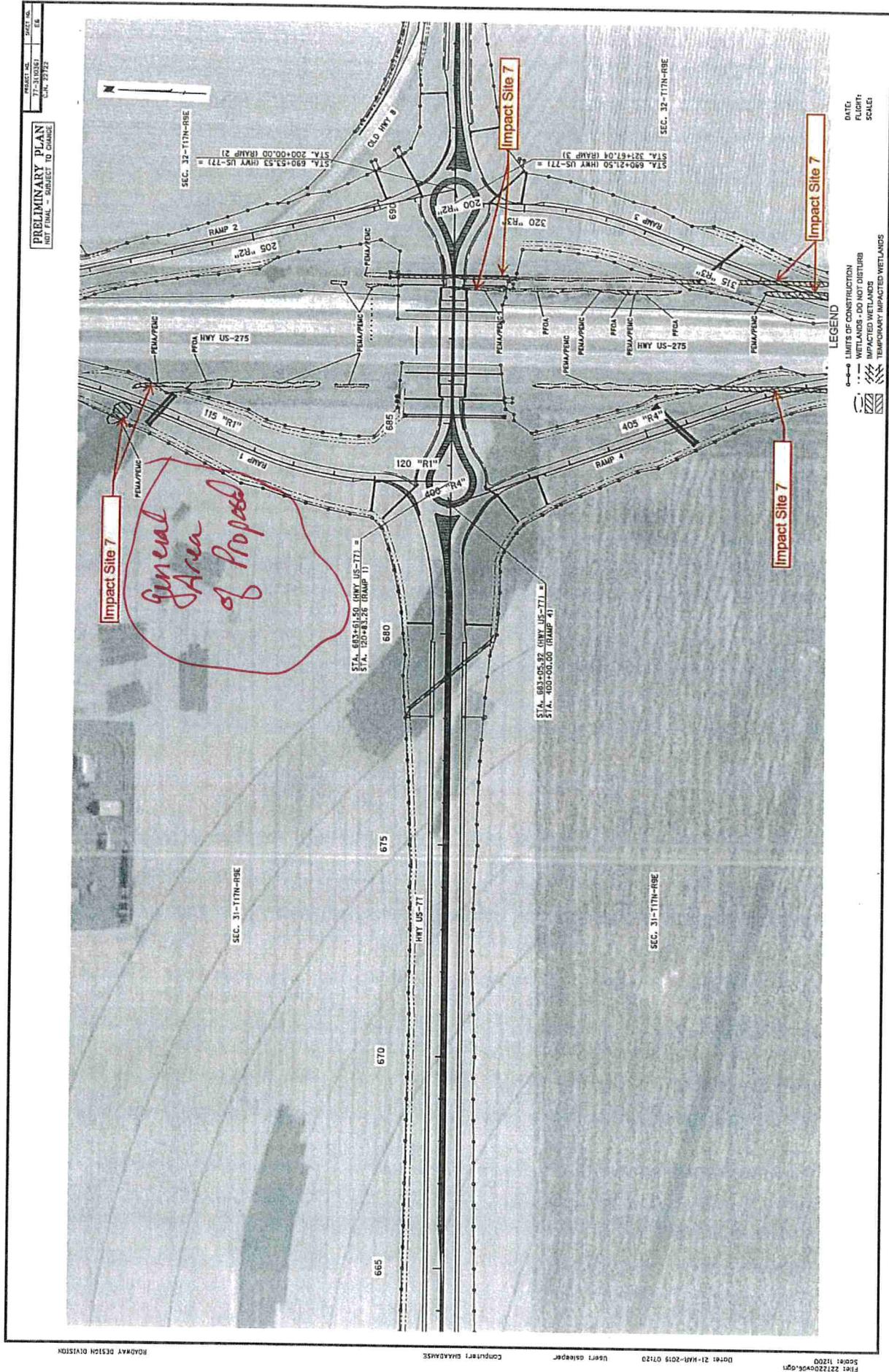
To: Jennifer Dam  
Director of Planning  
From: David Goedeken, P.E.  
Director of Public Works/City Engineer  
Topic: Engineering Review  
Sweetwater Inc., Borrow Site  
Dated: September 21, 2020

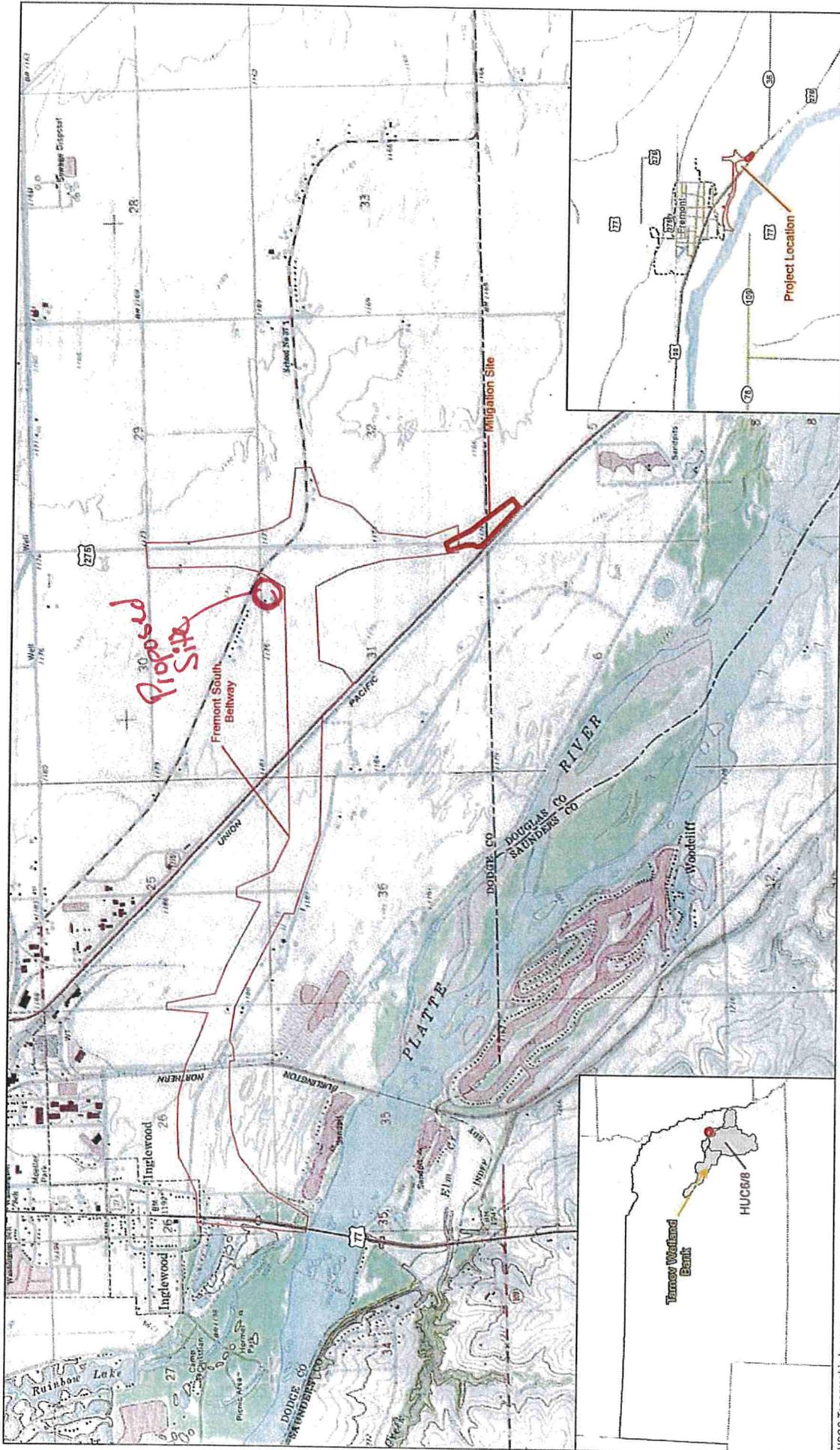
I have reviewed the submittals for the Conditional Use Permit for a Borrow Site. The applicant has submitted a very detailed engineering report on their activities, as well as copies of the SWPP Plan, Erosion Plan, and Wetlands Plan provided by the NDOT in the plansets for the Beltway Project.

As I see it, they intend to build a borrow pit and use the material as fill for the roadway project. The borrow pit will be located on the south side of Old Highway 8 immediately west of Highway 275. The surface water in this location drains generally from the northwest to the southeast. There are drainage ditches on both side of Old Highway 8 and the west side of Highway 275.

### Final Comments:

- The submittals received comply with the requirements of the UDC and good engineering design. The borrow pit will not block the free flow of runoff water, additional during the dryer months when the water level is low there should be a substantial amount of storage capacity to be captured with the pit. The plans don't specifically call this out but the opportunity for storage will be there. Additionally the pit will not hinder the flow of water down the roadside ditches of Old Highway 8 or hinder the flow of surface water from reaching the ditch along Highway 275.





USGS Topographic Imagery  
Nebraska Department of Transportation  
Project Number: NH-77-3(1036)  
CN: 22722

PROJECT LOCATION MAP  
- FIGURE 1  
Fremont SE Beltway  
Dodge County, Nebraska

Dear Planning Commission

Our concern with this plan is water drainage. It would be helpful to see a plan for this concern.

We have had a problem with water leaving the property and causing flooding. We are concerned that this has not been taken into consideration.

It sounds like its going to be a big dam, and back up ever more

I am unable to attend the meeting because of Covid 19 and an underlying health concern.

Virginia Myers

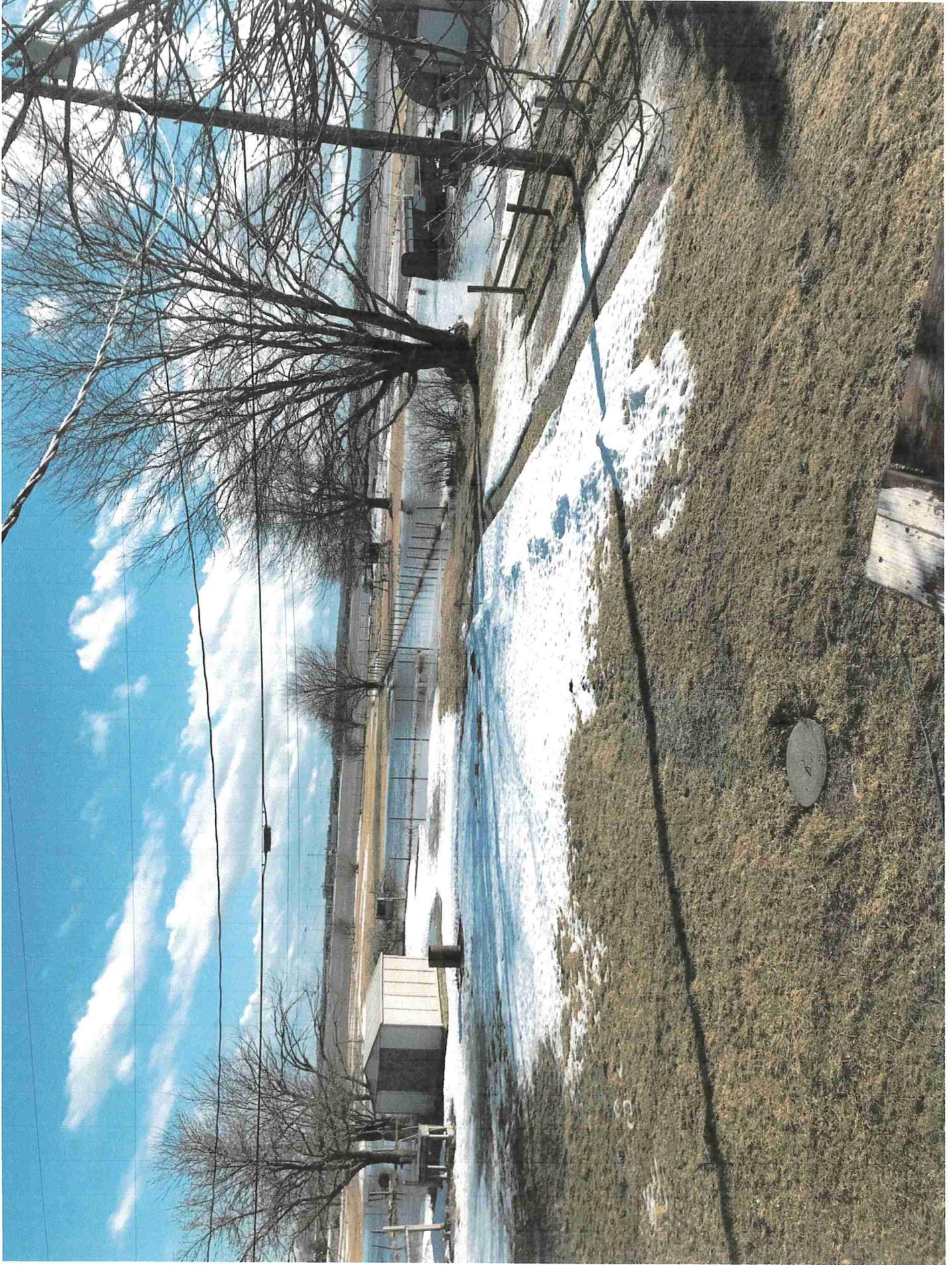
Address

3724 Old Highway 8  
Fremont Ne 68023

map.

669 Old Hwy 8

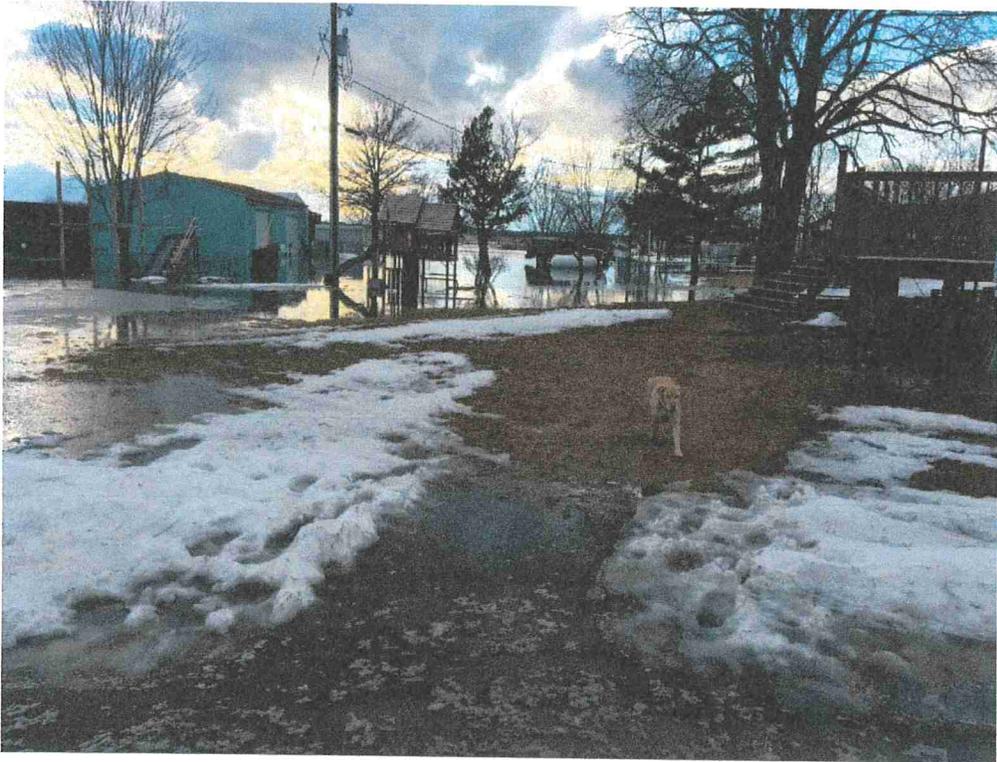
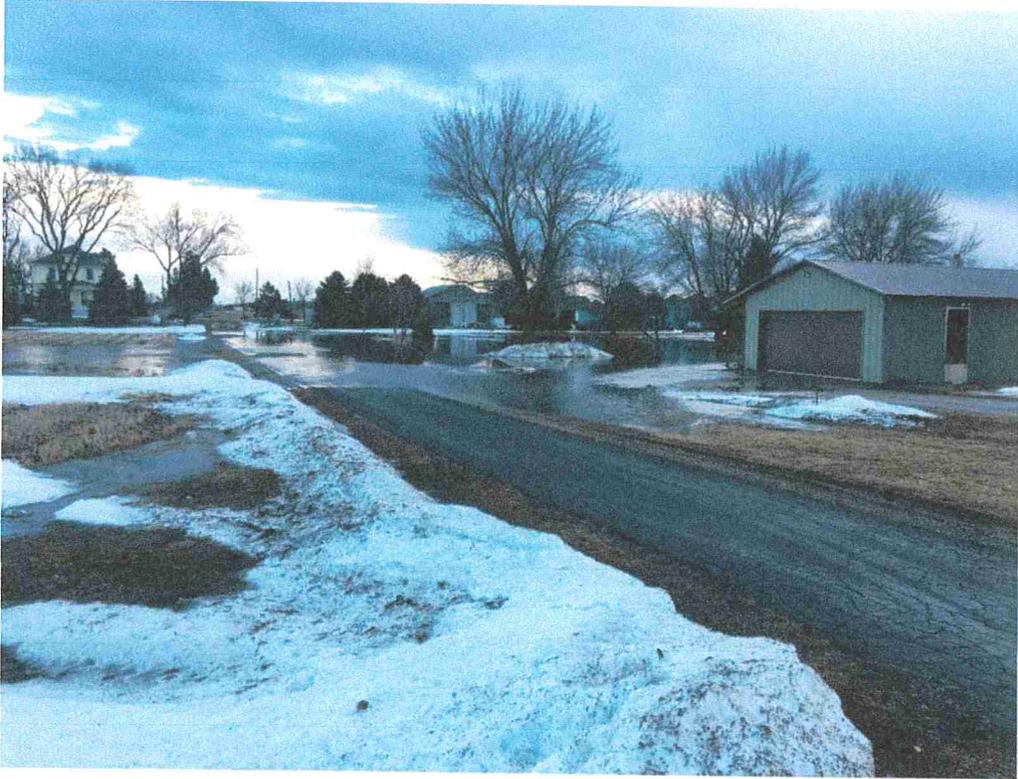




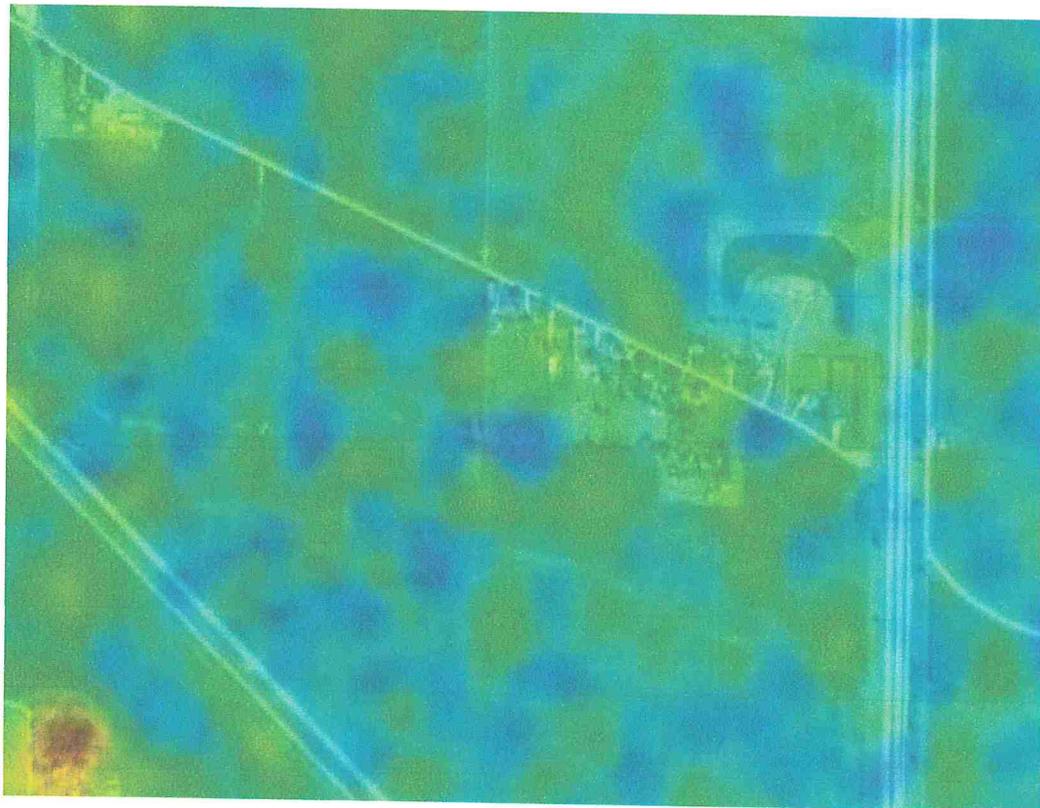
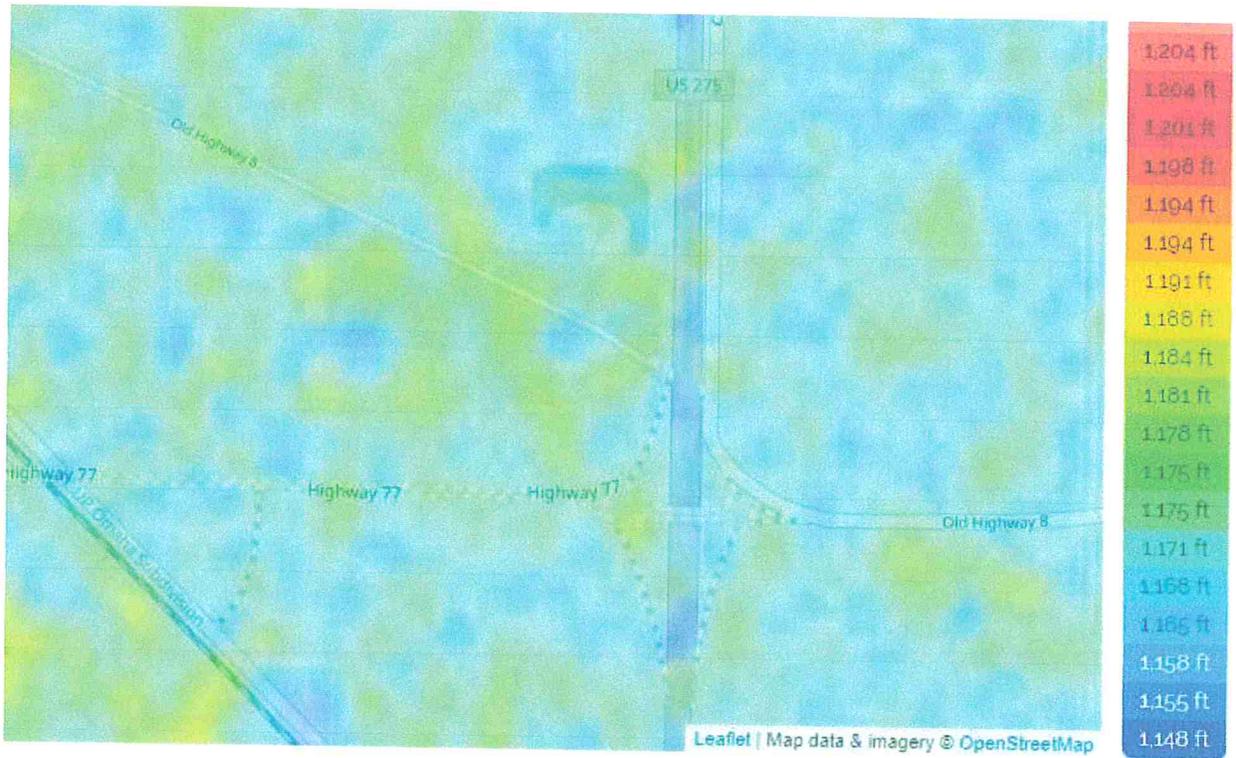


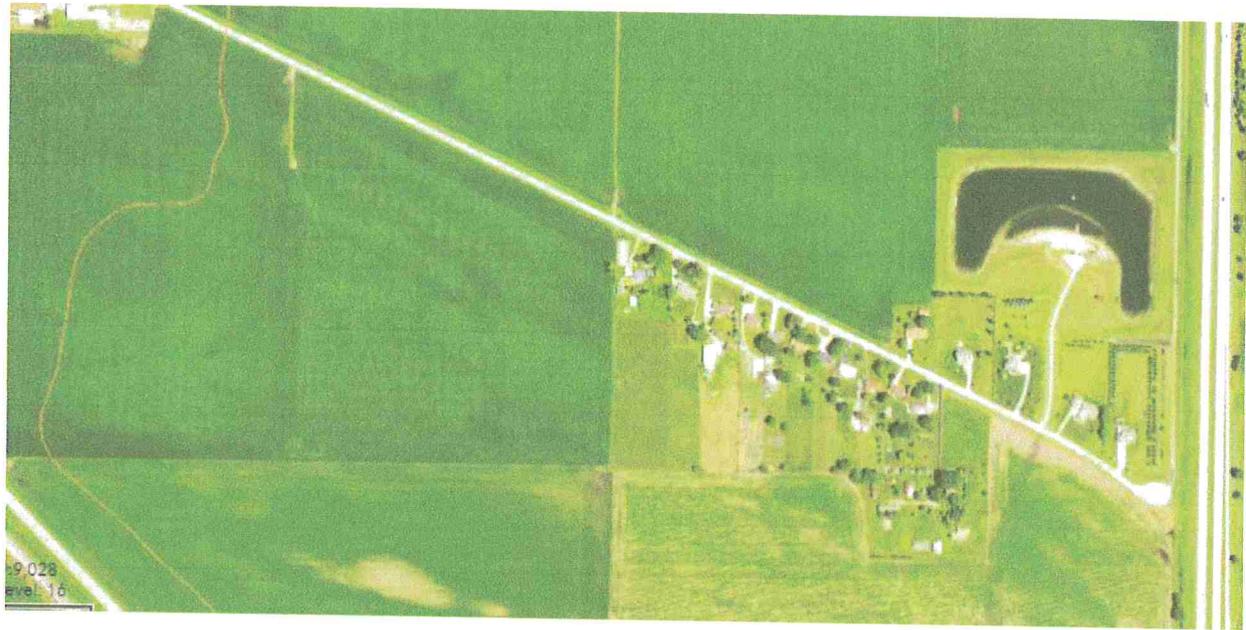












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- **Fremont SE Beltway**

Version 1.0



Prepared for:  
Fremont City Planning

Prepared by:  
Graham Construction Inc

September 2020

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NO TABLE OF FIGURES ENTRIES FOUND.

# FREMONT SE BELTWAY

September 2020

## 1.0 Borrow site overview

The borrow site is located north of the new Fremont SE Beltway, west of the new 275 Expressway. The owner is Sweetwater Inc. Graham propose to purchase a minimum of 250,000 CY from Sweetwater Inc up to a total estimated quantity of 300,000 CY. Currently the site is used for agricultural use.

### 1.1 KEY POINTS FOR BORROW SITE SELECTION

#### 1.1.1 Traffic impacts

The total fill required for the section between OLD 275 and NEW 275 Expressway is approximately 360,000CY. Included in this quantity is approximately 60,000 CY of cohesive material not in sufficient quantities available within the Sweetwater borrow site. Portions of this quantity will require on road truck haul to site.

Using 20 CY per load, the borrow site reduces the amount of truck traffic significantly.

$360,000 \text{ CY} / 20 \text{ CY} = 18,000 \text{ Loads}$  or 100 days (5 months) hauling 180 loads per day.

With the borrow site:

$60,000 \text{ CY} / 20 \text{ CY} = 3,000 \text{ Loads}$  or 17 days (1 month) hauling 180 loads per day.

This reduce the duration of on road truck traffic by 4 months to complete the embankment fill. A significant reduction in truck traffic and associated impact to the general public.

#### 1.1.2 Noise

Construction noise will include the following:

- 1.) Heavy equipment
- 2.) On highway trucks

By using the borrow site, daily production will increase from 3,600 CY per day to approximately 8,000 CY per day. Reducing the duration of construction noise by approximately 45 days or two months.

#### 1.1.3 Storm water run off

The site drains naturally towards the NDOT ROW. Since the borrow site is excavating, water will drain towards the borrow site or towards the NDOT ROW. Attached is our Erosion control Plans for the NDOT Fremont SE Beltway section adjacent to the borrow site. Graham follows BMP's for the whole project.

## **FREMONT SE BELTWAY**

September 2020

### **1.1.4 Topsoil**

Topsoil will be removed prior to excavation of the borrow site and stockpiled. Once the borrow site is completely excavated, the topsoil will be respreads. Landscaping with seeding and planting will be completed by Sweetwater Inc.

### **1.2 PONDING WATER**

The excavation will proceed below the water table so the borrow site will have standing water on completion of the excavation. The excavation will be sloped to 33% or better to establish safe slopes on all sides.

## **2.0 Safety Implications and Controls**

### **2.1 BORROW SITE SAFETY SETUP**

Graham will install signage on the north site of the borrow site as indication on the attached plan. Safety berms will also be installed on both the north and west side of the borrow site while excavation is in progress.

### **2.2 SAFETY IMPLICATION DURING CONSTRUCTION**

The impact to the general public is a significant reduction on highway trucks on all the roads in the area. Graham will access for mobilization from OLD 275 and use off road equipment. The Fremont SE Beltway project once complete is a key bypass south of town linking HWY 77 and the new 275 Expressway. During Phase 1, the construction of this section of the Beltway allows for access to Downing Street once complete off the 275 Expressway.

**FREMONT SE BELTWAY**

September 2020

**Appendix A Site Plan**

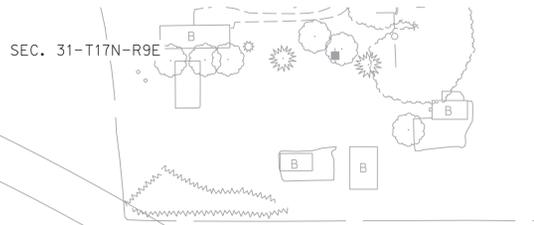


ROADWAY DESIGN DIVISION.

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Scale: 1:100



**DOWNING STREET TO US-275 INTERCHANGE SEGMENT**

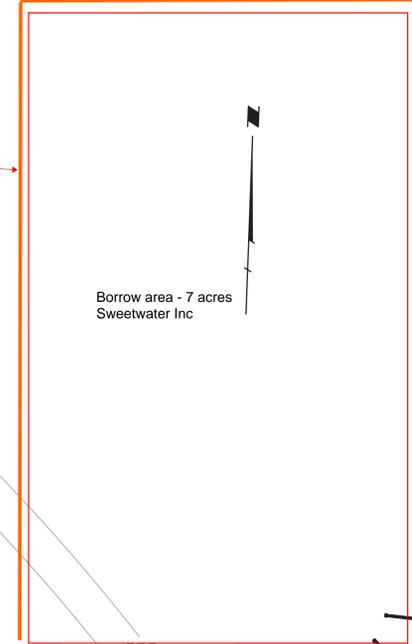
**1**  
PHASE 1B  
CONSTRUCTION SHALL EMPHASIZE COMPLETION OF US-77 FROM DOWNING STREET TO OLD HWY 275 CONNECTOR, INCLUDING UPRR BRIDGE. OPEN TO TRAFFIC FROM DOWNING STREET TO OLD HWY 275 ON BELTWAY.

**B**  
**C**  
PHASE 1C  
US-275 BRIDGE WILL INCLUDE OVERNIGHT CLOSURES FOR GIRDER CONSTRUCTION. DETOUR ROUTE: N-36, OLD HWY 275, MORNINGSIDE. DETOUR ROUTE TO BE COORDINATED WITH CITY OF FREMONT AND DODGE COUNTY.

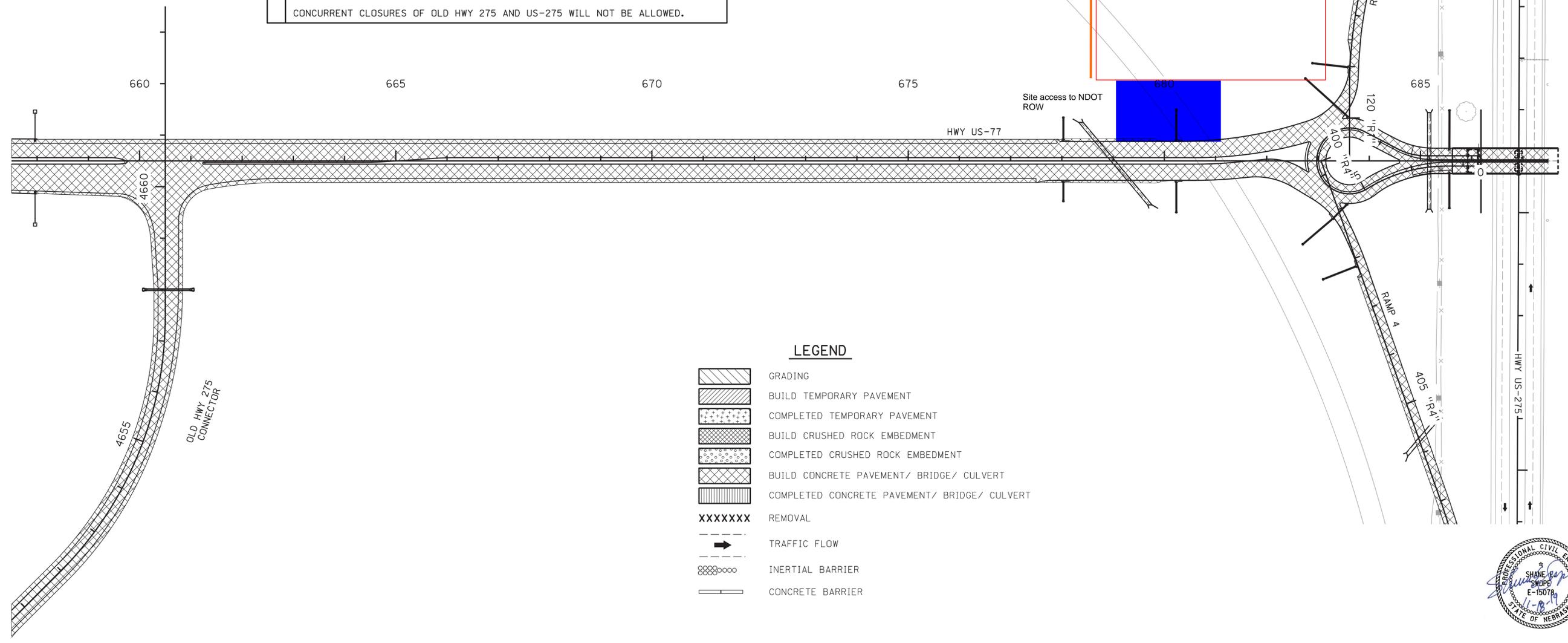
CONCURRENT CLOSURES OF OLD HWY 275 AND US-275 WILL NOT BE ALLOWED.



Open Excavation Signs



Borrow area - 7 acres  
Sweetwater Inc



**LEGEND**

- GRADING
- BUILD TEMPORARY PAVEMENT
- COMPLETED TEMPORARY PAVEMENT
- BUILD CRUSHED ROCK EMBEDMENT
- COMPLETED CRUSHED ROCK EMBEDMENT
- BUILD CONCRETE PAVEMENT/ BRIDGE/ CULVERT
- COMPLETED CONCRETE PAVEMENT/ BRIDGE/ CULVERT
- XXXXXXX** REMOVAL
- TRAFFIC FLOW
- INERTIAL BARRIER
- CONCRETE BARRIER

SEC. 31-T17N-R9E



PHASE 1, CONSTRUCTION  
**PHASING**

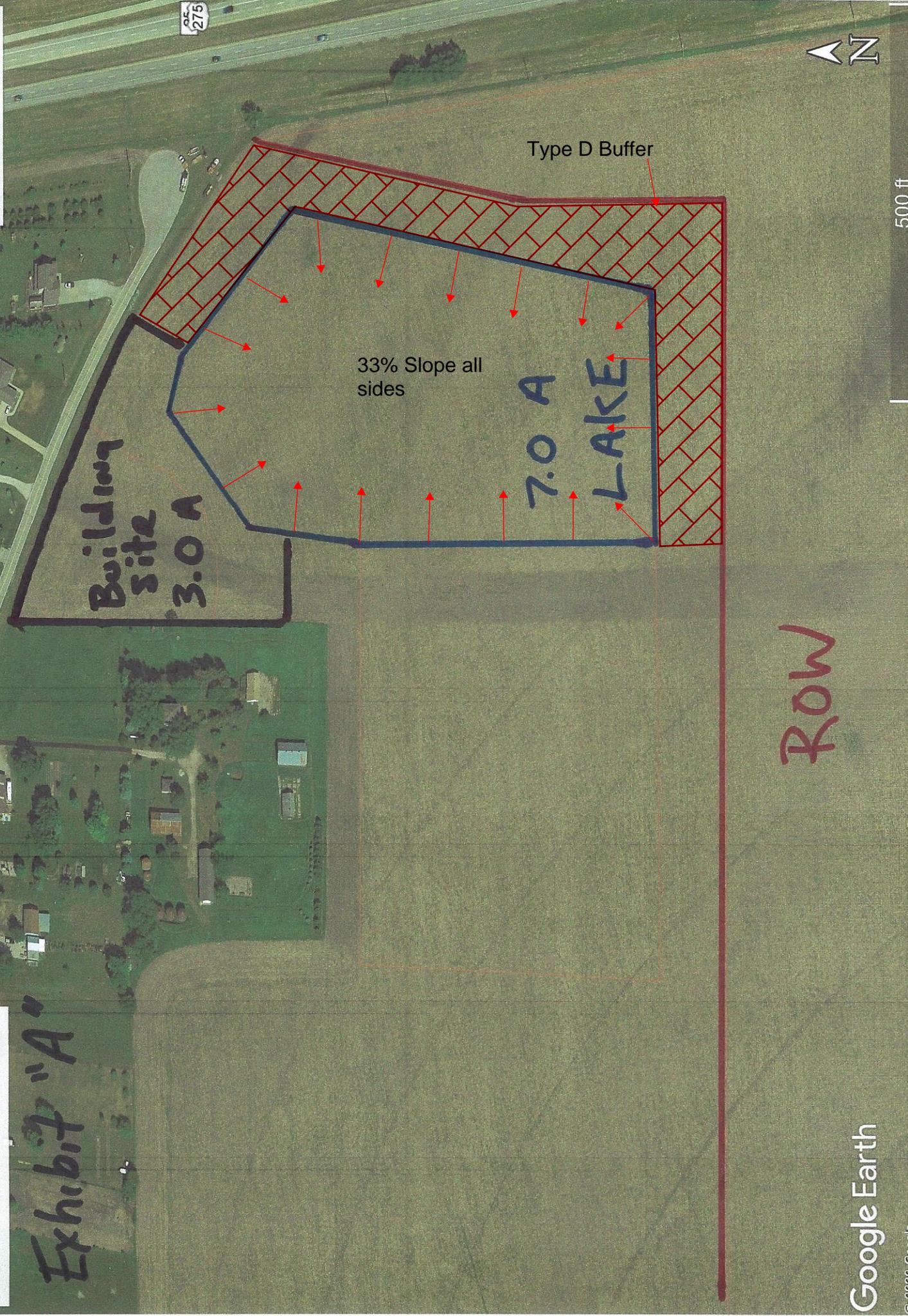
# Untitled Map

Write a description for your map.

Exhibit "A"

## Legend

 Polygon Measure



# **FREMONT SE BELTWAY**

September 2020

## **Appendix B NDOT Fremont SE Beltway Erosion Plans**

BUILD SILT CHECKS, SPECIAL PLAN 21C						
STATION TO	STATION	SIDE	SPACING	TYPE	LIN. FT. EACH	TOTAL LIN. FT.
678+10.00	- 678+54.00	Lt.	-	1-High	Varies	90
679+58.00	- 683+45.00	Rt.	25'	1-High	Varies	588
679+37.00	- 683+22.00	Lt.	25'	1-High	Varies	505
683+90.00	- 686+15.00	Lt.	25'	1-High	Varies	873
684+24.00	- 686+17.00	Rt.	25'	1-High	Varies	587
687+68.00	- 688+00.00	Lt.	25'	1-High	Varies	60
687+68.00	- 688+00.00	Rt.	25'	1-High	Varies	41

BUILD CURB INLET PROTECTION, SPECIAL PLAN 22C			
STATION	SIDE	DESCRIPTION	LIN. FT.
678+03.00	Lt.	Curb Inlet Protection	15
678+03.00	Rt.	Curb Inlet Protection	15
680+23.00	Lt.	Curb Inlet Protection	15
680+23.00	Rt.	Curb Inlet Protection	15

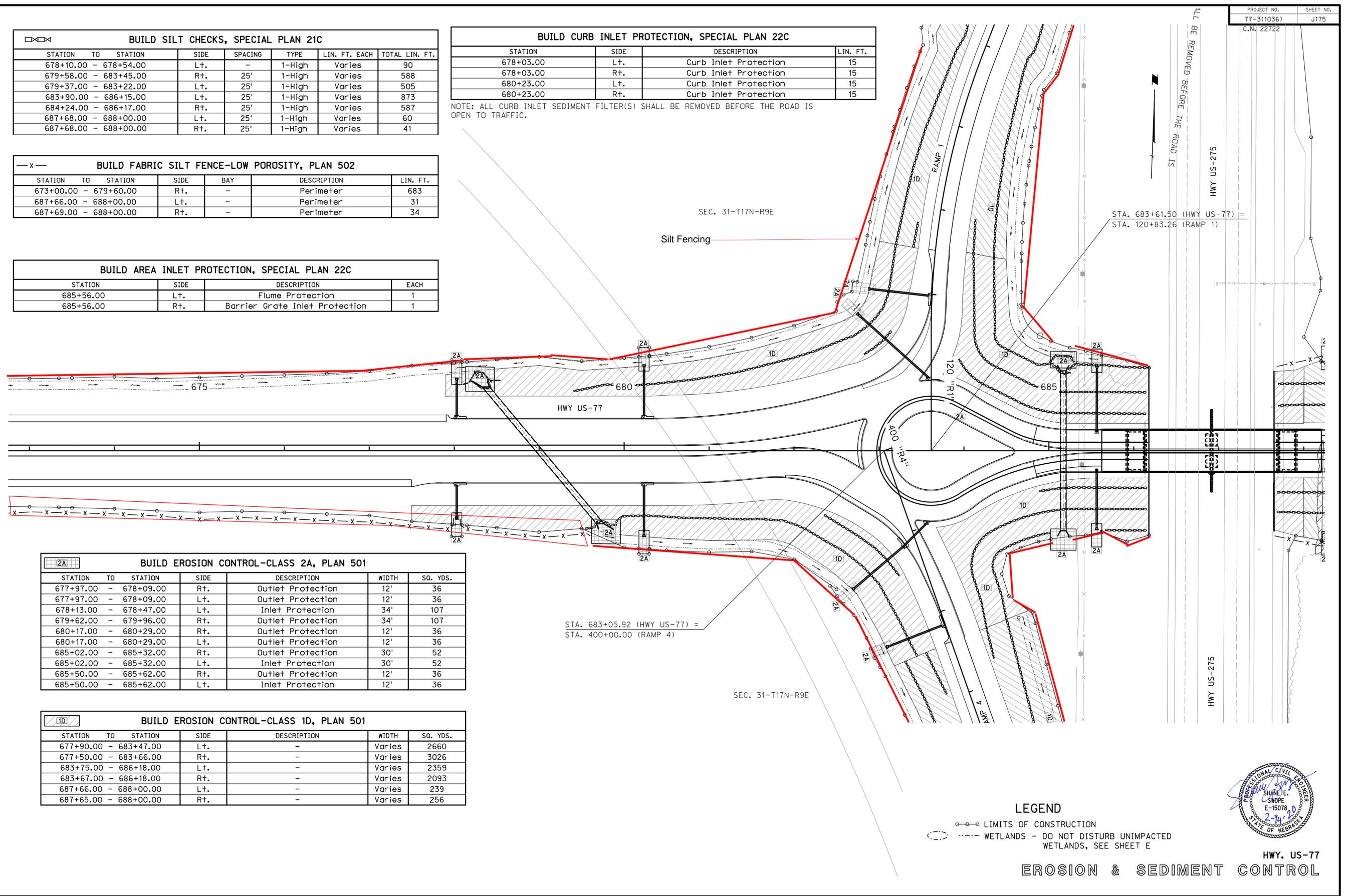
NOTE: ALL CURB INLET SEDIMENT FILTER(S) SHALL BE REMOVED BEFORE THE ROAD IS OPEN TO TRAFFIC.

BUILD FABRIC SILT FENCE-LOW POROSITY, PLAN 502					
STATION TO	STATION	SIDE	BAY	DESCRIPTION	LIN. FT.
673+00.00	- 679+60.00	Rt.	-	Perimeter	683
687+66.00	- 688+00.00	Lt.	-	Perimeter	31
687+69.00	- 688+00.00	Rt.	-	Perimeter	34

BUILD AREA INLET PROTECTION, SPECIAL PLAN 22C			
STATION	SIDE	DESCRIPTION	EACH
685+56.00	Lt.	Flume Protection	1
685+56.00	Rt.	Barrier Gate Inlet Protection	1

BUILD EROSION CONTROL-CLASS 2A, PLAN 501						
STATION TO	STATION	SIDE	DESCRIPTION	WIDTH	SQ. YDS.	
677+97.00	- 678+09.00	Rt.	Outlet Protection	12'	36	
677+97.00	- 678+09.00	Lt.	Outlet Protection	12'	36	
678+13.00	- 678+47.00	Lt.	Inlet Protection	34'	107	
679+62.00	- 679+96.00	Rt.	Outlet Protection	34'	107	
680+17.00	- 680+29.00	Rt.	Outlet Protection	12'	36	
680+17.00	- 680+29.00	Lt.	Outlet Protection	12'	36	
685+02.00	- 685+32.00	Rt.	Outlet Protection	30'	52	
685+02.00	- 685+32.00	Lt.	Inlet Protection	30'	52	
685+50.00	- 685+62.00	Rt.	Outlet Protection	12'	36	
685+50.00	- 685+62.00	Lt.	Inlet Protection	12'	36	

BUILD EROSION CONTROL-CLASS 1D, PLAN 501						
STATION TO	STATION	SIDE	DESCRIPTION	WIDTH	SQ. YDS.	
677+90.00	- 683+47.00	Lt.	-	Varies	2660	
677+50.00	- 683+66.00	Rt.	-	Varies	3026	
683+75.00	- 686+18.00	Lt.	-	Varies	2359	
683+67.00	- 686+18.00	Rt.	-	Varies	2093	
687+66.00	- 688+00.00	Lt.	-	Varies	239	
687+65.00	- 688+00.00	Rt.	-	Varies	256	



**LEGEND**  
 ○—○ LIMITS OF CONSTRUCTION  
 --- WETLANDS - DO NOT DISTURB UNIMPACTED  
 --- WETLANDS, SEE SHEET E



**HWY. US-77  
 EROSION & SEDIMENT CONTROL**

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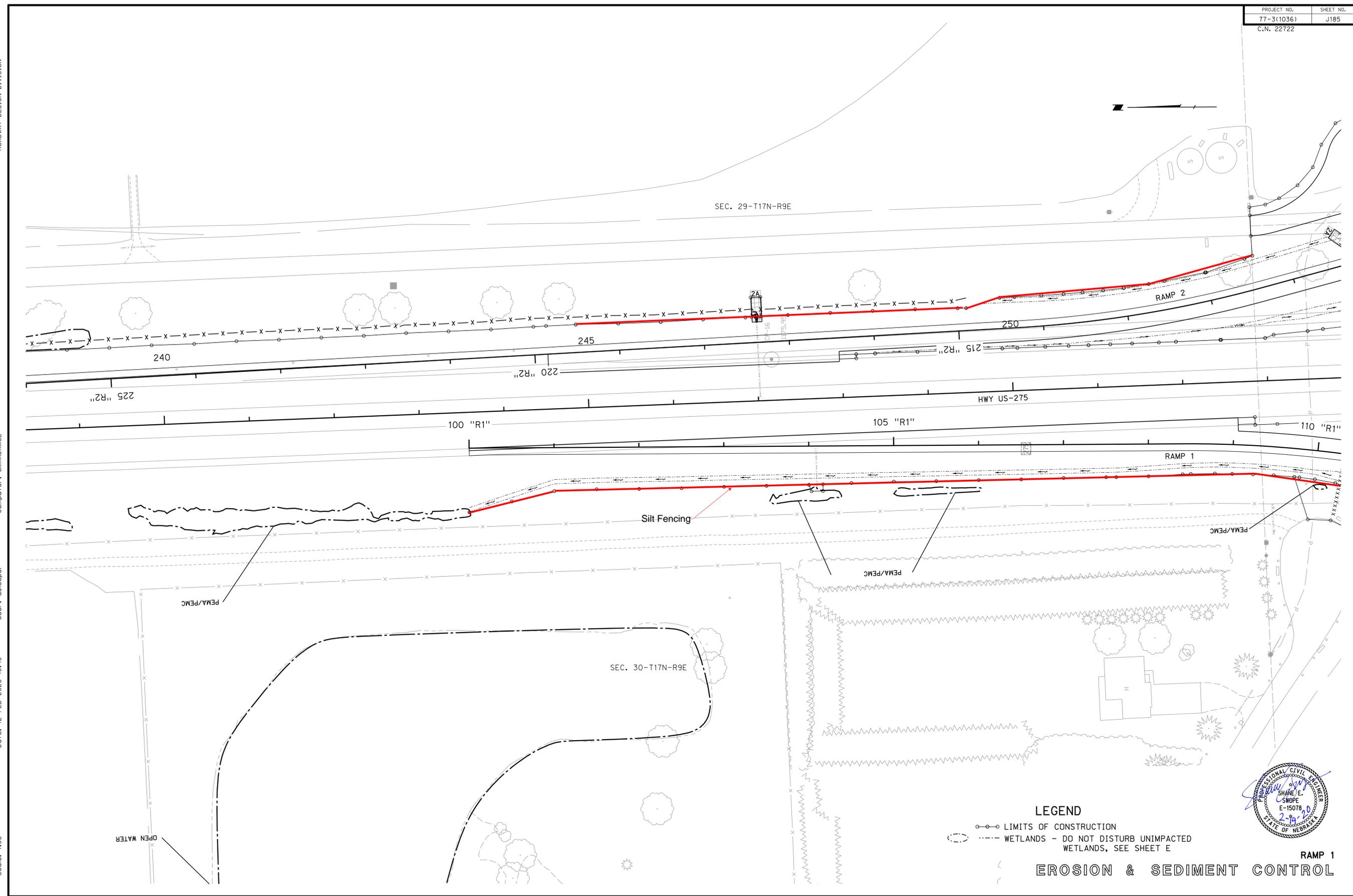
ROADWAY DESIGN DIVISION

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User: ostepper

Date: 12-FEB-2020 15:43

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Scale: 1:50



- LEGEND**
- LIMITS OF CONSTRUCTION
  - WETLANDS - DO NOT DISTURB UNIMPACTED WETLANDS, SEE SHEET E

**EROSION & SEDIMENT CONTROL RAMP 1**



SEC. 32-T17N-R9E

SEC. 31-T17N-R9E

**BUILD CURB INLET PROTECTION, SPECIAL PLAN 22C**

STATION	SIDE	DESCRIPTION	LIN. FT.
119+02.00	Rt.	Curb Inlet Protection	15
119+98.00	Rt.	Curb Inlet Protection	7

NOTE: ALL CURB INLET SEDIMENT FILTER(S) SHALL BE REMOVED BEFORE THE ROAD IS OPEN TO TRAFFIC.

**BUILD SILT CHECKS, SPECIAL PLAN 21C**

STATION	TO STATION	SIDE	SPACING	TYPE	LIN. FT. EACH	TOTAL LIN. FT.
114+74.00	- 118+46.00	Rt.	25'	1-High	Varies	409
114+12.00	- 118+49.00	Lt.	25'	1-High	Varies	458

**BUILD FABRIC SILT FENCE-HIGH POROSITY, PLAN 502**

STATION	TO STATION	SIDE	BAY	DESCRIPTION	LIN. FT.
113+68.00		Rt.	-	Inlet Protection	58

**BUILD EROSION CONTROL-CLASS 1D, PLAN 501**

STATION	TO STATION	SIDE	DESCRIPTION	WIDTH	SO. YDS.
113+00.00	- 113+67.00	Lt.	-	Varies	144
113+08.00	- 113+30.00	Rt.	-	Varies	54
113+49.00	- 118+48.00	Rt.	-	Varies	1870
113+76.00	- 118+50.00	Lt.	-	Varies	1663

**BUILD EROSION CONTROL-CLASS 2A, PLAN 501**

STATION	TO STATION	SIDE	DESCRIPTION	WIDTH	SO. YDS.
113+31.00	- 113+54.00	Rt.	Outlet Protection	25'	91
113+52.00	- 113+75.00	Lt.	Inlet Protection	25'	91
118+92.00	- 119+03.00	Rt.	Outlet Protection	12'	36
119+25.00	- 119+32.00	Rt.	Outlet Protection	12'	34

**LEGEND**

--- LIMITS OF CONSTRUCTION

--- WETLANDS - DO NOT DISTURB UNIMPACTED WETLANDS, SEE SHEET E

**EROSION & SEDIMENT CONTROL**

RAMP 1



File: 227220c24.dgn  
 Scale: 1:50  
 Date: 14-FEB-2020 08:17  
 User: ostepper  
 Computer: OMAADAMSE  
 ROADWAY DESIGN DIVISION

## Staff Report

**TO:** Planning Commission  
**FROM:** Jennifer Dam, Planning Director  
**DATE:** October 19, 2020  
**SUBJECT:** Special exception to waive required landscape buffer

---

**Recommendation:** Approve waiver of landscape buffer and paving requirement until the area to the north and west develop or the property is annexed. Approve waiver of the buffer yard along the frontage road to Highway 77/275, provided the landscaping is installed as proposed. Approval of waiver of all-weather surface requirement.

---

### Background

Dave Mitchell, on behalf of Larsen International, is requesting a waiver of the landscaping requirement and the all-weather surface requirement for property generally located at the northwest corner of Highway 77/275 and County Road S.

The parcel is zoned GC, General Commercial. The property to the north, west and east is zoned R, Rural. Property to the south is zoned GI, General Industrial.

The Future Land Use map from the Comprehensive Plan designates the property to the west as Rural and the property to the north, south and east as commercial.

Section 11-815.02 of the UDC requires a "C" type bufferyard between the GC, General Commercial and R, Rural zoning districts and along the frontage road to Highway 7/275. A "C" type bufferyard requires a 25 foot wide buffer along the property lines adjacent to the R district with 3 trees and 10 shrubs per 100 feet of length.

Section 11-812(D) of the UDC states:

Adjustments and Changes:

1. Necessary or requested adjustments or changes to the requirements of Section 11-810, *Landscaping, Buffering, and Screening*, may only be by reason of:
  - a. Site constraints or impracticalities that are due to special conditions of the property that do not exist on other properties in the same zoning district;
  - b. Conditions that have not been brought about by action of the applicant or owner; and
  - c. Unnecessary hardship caused by the strict interpretation of this UDC.

2. In these instances, the planning commission may consider authorizing a special exception, or if the standards of approval may not be met, by considering approval, approval with conditions or denial of the site plan, as set out in Section 11-315.08 *Site Plan*.

The properties to the north and west are under cultivation. The applicant proposes alternate landscaping along the frontage road so that the trucks for sale on the property will be visible.

A waiver of landscaping was granted in July 2018 for property at 5324 N. Oliver-southeast of this proposal.

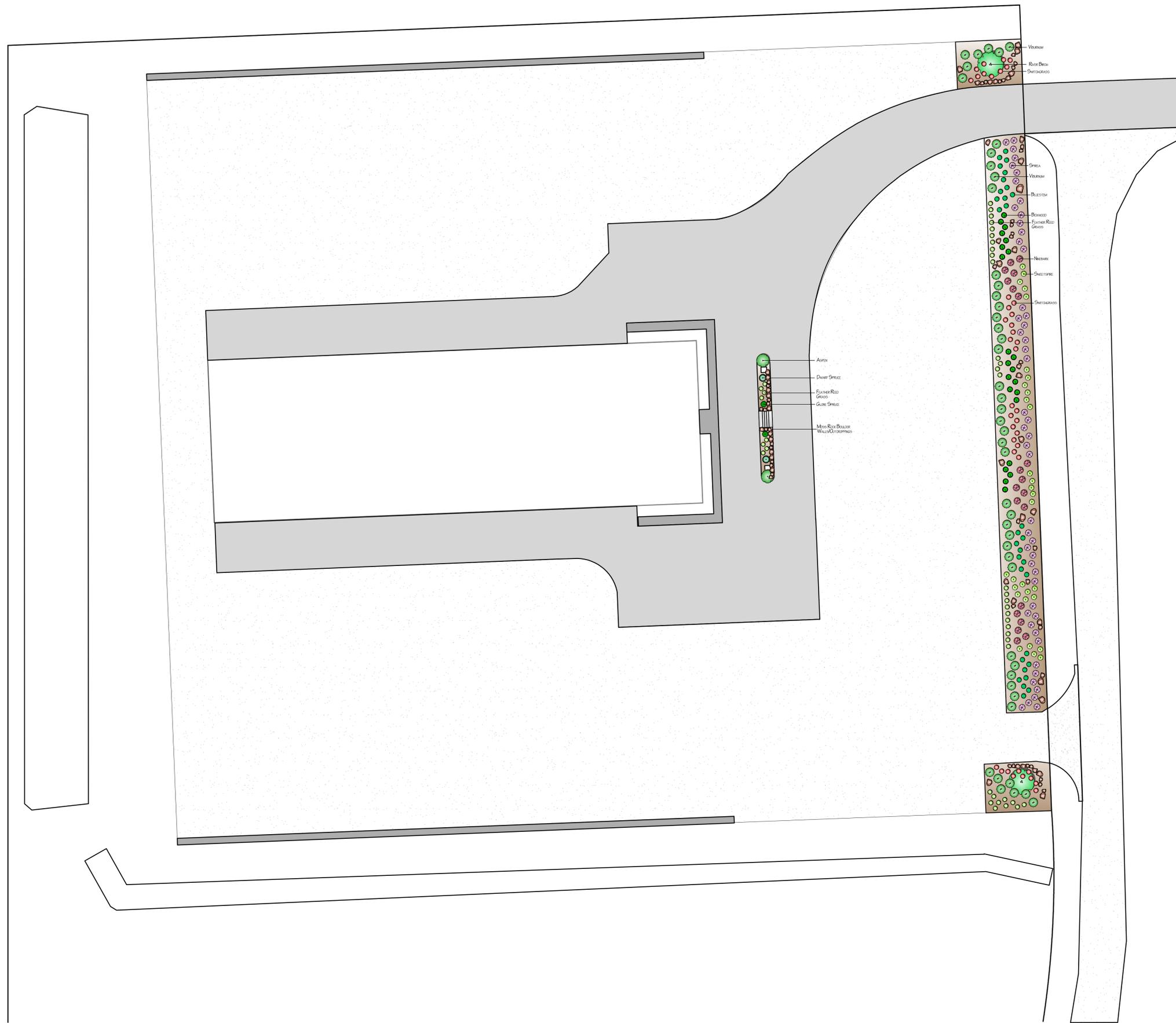
Section 11-615.03(E) requires the outdoor display of passenger vehicles, heavy equipment or watercraft to be on an all-weather surface with the exception that "The outdoor display of heavy equipment may be located on areas surfaced with coarse aggregate, where approved by the planning commission in the form of a special exception, provided that all drive approaches, driveways, drive aisles and parking areas and loading zones are all constructed of an all-weather surface.

The site plan shows concrete surfaces for the driveways and drive aisles and parking areas, except the drive on the south. The plan will need to be revised to remove the drive on the south or to show it as paved as required by the UDC.

**Fiscal Impact:** N/A

Vicinity Map





Revision #:

Date: 10/5/2020

Scale:

1" = 30'

Landscape Plan:

**Larsen International**

Landscape Design by: Scott Licht

**Siffring Landscaping**

VEURNUM

RIVER BIRCH

SWITCHGRASS

SPIREA

VEURNUM

BULSTEM

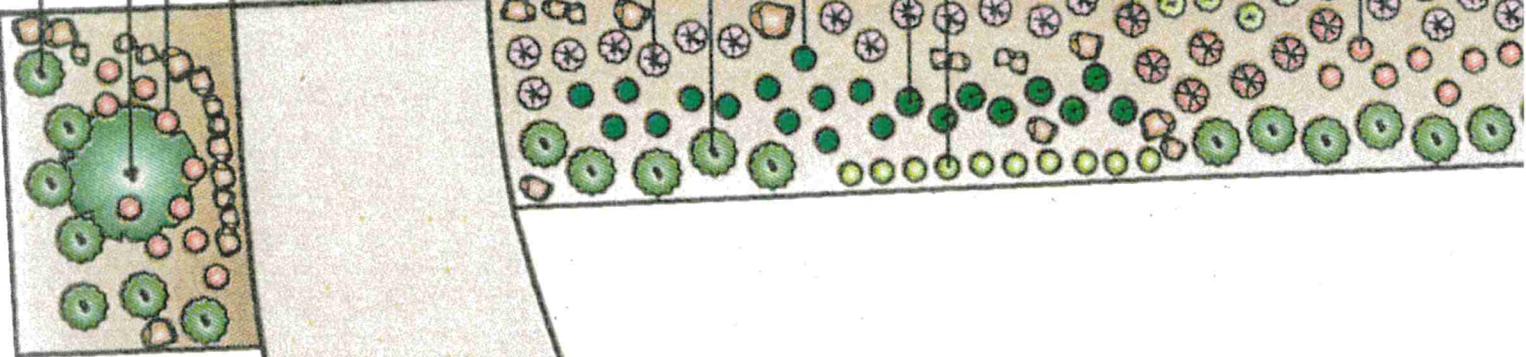
BOXWOOD

FEATHER REED GRASS

NINEBARK

SWETSPIRE

SWITCHGRASS



# Staff Report

**TO:** Planning Commission  
**FROM:** Jennifer L. Dam, AICP, Planning Director  
**DATE:** October 15, 2020  
**SUBJECT:** Request for a Conditional Use Permit

---

**RECOMMENDATION:** Approval conditioned upon receipt of a Flood Plain Development Permit, State approval of the SWWP, and expiration upon completion of the beltway project.

---

## **Background:**

This is a request by Martunus Potgieter of Graham Construction on behalf of Sweetwater Inc. for a Conditional Use Permit for soil excavation. It was continued from the September 21, 2020 Planning Commission meeting so that the applicant could provide additional information.

Attached are a more detailed grading plan and a plan that shows the current flow of drainage on the site. The information was provided to the Public Works Director. A response has not been received as of the preparation of this staff report.

The information that was presented at the September 21, 2020 meeting is attached, which includes a memo from the Public Works Director that states that the proposal meets the requirements of the UDC.

The excavated soil will be used in the construction of the SE Beltway.

The final result will be a building site and a lake on the 10 acre parcel. An administrative subdivision will be required if the owner intends to subdivide the building site and lake.

The proposal is on property generally located south of Old Highway 8, southwest of Highway 275.

The area is zoned R, Rural and has been used as agricultural land. The area to the north and west is developed with acreages. The area to the east is Highway 275 and agricultural land.

The property is within the flood plain zone AO2. A flood plain development permit is required.

The site will be restored to a similar condition as it is today with the addition of a lake upon the completion of the project.

A copy of the Storm Water Pollution Prevention Plan (SWPPP) has been submitted to the state and a copy is on file in the Planning Department.

Section 11-504.04 specifies the requirements for Extractive Industry.

The proposed use is more than 1,000 feet from the SR, AR, UR, MH, SC, GC, DC, BP, AV and CU zoning districts.

Primary access to the site will be internal and along the beltway right of way to facilitate the construction of the beltway.

The applicant has submitted a SWPPP plan to address storm water run-off, best management practices for erosion control, a future lake, potential hazards, and restoration of the site.

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 excavation will be used as fill to construct the south beltway.

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. Excavation sites have been permitted to the south west. A lake exists to the north of the residential development north of Old Highway 8 that was created when Highway 275 was constructed.

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: The excavation site is in the vicinity of the south bypass so that heavy truck traffic on the roads will be minimized.

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 future lake may make the area more 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: A flood plain development permit is required. There should be minimal traffic noise as construction activity will be primarily on site. The site is not in an airport zone. Water pollution should not be an issue, a SWPPP has been submitted to the state.

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.



# Untitled Map

Write a description for your map.

Exhibit "A"

## Legend

 Polygon Measure

Building  
Site  
3.0 A

7.0 A  
LAKE

ROW

25  
275



500 ft

[C:\PCE\2\Projects\Misc-Projects\2020-071 Sweetwater\Fig Base 2020-071.dwg : Exp.] [Plot Date: 10/05/2020 3:00 PM]



SHEET NO.  
1 of 2

PROJECT NO.  
2020-071  
DATE  
OCTOBER 2020

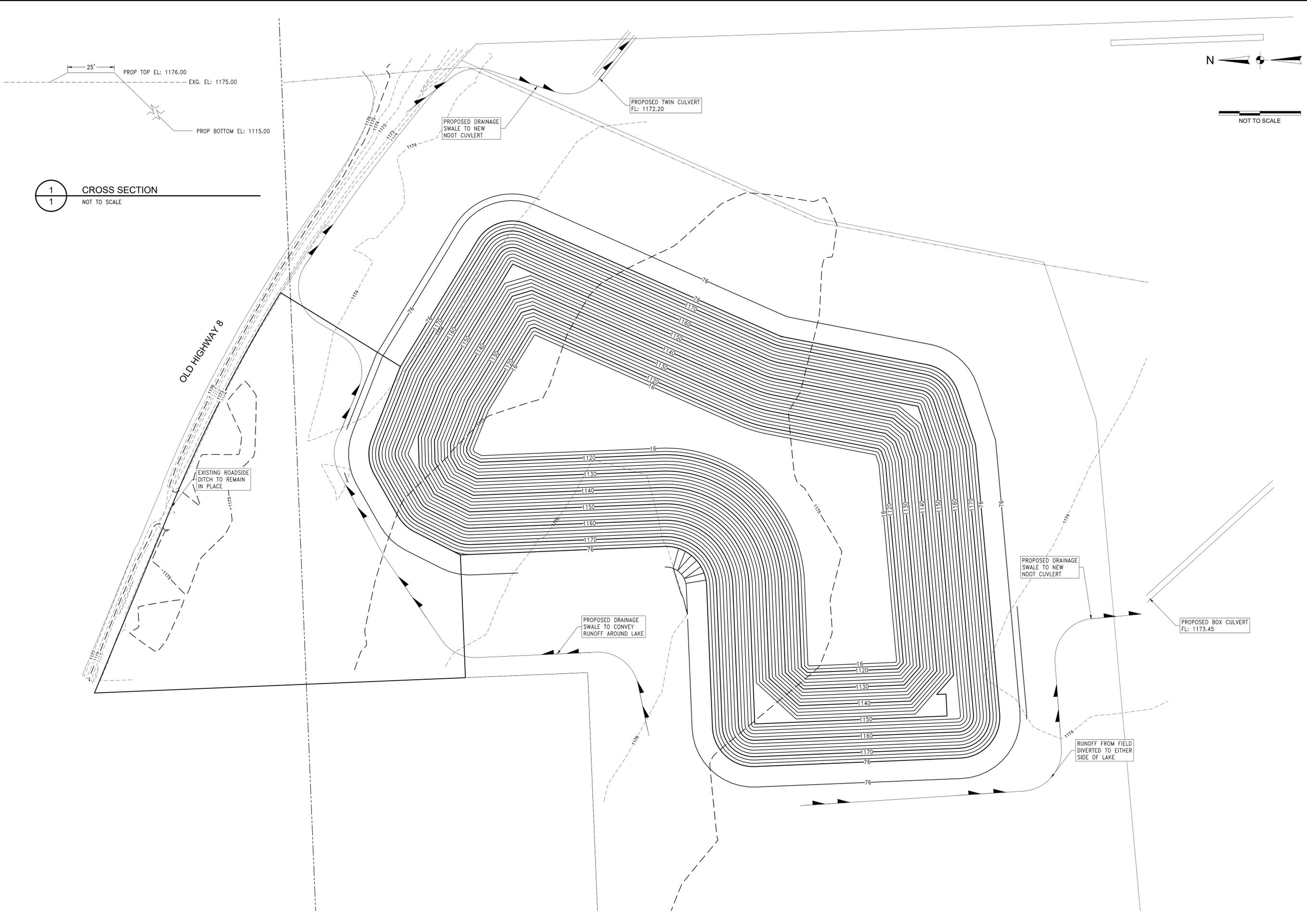
EXISTING TOPOGRAPHY  
AND DRAINAGE

PROPOSED BORROW PIT  
SWEETWATER INC.  
FREMONT, NEBRASKA

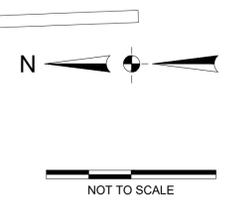
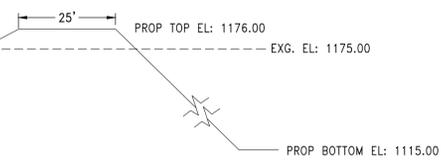
REVISIONS

OLMSTED & PERRY  
CONSULTING ENGINEERS INC.  
10730 PACIFIC STREET SUITE 232  
OMAHA, NEBRASKA

[P:\Projects\Misc-Projects\2020-071 Sweetwater\wg\Base 2020-071.dwg : Grading] [Plot Date: 10/6/2020 3:00 PM]



1 CROSS SECTION  
 1 NOT TO SCALE



SHEET NO. <b>2 of 2</b>	PROJECT NO. 2020-071	<b>PROPOSED BORROW PIT</b> <b>SWEETWATER INC.</b> FREMONT, NEBRASKA	<b>OLMSTED &amp; PERRY</b> <b>CONSULTING ENGINEERS INC.</b> 10730 PACIFIC STREET SUITE 232 OMAHA, NEBRASKA
	DATE OCTOBER 2020		
<b>PROPOSED GRADING PLAN</b>			

## Memo

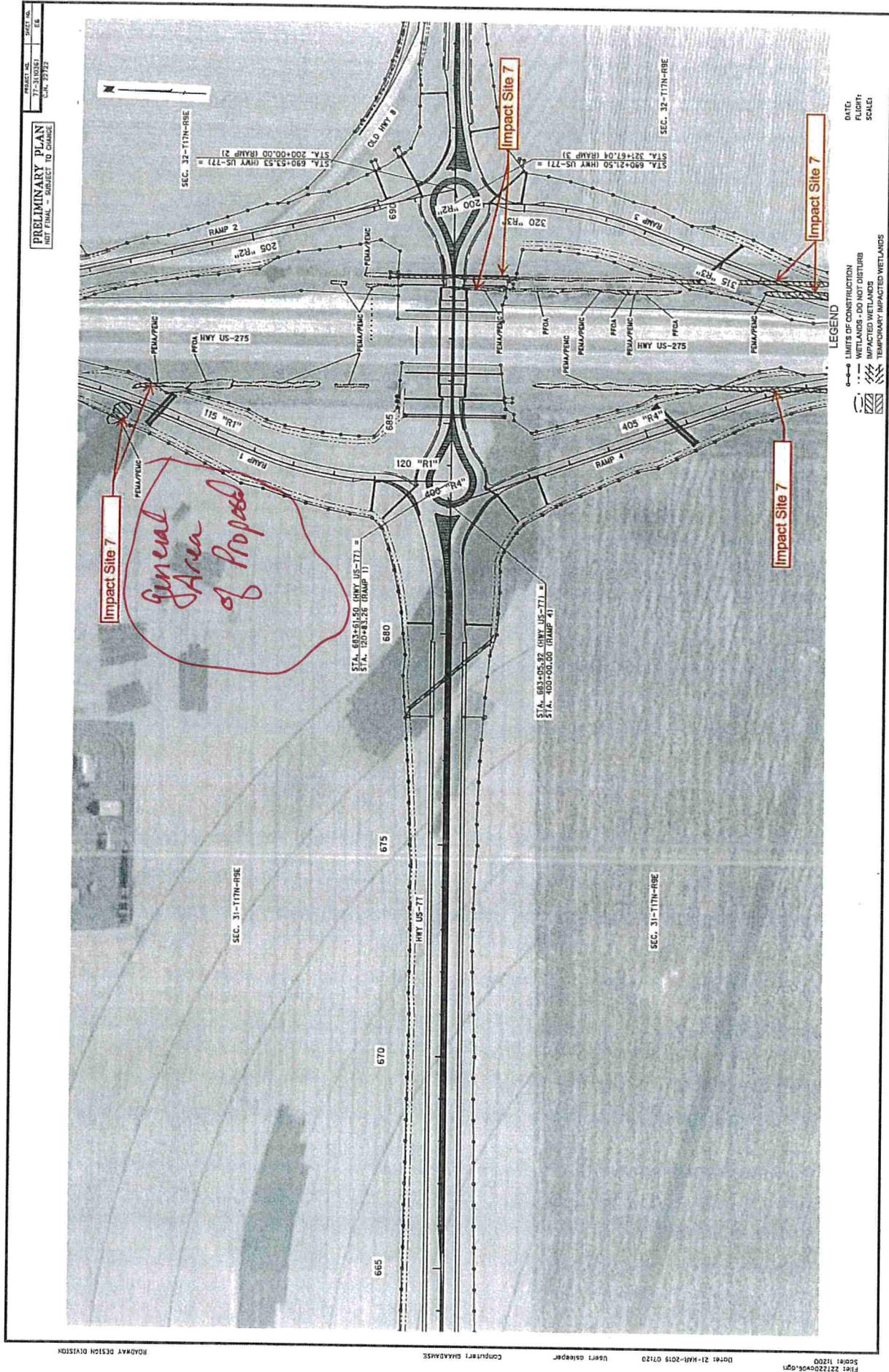
To: Jennifer Dam  
Director of Planning  
From: David Goedeken, P.E.  
Director of Public Works/City Engineer  
Topic: Engineering Review  
Sweetwater Inc., Borrow Site  
Dated: September 21, 2020

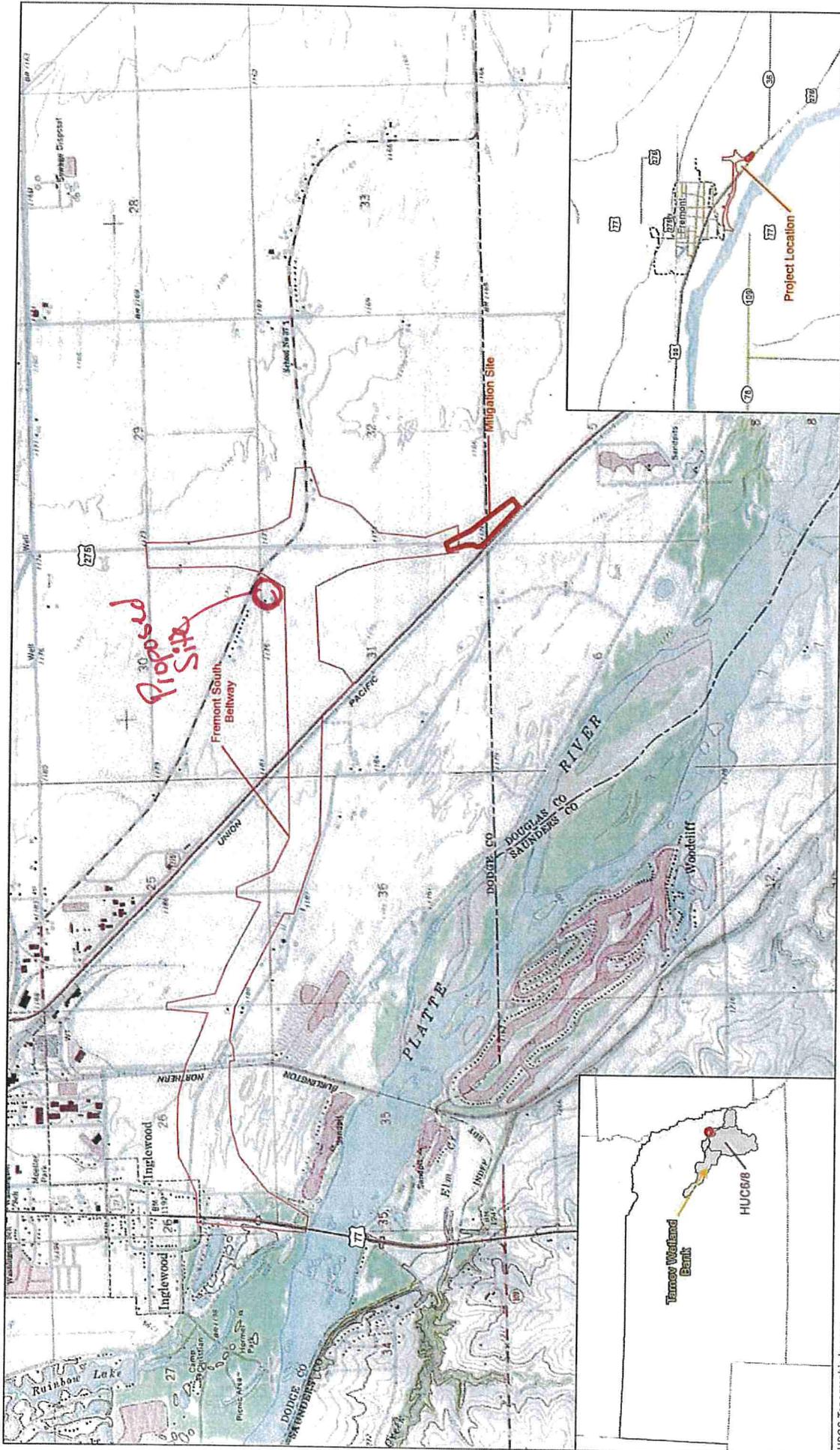
I have reviewed the submittals for the Conditional Use Permit for a Borrow Site. The applicant has submitted a very detailed engineering report on their activities, as well as copies of the SWPP Plan, Erosion Plan, and Wetlands Plan provided by the NDOT in the plansets for the Beltway Project.

As I see it, they intend to build a borrow pit and use the material as fill for the roadway project. The borrow pit will be located on the south side of Old Highway 8 immediately west of Highway 275. The surface water in this location drains generally from the northwest to the southeast. There are drainage ditches on both side of Old Highway 8 and the west side of Highway 275.

### Final Comments:

- The submittals received comply with the requirements of the UDC and good engineering design. The borrow pit will not block the free flow of runoff water, additional during the dryer months when the water level is low there should be a substantial amount of storage capacity to be captured with the pit. The plans don't specifically call this out but the opportunity for storage will be there. Additionally the pit will not hinder the flow of water down the roadside ditches of Old Highway 8 or hinder the flow of surface water from reaching the ditch along Highway 275.





USGS Topographic Imagery

Nebraska Department of Transportation  
Project Number: NH-77-3(1036)  
CN: 22722

0 1,000 2,000 Feet  
1:24,000

N

PROJECT LOCATION MAP  
- FIGURE 1  
Fremont, SE Beltway  
Dodge County, Nebraska

Dear Planning Commission

Our concern with this plan is water drainage. It would be helpful to see a plan for this concern.

We have had a problem with water leaving the property and causing flooding. We are concerned that this has not been taken into consideration.

It sounds like its going to be a big dam, and back up ever more

I am unable to attend the meeting because of Covid 19 and an underlying health concern.

Virginia Myers

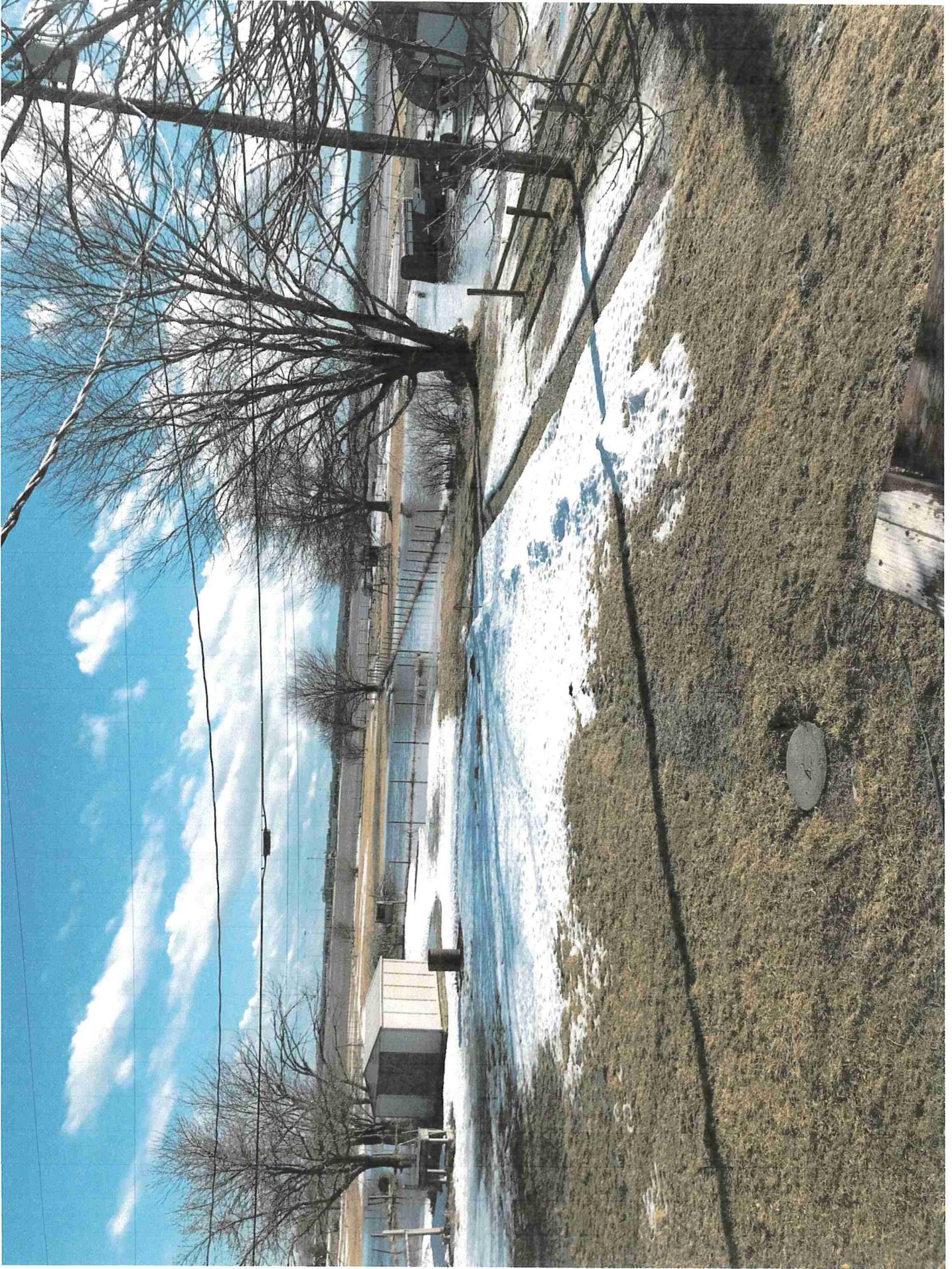
Address

3724 Old Highway 8  
Fremont Ne 68023

map.

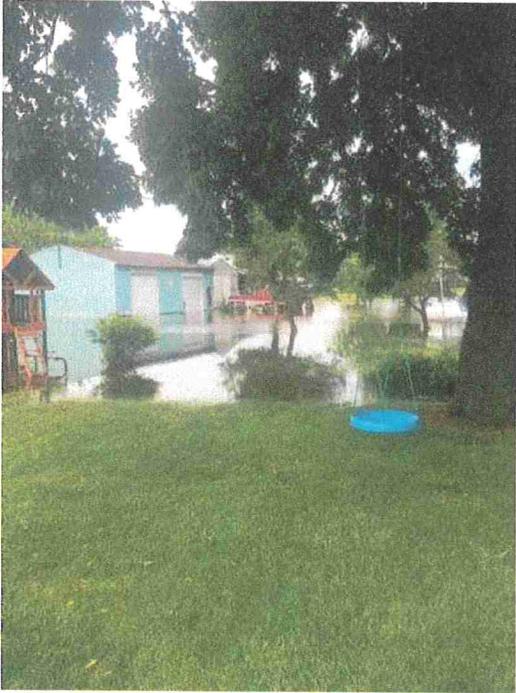
669 Old Hwy 8

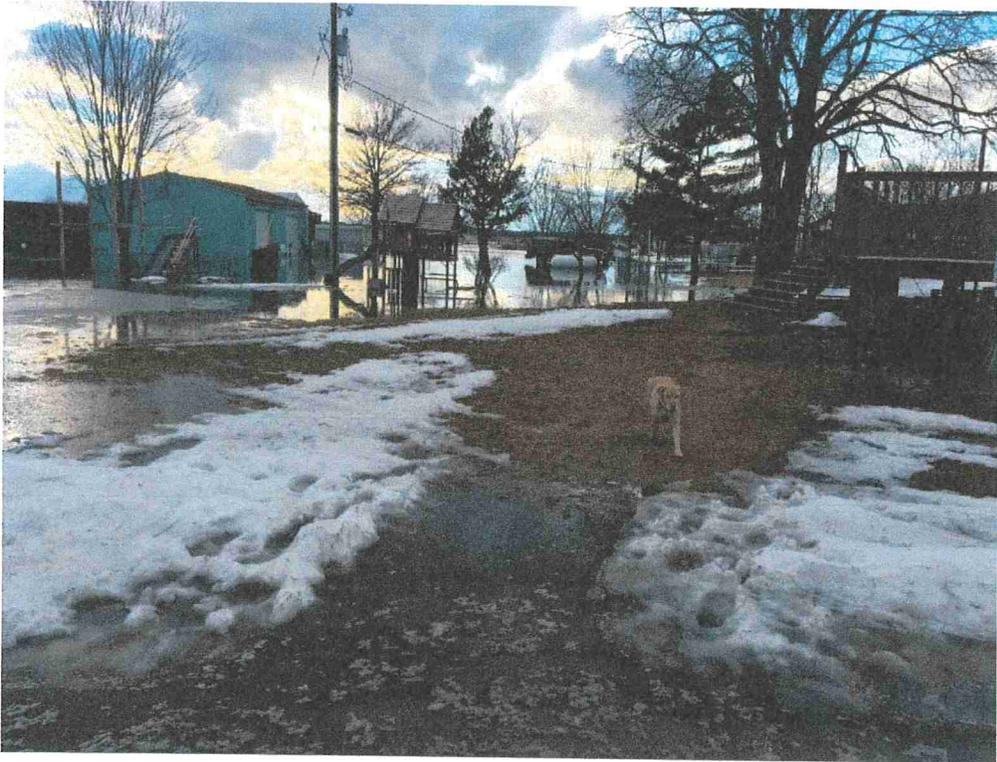
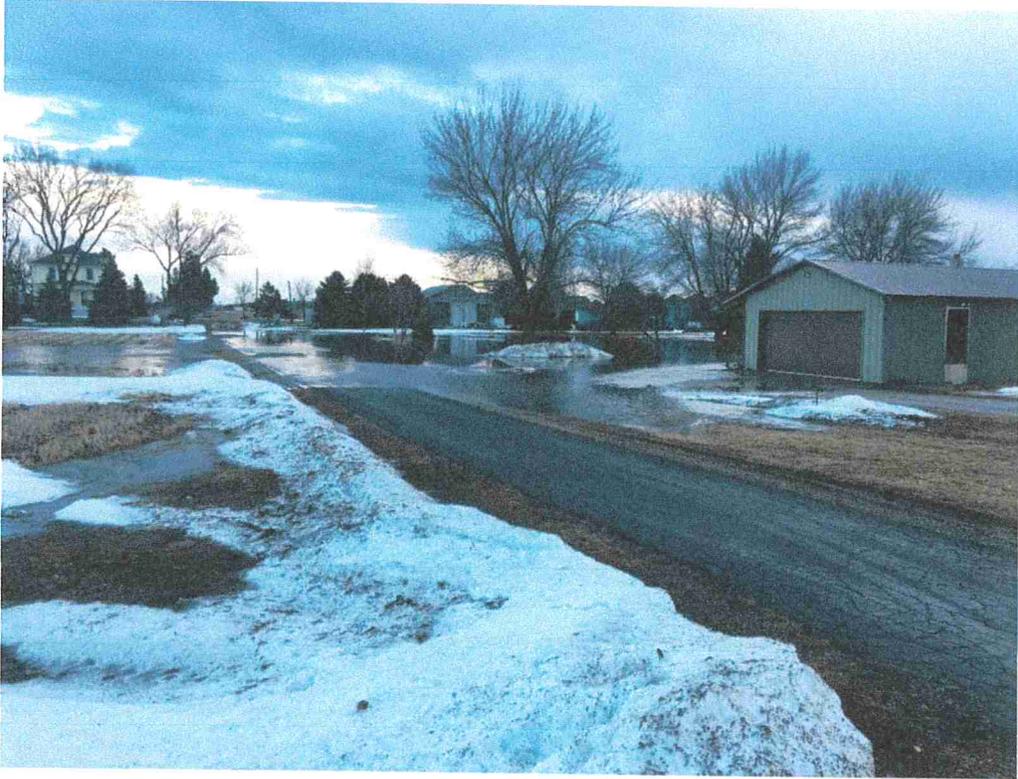


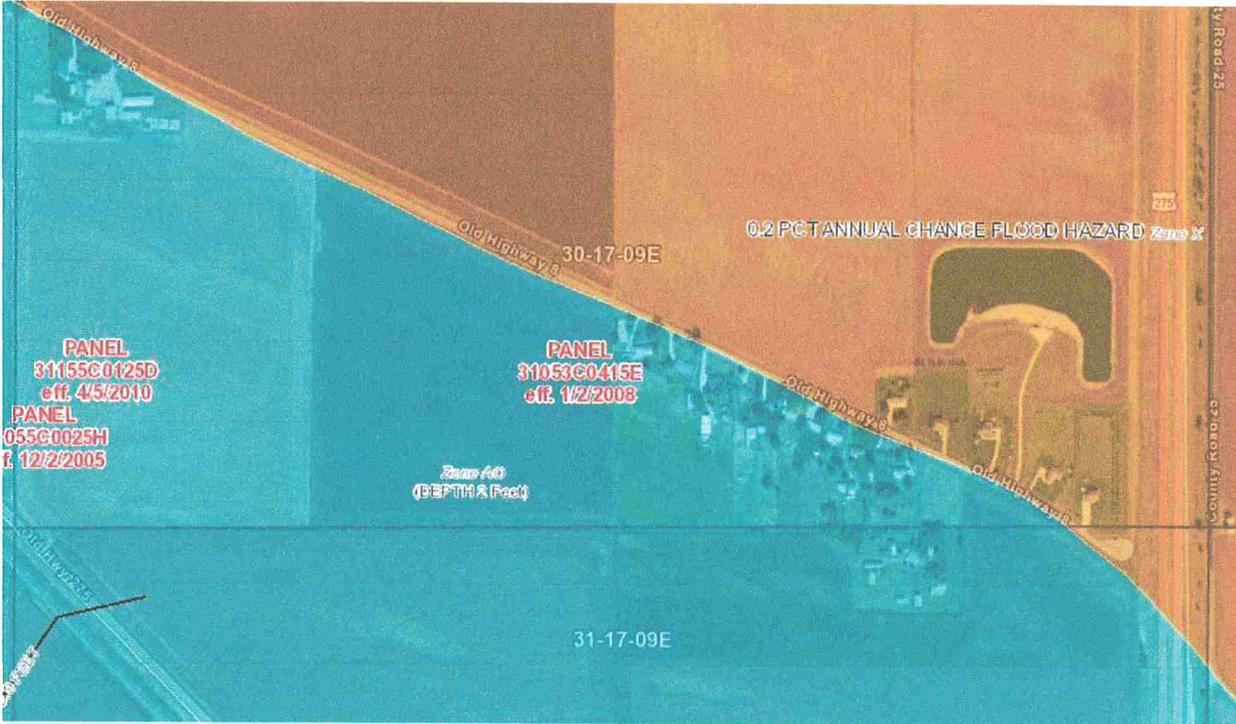


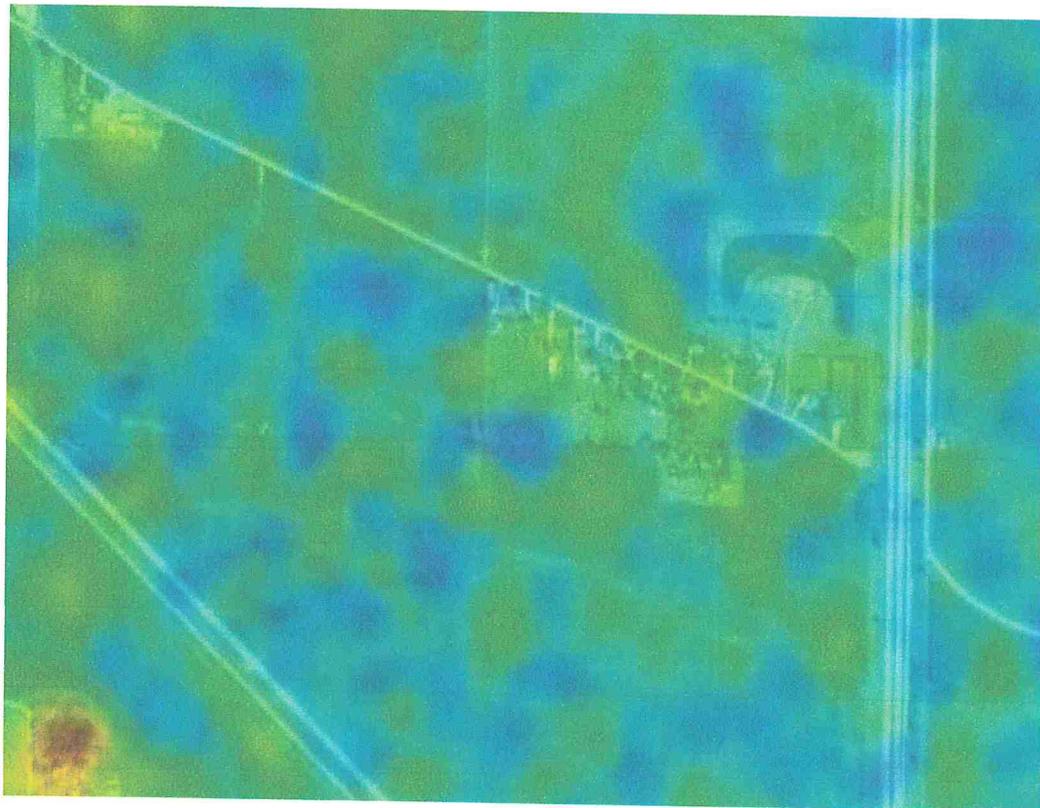
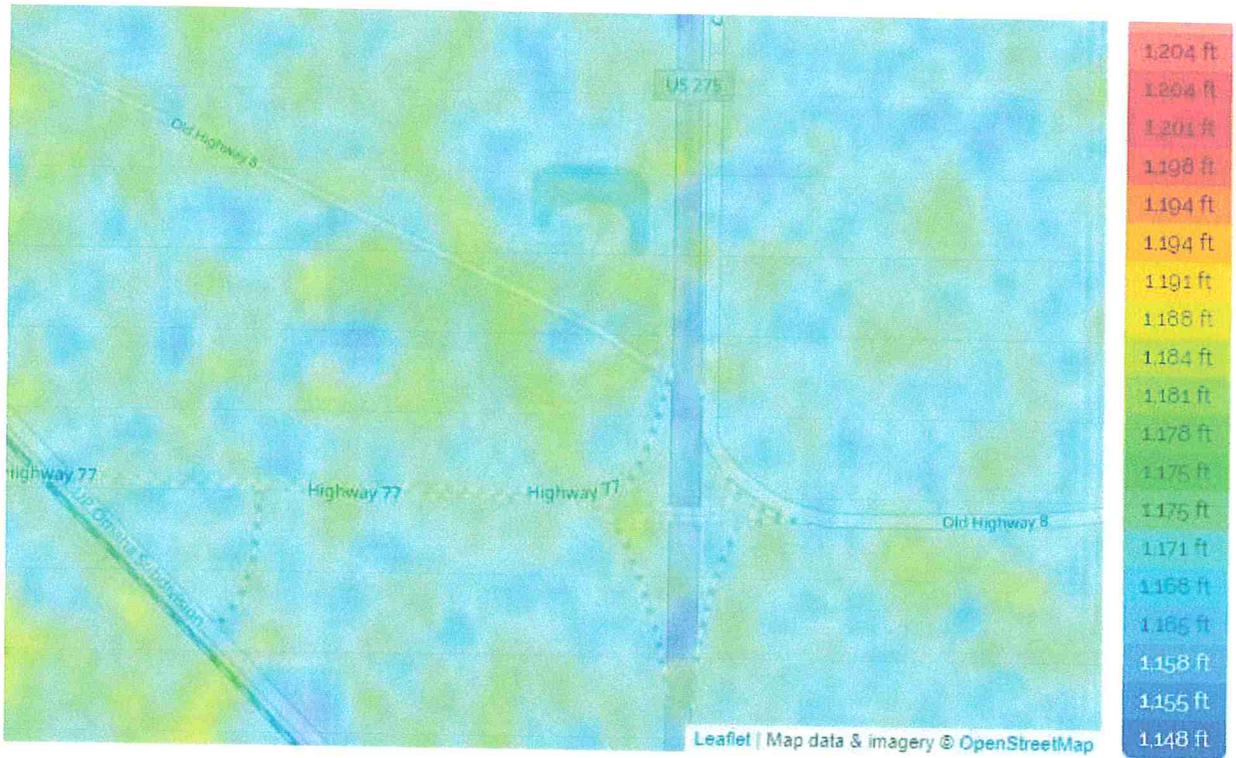


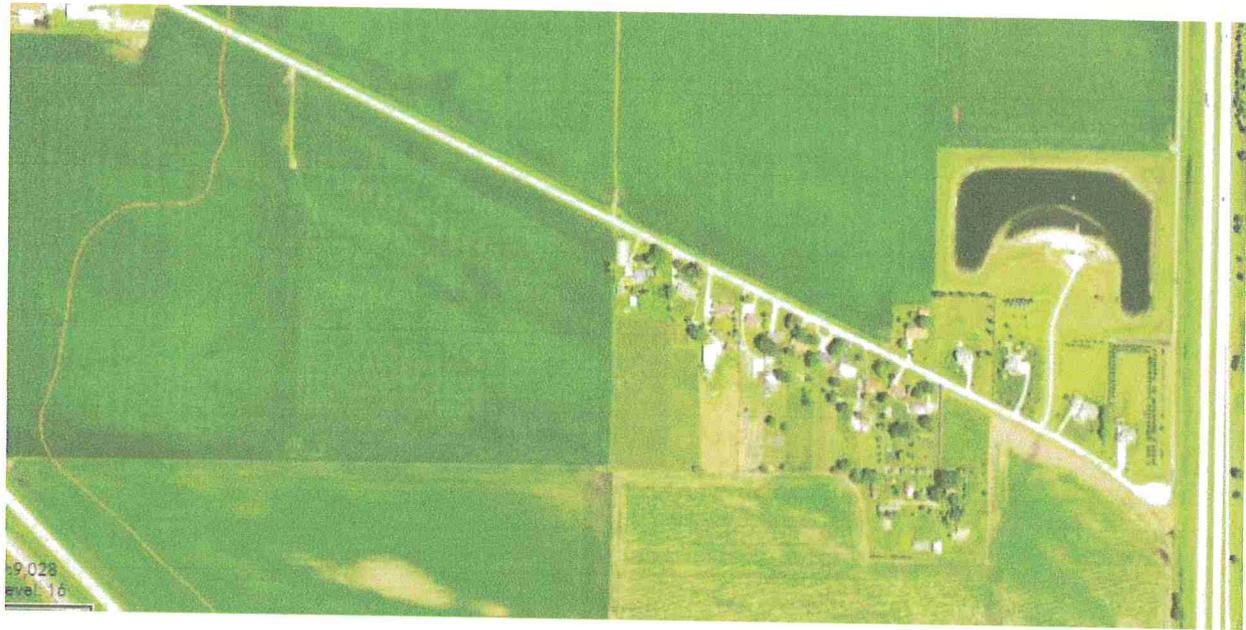












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## Staff Report

TO: Planning Commission  
FROM: Jennifer L. Dam, AICP, Planning Director  
DATE: October 19, 2020  
SUBJECT: Request to expand non-standard use at 1760 Proctor & 1230 Dunbar Sts.

---

Recommendation: Recommend approval to City Council

---

### Background:

The parcels containing the buildings at 1760 Proctor Street and 1230 Dunbar Street were combined into one parcel by Resolution 2009-021. The property owner now desires to separate them into the original parcels and has requested a conditional use permit to expand a non-standard use for the purposes of subdividing the parcel into two lots.

The property is zoned GI, General Industrial.

The UDC requires a 20' side yard setback, a 25' rear yard setback and a floor area ratio of .518. The proposed lot that would contain the 1230 Dunbar building would have a .553 floor area ratio, side yard setbacks of 10' and 17 feet and a rear yard of 10'. The property at 1760 Proctor would have sufficient front, rear and street side yards, but would have a side yard of 2.8'.

The buildings were constructed when the properties were two separate parcels. At the time the buildings were constructed, they met the setback requirements of the GI zoning district.

The uses on the property are permitted in the G.I. zoning district.

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

There would be no adverse impact to the surrounding area.

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

The proposal will have a minimal impact to the surrounding area.

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

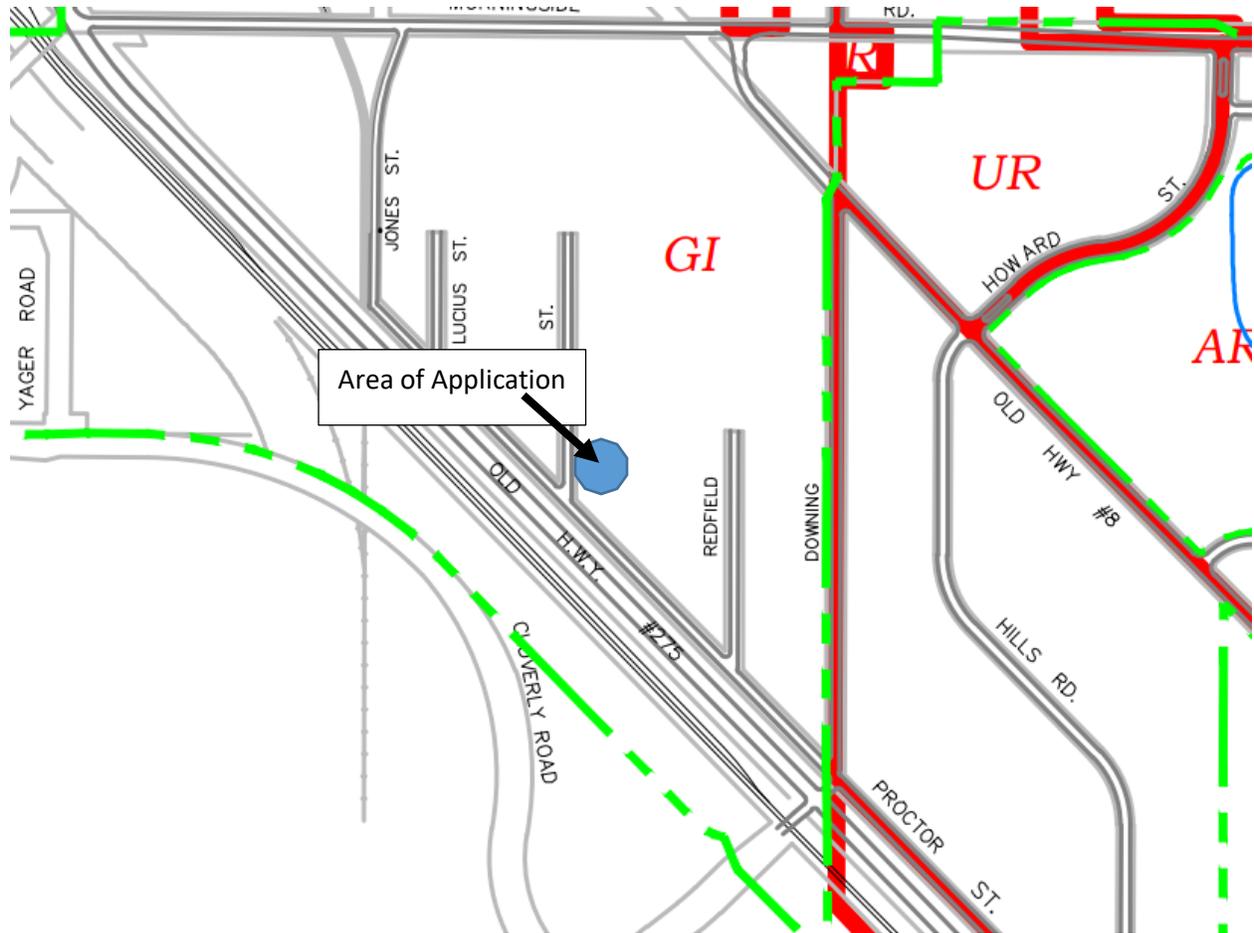
The criteria established for approval in 11-316-05(B) are addressed below:

The proposed expansion will not undermine an adopted plan.

The proposed expansion is compatible with the surrounding land uses.

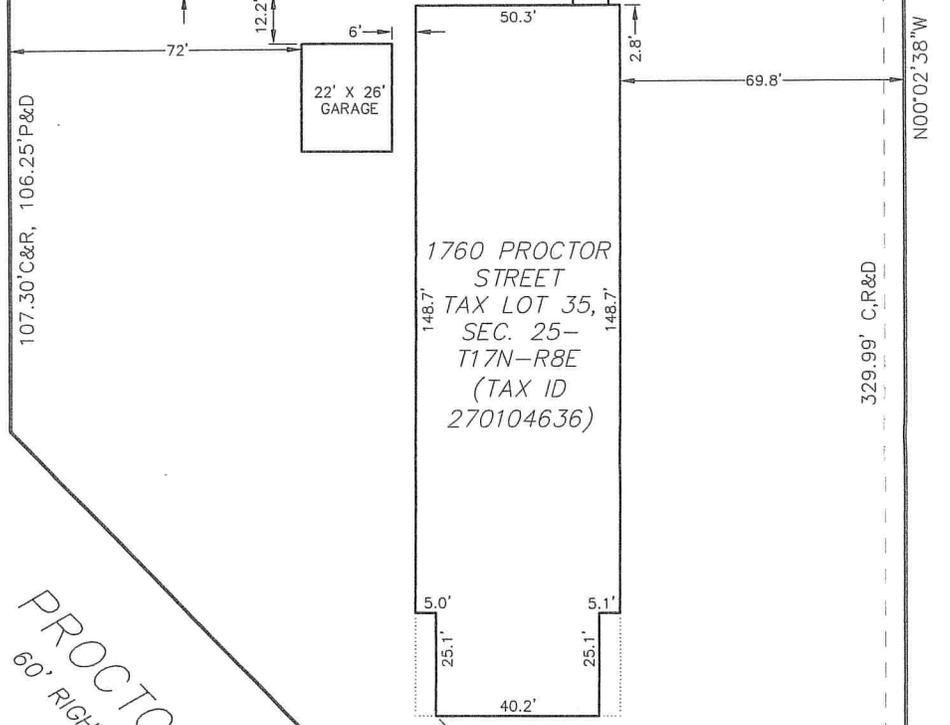
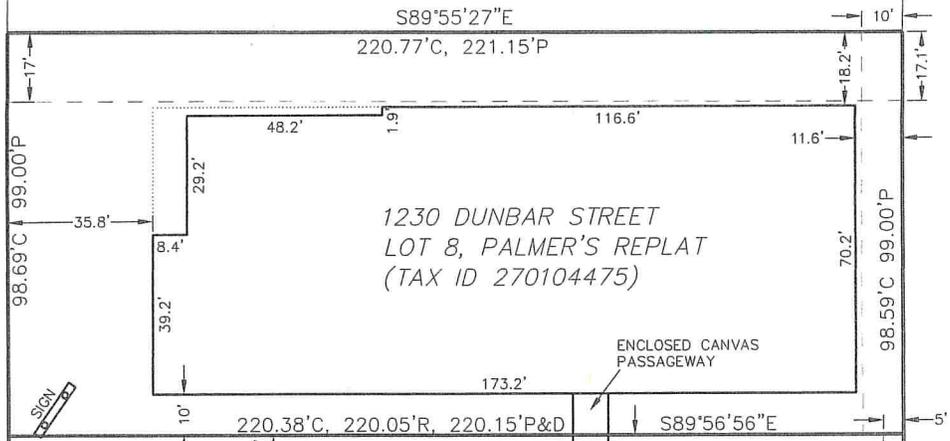
Approval of this Conditional Use Permit will not create a critical mass of similar conditional uses and will not make the vicinity less desirable for permitted uses.

The conditional use will not use a disproportionate share of public services.



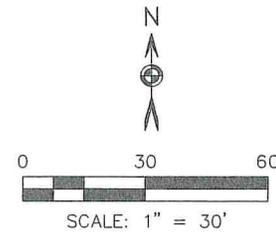


DUNBAR STREET  
60' RIGHT-OF-WAY (GRAVEL)



PROCTOR STREET  
60' RIGHT-OF-WAY (GRAVEL)

OLD U.S. HIGHWAY 30



- LEGEND
- A ACTUAL DISTANCE
  - P PLATTED DISTANCE
  - D DEEDED DISTANCE
  - R RECORDED DISTANCE
  - C CALCULATED DISTANCE
  - LOT LINE
  - OTHER LINE
  - BUILDING
  - UTILITY EASEMENT

RELEVANT INFORMATION FROM 2015 ALTA SURVEY  
BY DODD ENGINEERING & SURVEYING

31

FILED 0854  
BOOK 2009 PAGE  
2009 FEB 26 PM 2:55

*Carol Hivens*  
DODGE COUNTY  
REGISTER OF DEEDS  
COMPARE INDEX FEE \$ 6-

RESOLUTION NO. 2009-021

**A Resolution of the City Council of the City of Fremont, Nebraska, approving the request to combine Tax Lot 4, Block 4, Road Rail Subdivision and Lot 8, Palmer's Replat, Block 4, Road Rail Subdivision, Dodge County, Nebraska, into one lot**

RESOLVED: That Joint Ventures, LLC dba Single Source Communications, owner of Tax Lot 4, Block 4, Road Rail Subdivision and Lot 8, Palmer's Replat, Block 4, Road Rail Subdivision, Dodge County, Nebraska, desires to combine the property into one (1) lot.

The combination of the property is hereby approved subject to the following terms and conditions:

1. Receipt of proper easements
2. The capping of any necessary utility services

The Mayor and City Clerk are hereby directed to sign this Resolution on behalf of the City Council.

Council member *Steve Nivants* offers this Resolution and moves its adoption, seconded by Council member *Mary C. Mace*.

PASSED AND APPROVED THIS 24th DAY OF FEBRUARY, 2009

*Donald B. Edwards*  
DONALD B. EDWARDS, MAYOR

ATTEST:

*Kimberly Volk*  
Kimberly Volk, CMC  
City Clerk



# Staff Report

**TO:** Planning Commission  
**FROM:** Jennifer L. Dam, AICP, Planning Director  
**DATE:** October 19, 2020  
**SUBJECT:** Request to expand non-standard use at 2222 Broad Street

---

**Recommendation:** Recommend approval to City Council

---

## Background:

This is a request to expand a non-standard use to allow the reconstruction of the Dairy Queen restaurant at 2222 Broad Street.

The property is zoned SC Suburban Commercial. Restaurants are allowed in commercial districts provided “the use does not consist of drive-in, drive-up, or drive-through facilities; and, 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 existing restaurant has a drive-through facility, which the owner proposes to continue. That is the reason that a Conditional Use Permit to continue a non-standard use is required.

The current site is 10% impervious surface. The proposed site will provide about 33% pervious, landscaped surface.

The driveway on Broad Street will be removed, which will create a safer traffic condition.

The dumpster will be moved so that it is adjacent to the side of the commercial use to the north instead of its current location next to a residential back yard.

A 6' wood privacy fence will be added to the east to buffer the property to the east.

General landscaping is shown on the site plan, a more detailed landscape plan that complies with the landscaping requirements of the UDC is required prior to receiving a building permit.

The enclosure around the dumpsters must meet the requirements of 11-816.02B.

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

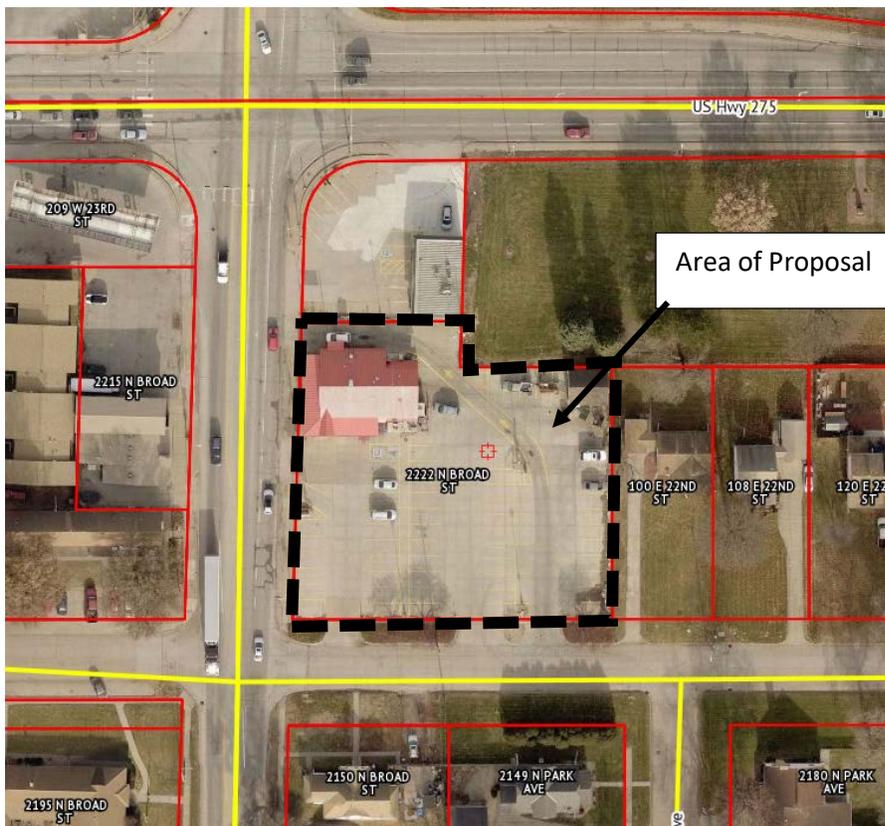
- This will be an enhancement over the current configuration.

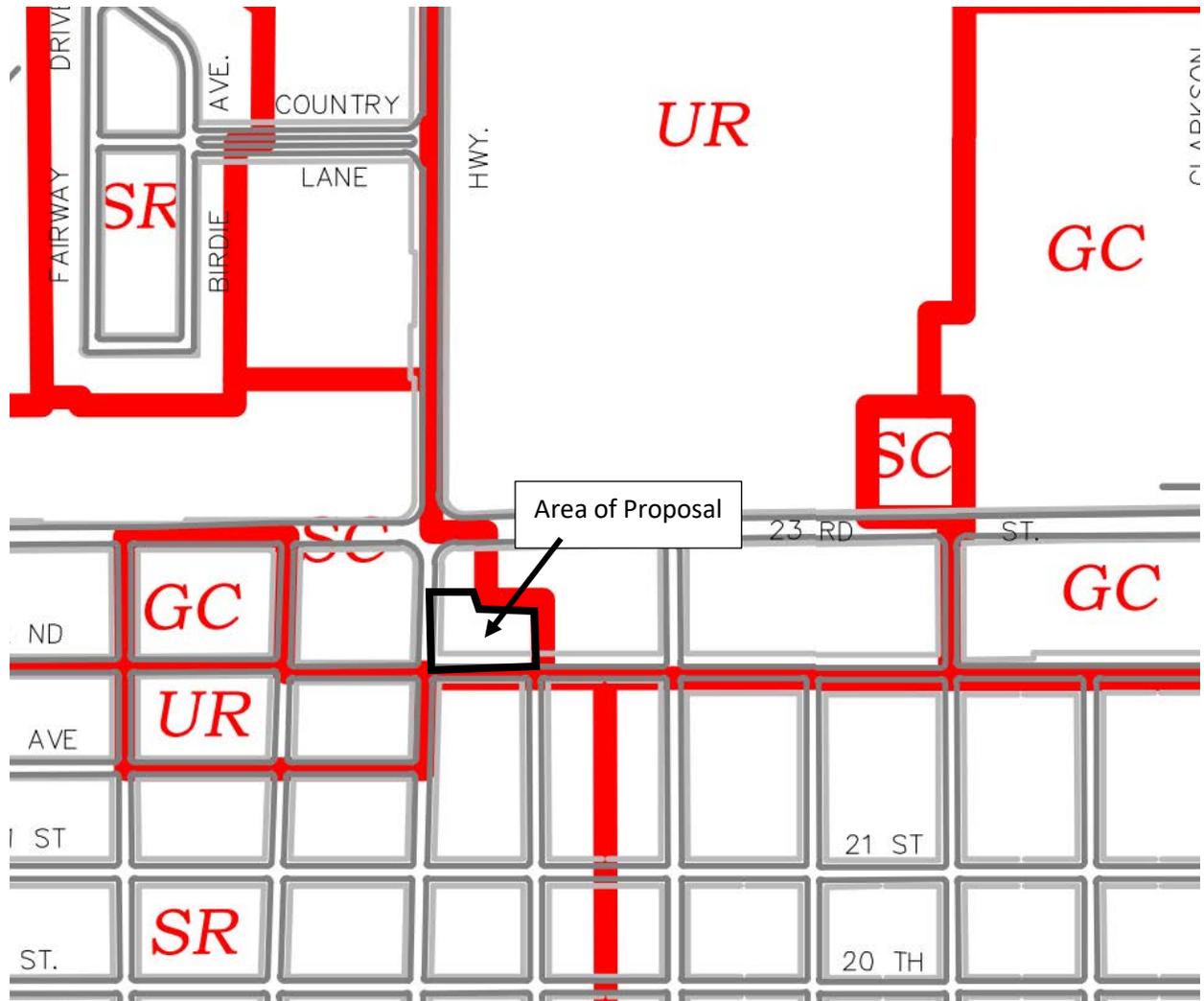
11-324-04 requires specific consideration of the effects on adjacent property, safety, traffic, or city utility service needs, the density of land use zoning for the subject property and adjacent property and the economic impact for the city.

- The proposal will not negatively impact adjacent property, safety, traffic or service needs. The proposal is not impacting the density of land use.

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

- The proposal will not undermine an adopted plan.
- The proposal will provide enhanced screening to aid in compatibility to the residences to the east.
- The conditional use will not use a disproportionate share of public services.





Dodge County Nebraska

Assessor Parcels Planning/Zoning Emergency Treasurer Clerk Jobs Waste

Log In Help About

Search Address, Owner, PID, STR, GIS Layers

Buffer: Polygon Buffer  
Buffer Length: 350  
Units: Feet

Layers: Basemap

Want To: Export To XLS Export To PDF Show All Features

Filter Results By:  Parcels  Roads  Sections

Parcels (48)   
 Items per page: Show 10

1 - 10 of 48 items

▲ PID	OwnerName	OwnerAddress	PropertyAddress	Leg
NPID				
NPID				
270031479	VILLIWOIK, BRIAN & DANA	2125 N BROAD ST FREMONT NE 68025-2532	2125 N BROAD ST	HAWY HEIGHTS PROP 2ND I W41 ELK ?
270031486	HAZEN, JEFFREY T & ANGIE L	109 LAKESHORE DR FREMONT NE 68025-9641	2127 N BROAD ST	HAWY HEIGHTS PROP 2ND I 2 ELK ?

Map showing parcel boundaries in red and a purple buffer area. The map includes street names like W 22ND ST and W 21ST ST.

g Works

Last Updated: 11/9/202

