



**PLANNING COMMISSION MEETING
MONDAY, January 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 December 21, 2019 Meeting as prepared.
5. An application by Mesner Development Company for a Preliminary Plat consisting of 20 lots on property generally located on the south side of 29th Street, east of Fountain Springs Drive.
6. An application by Mesner Development Company for a Final Plat consisting of 20 lots on property generally located on the south side of 29th Street, east of Fountain Springs Drive.
7. Elect Chair and Vice Chair.
8. Discussion regarding items to address in update of Comprehensive Plan.
9. Discussion regarding items to address in update of UDC.
10. 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

December 16, 2019

5:00 o'clock p.m. Meeting

Chairman Dev Sookram called the meeting to order at 5:00 o'clock p.m. 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, Borisow, Bowen, Carlson, Gifford, Horeis, Sawyer and Nielsen were present. Nine Commissioners present – a quorum was established.

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

Chairman Sookram read the item: dispense with the reading of the minutes of the November 18, 2019 Planning Commission Meeting as prepared into the record.

It was noted that the Agenda states the minutes of October 12, 2019 not November 18, 2019. A motion to correct the date of the minutes to November 18, 2019 was made by Sawyer and seconded by Gifford. All nine Commissioners voted aye. Motion carried unanimously.

It was moved by Commissioner Borisow and seconded by Commissioner Horeis to approve the amended minutes of the November 18, 2019 Planning Commission Meeting. All nine Commissioners voted aye. Motion carried unanimously.

Chairman Sookram read the item: Meeting dates for 2020. The Director of Planning noted that two meetings in 2020 fell on Federal Holidays, President's Day and Martin Luther King Jr Day and wanted to make sure no one had any conflicts with those days. No conflicts were mentioned and the consensus of the Commission was that the meeting dates were acceptable.

Chairman Sookram stated that there would be a three minute time allotment for those wanting to speak on the agenda items tonight, however the applicant would be allotted more time for their presentation.

Chairman Sookram read the item: An amendment to the 23rd & Bell Street redevelopment plan for the Fremont Mall Rehabilitation project, including a request for designation of the mall as an enhanced employment area and imposition of a one percent occupation tax on sales. The area of the redevelopment plan is generally located on the northwest corner of N. 23rd and Bell Streets, Fremont, Nebraska. The Planning Director presented her staff report. Chairman Sookram asked the Commissioners if there were any questions. Landholm and Borisow asked questions about the action that was to be taken. Chairman Sookram opened the public hearing. The applicants was not present. One individual spoke in favor of the proposal. Chairman Sookram closed the public hearing and asked for Planning Commission discussion. Commissioner Borisow made a motion to find this item in conformance with the Comprehensive Plan. The motion was seconded by Commissioner Landholm. By a roll call vote, the motion carried 5-4 with Sayer, Nielsen, Borisow, Gifford and Bowen voting in favor and Carlson, Landholm, Horeis and Sookram voting nay

Chairman Sookram read the item: An application by the Director of Planning for a Change of Zone from UR, Urban Residential to SC, Suburban Commercial property generally located on

the west side of N. Clarkson St. between the hospital access road and 30th Street. The Director of Planning stated that she received a letter today regarding this agenda item. Commissioner Landholm made a motion to receive this item into the record, Commissioner Borisow seconded the motion. The motion carried 9-0. The Director of Planning summarized the letter which was from the property owners in support of this zoning change. The Planning Director then gave her staff report. Chairman Sookram opened the public hearing. No one spoke. Chairman Sookram closed the public hearing and asked for Planning Commission discussion. Motion by Commissioner Gifford and seconded by Commissioner Bowen to recommend approval of the Change of Zone. The motion was carried unanimously.

Chairman Sookram read the item: An application by Hoppe & Son LLC for a Change of Zone from R, Rural to PD, Planned Development for the Bluestem Commons planned development to develop up to 290 multifamily dwelling units, 113 attached single family units consisting of duplex, triplex and row house designs along with commercial uses on property generally located at the southwest corner of Luther Road and County Road T. The Director of Planning stated she received a letter from Lyman-Richey Corporation for Planning Commission review. A motion was made by Nielsen and seconded by Horeis to receive the letter into record. The motion carried unanimously. Director of Planning, Dam, read her staff report. Chairman Sookram opened the public hearing. Jake and Fred Hoppe, the applicant, provided an overview and went over the plan as well as some of changes they made to the proposal in response to public comments. Eighteen people spoke regarding the proposal. Chairman Sookram closed the public hearing and asked for Planning Commission discussion. A motion was made by Commissioner Sawyer to recommend denial of this item, which was seconded by Commissioner Nielsen. By roll call vote, the motion to deny carried 5-4 with Sawyer, Nielsen, Sookram, Horeis and Carlson voting aye and Landholm, Borisow, Bowen and Gifford voting nay.

Chairman Sookram called for a 10 minute break at 6:45.

Chairman Sookram called the meeting back to order at 6:55.

Chairman Sookram read the item: An application by Hoppe & Son LLC for the Bluestem Commons Preliminary Plat generally consisting of 5 multifamily residential lots, 2 commercial lots, 113 attached single family lots and 3 out lots on property generally located at the southwest corner of Luther Road and County Road T. Planning Director, Dam noted that this item was contingent upon approval of the Planned Development, which the Planning Commission just voted not to recommend to City Council. Chairman Sookram opened the public hearing. Jake and Fred Hoppe spoke as applicant. Chairman Sookram closed the public hearing and asked for Planning Commission discussion. Commissioner Landholm made a motion to recommend approval of the Bluestem Preliminary Plat which was seconded by Bowen. By roll call vote, the motion carried 5-4 with Landholm, Borisow, Bowen, Gifford and Carlson voting aye and Sawyer, Sookram, Nielsen and Horeis voting nay.

Chairman Sookram read the item: An application by Hoppe & Son LLC for the Bluestem Commons Final Plat generally consisting of 2 out lots, 63 attached single family, and 3 multifamily lots generally on property generally located at the southwest corner of Luther Road and County Road T. The Planning Director presented her staff report. Chairman Sookram opened the public hearing. Fred Hoppe spoke as the applicant. Chairman Sookram closed the

public hearing and asked for Planning Commission discussion. Commissioner Landholm made a motion to approve the Final Plat which was seconded by Commissioner Gifford. By roll count vote, the motion carried 5-4 with Landholm, Borisow, Bowen, Gifford and Carlson voting aye and Sawyer, Sookram, Nielsen and Horeis voting nay.

Chairman Sookram read the item: A request by Jared Borisow to amend Section 11-920 of the City of Fremont UDC to amend the definitions of Front Yard, Side Yard, Street Side Yard and Rear Yard. Commissioner Borisow recused himself as he has a vested interest in this item. Commissioner Borisow left the room at 7:10 pm. Director of Planning, Dam, gave her staff report. Chairman Sookram opened the public hearing. Bo Borisow spoke as applicant. Chairman Sookram closed the public hearing and asked for Planning Commission discussion. Motion by Commissioner Landholm to approve this item and was seconded by Bowen. By roll call vote, the motion carried 8-0 with Borisow abstaining

Commissioner Borisow reentered the room at 7:15.

Chairman Sookram stated he would entertain a motion to adjourn the meeting. It was moved by Commissioner Gifford and seconded by Commissioner Bowen to adjourn the meeting. A roll call vote showed all nine Commissioners voting aye. Motion carried unanimously. Meeting was adjourned at approximately 7:16 p.m.

APPROVED

Dev Sookram, Chairman

ATTEST

Jennifer Dam, Director of Planning

STAFF REPORT

TO: Planning Commission
FROM: Jennifer L. Dam, Planning Director
DATE: January 20, 2020
SUBJECT: Hidden Brook Subdivision Preliminary Plat

Recommendation: Recommend approval to the City Council contingent upon showing sidewalks, revising the setbacks shown on the layout, paying off any outstanding assessments, noting that the lowest floor elevation of the dwelling units will be 2' above the BFE, adding the easements on the east and west boundaries of the subdivision, and receiving grading and MS4 permits prior to commencing grading.

Background:

This is a request for a Preliminary Plat consisting of 20 residential lots and two larger lots for future development. The residential lots are sized to accommodate duplexes, like the development to the west.

The property is located on the south side of 29th Street between the east side of the Fountain Springs duplex subdivision and Yeager Road.

The property is zoned UR, Urban Residential. In the UR zoning district the minimum lot size is 4,500 sq. ft. for duplex units, with a minimum 44' width. The proposed lots are all substantially larger than the minimum requirement.

The preliminary plat shows a 15' front yard setback, an 8' street side setback, a 5' interior side yard setback and a 10' rear setback. Those are incorrect. The proper setbacks are a 20' front yard, a 10' street side yard and a 15' rear yard. While the supporting documentation for each lot is correct, the notation on both the preliminary plat and final plat are incorrect and need to be revised.

The southern area of Lots 9, 10 and 11 that contain the drainage way do show a 75' drainage way and utility easement.

The southern portion of the property includes the Rawhide Creek. The Rawhide Creek has a floodway that has been defined by FEMA, but the flood plain has not been mapped. The Nebraska Department of Natural Resources has determined a Base Flood Elevation (BFE) of 1187 along this area of the creek. While the property is not currently in a FEMA regulatory designated flood plain, the existing grade is lower than the BFE.

FEMA was in the process of revising the flood plain maps with the Lower Elkhorn study prior to the floods of 2019. That project has been put on hold because the

channel of the Elkhorn River has shifted. However, the property is in an area that is likely to be designated as a flood plain.

This is an area that is known to have flooding problems. The Fountain Springs duplex development to the west was required to elevate the lots and the duplexes.

The developer has submitted grading plans that show the grade of the lots at 1187.7 on the east side of the property and 1187.7 and 1187.99 at the south end of the property. Those grades are not one foot above the BFE.

While this area is not currently in a regulatory flood plain, staff recommends that the lots be elevated to a minimum of 1' above the BFE and that the lowest floor elevation of the dwelling units be elevated to a minimum of 2' above the BFE to protect the development from flooding.

The Utility Department is requesting a 10' utility easement along the east and west boundaries of the project.

The Public Works Director noted that there may be water and sewer assessments against the property. The Administrative Services Director has not yet confirmed whether or not this is the case.

The Public Works Director noted that the storm water system is adequate as shown.

Sidewalks are required along Hidden Brook Drive and should be shown on the layout.

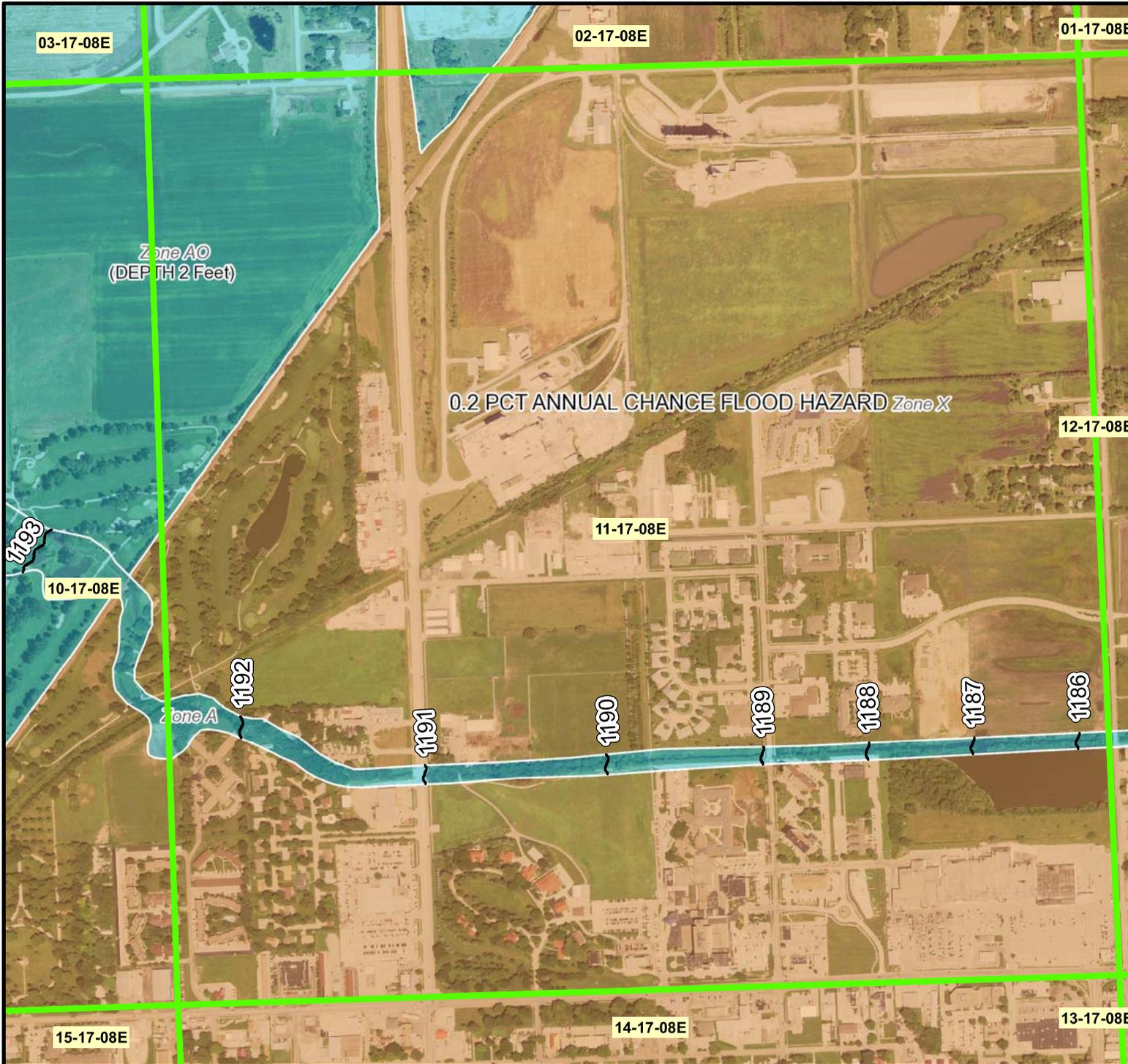
The proposal meets the other requirements of 11-706 of the UDC.

A grading permit and MS4 permit are required prior to commencing grading.

Fiscal Impact: The proposal will add 40 dwelling units to the tax base.

Hidden Brook Subdivision									
Lot Number	Lot Size (3,500 sq.ft.)	Width (30 ft.)	Setbacks				Building		Impervious Ratio (50%)
			Front (20 ft.)	Side (5 ft.)	Street (10 ft.)	Rear (15 ft.)	Height (35 ft.)	Coverage Ratio (40%)	
1	9896.34	61.85	20	5	12	15	< 35	34%	46%
2	8935.50	69.00	20	7	-	15	< 35	38%	50%
3	8935.50	69.00	20	7	-	15	< 35	38%	50%
4	8935.50	69.00	20	7	-	15	< 35	38%	50%
5	8935.50	69.00	20	7	-	15	< 35	38%	50%
6	8935.50	69.00	20	7	-	15	< 35	38%	50%
7	8935.50	69.00	20	7	-	15	< 35	38%	50%
8	10023.02	86.83	20	7	-	15	< 35	34%	47%
9	11169.67	45.00	20	7	-	15	< 35	30%	40%
10	21150.74	45.00	20	7	-	15	< 35	16%	21%
11	21837.62	45.00	20	7	-	15	< 35	16%	21%
12	13315.00	54.57	20	7	-	15	< 35	26%	34%
13	10502.32	79.06	20	5	-	15	< 35	32%	44%
14	8935.50	69.00	20	7	-	15	< 35	38%	50%
15	8935.50	69.00	20	7	-	15	< 35	38%	50%
16	8935.50	69.00	20	7	-	15	< 35	38%	50%
17	8935.50	69.00	20	7	-	15	< 35	38%	50%
18	8935.50	69.00	20	7	-	15	< 35	38%	50%
19	8935.50	69.00	20	7	-	15	< 35	38%	50%
20	9197.00	69.62	20	7	10.5	15	< 35	37%	48%

Base Flood Elevation Determination



Section 11-17-08E City of Fremont Dodge County

**Valid: March 15, 2019
until Superseded
Effective FIRM dated: 1/2/2008**

Legend

BFE--NAVD 1988

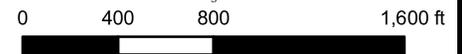
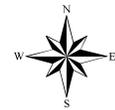
County

Section

Effective Flood Zones

1% Annual Chance

0.2% Annual Chance



*Please see page 2 for the Use and
Limitations of this BFE Determination*

This BFE was determined by:

Dam, Jennifer

From: Goedeken, Dave
Sent: Thursday, January 9, 2020 8:27 AM
To: Dam, Jennifer
Subject: FW: Hidden Brook Subdivision
Attachments: David Goedeken.vcf

See comments below in italics.

It would appear they have satisfied the comments I had by earlier email.

D



From: Goedeken, Dave
Sent: Tuesday, December 31, 2019 4:36 PM
To: Dam, Jennifer <Jennifer.Dam@fremontne.gov>
Cc: Trujillo, Veronica <Veronica.Trujillo@fremontne.gov>
Subject: Hidden Brook Subdivision

Jennifer

I have reviewed the plat submittal for Hidden Brook Subdivision and have the following comments

There are possibly water and sewer assessments against this property. Tyler has the payoff documents in his office. I'm not sure if they have been paid off or are outstanding. Tyler would be able to provide the answer.

I don't have this information, you will need to get that from Tyler or Jan Rise.

Are they not building a storm sewer system. I do not see a system on their submittals. They have provided paving, water, and san sewer layouts.

The plans show a storm water system draining into the Rawhide Creek. Layout is adequate as shown.

It doesn't say if this is a public or private street. The right of way is 55 feet wide and the pavement is 30 feet wide.

Leanne's last email indicates this will be a public ROW, so I assume the street will be public also.

There is a major waterway located within the south boundary of this property (Rawhide Creek) This creek has a flood plane designation. This property even tho not located entirely within the floodway, will be affected by flooding. The applicant is highly encouraged to plan their fill and final floor elevations with the BFE in mind.

They have indicated they will fill one foot above the BFE and an additional foot to the floor elevation.

Dave

STAFF REPORT

TO: Planning Commission
FROM: Jennifer L. Dam, Planning Director
DATE: January 20, 2020
SUBJECT: Hidden Brook Subdivision Final Plat

Recommendation: Recommend approval to the City Council contingent upon showing sidewalks, revising the setbacks shown on the layout, paying off any outstanding assessments, noting that the lowest floor elevation of the dwelling units will be 2' feet above the BFE, adding the easements on the east and west boundaries of the subdivision, and receiving grading and MS4 permits prior to commencing grading.

Background:

The proposed final plat is consistent with the preliminary plat. The following comments are essential the same as those for the Preliminary Plat.

This is a request for a Final Plat consisting of 20 residential lots and two larger lots for future development. The residential lots are sized to accommodate duplexes, like the development to the west.

The property is located on the south side of 29th Street between the east side of the Fountain Springs duplex subdivision and Yeager Road.

The property is zoned UR, Urban Residential. In the UR zoning district the minimum lot size is 4,500 sq. ft. for duplex units, with a minimum 44' width. The proposed lots are all substantially larger than the minimum requirement.

The final plat shows a 15' front yard setback, an 8' street side setback, a 5' interior side yard setback and a 10' rear setback. Those are incorrect. The proper setbacks are a 20' front yard, a 10' street side yard and a 15' rear yard. While the supporting documentation for each lot is correct, the notation on both the preliminary plat and final plat are incorrect and need to be revised.

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While this area is not currently in a regulatory flood plain, staff recommends that the lots be elevated to a minimum of 1' above the BFE and that the lowest floor elevation of the dwelling units be elevated to a minimum of 2' above the BFE to protect the development from flooding.

The Utility Department is requesting a 10' utility easement along the east and west boundaries of the project.

The Public Works Director noted that there may be water and sewer assessments against the property. The Administrative Services Director has not yet confirmed whether or not this is the case.

Sidewalks are required along Hidden Brook Drive and should be shown on the layout.

The proposal meets the other requirements of 11-706 of the UDC.

A grading permit and MS4 permit are required prior to commencing grading.

Fiscal Impact: The proposal will add 40 dwelling units to the tax base.

