PLANNING COMMISSION MEETING
MONDAY, October 21, 2019
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 August 19, 2019 Meeting as prepared.

5. Related Items:
   
   a. A request by Steve Dodd on behalf of Charles H. Diers for a final plat to be known as Brooks Hollow Second Addition consisting of 18 lots on a 5.76 acre parcel of ground located in the southwest quarter of the southwest quarter of S18, T17N, R9E generally located north of the intersection of Brooks Hollow Drive and Aberdeen Street.

   b. An application by Steve Dodd on behalf of Charles H. Diers for a change of zone from R, Rural to SR, Suburban Residential on a 5.76 acre parcel of ground located in the southwest quarter of the southwest quarter of S18, T17N, R9E generally located north of the intersection of Brooks Hollow Drive and Aberdeen Street.

   c. A request by Steve Dodd on behalf of Charles H. Diers for the voluntary annexation of a 5.76 acre parcel of ground located in the southwest quarter of the southwest quarter of S18, T17N, R9E generally located north of the intersection of Brooks Hollow Drive and Aberdeen Street.

6. A request by Megan Flower on behalf of Crown Castle USA, Inc for an amendment to a conditional use permit to replace an existing cell tower with a new tower with an overall height of 129 feet on property described
as a part of Tax Lot 119 located in the northeast quarter of the northwest quarter of 24, T17N, R8E, Fremont, Nebraska. The proposal is generally located in Memorial Field at 1600 E Military Avenue.

7. Related Items:

   a. An application by Cris Larson of Mesner Development for a conditional use permit to construct four triplex residential buildings on property generally described as the south 135 feet of Tax Lot 38, in Section 15, Township 17 N Range 8E, generally located between K and L Streets, south of Linden Ave., Fremont, NE.

   b. An application by Stan Darling on behalf of the Presbyterian Church of Fremont for an amendment to a pre-existing conditional use permit for a church on property generally located at 520 W. Linden Ave., Fremont, Nebraska.

8. A request by Dan Martinez of Apex Land Surveying on behalf of Country Builders, LLC for a conditional use permit for a self-storage facility on property described as Lot 1 KM Subdivision generally located at 460 W. 52nd St, Fremont, NE.

9. An application by Gerald Kelly of the Lund Co. for a conditional use permit to add a 44 unit apartment structure to the Deerfield Clubhouse Apartment complex on property generally described as Lot 1, Deerfield 2nd Subdivision generally located at 1021 Howard St, Fremont, NE.

10. Related Items:

    a. A request by Justin Stark on behalf of Lincoln Premium Poultry to annex a portion of Lot 8, Poultry Complex Addition consisting of approximately 2.82 acres and located in Sections 25, 26 and 36 all in T17N, R8E, Dodge County Nebraska.

    b. A request by Justin Stark on behalf of Lincoln Premium Poultry to de-annex a portion of property consisting of approximately 12.34 acres located in S26,T17N, R8E, Dodge County, Nebraska and generally located north of Hills Farm Road and east of South Main Street.
11. Adjournment.

At 5:00 o’clock p.m., Chairman Dev Sookram called the meeting to order. He stated 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, Landholm, Horeis, Gifford, and Borisow were present. Five 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. There were no Ex Parte communications stated.

Chairman Sookram read the item: dispense with the reading of the minutes of the August 19, 2019 Planning Commission Meeting as prepared into the record. It was moved by Commissioner Gifford and seconded by Commissioner Horeis to approve the minutes of the August 19, 2019 Planning Commission Meeting as prepared. A roll call vote showed all five present Commissioners voting aye. Motion carried unanimously.

Chairman Sookram read the item to consider a request by Jerry Nelson on behalf of Elemetal Fabrication and Machine for a Conditional Use Permit to expand a nonstandard use on property generally located at 1400 Railroad Street, Fremont, NE. The Planning Director presented her staff report with a recommendation for conditional approval. Chairman Sookram opened the public hearing. Jerry Nelson of 2320 East 8th Street spoke for the applicant. No one else spoke. Chairman Sookram closed the public hearing and asked for Planning Commission discussion of the item. Commissioner Gifford moved to conditionally approve the request with the conditions specified in the staff report. Commissioner Landholm seconded the motion. Motion carried unanimously.

Chairman Sookram read the item to consider a request by the Director of Planning for a change to Section 11-504.01(B)(2) and Section 11-504.01(B)(3) of the City of Fremont Unified Development Code related to multiple family developments. The Planning Director presented her staff report with a recommendation of approval. Chairman Sookram opened the public hearing and closed the public hearing after seeing no one who wanted to speak on the item. Chairman Sookram then asked for Planning Commission discussion of the item. Following discussion, Commissioner Borisow moved to approve the request, seconded by Horeis. Motion carried unanimously.

Chairman Sookram read the item to consider a request by the Director of Planning for changes to section 11-324.03 of the City of Fremont Unified Development Code related to exceptions to the minimum lot requirements in residential districts, enlargement of nonstandard single family dwellings into required yards, and subdividing lots containing more than one single family residence. The Planning Director presented her staff report with a recommendation of approval. Chairman Sookram opened the public hearing and closed the public hearing after seeing no one who wanted to speak on the item. Chairman Sookram then asked for Planning Commission discussion of the item. Following discussion, Commissioner Borisow moved to approve the request, seconded by Horeis. Motion carried unanimously.
Chairman Sookram read the item to consider a request by Robert Fields on behalf of Anew Development for the voluntary annexation of approximately the north 220 feet of Lot 1, Fountain Springs Fourth subdivision. The Planning Director presented her staff report with a recommendation of approval. Chairman Sookram opened the public hearing and closed the public hearing after seeing no one who wanted to speak on the item. Chairman Sookram then asked for Planning Commission discussion. Following discussion, Commissioner Gifford moved to approve the request, seconded by Landholm. Motion carried unanimously.

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 five Commissioners voting aye. Motion carried unanimously. Meeting was adjourned at approximately 5:18 p.m.

APPROVED

_____________________________________
Dev Sookram, Chairman

ATTEST

_____________________________________
Jennifer Dam, Director of Planning
Staff Report

TO: Planning Commission
FROM: Jennifer L. Dam, AICP, Planning Director
DATE: October 21, 2019
SUBJECT: Brooks Hollow Second Addition Final Plat

Recommendation: Approval with the conditions

Background:
The Brooks Hollow preliminary plat was approved in July, 2014.
Brooks Hollow Addition final plat was approved in August, 2014.
Brooks Hollow First Addition final plat was approved in April, 2017.
This request for the Brooks Hollow Second Addition final plat is associated with a request for a change of zone from R, Rural to SR, Suburban Residential and with a request for a voluntary annexation.
The proposed final plat is consistent with the approved preliminary plat.
The Future Land Use map shows the area for residential development.
The Public Works Director indicated in an email to the developer's engineer that the grading and drainage looked okay.
The Assistant City Administrator for Utilities had the following comments:

1. Verify sanitary service to Lot 1 was constructed with previous phase.
2. Consider Sanitary Service for Lots north of Lot 3 and Lot 6
3. Install End of Road Signs / barricades at north end of Heatherwood and Aberdeen Streets
4. Approval Letter from NDEE for Sanitary Sewer prior to construction
5. NOI from NDEE and development of SWPPP prior to grading

The Developer's Engineer is providing the requested easements as shown on the attached drawing.

Recommendation: Approval with the conditions that sanitary sewer service to lot 1 was provided in a previous phase; consideration be given for sanitary service north of Lot 3 and Lot 6; barricades and “end of road” signs be installed by the developer at the north end of Heatherwood and Aberdeen Streets; an approval letter must be received from the Nebraska Department of Environment & Energy for Sanitary Sewer prior to construction; approval of Notice of Intent and development of a SWPPP is received from the Nebraska Department of Environment & Energy prior to grading.
Staff Report

TO: Planning Commission
FROM: Jennifer L. Dam, AICP, Planning Director
DATE: October 21, 2019
SUBJECT: Change of Zone from R, Rural to SR, Suburban Residential

Recommendation: Approval

Background:

This request is for a change of zone from R, Rural to SR, Suburban Residential for Brooks Hollow Second Addition final plat and with a request for a voluntary annexation.

The zoning to the east, south and west is SR, Suburban Residential. The zoning to the north is R, Rural. The zoning further north is also SR, Residential.

This area is a portion of an “island” of R, Rural zoned property that is included in the approved preliminary plat and will be developed in the future. It is anticipated that SR, Suburban Residential zoning will be requested for the remaining property as it incrementally develops in the future.

The Future Land Use map shows the area for residential development.

Recommendation: Approval
Staff Report

TO: Planning Commission
FROM: Jennifer L. Dam, Planning Director
DATE: October 17, 2019
SUBJECT: Voluntary Annexation

Recommendation: Approval conditioned upon the approval of the change of zone and the Brooks Hollow 2nd Addition final plat.

Background:

A Voluntary Annexation Petition has been received for a parcel of land located in the SW1/4 SW1/4 of Section 18, Township 17 North, Range 9 East of the 6th p.m., Dodge County, Nebraska generally located at Aberdeen Street and Peterson Avenue.

This request is associated with requests for a change of zone from R, Rural to SR, Suburban Residential and a final plat named Brooks Hollow Second Addition, all over the same property.

The proposed annexation is contiguous to the City.

The proposed final plat supplemental materials detail the extension of city utilities to serve the proposed lots.

This request is consistent with the Comprehensive plan and with State Statutes.

Recommendation: Approval conditioned upon the approval of the change of zone and the Brooks Hollow 2nd Addition final plat.
Brooks Hollow Second Addition: Enlarged
Zoning surrounding proposed area of development
Aerial photograph showing generalized area of development:
Preliminary Plat showing area of proposed Brooks Hollow Second Addition
ADDITIONAL UTILITY EASEMENTS 9/18/19
Staff Report

TO: Planning Commission

FROM: Jennifer L. Dam, AICP, Planning Director

DATE: October 21, 2019

SUBJECT: Modification of Conditional Use Permit for a Cell Tower at Memorial Field

Recommendation: Conditional Approval with the condition that bright strobe lighting is not allowed

Background:

Megan Flowers with Crown Castle USA, Inc. is requesting a modification to a conditional use permit for a communications tower located in a corner of Memorial Field, generally located north of 1600 E. Military Ave.

The applicant proposes to remove the existing tower and replace it with a 129' tower at the east end of the compound.

The tower is located at the corner of a parking lot and the parcel containing the track.

The original tower was approved by the Planning Commission and City Council in April of 2002. According to the minutes of the meeting, it was approved to be 73’ tall. It was placed in this location at the request of the residents to the east.

The proposed replacement tower will allow the co-location of at least three other sets of antennae.

The existing tower blends well with the existing lights surrounding the football field and in the parking lot. The proposed tower would be considerably taller, and would be somewhat more visible. However, placement in an area with existing tall lights will help make it less noticeable.

Co-location is encouraged by section 11-504.01.DD.4 of the UDC.

11-504.01.DD 1.c requires towers to be set back by 100 percent of the height of the tower. The proposed tower is in the interior of the Memorial Field/YMCA complex, at the corner of the track. A 130’ buffer image is shown below. If the tower were to fall, it would not impact any buildings.

The landscape bufferyard for the facility was waived in 2012. Adding shrubs to the base could interfere with the use of the area as a field.

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 proposal 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 use is compatible and blends with the existing towers in 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: This is an amendment of an existing permit.

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 of similar uses.

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 public health and safety is protected, an adequate fall zone is provided.

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: This will not use a disproportionate share of public services.

Recommendation: Conditional Approval with the condition that bright strobe lighting is not allowed.
Existing tower

130’ buffer around compound
EXHIBIT A

Legal Description of the Total Property

LEGAL DESCRIPTION PARENT PARCEL:

A part of Tax Lot 119, located in the Northeast Quarter of the Northwest Quarter of Section 24, Township 17 North, Range 8 East, of the 6th Principal Meridian, as recorded in Deed Book 139, at Page 307, in the City of Fremont, Dodge County, Nebraska.

PID (Property Identification Number): Tax-exempt government owned property.

Also known as: Memorial Field, 1600 E. Military Avenue, Fremont, Nebraska 68025
Staff Report

TO: Planning Commission
FROM: Jennifer L. Dam, AICP, Planning Director
DATE: October 21, 2019
SUBJECT: Request for a Conditional Use Permit

RECOMMENDATION: Approval conditioned upon Ordinance #5507 be approved by the City Council

Background:

The applicant is requesting a Conditional Use Permit to allow 4 tri-plexes on a parcel of ground consisting of the south 142 feet of Tax Lot 38. The parking lot would remain in the area of the conditional use permit for the Presbyterian Church.

The property is zoned UR, Urban Residential. The area to the immediate north is zoned UR, Urban Residential and is developed with a parking lot. The area farther north, across the street, is zoned SR, Suburban Residential and is developed with a church and single family dwellings.

The area to the east, south and west are zoned UR, Urban Residential. The area to the east is developed with single family houses. The area south is developed with an apartment complex. The area southwest is developed with single family residential. The area west is developed with an elementary school.

The proposed development has less impervious coverage and building than the maximum allowed in Table 11-602.02.02.

11-504.01 B.1 states that multi-family dwellings must be 300 feet from a R, MH, BP, GI, LI, AV or PO district unless separated by a type B bufferyard or collector or arterial roadway.

Finding: This site is more than 300 feet from any of the abovementioned districts.

11-504.01 B.2 states that multi-family dwellings are permitted if “they are located more than 300 feet from any other multiple family development, as measured from the boundary lines nearest each other.”

Finding: The proposed development is adjacent to an existing apartment building. However, Ordinance # 5507 proposes that this be changed to only apply to the SR and AR zoning districts. Ordinance #5507 received unanimous approval from the Planning Commission. It had first reading and a public hearing in front of the City Council on October 8, 2019. It will have second reading on October 29 and third and final reading on November 12, 2019.
11-504.01.B.3 states that there are no more than 12 units per acre.

Finding. The four proposed triplexes are on what will become a lot containing approximately 40,009 square feet or about .92 acre. This equates to 13 units per acre. However, the underlying UR zoning district allows a density of 24 units per acre for multi-family developments. Proposed Ordinance #5507 rectifies this discrepancy.

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 use does 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 multi-family units will be 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: There is not an alternative location within 1,000 feet.

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 use will not discourage permitted uses as the surrounding area is built up. This is infill development.

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 use will not create man made hazards. Off street parking is provided for each unit.

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.

**Staff Recommendation:** Approval conditioned upon Ordinance #5507 being approved by the City Council
Staff Report

TO: Planning Commission
FROM: Jennifer L. Dam, AICP, Planning Director
DATE: October 21, 2019
SUBJECT: Request for an amendment to a pre-existing conditional use permit to reduce the area within the conditional use permit

RECOMMENDATION: Conditional approval based upon the green space and parking lot be subdivided via an administrative plat.

Background:

This is a request by the Presbyterian Church of Fremont to amend its pre-existing conditional use permit by modifying its boundary and selling the green space south of the parking lot.

The church is considered to be a “Public Assembly” land use. It is a conditional use in the SR district and a limited use in the UR district.

The church itself is on property zoned SR, Suburban Residential. The parking lot and green space across the street to the south is zoned UR, Urban Residential.

11-504.02.I indicates that public assembly uses are permitted if they are greater than 300 feet from an AV or GI district, take primary access from a collector or arterial roadway; have taken adequate precautions so as not to create a burden due to parking, traffic or noise, and; operate in accordance with all applicable laws and regulations.

The church meets the above requirements. The operations of the use are not changing.

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 existing church 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 existing church is compatible with the existing land 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: The church is existing.

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: There is not a mass of churches in this area

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 health hazards.

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 church will not use a disproportionate share of public services.

**Staff Recommendation:** Conditional approval based upon the green space and parking lot be subdivided via an administrative plat.
Proposed boundary of church property

Area of proposed tri-plexes
General area of proposed church boundaries

General Area of proposed tri-plexes
SITE PLAN

SCALE: 1" = 30'

COMBINED LOTS INFORMATION:
SITE AREA: 69338 SF at 231.4 FT X 261.75 FT
IMPERVIOUS AREA: 44,081 SF = 65%
GREEN AREA: 35%

LIFE HOUSE LOT INFORMATION:
SITE AREA: 40,029 SF at 281.75 FT X 142.0 FT
IMPERVIOUS AREA: 20,038 SF = 50%
GREEN AREA: 50%

SETBACKS REQ.:
FRONT: 25 FT
REAR: 15 FT
SIDE: 5 FT
CORNER: N.A.
LOT SF PER UNIT: 9,315 SF
PARKING: 24 SPACES = 2 PER UNIT

UNITS: 8 2-BR UNITS
4 3-BR UNITS

LANDSCAPE LEGEND

TREE: ☑ BLAZER MAPLE 6'7'
MATURE HEIGHT 40'-50'
MATURE WIDTH 30'-40'

SHRUB: ○ LILAC
PRIVACY/BUFFER SHRUB ON PROPERTY LINE
SPACING # 20' O.C.

SITE PLAN OF LIFE HOUSE APARTMENTS
1101 S. 23RD STREET
OMAHA, NEBRASKA
October 7, 2019
10:54 AM

DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

- Roads
- Sections
- Parking/Drives
- Sidewalks
- Signs
- Parcels

1:1,128

0 0.0075 0.015 0.03 mi
0 0.015 0.03 0.06 km

Dodge County
gWorks
Staff Report

TO: Planning Commission
FROM: Jennifer L. Dam, AICP, Planning Director
DATE: October 21, 2019
SUBJECT: Request for a Conditional Use Permit for

RECOMMENDATION: Approval

Background:
The applicant is requesting a Conditional Use Permit to allow self-storage units on a 3.83 acre parcel located at 460 W. 52nd Street.

The property is zoned LI, Light Industrial. It is adjacent to the Highway 77 and Highway 275-30 Interchange.

The area to the north, east and south is zoned LI, Light Industrial. The area to the west is zoned R, Rural.

The site plan shows that landscaping that meets the requirements of the UDC.

Section 11-504.04 M of the UDC has the following criteria:

M. Self-Service Storage Facilities are permitted if it is demonstrated that:

1. They are located greater than 300 feet from any residential, SC, DC, BP, CU, or PO 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;

   Finding: The property is more than 300 feet from a residential district.

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

   Finding: 52nd Street acts as a collector in that area.

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 property abuts a highway interchange and is in an industrial area. The impact should be minimal.

4. The minimum size of a self-storage facility is one acre;

   Finding: The site is over one acre.

5. Activities within the facility are limited to the rental of storage cubicles or garages and the administration and maintenance of the facility;

   Finding: This facility will be fenced and used for storage. The construction office is outside of the fenced area to be used as a storage facility.
6. All storage is wholly within fully enclosed buildings and does not include the storage of hazardous materials;

Finding: This provision is met.

7. No storage buildings open into required front or street yards;

Finding: This provision is met.

8. All driveways and interior drive aisles are constructed of concrete; all other vehicular use and maneuvering areas within the facility are provided with an all-weather surface approved by the zoning administrator; and

Finding: This provision will be met.

9. Any outdoor storage of vehicles is on a coarse aggregate or other all-weather surface approved by the zoning administrator, provided that the storage area is fully screened and/or enclosed with an opaque fence or wall (see Subsection 11-615.02., Fences and Walls) to a minimum height of six feet.

Finding: This provision will be met.

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: This 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 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 not an alternate location where this is permitted by right within 1,000 feet.

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: There will not be a critical mass of similar uses.
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 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 disproportionately use public services.

**Staff Recommendation:** Approval
General area of proposed storage facility
Staff Report

TO: Planning Commission
FROM: Jennifer L. Dam, AICP, Planning Director
DATE: October 21, 2019
SUBJECT: Request for a Conditional Use Permit to expand Deerfield Clubhouse Apartments by adding a 44 unit building

RECOMMENDATION: Approval conditioned on City Council approval of Ordinance #5507

Background:

The applicant is requesting a Conditional Use Permit to allow the expansion of the Deerfield Clubhouse Apartments by adding a 44 unit building.

There are 122 existing units. The expansion would bring the total to 166 units. The gross land area is 11.706 acres yielding a proposed density of 14 units per acre. This is below the density of 24 units per acre specified in table 11-602.01.

The property is zoned UR, Urban Residential. The area to the immediate north is zoned UR, Urban Residential and R, Rural is developed with acreage housing. The area her northeast is zoned LI, Light Industrial and is undeveloped. The area to the east is zoned UR, Urban residential and is undeveloped. The area south of the apartment complex is zoned LI, Light Industrial and is developed with industrial uses. The area to the southeast of the apartment complex is zoned AR, Auto Urban Residential and is undeveloped.

The proposed addition will have 67% impervious coverage which is less than the maximum 70% allowed in Table 11-602.02.02.

The developer has provided a drainage study which was reviewed by the Assistant City Administrator for Utilities. He found the study and the proposed rain garden detention cell to be satisfactory provided the cell does not drain into Morningside Rd.

The Fire Chief requested an emergency entrance of Morningside Rd. The developer has provided an emergency entrance on the site plan. The Assistant City Administrator for Utilities requests that this be for emergency use only, consistent with the findings and recommendations of the traffic study.

The Assistant City Administrator for Utilities requested that fire hydrants be placed as needed.

The Assistant City Administrator for Utilities requested that if the emergency entrance off of Morningside is used as a construction entrance that the developer ensure that the road is cleaned daily.

11-504.01 B.1 states that multi-family dwellings must be 300 feet from a R, MH, BP, GI, LI, AV or PO district unless separated by a type B bufferyard or collector or arterial roadway.
Finding: This site is approximately 200 feet from the corner of a LI district but is separated by an arterial roadway.

11-504.01 B.2 states that multi-family dwellings are permitted if “they are located more than 300 feet from any other multiple family development, as measured from the boundary lines nearest each other.

Finding: The proposed development is not adjacent to another apartment complex.

11-504.01.B.3 states that there are no more than 12 units per acre.

Finding. The proposed addition brings the complex to a density of 14 units per acre. However, the underlying UR zoning district allows a density of 24 units per acre for multi-family developments. Proposed Ordinance #5507 rectifies this discrepancy.

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 use does 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 multi-family units will be 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: There is not an alternative location within 1,000 feet.

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 use will not discourage permitted uses as the surrounding area is built up. This is infill development.

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 use will not create man made hazards. Off street parking is provided for each unit.
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.

**Staff Recommendation:** Approval with the condition that Ordinance #5507 is approved by the City Council.
Generalized area of apartment complex and area of proposed expansion (blue)
Deerfield Clubhouse Apartments - 2019 Addition

Lund Company

PROGRESS PRINT
NOT TO BE USED FOR CONSTRUCTION
DATE PRINTED: October 4, 2019

LEGEND
- Proposed concrete
- Proposed pavers
- Existing trees
- Existing utility poles

LEGAL DESCRIPTION

BENCHMARK

VICINITY MAP

PROJECT LOCATION

CONTACT INFORMATION

Sheet Title: Site Plan
Sheet Number: C1.0

LEGEND
- Proposed emergency vehicle entrance
- See detail sheet for specifications on proposed pervious concrete pavers
Staff Report

TO: Planning Commission
FROM: Jennifer L. Dam, Planning Director
DATE: October 17, 2019
SUBJECT: Voluntary Annexation

Recommendation: Approval

Background:

A Voluntary Annexation Petition has been received for all of Lot 8 Poultry Complex Addition except the east 251.76 feet and consisting of approximately 2.82 acres. The property is generally situated on the south side of Cloverly Rd., approximately 195 feet east of S. Main Street and is located in Sections 25, 26 and 36 all in T17N, R8E, Dodge County Nebraska.

This portion of Lot 8 is currently in the Village of Inglewood. The east portion of the lot is located in the City of Fremont. The engineer did not provide an accurate depiction of the parcel and the jurisdiction it was located in at the time of annexation.

Lincoln Premium Poultry intends to construct a testing laboratory on this site.

None of Lot 8, Poultry Complex is eligible for tax increment financing, because the lot was not included in the Blight and Substandard area.

The Village of Inglewood is de-annexing this parcel concurrently with the City of Fremont Planning Commission hearing to annex the parcel.

The City of Fremont will de-annex a portion of ground further south so as to create a straight boundary line between the two communities. The Village of Inglewood will annex such property.

The proposed annexation is contiguous to the City.

This request is consistent with the Comprehensive plan and with State Statutes.

Recommendation: Approval
Area of Proposed Annexation:
LEGAL DESCRIPTION


ALL OF SAID LOT 8, POULTRY COMPLEX EXCEPT THE EAST 251.76 FEET.

SAID TRACT OF LAND CONTAINS A CALCULATED AREA OF 122,878.42 SQUARE FEET OR 2.821 ACRES MORE OR LESS.
Staff Report

TO: Planning Commission
FROM: Jennifer L. Dam, Planning Director
DATE: October 17, 2019
SUBJECT: Disconnection of 12.34 acres from the City of Fremont

Recommendation: Approval

Background:

The City Council approved a conditional annexation agreement of approximately 417 acres in July 2016. Approximately 2.6 acres were actually within the Village of Inglewood and were disconnected in April 2017.

This proposal is to disconnect the 12.34 acres from the City of Fremont so as to create a straight boundary line between the two communities. The Village of Inglewood will annex the property.

Staff from Fremont, Inglewood and the Dodge County Assessor’s office as well as representatives from Lincoln Premium Poultry met recently to discuss the boundaries between the two jurisdictions. The group agreed that the portion of Lot 8 in Inglewood would be disconnected by the village and annexed by Fremont. The group concluded that the disconnection of approximately 12.34 acres from the City of Fremont and annexed into the Village of Inglewood would establish a straight boundary between the two jurisdictions. A straight boundary line will be beneficial to the Dodge County Assessor’s office as well as the two jurisdictions.

The Poultry Complex plat included Lot 8, a portion of which is in the Village of Inglewood and a portion of which is in the City of Fremont. The annexation of the western portion of that parcel is associated with this request.

The City of Fremont Community Development Agency will also need to disconnect the property from the area that was declared blighted and substandard.

An administrative plat will create lots that are in the City of Fremont and in the Village of Inglewood. The lots will be consistent with the area annexed by Inglewood and disconnected from the City of Fremont. This will clarify the boundaries and legal descriptions of the properties between the two jurisdictions.

This request is consistent with the Comprehensive plan and with State Statutes.

Recommendation: Approval
Area of Proposed Disconnection:
LEGAL DESCRIPTION

A TRACT OF LAND BEING A PORTION OF LOT 1, POULTRY COMPLEX REPLAT ONE, A PLATTED AND RECORDED SUBDIVISION IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 17 NORTH, RANGE 8 EAST OF THE 6TH P.M., DODGE COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 1, POULTRY COMPLEX REPLAT ONE, SAID CORNER ALSO BEING ON THE NORTH RIGHT-OF-WAY LINE OF HILLS FARM ROAD; THENCE ON SAID NORTH RIGHT-OF-WAY LINE OF HILLS FARM ROAD, ON AN ASSUMED BEARING OF N86°26'21"W, 351.95 FEET; THENCE N02°17'57"W, 584.96 FEET TO THE NORTHEAST CORNER OF LOT 15B, EAST INGLEWOOD SUBDIVISION, A PLATTED AND RECORDED SUBDIVISION IN SAID DODGE COUNTY, NEBRASKA; THENCE ON THE NORTH LINE OF SAID LOT 15B, S87°42'03"W, 192.76 FEET; THENCE ON THE WEST LINE OF SAID LOT 1, POULTRY COMPLEX REPLAT ONE FOR THE FOLLOWING TWO (2) DESCRIBED COURSES: (1) N01°54'24"W, 33.00 FEET; (2) N02°12'03"W, 564.80 FEET; THENCE N87°42'03"E, 545.50 FEET TO A POINT ON THE EAST LINE OF SAID LOT 1, POULTRY COMPLEX REPLAT ONE; THENCE ON SAID EAST LINE OF LOT 1, POULTRY COMPLEX REPLAT ONE, S02°07'09"E, 1218.70 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS A CALCULATED AREA OF 537,546.00 SQUARE FEET OR 12.340 ACRES MORE OR LESS.