

MINUTES
PLANNING COMMISSION
REGULAR MEETING
NOVEMBER 19, 2012 – 5:00 P.M.
CITY COUNCIL CHAMBERS

PRESENT: Chairman Sookram, Members, Barton, Fooker, Sawyer, Synovec, Wiese and Winter, Chief Building Inspector Don Simons and Secretary Deb Pruss

ABSENT: Members Emanuel and Ridder

Chairman Sookram called the meeting to order. Roll Call Vote was taken – 7 present.

Chairman Sookram read a statement that this meeting was preceded by publicized notice in the Fremont Tribune and the agenda displayed in the lobby of the Municipal Building and posted online at www.fremontne.gov; and distributed to the Planning Commission, Mayor and City Council on November 15, 2012 and is open to the public. Chairman Sookram also stated a copy of the agenda was kept continually current and available to the public at 400 East Military, 3rd floor and a copy of the open meeting law is posted continually for public inspection located near the Council Chambers entrance door by the agendas.

It was moved by Synovec, seconded by Barton, to dispense with the reading of the Minutes of the October 15, 2012 Regular Meeting and the October 29, 2012 Special Meeting and approve as received. Roll Call Vote showed all members present voting aye – 7 ayes. Motion Carried.

Chairman Sookram stated the general public is invited to address the Planning Commission regarding any item on this agenda at this time or wait until discussion of their request is taking place. No public comments were received.

- **Consider request of AMPC, Inc. (dba APC, Inc.) to subdivide part of Blocks 9, 10, 11, 12, 13, vacated streets and vacated alleys, Cloverly Addition to the City of Fremont, Dodge County, Nebraska into two lots.**

Chairman Sookram stated the property is located at the intersection of Platte and Factory Streets and is currently zoned General Industrial. All of the adjacent properties are zoned either Limited Industrial or General Industrial. The area is designated Neighborhood Conservation in nature according to the Comprehensive Plan. In its current configuration, the property is grandfathered from meeting the setback requirements, however, the lot split would create two new lots that do not meet the setback requirements of the Zoning Ordinance; which is why the staff's recommendation is contingent upon the variances being granted by the Board of Adjustment.

The proposed parcel one contains a warehouse. As it is proposed, the parcel would not be able to meet the current street front yard setback of 25'. All other setbacks are able to be met with the proposed lot layout for this parcel.

The proposed parcel two contains the factory. As it is proposed, the parcel two would not be able to meet the current front and rear yard setback requirements. Currently this building sits on the front of the property line. All other setbacks are able to be met with the proposed lot layout for this parcel.

The proposed lot split will continue to allow the property to meet the intent of the General Industrial Zoning District as well as the intent of the Future Land Use Plan and is in conformance with the proposed Comprehensive Plan.

Dan Martinez with APEX Land Surveying was present representing the applicant. Mr. Martinez stated as the staff report states on this lot split current conditions which they cannot change are along Factory Street and Platte Avenue. The factory or parcel number two there are corners of the existing property that do encroach over the right-of-way line and probably have for many, many years back in the old Campbell Soup days and others. On Platte Avenue, the parcels or the structures don't meet the current zoning setbacks of 25'. The current owners of the property, APC, Inc., has a sign on it Functional Proteins and the warehouse users, they are all part of one larger company. This split is just an opportunity to split the assets up between them. Mr. Martinez stated nobody is moving in or leaving the factory building and nobody is moving in or leaving the warehouse. He stated in the time that he did the survey there was hardly any activity at the warehouse, maybe a pickup or two occasionally, but all the activity and employee parking on the north side of the factory street is where all the activity was. There is no land going up for sale or a third party entering into this right now. They are just splitting up the land that they all purchased together. They now found the time where they want to split the property. Mr. Martinez stated the proposed split between the two buildings, illustrated on one of the pictures, as that line goes west from Platte Avenue the 17' strip, which is to the north of the warehouse set of buildings, is the access where there is currently a drive and a gate to the warehouse parcel. The applicant felt that really needed to go with that piece of ground for them to have a legal drive and access into their property. That only leaves 7.4', a little less than 7 1/2', going to the north, which is illustrated by a little blue rectangle south of that building which is a raised concrete slab with a couple manholes. Those are items that go with the factory itself. As you proceed west and make a turn, which allows vehicles to actually be able to negotiate that turn, they are within 4' (3.9') of the corner of one of the exterior corners of the warehouse. After that point, the applicant is meeting the 25' setback all the way as they get over to the west property line along the railroad right-of-way. This line as they divide the property does create a situation where the rear yard setbacks for the factory parcel are not met in that stretch along the east side. They have also made an application with the Board of Adjustment to request their approval of that.

Don Simon, Chief Building Inspector, asked if there was any way that 7'4" number could be made 10'. Simon asked Mr. Martinez if that would give them enough room for their drive. Mr. Simon stated the reason being there is something in the building code stating that you need 10' in a type 2b construction. Simon stated he drove to the site today and he thinks that what it is. It should be 10' from the property line or that wall will have to be fire rated. Member Fooker stated he thought it was 5'. Simon stated it is 5' in some cases but in this one it is 10'. Simon stated there are some situations where it is 5' or it is less than 5' but in this case it was 10'. Mr. Martinez stated he knew in other situations he ran into the 10' was required. He stated that works great for new construction. Then they know they meet the minimum of 20' if the neighboring parcel also builds within 10'. Here we have two existing structures and they exceed the 20' between the two of them. With the 10' in essence that's what they are trying to accomplish. Martinez stated they are trying to get as much area there to drive. Simon stated the code actually says 10' from the property. If we just put the stipulation that it be one or the other. Mr. Martinez stated they exceed the 20' for the firewall if need to be. If on the south side they were to reconstruct and tear down that building, current zoning allows them to go up to the property line so they would have to build themselves another access south of there on Platte Avenue but they would then in order to get that close to the other building they would have to construct it with the fire rated wall. Then they put a burden on the factory. But the factory if they were to rebuild, they would have to be 25' off that line in the future. Mr. Simons stated or have a firewall. Mr. Martinez stated to meet the setback they would have to be 25' off. Chief Building

Inspector Simon asked if they were asking for a variance from the Board of Adjustment. Mr. Martinez stated that is what the request is for on the factory side. He stated they were really talking about moving the lot line a little more than 2 ½' in order to get the 10'. Mr. Martinez stated he was sure the applicant could still make that work because what wasn't required as far as this application is that huge area of concrete that lies west of this building and south of the factory. They may do easements back and forth just to have vehicular movement as far as large semis and if they felt that wasn't wide enough they could grant that.

Chairman Sookram asked if the Board of Adjustment would require easements at the beginning anyway. Mr. Martinez stated they would not because they have access. If they are taking the 17' strip and reducing it to 14.3' it meets the side yard setback for the warehouse parcel plus it's wide enough for them to drive across to enter off of Platte Avenue. With these other easements, which don't really pertain, they all have legal access just if the semi comes down along the tracks on the west side of the warehouse, comes down in there and wants to make a loop. If they feel they could grant easements back and forth, that is what they were indicating. Mr. Simon stated that was fine as long as they know going into it. Mr. Simon stated he liked the 10'. Member Synovec stated he felt it makes everything cleaner. Mr. Martinez agreed. It would assist the Building Department with having that wall at least 10' off the property line and still leaves them with over 14' to get thru. Mr. Martinez stated the existing gate was closed every time he was there and he always entered through the northwest.

Moved by Synovec, seconded by Barton to recommend approval of the request contingent upon the lot line being 10' rather than 7' 4" and subject to the Board of Adjustment granting the setback variance. Roll Call Vote showed all members present voting aye – 7 ayes. Motion Carried.

Meeting adjourned at 5:16 p.m.