



**PLANNING COMMISSION MEETING
MONDAY, July 20, 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.

Topic: Planning Commission

Time: Jul 20, 2020 5:00 PM Central Time (US and Canada)

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Meeting ID: 969 6634 1568

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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.



**PLANNING COMMISSION MEETING
MONDAY, July 20, 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 June 15, 2020 Meeting as prepared.
5. A request by Heather Carver for amendment to the Morningside Road Redevelopment Plan for the RD Leasing Redevelopment Project, generally located at the northwest corner of Morningside Drive and Howard Street.
6. A request by Rod & Cyndy Koerber and Chris Menn for a Conditional Use Permit for a camp ground on property generally located at the Rod & Gun Club, 867 County Rd. 19 areas 5 and 8A.
7. A request by Lyman Richey Corp. for a Conditional Use Permit for soil excavation on approximately 51 acres of property in Section 36, T17N R8E and in Section 25N, T17N, R8E generally located south of Old Highway 275, south of the Union Pacific railroad track, north of Hills Farm Road and west of a line extended from Luther Road to the north.
8. A request by David C. Mitchell on behalf of Carroll and Mary Hasemann for a Change of Zone from R, Rural to GC, General Commercial on property located in the SW1/4 of the SW1/4 of Section 35, T18N, R8E generally located northwest of W. County Rd. S and Highway 77 & 275.
9. 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 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

June 15, 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 and Sawyer present. Horeis was absent. Eight 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 May 18, 2020 Planning Commission meeting as prepared. Commissioner Borisow made a motion to approve the minutes which was seconded by Commissioner Nielsen. By a roll call vote, Borisow, Gifford, Lathrop, Nielsen, Carlson, Sawyer, Sookram and Landholm voted in favor.

The motion carried 8-0.

Chairman Sookram read the item: A request by Michael Kuhns for a Conditional Use Permit for the expansion of a non-standard use for the purpose of replacing a 12' x 20' shed on property generally located at 249 W Jackson St., Fremont Nebraska. Planning Director Jennifer Dam requested a letter in favor of the conditional use permit be entered into the record. Commissioner Borisow made a motion to accept the letter, commissioner Nielsen seconded the motion. By a roll call vote Gifford, Borisow, Nielsen, Lathrop, Landholm, Sawyer, Carlson and Sookram voted in favor. The motion carried 8-0.

Jennifer Dam presented her staff report. Chairman Sookram opened the public hearing. One person spoke in favor of the Conditional Use Permit. Chairman Sookram closed the public hearing. Commissioner Nielsen made a motion to recommend approval of the Conditional Use Permit and Commissioner Carlson seconded the motion. By roll call vote Gifford, Borisow, Sawyer, Lathrop, Nielsen, Sookram, Carlson and Landholm voted in favor. The motion carried 8-0.

Chairman Sookram read the item: A request by Heather Carver, on behalf of RD Leasing, LLC to annex Lot 3 Morningside Industrial Park, generally located on the northeast corner of Morningside and Howard Streets. Planning Director Jennifer Dam presented her staff report. Chairman Sookram opened the public hearing. One person spoke in favor of the annexation. Chairman Sookram closed the public hearing. Commissioner Gifford made a motion to recommend approval. Commissioner Landholm seconded the motion. By a roll call vote Nielsen, Lathrop, Sawyer, Borisow, Landholm, Gifford, Carlson and Sookram voted in favor. Motion carried 8-0.

Chairman Sookram read the item: A request by Jay Muller on behalf of Fremont Bank and Trust for a sign plan on the property generally located at 610 N Main Street. Planning Director, Jennifer Dam presented her staff report. Chairman Sookram opened the public hearing. Having no Public comment or discussion, Chairman Sookram closed the public hearing. Commissioner Borisow made a motion to approve Sign 1 and 3 at 610 Main, Commissioner Carlson seconded the motion. By a roll call vote, Borisow, Gifford, Sawyer, Nielsen, Lathrop, Landholm, Carlson and Sookram voted in favor of the motion. 8-0 Motion carried.

Chairman Sookram read the item: A request by Jay Muller on behalf of Fremont National Bank and Trust for a sign plan on property generally located at 801 N Main St. Planning Director, Jennifer Dam presented the staff report. Chairman Sookram opened the public hearing. Having no public comment or discussion Chairman Sookram closed the public hearing. Commissioner Gifford made a motion recommending approval. Commissioner Landholm seconded the motion. By a roll call vote, Borisow, Lathrop, Landholm, Gifford, Sawyer, Carlson, Nielsen and Sookram voted in favor of the motion. 8-0 Motion carried.

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. By roll call vote, Nielson, Landholm, Sookram, Sawyer, Lathrop, Borisow Gifford and Carlson all voting aye. The motion carried 8-0. Meeting was adjourned at approximately 5:43 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: July 20, 2020
SUBJECT: Request for Amendment to the Morningside Road Redevelopment Area for the RD Leasing Redevelopment Project

Recommendation: Recommend approval of the redevelopment plan amendment and adoption of the findings to the Community Development Authority and the City Council.

Background:

This is a request for an amendment to the Morningside Road Redevelopment Area to include the RD Leasing Redevelopment Project

The Morningside Road Redevelopment Area was declared blighted and substandard by the City Council on May 27, 2014. The Redevelopment Plan was approved June 10, 2014.

The approved redevelopment plan identified potential redevelopment projects to improve the blighted and substandard conditions including:

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

The purpose of the amendment is to identify the redevelopment project which consists of the development of 18 lots for the construction of commercial and industrial flex buildings, parking lots and ancillary improvements. The proposed buildings will range in size from 3,000 square feet to 10,000 square feet and will be developed in phases over six years.

The tax increment will be used to assist in the cost of public improvements including the installation of utilities, streets, sidewalks, erosion and storm water control, site preparation, site design, site acquisition as provided by State statute.

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

The commercial and industrial use of the property is consistent with the Comprehensive Plan, which designates the area for Industrial Uses on the Future Land Use Map.

Findings:

The area was declared blighted and substandard in May, 2014.

The industrial uses are consistent with the Comprehensive Plan.

The estimated base valuation of the project area is \$33,000.

The estimated completed project assessed valuation is \$4,271,000

The projected tax increment base is \$4,238,000

The estimated annual tax shift is \$86,800.

An estimated \$700,000 in tax increment financing is necessary to provide for the construction and installation of infrastructure and related eligible expenditures.

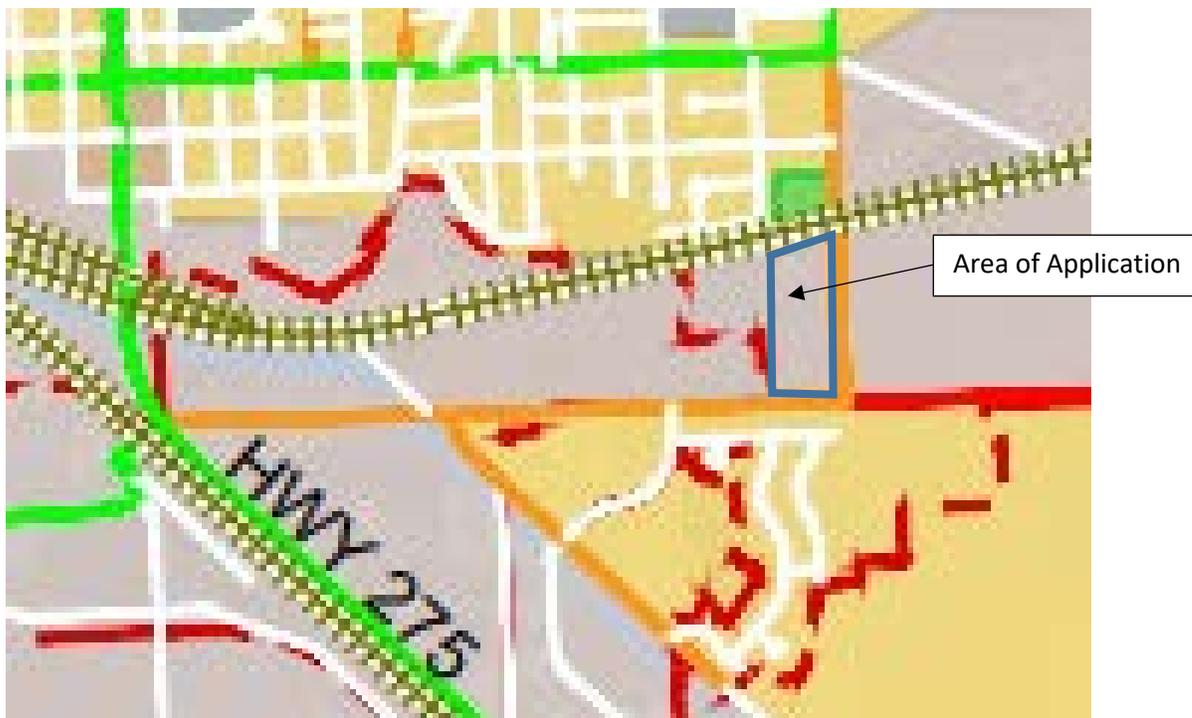
The proposed redevelopment projects would not be feasible without tax increment financing.

The proposed redevelopment project is in the best economic interest of the City of Fremont.

Vicinity Map



Future Land Use Map Excerpt



**AMENDMENT TO THE REDEVELOPMENT PLAN
FOR THE MORNINGSIDE ROAD REDEVELOPMENT AREA
IN THE CITY OF FREMONT, NEBRASKA**

(RD LEASING REDEVELOPMENT PROJECT)

The City of Fremont, Nebraska (“City”) has undertaken a plan of redevelopment within the community pursuant to the adoption of the Redevelopment Plan for the Morningside Road Redevelopment Area in the City of Fremont, as amended (the “Redevelopment Plan”). The Redevelopment Plan was prepared by the City in May of 2014 and was approved by the City Council of the City on July 29, 2014, pursuant to Resolution No. 2014-138. The Redevelopment Plan serves as a guide for the implementation of redevelopment activities within certain areas of the City, as set forth in the Redevelopment Plan.

Pursuant to the Nebraska Community Development Law codified at Neb. Rev. Stat. §§ 18-2101 through 18-2154 (the “Act”), the City created the Community Development Agency of the City of Fremont (“CDA”), which has administered the Redevelopment Plan for the City.

The purpose of this Plan Amendment is to identify: (a) a specific project within the Redevelopment Area that will cause the removal of blight and substandard conditions on the site located in the City of Fremont, Nebraska, and legally described on the attached and incorporated Exhibit “A” (the “Project Site”); and (b) the phased implementation of the overall project.

The Project Site

The Project Site is in need of redevelopment. The CDA has considered whether the redevelopment of the Project Site will conform to the City’s general plan and the coordinated, adjusted, and harmonious development of the City and its environs. In this consideration, the CDA finds that the proposed redevelopment of the Project Site will promote the health, safety, morals, order, convenience, prosperity, and the general welfare of the community including, among other things, the promotion of safety from fire, the promotion of the healthful and convenient distribution of population, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary and unsafe dwelling accommodations or conditions of blight. The blighted condition of the Project Site and the Redevelopment Area has contributed to its inability to attract business and/or development. In order to support private development, the Project Site and the Redevelopment Area are in need of redevelopment.

The Project Site is currently vacant and underdeveloped. The Project Site requires significant upfront costs, including site preparation and installation of streets and utilities, in order to be developed. Due to the additional upfront costs required to eliminate the blighted and substandard conditions from the Project Site, the Project is not feasible without the use of tax increment financing, which will be used to pay for eligible expenditures under the Act. The redevelopment of the Project

Site is anticipated to eliminate the current blight and substandard conditions of the Project Site and will further the purposes of the Act in conformity with the Redevelopment Plan.

Description of the Project

RD Leasing, LLC (the “Redeveloper”) has submitted a proposal for the redevelopment of the Project Site. The Project will consist of the subdivision of the Project Site into 18 lots, and construction of up to 18 commercial and industrial flex buildings, parking lots, and ancillary improvements on the Project Site in a series of up to 6 phases. Implementation of the Project in phases is described in greater detail below. It is anticipated that each phase of the Project will consist of the construction of one or more commercial or industrial flex buildings, ranging in size from approximately 3,000 square feet to approximately 10,000 square feet each. The proposed site plan for the Project is attached hereto as Exhibit “B” (the “Site Plan”). The Site Plan is conceptual in nature and is subject to revision based on changes in community needs, but it presents the vision and intended character for the Project. The Project retains the flexibility to change the size and sequence of the individual phases of the development based on market forces and demand.

The Redeveloper will pay the costs of the private improvements, including the costs of construction of the buildings. As part of the Project, the CDA shall capture available tax increment revenues generated by the redevelopment of the individual phases of the Project Site to reimburse the Redeveloper or assist in payment for the public improvements listed as eligible expenditures under the Act in the Redevelopment Area and to be more fully described in the Redevelopment Agreement. Such public improvements may include, but are not limited to: site acquisition, site preparation, engineering and design fees, installation of public utilities, installation of streets and sidewalks, erosion control and stormwater pollution prevention improvements, and other improvements deemed feasible and necessary in support of the public health, safety, and welfare which qualify as eligible expenditures for public improvements under the Act. The specific public improvements for which the available tax increment revenues generated by the Project will be used will be described in more detail in the Redevelopment Agreement.

It is anticipated that the assessed value of the Project Site upon completion of construction on all 18 lots will exceed the valuation required to pay debt service on the tax increment financing indebtedness sum requested by the Redeveloper to pay for the public improvements listed as eligible expenditures under the Act. As a result, if all 18 lots comprising the Project Site are completed prior to the project completion date, which will be set forth in the Redevelopment Agreement, it is anticipated that the tax increment financing indebtedness will be paid in full several years prior to the expiration of the 15-year tax increment financing period for each phase, and the various taxing jurisdictions are likely to receive the ad valorem real estate taxes generated by the Project prior to the expiration of the 15-year tax increment financing period. In the alternative, if fewer than all of the 18 lots comprising the Project Site are completed prior to the project completion date and the assessed value of the completed lots is sufficient to pay debt service on the tax

increment financing indebtedness sum requested by the Redeveloper, the remaining undeveloped lots will not be subject to the division of ad valorem real estate taxes.

The Project is consistent with the Redevelopment Plan for the Morningside Road Redevelopment Area, which encourages development and improvement of infrastructure in the area and incentivizing projects that enhance the economic vitality of the area. Further, the Project is consistent with the Comprehensive Plan of the City of Fremont. The Future Land Use map set forth in the Comprehensive Plan identifies the future land use of the Project as industrial, and the Comprehensive Plan identifies Morningside Road as a potential area for development of a business park.

Implementation of the Project

The Redeveloper intends to complete the Project in up to 6 phases over a period of years. The private improvements and the public improvements to be constructed by the Redeveloper as a part of each phase will be more particularly described in the Redevelopment Agreement between the CDA and the Redeveloper. The implementation of each phase will mirror the Redeveloper's anticipated construction schedule. Each phase would support separate tax increment financing indebtedness. Further, the "effective date" for the division of the ad valorem taxes generated by each phase of the Project will be determined for each phase in order to preserve the tax increment financing resources available for the public improvements to be constructed as part of the Project.

The implementation of the Project in multiple phases is crucial to the successful development of the Project, as it will allow the Redeveloper to construct the private improvements at a rate that the market can support, and to adapt subsequent phases of the Project to accommodate the changing needs of the community. For this reason, the Project, including (i) the quantity and type of commercial or industrial buildings, (ii) the size of each of the buildings, and (iii) the schedule for implementation of each phase of the Project, is subject to adjustment. The CDA acknowledges that any adjustments to the private improvements, the public improvements, or the timing of construction of each phase of the Project shall be a minor modification to the Redevelopment Plan.

Further, completion of the Project in multiple phases will allow the Redeveloper to optimize the tax increment financing resources available for public improvements in the Redevelopment Area. Due to the scope of the Project and the public improvements to be constructed, the CDA acknowledges that the Redeveloper would not undertake the first phase of the Project or any subsequent phase, without the benefit of tax increment financing with respect to each phase of the Project.

Statutory Elements

As described above, the Project envisions the capture of the incremental taxes created by each phase of the Project on the Project Site to pay for those eligible expenditures as set forth in the Act. Attached as Exhibit "C" and incorporated herein by this reference is a consideration of the statutory elements under the Nebraska

Community Development Law.

Cost-Benefit Analysis

Pursuant to Section 18-2113 of the Act, the CDA must conduct a cost-benefit analysis for any redevelopment project that will utilize TIF. The Cost-Benefit Analysis for the Project is attached hereto as Exhibit "D" and shall be approved as part of this Plan Amendment. The estimated costs of the Project, the estimated TIF proceeds, and the proposed method of financing the project are set forth in the Cost-Benefit Analysis. If the plan for redevelopment is adjusted or the phasing schedule is modified, the Redeveloper shall include any adjustments to the Cost-Benefit Analysis within any minor modification of the Redevelopment Plan.

Additional Project Information

The Redeveloper has represented that: (i) without the use of TIF, this Project would not be feasible and the Redeveloper would not undertake the Project as designed on the Project Site; and (ii) Redeveloper does not intend to file an application with the Department of Revenue to receive tax incentives under the Nebraska Advantage Act.

EXHIBIT "A"
Legal Description of the Project Site

The improvements for this Project shall be constructed on the property legally described as follows:

Lot 3, Morningside Industrial Park, City of Fremont, Dodge
County, Nebraska.

EXHIBIT "B" Site Plan

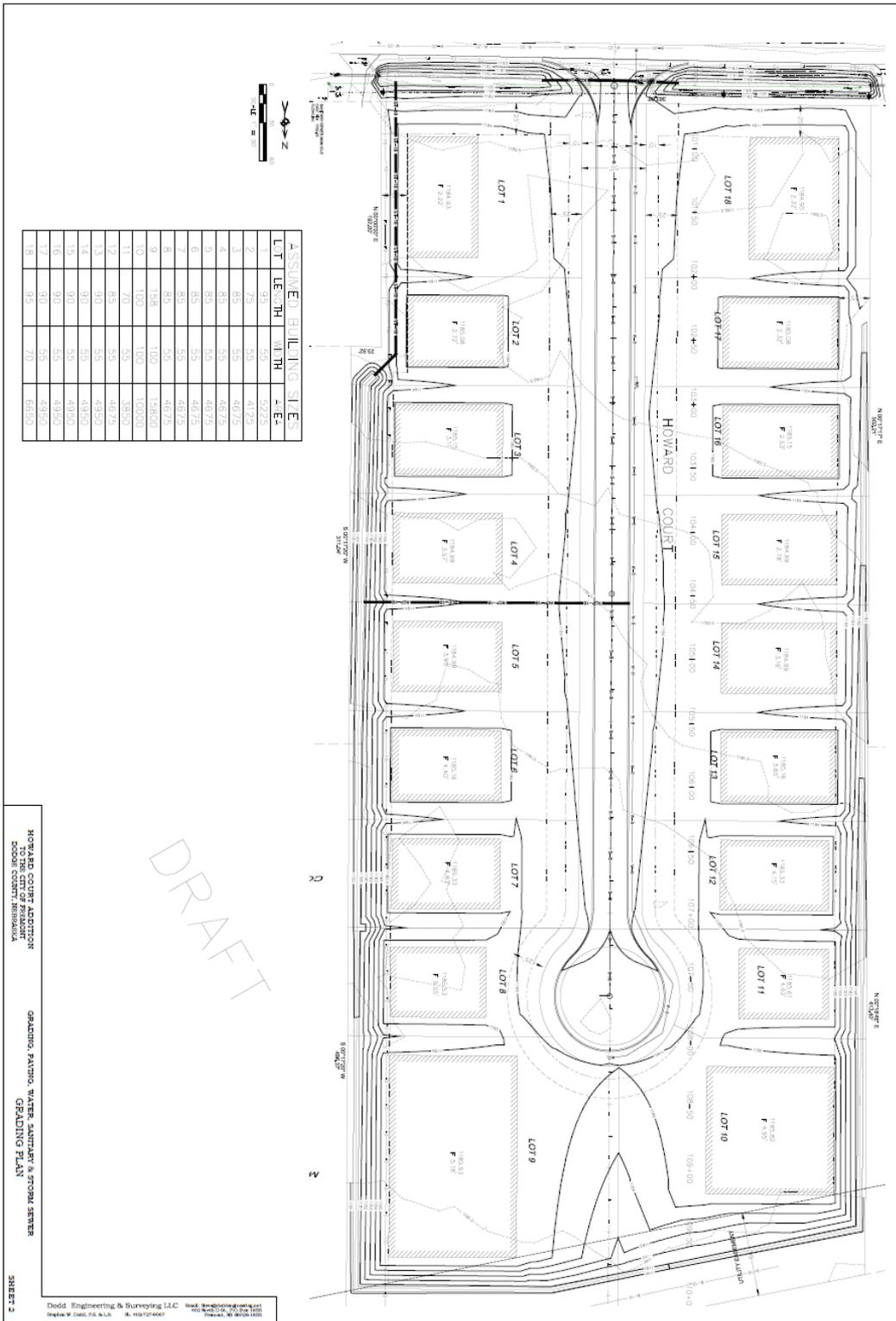


EXHIBIT “C”
Statutory Elements

A. Property Acquisition, Demolition and Disposal

No public acquisition of private property, relocation of families or businesses, or the sale of property is necessary to accomplish the Project. The Redeveloper owns or controls the Project Site.

B. Population Density

The proposed development at the Project Site includes the construction of commercial or industrial buildings, which will not affect population density in the project area.

C. Land Coverage

The Project is anticipated to consist of construction of up to 18 commercial or industrial flex buildings on 18 lots. It is anticipated that each lot will be in the range of approximately 13,000 square feet to approximately 40,000 square feet. The Project will meet the applicable land-coverage ratios and zoning requirements as required by the City of Fremont.

D. Traffic Flow, Street Layouts, and Street Grades

The Project Site is located immediately North of Morningside Road. As part of the Project, the Redeveloper will construct a street with a cul de sac extending off of Morningside Road, identified as Howard Court, to provide access to the Project Site. The proximity of the Project Site to Morningside Road, the construction of Howard Court, and the implementation of the Project in phases, are anticipated to eliminate any potential adverse impacts with respect to traffic flow, street layouts, and street grades that might result from the Project.

E. Parking

The Project will include construction of parking lots to serve the buildings constructed that will meet or exceed the parking requirements set forth in the applicable zoning district.

F. Zoning, Building Code, and Ordinances

The Project Site is located in the LI Limited Industrial zoning district. The Project Site will be replatted to subdivide the Project Site into approximately 18 separate parcels. Redeveloper will be responsible for obtaining any zoning, building code, or ordinance changes that are necessary for the Project.

**EXHIBIT “D”
Cost-Benefit Analysis**

**COMMUNITY DEVELOPMENT AGENCY
CITY OF FREMONT, NEBRASKA
RD LEASING REDEVELOPMENT PROJECT
COST-BENEFIT ANALYSIS
(Pursuant to Neb. Rev. Stat. § 18-2113)**

The RD Leasing Redevelopment Project (the “Project”) will consist of construction of up to 18 commercial or industrial flex buildings on the Project Site in up to 6 phases. The private improvements and the public improvements to be constructed as part of the Project are subject to adjustment based on the needs of the community and other factors. However, for purposes of this cost-benefit analysis, it is assumed that the Project will consist of up to 18 commercial flex buildings ranging in size from approximately 3,000 square feet to approximately 10,000 square feet, as more particularly described on Exhibit “D-1”. The cost-benefit analysis for the Project, which will utilize funds authorized by Neb. Rev. Stat. § 18-2147, can be summarized as follows:

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

a.	Estimated Base Project Area Valuation:	\$33,000
b.	Estimated Completed Project Assessed Valuation:	\$4,271,000
c.	Estimated Tax Increment Base (b. minus a.):	\$4,238,000
d.	Estimated Annual Projected Tax Shift:	\$86,800

Notes:

- 1. The Estimated Annual Projected Tax shift is based on assumed values and levy rates; actual amounts and rates will vary from those assumptions, and it is understood that the actual tax shift may vary materially from the projected amount. The estimated tax levy for this analysis is 2.047225, which is the 2019 Dodge County tax levy, and is subject to change.*
- 2. The Project will be completed in multiple phases, and each phase may have a different effective date for the division of the ad valorem tax. As a result, the Estimated Annual Projected Tax Shift will vary during the Project.*
- 3. The Redeveloper anticipates that upon completion of construction of all lots comprising the Project Site, the assessed valuation of the Project Site will be in the range of \$7,000,000. However, the Estimated Completed Project Assessed Valuation is limited to \$4,271,000 based upon the Redeveloper’s tax increment financing request of \$700,000. This is anticipated to permit the ad valorem real estate taxes to be collected by all of the various taxing jurisdictions on some or all of the lots in the Project Site sooner than the expiration of the tax increment financing period.*

2. Public infrastructure and community public service needs impacts and local tax impacts arising from the approval of the redevelopment project:

a. Public infrastructure improvements and impacts:

The Redeveloper will make significant expenditures for the acquisition, construction and installation of the Project and related and ancillary improvements. It is proposed that approximately \$700,000 of these expenditures will be financed with the proceeds of tax increment financing indebtedness, with the remaining balance to be paid by the Redeveloper. The sources and uses of the TIF indebtedness will be more particularly set forth in the Redevelopment Agreement for this Project, including each phase. It is anticipated that eligible uses of the TIF indebtedness may include the following: site acquisition, site preparation, engineering and design fees, public utility extension and installation, installation of streets and sidewalks, erosion control and stormwater pollution prevention improvements, and other improvements deemed feasible and necessary in support of the public health, safety, and welfare. All expenditures financed by tax increment financing indebtedness shall be eligible in accordance with the requirements of the Nebraska Community Development Law. It is not anticipated that the Project will have a material adverse impact on existing public infrastructure. The Project improvements will materially benefit other property in and around the City.

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

The Project will create material tax and other public revenue for the City and other local taxing jurisdictions. While the use of tax increment financing will defer receipt of a majority of new ad valorem real property taxes generated by the Project, it is intended to create a long term benefit and substantial increase in property taxes to the City and other local taxing jurisdictions. Since the Project Site was not, until recently, within the corporate limits of the City, the City has not historically relied on tax revenue from the Project Site, and the City would be unlikely to realize additional ad valorem taxes in the near future without the Project because the Project Site and surrounding areas are unlikely to be developed without the street and utility improvements being constructed as part of the Project. Further, it is anticipated that the assessed valuation of the Project will be higher than necessary to pay debt service on the tax increment financing indebtedness issued for the Project, which may allow the various taxing jurisdictions to collect the ad valorem real estate taxes on some or all of the lots prior to the expiration of the 15 year tax increment financing period. The Project should also generate immediate tax growth for the City. It is anticipated that the Project will include a significant amount of personal property that will be installed within the buildings constructed, which will be on the property tax rolls upon its acquisition and installation. Further, the Project will generate sales tax as a result of the buildings constructed.

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

It is anticipated that the Project will have a material positive impact on employers and employees of firms locating or expanding within the boundaries of the redevelopment project, because the Project includes extension and installation of public utilities, as well as street improvements, which will attract additional redevelopers to

the area of the Project. Further, the Project will likely require products and services from firms located within the boundaries of the area of the redevelopment project.

It is not anticipated that the Project will have a material adverse impact on employers and employees of firms locating or expanding within the boundaries of the area of the redevelopment project.

4. Impacts on other employers and employees within the City and the immediate area that is located outside of the boundaries of the area of the redevelopment project:

The Project should have a material positive impact on private sector businesses in and around the area outside the boundaries of the redevelopment project. The Project is not anticipated to impose a burden or have a negative impact on other local area employers. The Project should also increase the need for services and products from existing businesses. Since the Project includes construction of commercial and industrial buildings, upon occupancy, the Project may require the purchase of janitorial services, office and hardware supplies, and other similar products and services.

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

The Project is not expected to have an impact on student populations of school districts within the City of Fremont because the Project does not include the construction of any dwelling units.

6. Other impacts determined by the agency to be relevant to the consideration of costs and benefits arising from the redevelopment project:

The construction of commercial and industrial flex buildings as part of the Project is anticipated to create full and part time employment opportunities on the Project Site. The Project will facilitate the development of a blighted and substandard area of the City without the incurrence of significant public cost, and will increase property tax revenue in the long-term. There are no other material impacts determined by the agency relevant to the consideration of the cost of benefits arising from the Project.

6. Cost Benefit Analysis Conclusion:

Based upon the findings presented in this cost benefit analysis, the benefits outweigh the costs of the proposed Project.

Approved by the Community Development Agency, City of Fremont this ____ day of _____, 2020.

_____, Chairman

_____, Secretary

EXHIBIT D-1

PROJECT INFORMATION

The Project will be undertaken on the real estate legally described as:

Lot 3, Morningside Industrial Park, City of Fremont, Dodge County,
Nebraska

(the "Project Site"). The Project shall consist of the following Private Improvements and Public Improvements:

- (a) **Private Improvements.** The private improvements anticipated to be constructed as part of the Project include up to 18 commercial and industrial flex buildings, parking lots, and associated improvements, which will be constructed in up to 6 phases. It is anticipated that the buildings constructed on the Project Site will range in size from approximately 3,000 square feet to approximately 10,000 square feet. However, the private improvements, including (i) the quantity and type of commercial or industrial buildings, (ii) the size of each of the buildings, and (iii) the schedule for implementation of each phase of the Project, are subject to adjustment, as more fully described in the Redevelopment Plan Amendment.

- (b) **Public Improvements.** Land acquisition, extension of public utilities, site preparation, installation of streets and sidewalks, engineering and design fees, erosion control and stormwater pollution prevention improvements, and other eligible public expenditures under the Act as determined in the Redevelopment Agreement; paid for, in part, by the tax increment generated by the private improvements.

General Redevelopment Plan
for the
Morningside Road Area
May 2014



Prepared by:
Fremont Planning Department

Purpose of the Redevelopment Plan

The purpose of this redevelopment plan is to help guide the general redevelopment of the area contained within the Morningside Blight Study. According to the Community Development Law contained within state statutes, the general redevelopment plan is geared toward establishing remedies that alleviate the conditions causing blighted and substandard conditions and thus improving the overall economic well-being of the area and community as a whole.

Legal Description of the redevelopment area

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

The findings of this blight study are based on analysis conducted for a location referred to as the "Morningside", a track of land described as follows: From the Point of Beginning at the northwest corner of Iowa Rail Road Land Company Tax Lots 122 & 123; thence east along the south edge of the Union Pacific Rail Road right of way to the north west corner of Missouri Valley Land Company Lot 11 Section 24 Township 17 Range 8; thence south to the southwest corner of Missouri Valley Land Company Lot 11, Section 24 Township 17 Range 8; thence east along a line parallel to Morningside Road to South Johnson Road; thence north on South Johnson Road to the northwest corner of Tax Lot 26 & Part of Tax Lot 22, Section 19 Township 17 Range 9; thence northeast along south edge of the Union Pacific Railroad right of way to the northeast corner of Tax Lot 26 & Part of Tax Lot 22, Section 19 Township 17, Range 9; thence south along the west right of way of Nebraska Department of Roads Highway 275 right of way to the Morningside Road right of way; thence west along Morningside Road to the intersection of Old Highway 8 and Morningside Road; thence southeast to the southeast corner of Tax Lot 21 Section 25 Township 17 Range 8; thence west along a line parallel to Morningside Road to Jones Street; thence south along Jones Street to the southeast corner of Rail Road Subdivision Part Lots 1 & 2 Tax Lot 77 Section 25 Township 17 Range 8; thence northwest along the Highway 275 right of way; concluding at the northwest corner of Iowa Rail Road Land Company Tax Lots 122 & 123.

Background

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

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

- Disposal of property, either real or personal
- Acquisition of blighted and substandard areas
- Sale or lease of land for a variety of purposes
- Acquisition of real property to be repaired or rehabilitated

- Demolition of existing buildings, structures, public facilities, and infrastructure as well as the construction of the same as deemed essential to the preparation of sites for uses in accordance with a redevelopment plan

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

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

Outline of the Redevelopment Plan

The area included in redevelopment plan is highlighted in Figure 1, which is on the following page.

Morningside Blight & Substandard Area



The area includes approximately 183 acres of land, and is a mix of residential, commercial, and light industrial uses. The blight study for this area noted that over 73% of the buildings within the redevelopment area were considered substandard due to age; with many of these structures being residential in nature. In addition, the blight study noted that almost 70% of the structures in the redevelopment area were considered blighted due to structural condition. Furthermore, the blight study notes a number of unsafe conditions relating to street layout and deteriorating infrastructure (or lack thereof),

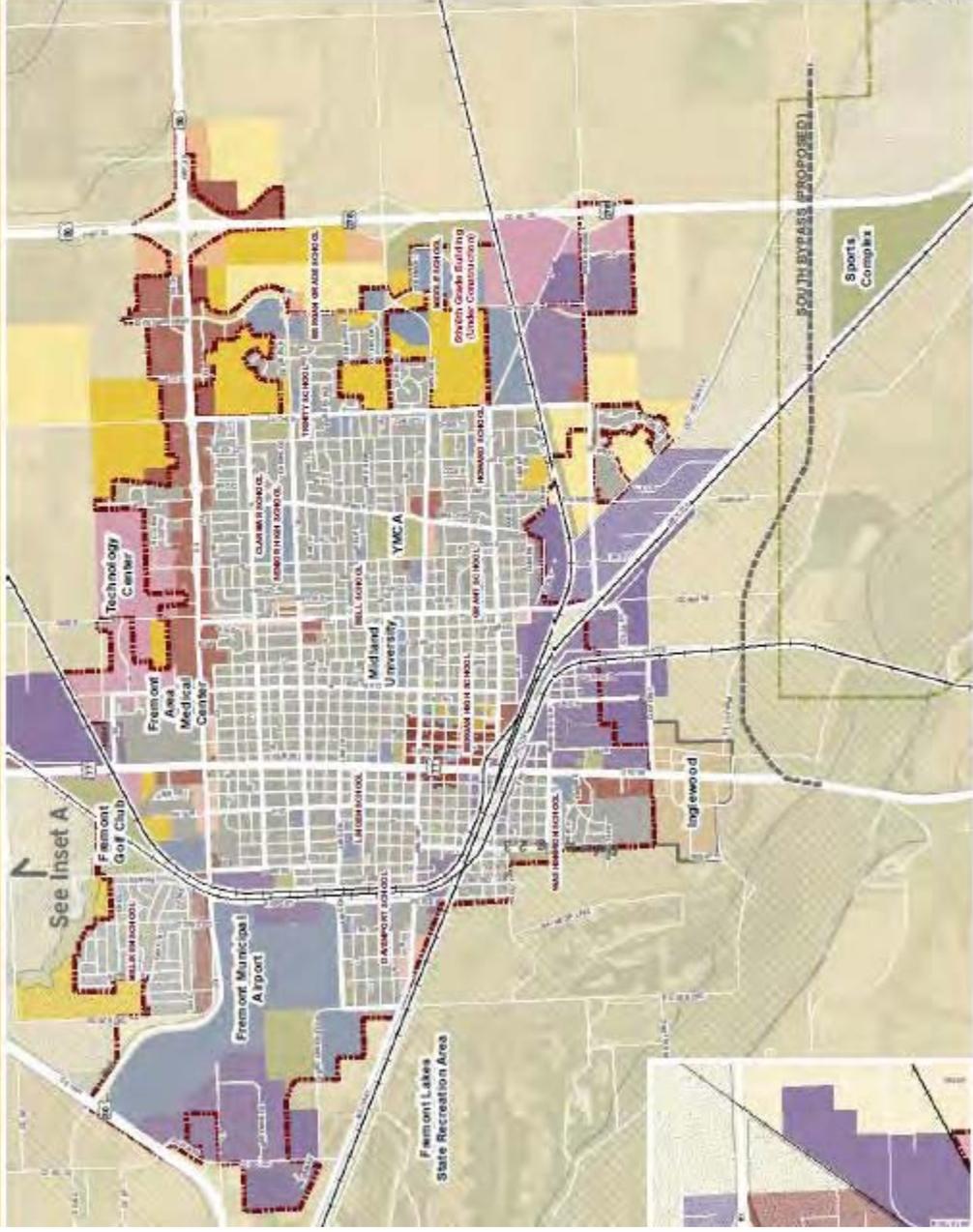
Potential redevelopment projects

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

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

Relationship to the Comprehensive Plan

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



Map Legend

- City Limits
- Inglewood
- Railroad
- Wetland Protection Area

Floodplain

- 100-Year Floodway
- Zone AE
- Zone AO-2

Future Land Use

- Rural
- Neighborhood Conservation
- Suburban Residential
- Auto-Urban Residential
- Urban Residential
- Suburban Village
- Business Park (Suburban)
- Auto-Urban Commercial
- Downtown (Urban)
- Auto-Urban Industrial
- Parks and Open Space
- Public and Institutional

Zone AE: Areas with a 1% annual chance of flooding
 Zone AO-2: Areas with a 1% or greater annual chance of shallow flooding

* The boundaries of the floodplain are for representative purposes only. Refer to the Flood Insurance Rate Map (FIRM) for specific information.



Staff Report

TO: Planning Commission
FROM: Jennifer L. Dam, AICP, Planning Director
DATE: July 20, 2020
SUBJECT: Request for a Conditional Use Permit to install two private camper pads at the Rod & Gun Club

RECOMMENDATION: Conditional approval with the conditions that a flood plain development permit be approved, that campers be road ready and in place no more than 6 months, that all state and local regulations related to well water and septic tanks be adhered to, and that all local, state and federal regulations be followed.

Background:

This is a request by Rod and Cyndy Koerber and Chris Menn for a Conditional Use Permit to install a camper pad for their private use on the property leased to them at the Rod & Gun Club.

The proposal is on property generally located at the south west end of County Road 19 by the Platte River.

The area is zoned R, Rural and has been developed as a private facility for use by its members for fishing and shooting.

There are several cabins that have been constructed on property leased to members. The cabin that had been owned by the Koerbbers was destroyed in the flooding that occurred during the spring of 2020. The property leased to Chris Menn is vacant.

The surrounding area is zoned R, Rural and is developed with cabins along the river, camping facilities at the state lakes, Bryson's camping facility and lake homes.

The Koerber and Menn properties are located within the regulatory floodway. The base flood elevation of the Koerber camp site is 1217.3 and the camper pad is at an elevation of 1210.7 feet. The Menn base flood elevation of the Menn site is 1216.7 feet and the camper pad is at an elevation of 1210.8 feet.

Development in the floodway is extremely limited. The addition of any fill would require a "no-rise" certification verifying the change wouldn't cause a rise in the height of the floodway. Dwellings are not permitted in the floodway.

Camping and campers are allowed within the floodway provided that they are not in place longer than 6 months, do not have permanent hook ups to water and sewer, and are in a "road ready" condition.

A conditional Use Permit to allow the camping pads allows the applicants to use their property in a manner that has minimal impact on the floodway.

A floodplain development permit is required.

The County Sheriff was contacted and did not respond.

The Rural Fire Department was contacted, but did not respond.

The attached map shows the general locations of the proposed camper pads. The applicants will not have a holding tank or septic tank on the property as neither are not allowed in the floodway. They will use an off-site dump station.

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

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

Finding: A camp pad is an appropriate use along the river and will not undermine the implementation of an adopted plan.

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

Finding: The proposed use is compatible with the surrounding area which is primarily devoted to river and lake residential and recreational uses.

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

Finding: Campgrounds are an appropriate use on the river and adjacent to other camping facilities.

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

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

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

Finding: A flood plain development permit is required. A removable camper is a good use of property in the flood plain and floodway. There should be minimal traffic noise. The site is not in an airport zone.

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

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

11-504.002 (J) states:

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

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

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

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

Finding: Access to the site is from a rural collector road.

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

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

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

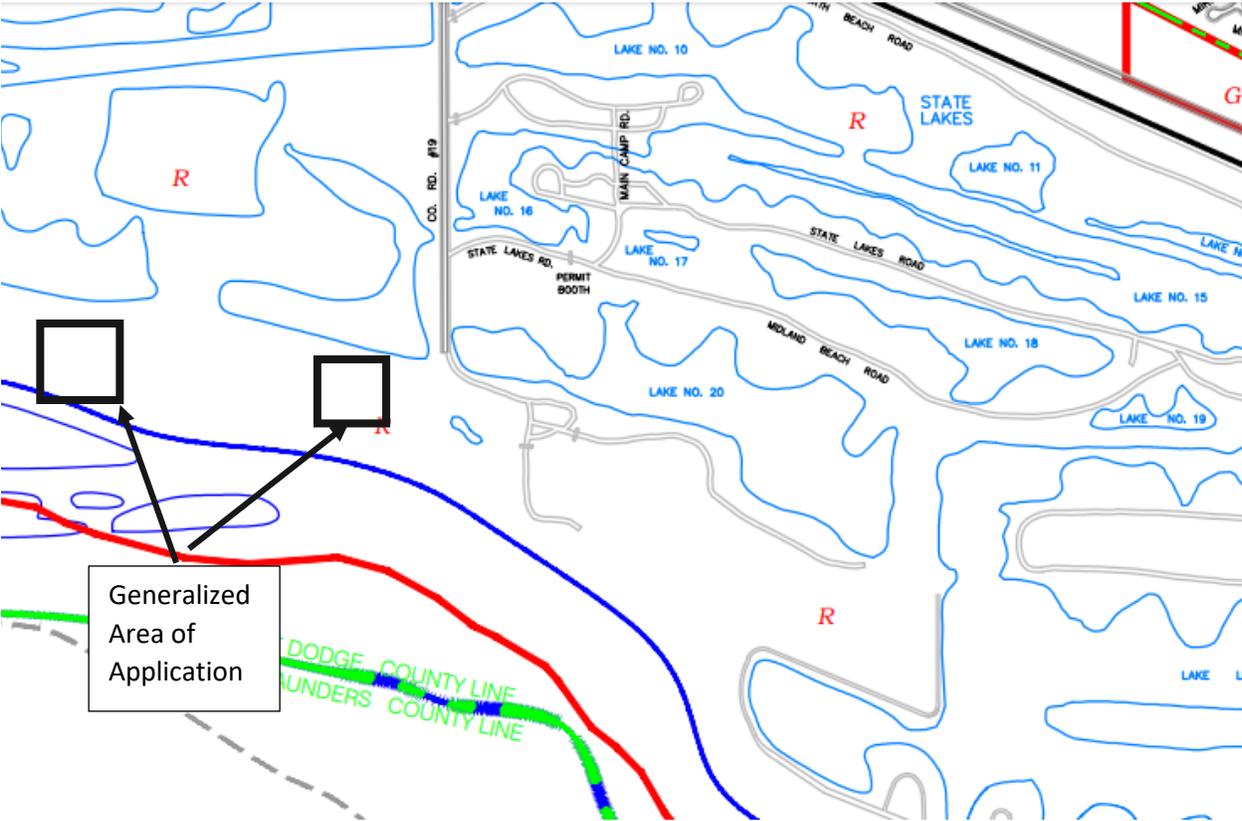
Finding: The campers will be required to remove their waste at an off-site dump station. The applicant does not propose a septic system or holding tank, as they are not allowed in the floodway.

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

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

Staff Recommendation: Conditional approval with the conditions that a floodplain development permit be approved, that campers be road ready and in place no more than 6 months, that all state and local regulations related to well water and septic tanks be adhered to, and that all local, state and federal regulations be followed.

Map of Generalized location of application:



General Location of Proposed Camper Pads



FEMA Floodplain Map Showing Generalized Location of Proposed Camper Pads

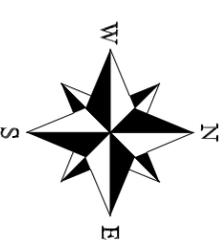


PIN	Approximate location based on user input and does not represent an authoritative property location	SPECIAL FLOOD HAZARD AREAS	Without Base Flood Elevation (BFE) With BFE or Depth Regulatory Floodway Zone AE, AO, AH, VE, AR	OTHER AREAS OF FLOOD HAZARD	0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X Future Conditions 1% Annual Chance Flood Hazard Zone X Area with Reduced Flood Risk due to Levee. See Notes, Zone X Area with Flood Risk due to Levee Zone D	OTHER FEATURES	28.2 Cross Sections with 1% Annual Chance Water Surface Elevation 17.2 Coastal Transect Coastal Transect Base Flood Elevation Line (BFE) Limit of Study Jurisdiction Boundary
MAP PANELS	Selected FloodMap Boundary Digital Data Available No Digital Data Available Unmapped	OTHER AREAS OF FLOOD HAZARD	Area of Minimal Flood Hazard Zone X Effective LOMRs Area of Undetermined Flood Hazard Zone D Otherwise Protected Area Coastal Barrier Resource System Area	GENERAL STRUCTURES	Channel, Culvert, or Storm Sewer Levee, Dike, or Floodwall		

1 2 3 4 5 6 7 8 9 10 11 12

PROPOSED SITE PLAN KOERBER & MENN CAMPGROUND SITES

FREMONT ROD & GUN CLUB, DODGE COUNTY, NEBRASKA
867 N. COUNTY ROAD 19, FREMONT, NE
(RODNEY & CYNDY KOERBER / CHRISTOFER MENN)



KOERBER CAMPGROUND
THIS SITE IS LOCATED IN THE REGULATORY FLOODWAY
THE BASE FLOOD ELEVATION AT THIS LOCATION IS 1217.3 FEET (NAVD 1988)
THE NEW CONCRETE CAMPER PAD IS AT AN ELEVATION OF 1210.7 FEET (NAVD 1988)

EXISTING POWER POLE WITH
ELECTRIC METER / PANEL

FREMONT ROD & GUN CLUB

MENN CAMPGROUND
THIS SITE IS LOCATED IN THE REGULATORY FLOODWAY
THE BASE FLOOD ELEVATION AT THIS LOCATION IS 1216.7 FEET (NAVD 1988)
THE NEW CONCRETE CAMPER PAD IS AT AN ELEVATION OF 1210.8 FEET (NAVD 1988)

EXISTING ELECTRIC
METER / PANEL

PLATTE

EXISTING NORTH BANK
OF THE PLATTE RIVER

RIVER

FREMONT ROD & GUN CLUB'S
EAST PROPERTY LINE

FREMONT ROD & GUN CLUB'S
EAST PROPERTY LINE

EXISTING NORTH BANK
OF THE PLATTE RIVER

APPEX
LAND SURVEYING, LLC
Danny Martinez, RLS
125 N. Clamar Ave.
Fremont, Nebraska 68025
(402) 720-9339 Office / Mobile
dannm:surveying@gmail.com

Staff Report

TO: Planning Commission
FROM: Jennifer L. Dam, AICP, Planning Director
DATE: July 20, 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 Robert Roos on behalf of Lyman Ritchey for a Conditional Use Permit for soil excavation.

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

The proposal is on property generally located south of Old Highway 275, north of Hills Farm Road and west of a line extended southward from Luther Road.

The area is zoned R, Rural and has been used as agricultural land. It is currently vacant and is not under cultivation.

The property is within the 1% flood plain zone AE. A flood plain development permit is required.

The property is within the City's well head protection area. The soil excavation site to the west is in the well head protection area, as well. The Public Works Director, Assistant City Administrator for Utilities and the Water & Sewer Superintendent were contacted but did not respond.

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 which includes another excavation site approximately a quarter mile to the west.

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.

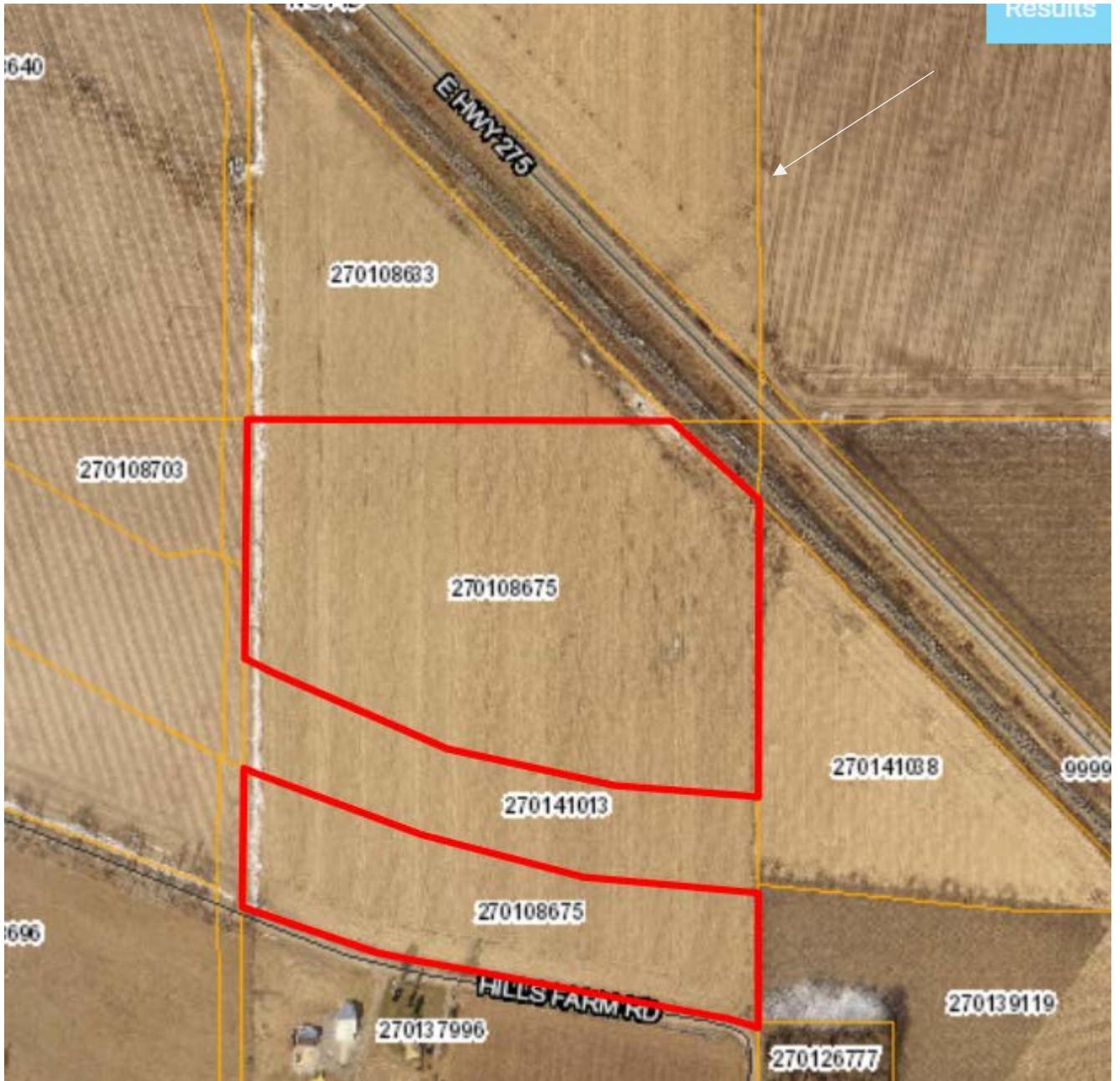
11-316.06.B.5 states “The conditional use and any conditions of development shall adequately protect public health and safety against natural and man-made hazards which include, but are not limited to, traffic noise, water pollution, airport hazards, and flooding.”

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.

Vicinity Map



Jennifer,

Please find attached all the information and the SUP application for Lyman Richey on the Hammang property. Please let me know if there is any additional information at all that you may need so that I can get that to you prior to the date needed to make the July 20th Planning Board meeting and the July 28th City Council meeting.

If you do find anything else needed, please contact me by phone or email.

Contacts for this permit and/ project will be as follows:

Please mail all correspondence to
Robert Roos (Bob)
General Manager
Lyman Richey Sand and Gravel (A CRH Company)
910 North 264th st. Waterloo, NE 68069
(402) 510-6490
robert.roos@lymanrichey.com

Please email or call with any questions to
Michael Stratman (Mike)
Performance Mng.
CRH Corporation
(402) 690-3690
mstratman@na.crh.com

Site Plan Information:

It is the intention to remove borrow from the site to be used for the construction of the Fremont South Beltway Project. There will be a lake left as a result of the removal of that borrow.

There would be a proposed lke of approximately 12 acres in size on the property upon completion/ estimated to be in 2021 or/ completion of Beltway project.

Any traffic impact will be minumal, at best, as the borrow would be taken from the site directly onto the new road alignment without crossong any roadways.

Property owner: Hammang, Marie T (Life Estate)/ Albert Hammang
749, East 29th St. , Apt 131
Fremont, NE 68025

Permit applicant:

Lyman Richey Corporation: dba: Lyman Richey Sand and Gravel
2625 South 158th Plaza
Omaha, NE 68130

SE Fremont Bypass - Lyman-Richey Borrow Pit

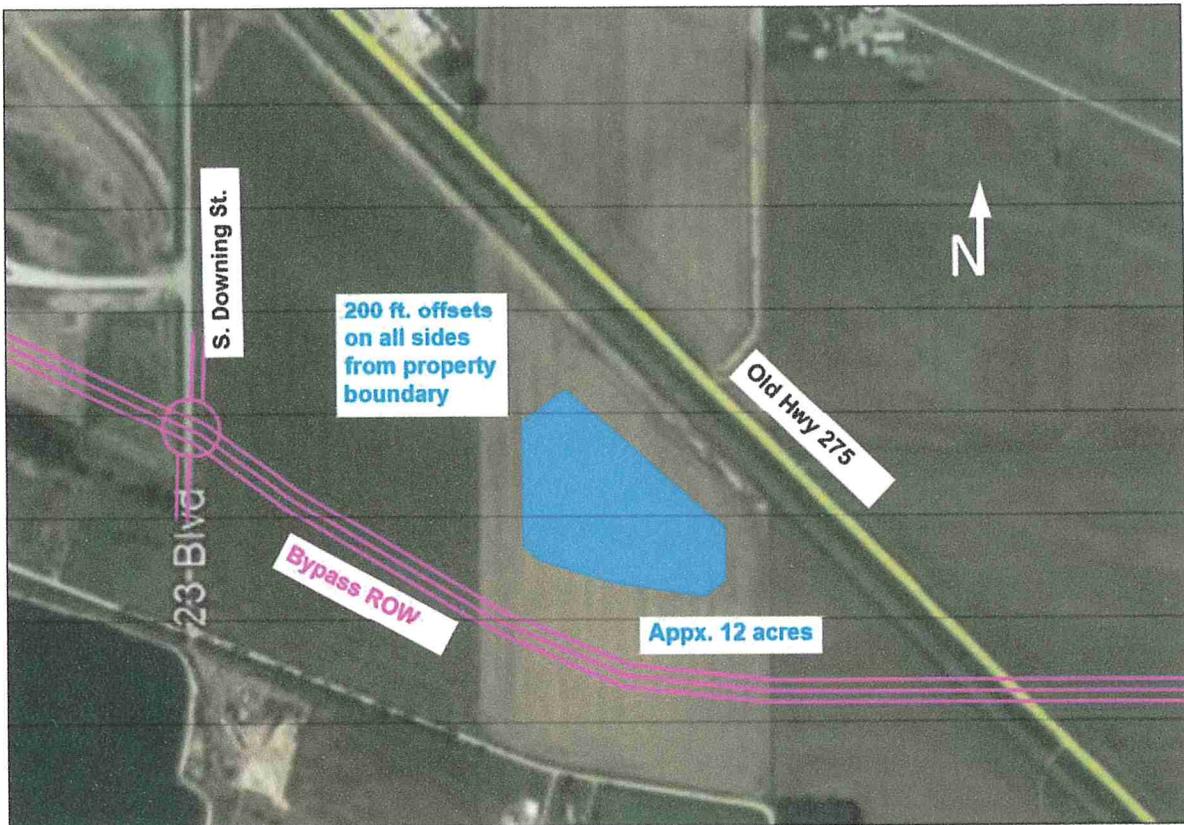
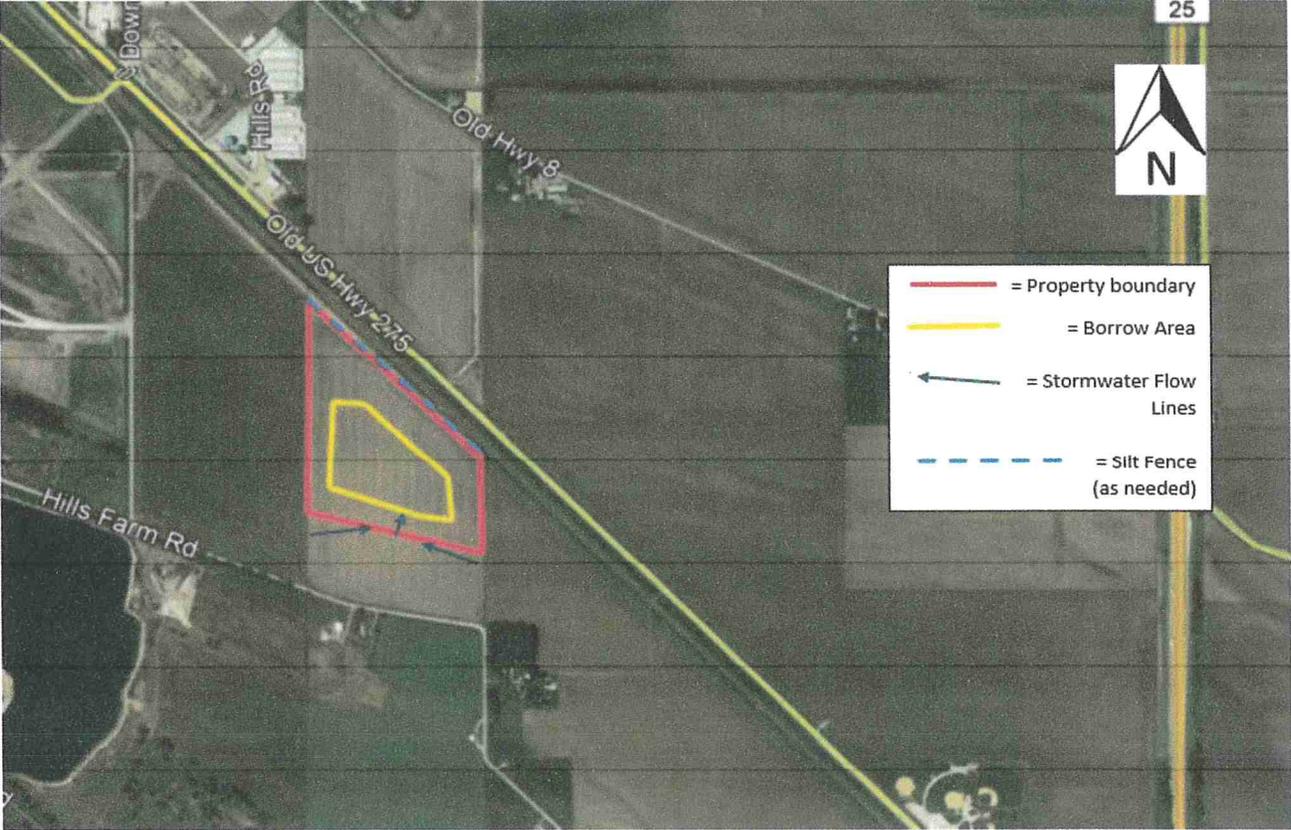
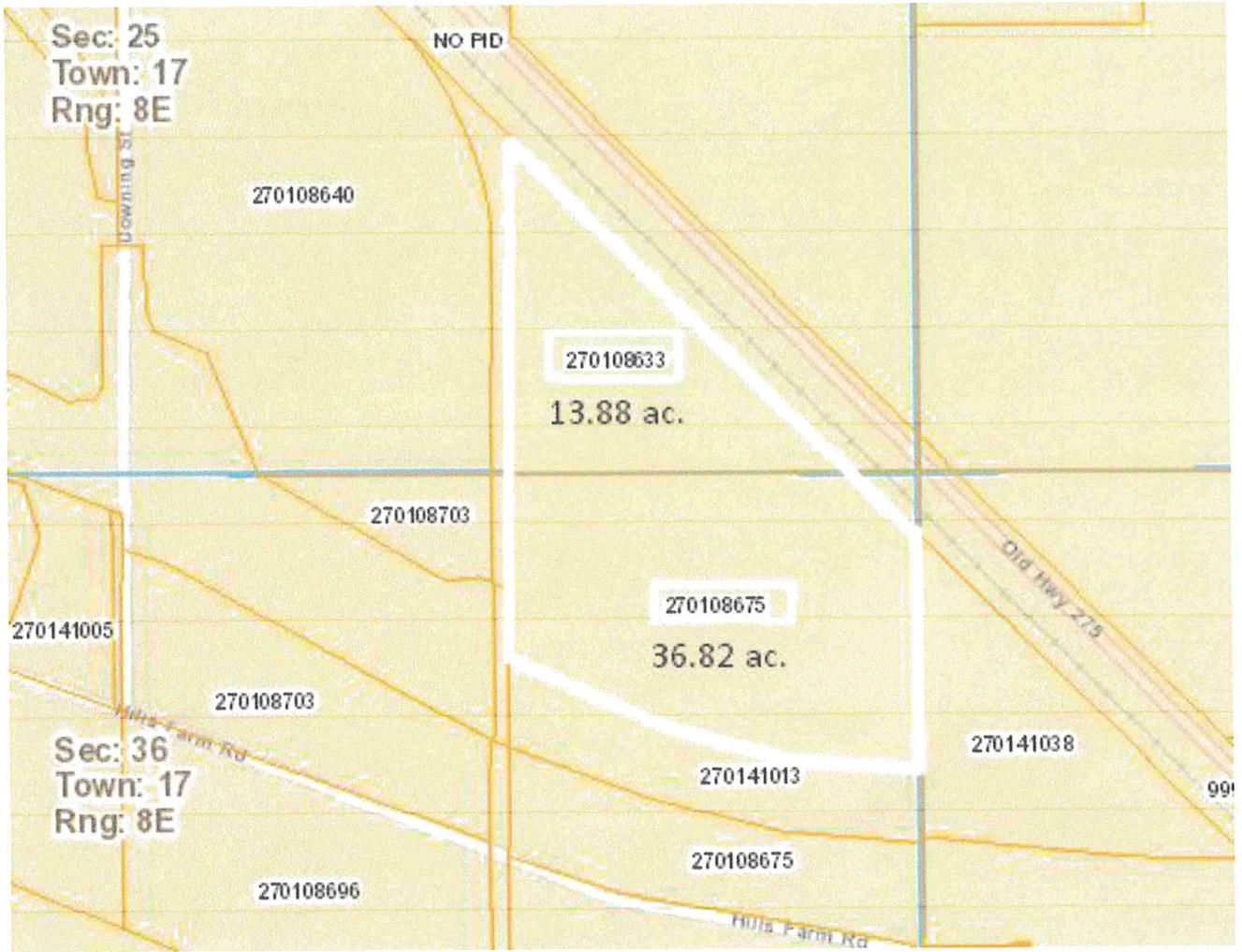


Figure 3 – Site Map

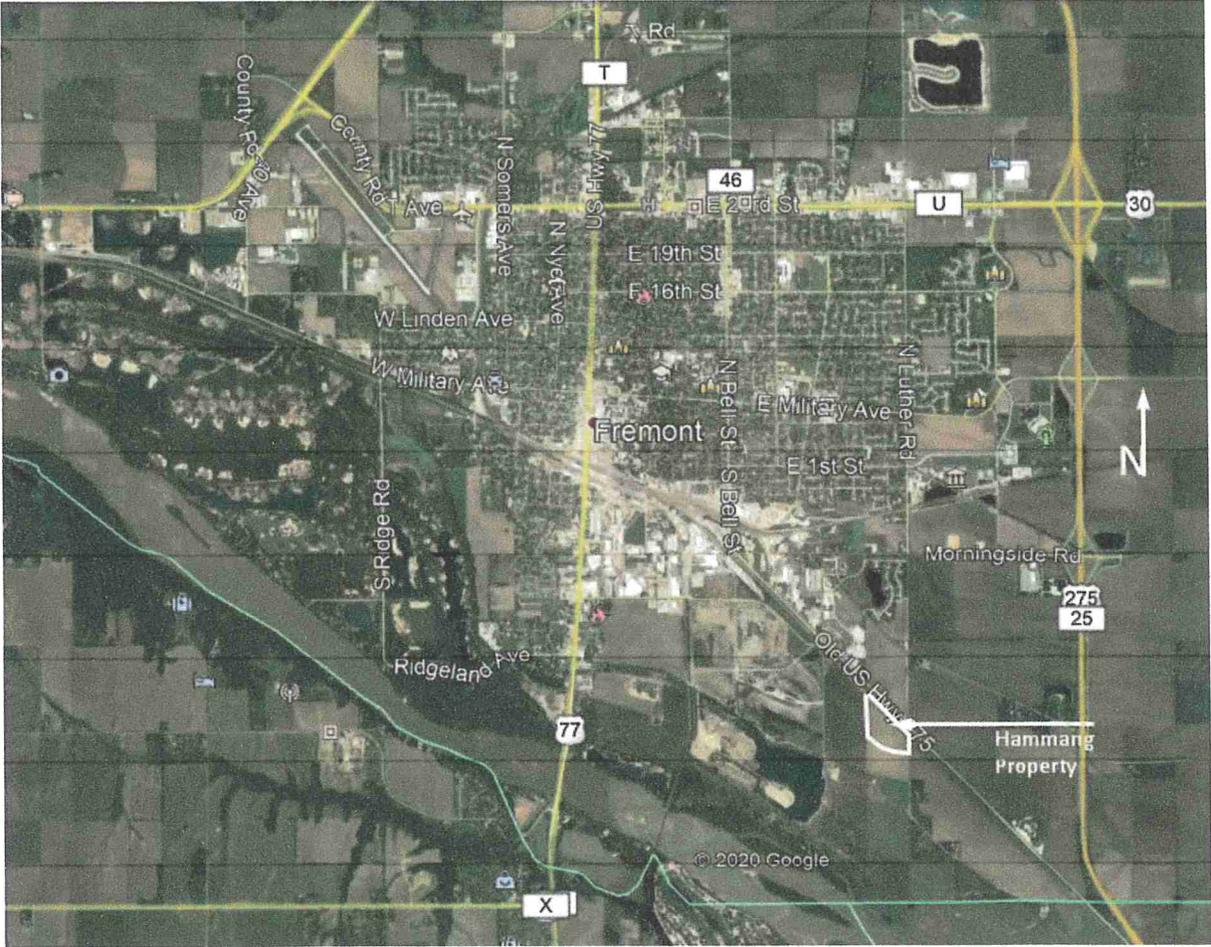


Lyman Richey – Fremont Borrow Pit

Plat Map of Property



Vicinity Map: Hammang Property



Copy of lease:

DocuSign Envelope ID: D82FC813-723B-4ABC-AC40-BFCC8AB01B82

Material Borrow Pit Agreement

This agreement, hereafter referred to as the "Agreement", entered into on this 25th day of March 2020, by and between Marie T Hammang (Life Estate) or legal personal representative referred hereafter as the "Land Owner" and LYMAN-RICHEY CORPORATION dba. LYMAN-RICHEY SAND & GRAVEL COMPANY, a Delaware corporation, a CRH Company, hereafter referred to as the "Contractor" and collectively referred to as the "Parties" for the purpose of excavating, removing and providing materials related to the South Fremont Beltway project, hereafter referred to as "The Project".

The agreement is entered into in order to provide a site for the excavation of granular aggregate material to be removed from the property to supply fill materials required for the Project and the property is to be used exclusively, by the Contractor, for that project. The area that is described would be excavated and become lake with the approximate area identified on the attached areal map/ drawing.

The Landowner shall provide the following:

The Contractor will be have full, exclusive access to the property and the authorization and right to remove, via excavator or Dredge, material from the Property for use on the Project. The Landowner's obligations under this Agreement are to provide access to and use of the Property exclusively to Contractor for the removal of the fill materials. The Contractor would provide all required equipment and personnel to do all of the excavation and perform the necessary reclamation of the Property.

The Contractor shall provide the following:

Payment to the Landowner will be [REDACTED] per acre for all surface water acres upon the completion of the project. Contractor shall defend, indemnify and hold Landowner harmless from any and all losses, expenses (including but not limited to attorney and expert fees), claims, liens, suits, liabilities, fines, penalties, and remedial or clean-up costs to the extent arising from (i) Contractor's use of the Property, (ii) any breach of this Agreement by Contractor, or (iii) to the extent of any negligent act or omission by Contractor, its invitees, or any person performing work directly or indirectly on behalf of Contractor, In case any action, suit or proceeding is brought against Landowner by reason of any such occurrence, Contractor shall, at Contractor's expense, defend such action, suit, or proceeding, or cause the same to be defended by counsel approved by Landowner.

The Contractor will provide to the Landowner a Certificate of Insurance naming landowner as additional insured during the term of this Agreement.

The property, upon completion of the Project, shall be turned over to the Landowner in a similar state in which it is currently with the exception that it will be reclaimed, with a newly formed lake which will remain as a result of the excavation operation and will the duties and obligations of Contractor and Landowner under this Agreement shall terminate.

Agreement Modification/ Cancellation:

This Agreement can be modified at any time with the mutual written consent of the Parties with the exception that once materials have been removed from the Property, they cannot be replaced.

This agreement shall remain in effect for a minimum period of 6 months from the date of signing with the maximum being the total timeframe of the Project. It may be cancelled at the sole discretion of Contractor, if the Contractor is unable to use the property or the material for any of the following reasons:

- Contractor is unable to secure the work on the Project
- Material is of unsuitable or unwanted quality

- Permitting the Property for the afore mentioned use would be denied by State, Local or other authorities
- The operation does not make financial sense with the requirements of the Project once the scale and parameters of the Project are established.

General Provisions:

The Parties agree and understand that they must fulfill their responsibilities under this Agreement in accordance with the provisions contained herein and those of the law and regulations that govern their activities. Nothing in this agreement is intended to negate or otherwise render ineffective any such provisions or operating procedures. The Parties assume full responsibility for their performance under the terms of this Agreement.

If at any time either Party is unable or unwilling to perform their duties within this Agreement consistent with each Parties obligation, the effected Party shall provide written notice to the other Party to establish a written timeframe in which those things shall be remedied and/or corrected.

The Parties further agree that should any dispute arise through any aspect of this Agreement and the Parties are unable to resolve such disputes promptly and in good faith, the matter shall be mediated and/or arbitrated in an attempt to resolve any and all issues between the Parties.

The Parties agree that any claim or dispute that arises from this Agreement and it's obligations, if not resolved through mediation/ arbitration, shall then go to and be resolved through binding arbitration. Any decision reached by that arbitrator shall be final and binding and if required entered as a judgement in the court having jurisdiction.

In the event that a court having jurisdiction shall deem any portion of this agreement unenforceable, only that portion shall be deemed invalid or unenforceable and the balance of the agreement shall remain in full effect.

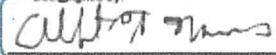
The agreement shall be governed by and in accordance with the laws of the state of Nebraska.

Any communications required shall be made in person or by certified mail, return receipt requested to the addresses contained herein.

Assignment:

Neither party will have the right to assign any portion of this agreement without written consent of the other, which shall not be unreasonably withheld.

This Agreement is entered into this 25th day of March 2020, by:



Marie T Hammang or Legal Personal Representative (Landowner)

POA

Mar 25, 2020

Date

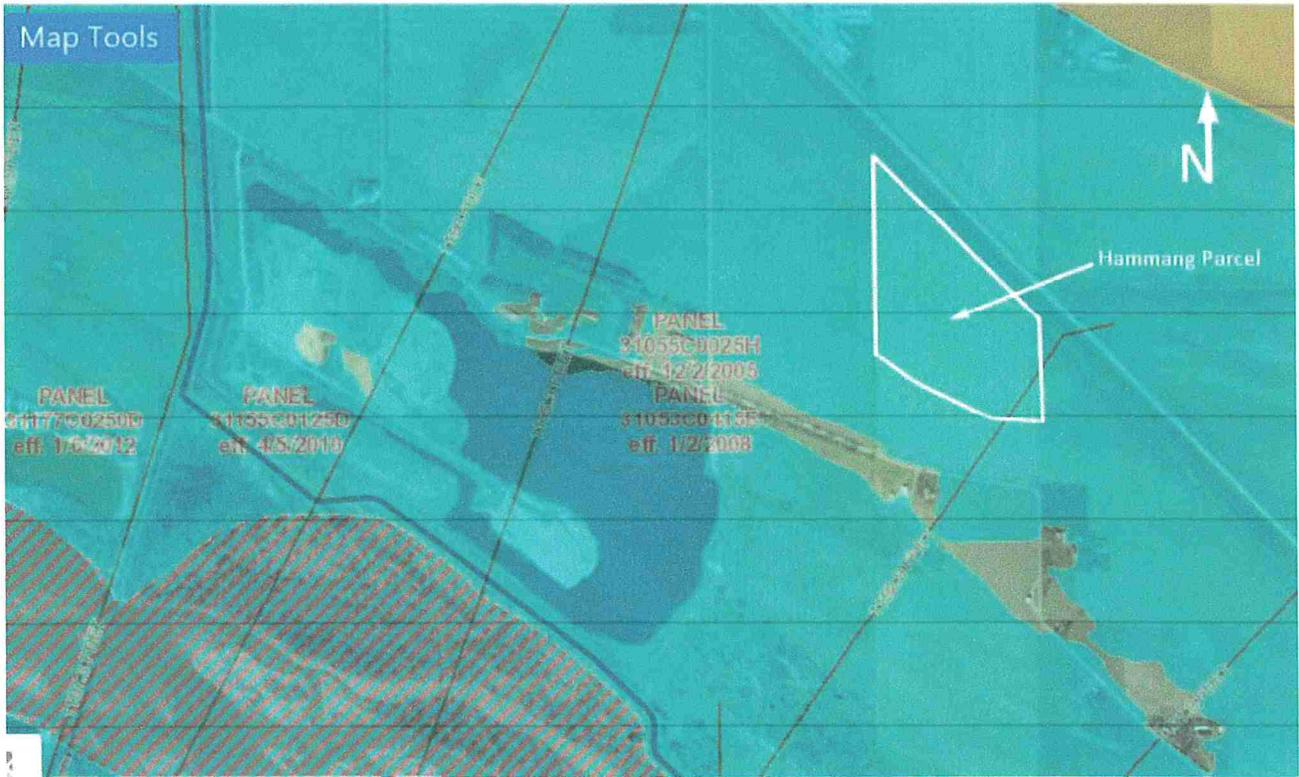
Address:

And

LYMAN-RICHEY CORPORATION dba. LYMAN-RICHEY SAND & GRAVEL COMPANY (Contractor)

Date

Address:

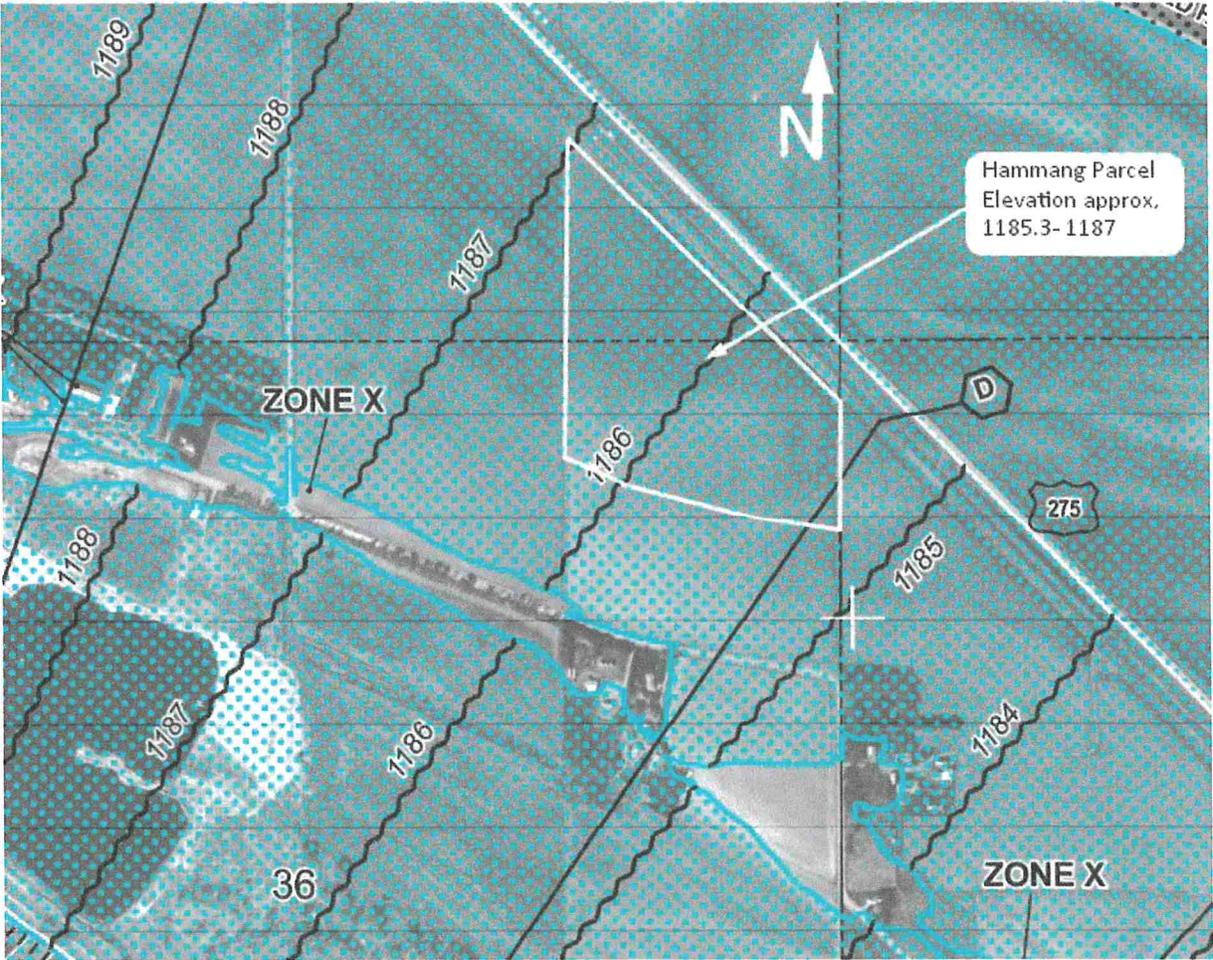


Hammang Property Floodplain Map AO Zone

Details

- DFIRM_ID 31053C 31053C N/A
- ST_FIPS 31 31 N/A
- PCOMM 053C 053C N/A
- SUFFIX E E N/A
- FIRM_PAN 31053C0415E 31053C0415E N/A
- EFF_DATE Jan 1, 2008 6:00 PM Jan 1, 2008 6:00 PM N/A
- SCALE 12000

Elevation Map



Staff Report

TO: Planning Commission
FROM: Jennifer L. Dam, AICP, Planning Director
DATE: July 20, 2020
SUBJECT: Request for Change of Zone from R, Rural to GC, General Commercial

Recommendation: Approval

Background:

David C. Mitchell has requested a Change of Zone from R, Rural to GC, General Commercial on property generally located at the northwest intersection of Highway 77/275 and W. County Road S.

The area is currently in agricultural use.

The property to the south, west, northwest, north and east is agricultural.

The property to the southeast is developed with light industrial uses including truck sales and tire sales. The area south of the interchange is developed with highway commercial and light industrial uses.

The property is proposed to be used for a ____ dealership.

The property is outside of the Fremont City Limits, but inside the Extraterritorial Jurisdiction.

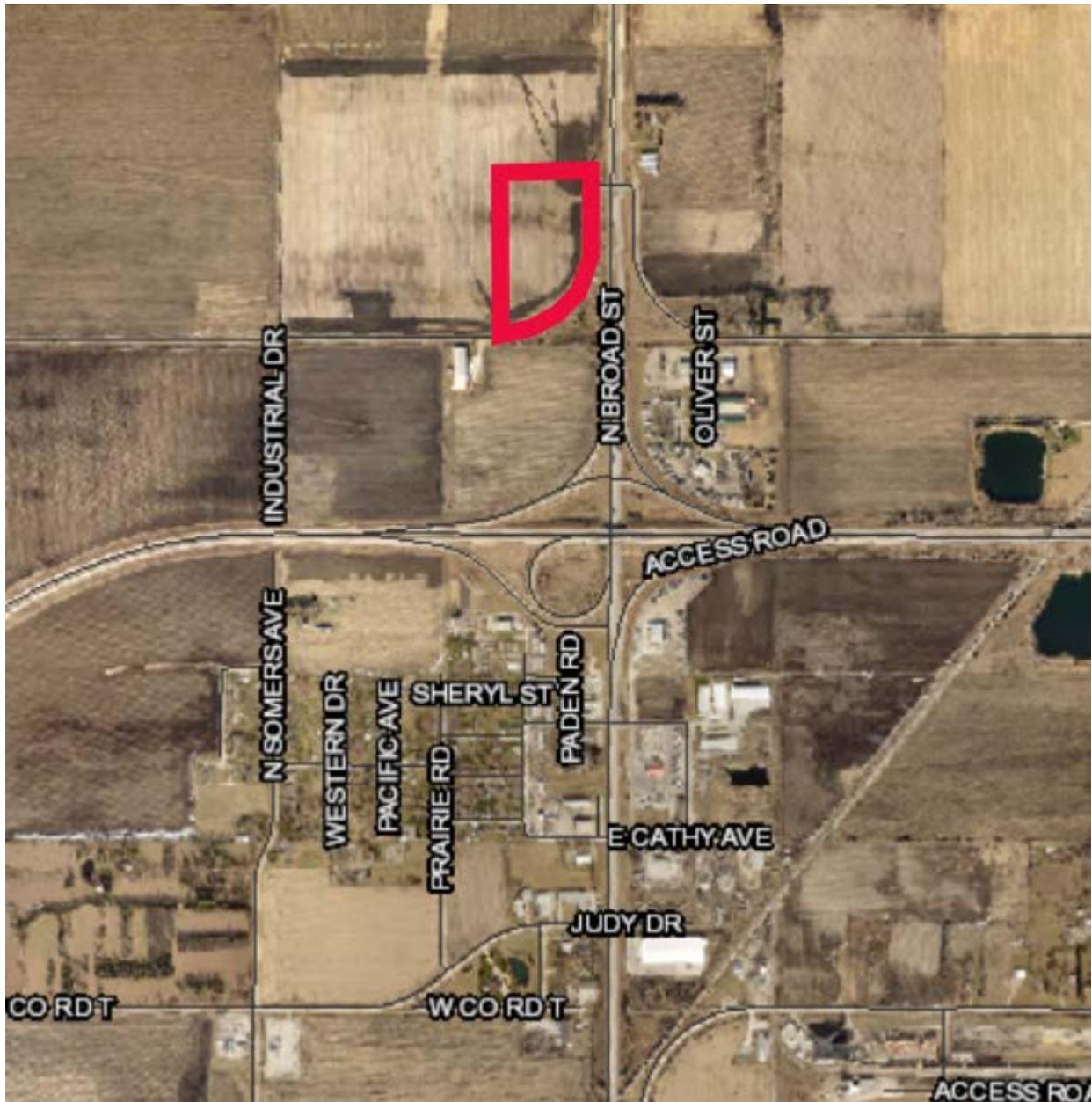
The property will contain a private well and septic system.

The area is in a Zone AO-2 flood plain. A flood plain development permit will be required.

The Future Land Use Map from the Comprehensive Plan designates this area for future Commercial uses.

Commercial uses are appropriate for the area that is adjacent to the Highway 77-30-275 interchange.

Vicinity Map:



Comprehensive Plan Designation:

