

The City of Fremont, Nebraska is inviting you to a scheduled Zoom meeting.

**Topic: April 20, 2020 Planning Commission**

**Time: Apr 20, 2020 05:00 PM Central Time (US and Canada)**

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<https://zoom.us/j/99773501274>

**Meeting ID: 997 7350 1274**

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### Telephone Audio Information

Call: +1 301 715 8592 US

Enter Meeting ID: 997 7350 1274

You will be connected to the meeting

If making a comment during a public hearing or comment period please **press \*9 to electronically raise your hand** allowing the Chairman to call on you.

Once called upon to speak please **press \*6 to unmute your phone; press \*6** again to mute when finished speaking

**Please submit any documents to be received into the record to the Planning Director by 4:30 PM Friday, April 17, 2020.**



**PLANNING COMMISSION MEETING  
MONDAY, April 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 March 16, 2020 Meeting as prepared.
5. A request by the City Attorney for a change to the text of Section 11-601.A of the Unified Development Code regarding the purpose of zoning districts and planned developments.
6. A request by Lifegate Church for a conditional use permit for a church in a LI, Light Industrial district on property generally located at 2407 Colorado Ave, Fremont, NE.
7. A request by Jerry Nelson on behalf of Ludvigsen Mortuary for a conditional use permit to expand a non-standard use into a required yard on property generally located at 1249 E 23<sup>rd</sup> St., Fremont, NE.
8. Adjournment.

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

## PLANNING COMMISSION MINUTES

March 16, 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 and Carlson present; Sawyer, Borisow and Horeis were absent. Five Commissioners present – a quorum was established.

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

Chairman Sookram read the item: dispense with the reading of the minutes of the special February 18th, 2020 Planning Commission meeting as prepared. Nielsen moved to approve the minutes, seconded by Landholm. By a roll call vote, Carlson, Nielsen, Landholm, Gifford and Sookram voted in favor, the motion carried 5-0.

Chairman Sookram read the item: A request by the Planning Director for a text change to section 11-502.02; 11-504.02 D; and 11-920 “C Terms” of the UDC to define cemetery, permit it as a limited use in R, SR, AR and UR districts and to stipulate conditions under which it is allowed. The Planning Director presented her staff report. Chairman Sookram opened the public hearing. No one spoke on the item. Chairman Sookram closed the public hearing. Commissioner Landholm moved to recommend approval to the City Council. The motion was seconded by Commissioner Gifford. By a roll call vote, Commissioners Nielsen, Landholm, Sookram, Gifford and Carlson voted in favor. The motion carried 5-0.

Chairman Sookram read the item: A request by Therese Hoyle for a Sign Plan for Lincoln Premium Poultry on property generally located at 1325 E. Cloverly Rd, Fremont, NE. The Planning Director presented her staff report. Chairman Sookram opened the public hearing. No one spoke in favor or opposition. Chairman Sookram closed the public hearing. Commissioner Gifford made a motion to approve the sign plan. The motion was seconded by Nielsen. By a roll call vote, Commissioners Nielsen, Landholm Gifford, Sookram and Carlson voted in favor. The motion carried 5-0.

Chairman Sookram read the item: A request by Heather Carver for an amendment to the South Fremont Industrial redevelopment plan for the WholeStone Farms redevelopment project on property generally located at generally located at E. Cloverly Rd. and S. Platte Ave, Dodge County, NE. The Planning Director presented her staff report. Chairman Sookram opened the public hearing. One individual spoke in favor of the proposal. Chairman Sookram closed the public hearing. Commissioner Gifford made a motion to recommend approval of the redevelopment plan. The motion was seconded by Commissioner Landholm. By a roll call vote, Commissioners Nielsen, Landholm Gifford, Sookram and Carlson voted in favor. The motion carried 5-0.

Chairman Sookram read the item: A request by Jason Griffis for a Conditional Use Permit for seasonal campgrounds on three lots at the Emerson Estates Subdivision generally located on Lots 18, 23 and 42 at 720 Boulevard Street, Dodge County, NE.

The Planning Director presented her staff report. Chairman Sookram opened the public hearing. Five people spoke in opposition. There were five letters and a petition submitted for the record. Commissioner Landholm made a motion to receive. The motion was seconded by Carlson. By a roll call vote, Commissioners Nielsen, Landholm Gifford, Sookram and Carlson voted in favor. The motion carried 5-0. Two people spoke in favor of the proposal. Chairman Sookram closed the public hearing. After discussion among the Planning Commissioners, Commissioner Nielsen made a motion to recommend conditional approval. The motion was seconded by Carlson. By a roll call vote, Commissioners Nielsen, Landholm Gifford, Sookram and Carlson voted in favor. The motion carried 5-0.

Chairman Sookram read the item: A request by Hoppe & Son for the Bluestem Common Preliminary Plat consisting of 69 attached duplex/triplex lots, 65 row house lots, 8 apartment buildings containing a maximum of 34 units each, a mixed use lot for a clubhouse and commercial uses, and two outlots for entry signage and storm water detention/neighborhood park area on property generally located at Luther Rd and County Rd T, Dodge County, NE. The Planning Director gave her staff report. Chairman Sookram opened the public hearing. Several individuals spoke in favor of the preliminary plat. Several people spoke in opposition. Brad Holtorf submitted information suggesting that the preliminary plat does not meet the mix of housing units required by the zoning code. The City Attorney noted that the item in front of the Commission was a preliminary plat for a subdivision and that the zoning for the property was not under review. Carlson made a motion to receive the information which was seconded by Nielsen. By a roll call vote, Commissioners Nielsen, Landholm Gifford, Sookram and Carlson voted in favor. The motion carried 5-0. Chairman Sookram closed the public hearing. The City Attorney stated that the plat complies with the requirements of the UDC and suggested that a motion to recommend approval should be conditioned upon the plat being in conformance with the zoning regulations. Commissioner Landholm made a motion to recommend approval of the Bluestem Commons Preliminary Plat with the condition that it conform to the zoning regulations. Commissioner Gifford seconded the motion. By a roll call vote, Commissioners Nielsen, Landholm Gifford, Sookram and Carlson voted in favor. The motion carried 5-0.

Chairman Sookram read the item: A request by Hoppe & Son for the Bluestem Common Final Plat consisting of two outlots; a mixed use lot for a clubhouse and commercial uses; and, 103 lots for duplex, triplex and row house units on property generally located at Luther Rd and County Rd T, Dodge County, NE. The Planning Director gave her staff report. Chairman Sookram opened the public hearing. Several individuals spoke in favor of the final plat. Several people spoke in opposition. Chairman Sookram closed the public hearing. The City Attorney stated that the plat complies with the requirements of the UDC and suggested that a motion to recommend approval should be conditioned upon the plat being in conformance with the zoning regulations. Commissioner Gifford made a motion to recommend approval of the Bluestem Commons Final Plat with the condition that it conform to the zoning regulations. Commissioner Landholm seconded the motion. By a roll call vote,

Commissioners Nielsen, Landholm Gifford, Sookram voted in favor, Carlson voted against. The motion carried 4-10.

Chairman Sookram stated he would entertain a motion to adjourn the meeting. It was moved by Commissioner Landholm and seconded by Commissioner Nielsen to adjourn the meeting. By roll call vote, Nielson, Landholm, Sookram, Carlson and Gifford all voting aye. The motion carried 6-0. Meeting was adjourned at approximately 6:35 p.m.

APPROVED

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Dev Sookram, Chairman

ATTEST

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Jennifer Dam, Director of Planning

DRAFT

## STAFF REPORT

TO: Planning Commission  
FROM: Jennifer L. Dam, AICP, Planning Director  
DATE: April 20, 2020  
SUBJECT: Change to Section 11-601.A of the UDC

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**Recommendation:** Recommend Approval by the City Council

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### Background:

The initial drafting of the Unified Development Code began in 2013. At that time the draft code proposed more housing types and zoning districts than the code that was finally adopted and took effect in 2019. In 2013, the proposed residential zoning districts included Agriculture (AG), Rural Residential (RR), Suburban Residential (SR), Neighborhood Conservation (NC), General Residential (GR), High Density Residential (HR), and Urban Residential (UR)

The above mentioned draft included “Lot/Neighborhood Types” of single family detached, zero lot line, cluster planned, manufactured home, duplex, townhouse, executive townhouse, executive apartment, urban townhouse, and, urban loft. There was not a category called “multi-family.” The code didn’t define any of the above. Additionally, there was a “Planned” lot/neighborhood type specified in the Rural Residential, Suburban Residential, and General Residential districts, but there was not a separate “Planned Development” district proposed in the draft.

Table 15-402.03, which later became Table 11-602.03 in the adopted code, refers to a mix of housing types in cluster, planned and traditional neighborhoods. However, when the code was adopted the “executive townhouse, executive apartment, urban townhouse and urban loft were removed.

The table was ill-defined in the drafts, and remains ill-defined in the adopted UDC.

The City Attorney proposes the following change to Section 11-601.A in order to provide clarity:

11-601.A *Purpose*. The purpose of this article is to establish the general standards for the character, scale, density (residential), and intensity (nonresidential and mixed use) of development that is allowed within each zoning district set out in Section 11-403, *Zoning Districts*, except Planned Developments. See Section 11-405.07.D for standards of Planned Developments.

## STAFF REPORT

**TO:** Planning Commission  
**FROM:** Jennifer Dam, Planning Director  
**DATE:** April 20, 2020, 2020  
**SUBJECT:** Conditional Use Permit for a place of Public Assembly in the LI, Light Industrial District

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**Recommendation:** Recommend City Council approve.

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### Background:

This is a request for a Conditional Use Permit for Public Assembly (church) located at 2407 Colorado Avenue.

The property was previously used by Oriental Trading.

The property is zoned LI, Light Industrial. Public Assembly requires a Conditional Use Permit in the LI district.

The property to the north is zoned AR, Auto-Urban Residential and is developed with single family attached and single family detached residential uses. The property to the east is zoned LI, Light Industrial and is developed with offices, a daycare and contractor office. The property to the south is zoned SC, Suburban Commercial and is developed with a drive. Further south is zoned LI, Light Industrial and is developed with the airport. The area to the west is zoned SC, Suburban Commercial and is developed with a storage facility.

There are not heavy industrial uses in the area that would negatively impact a public assembly use.

Section 11-504.02.I states:

Public Assembly facilities are permitted if it is demonstrated that:

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

*Finding: The prosed church is more than 300 feet from a GI or AV*

*district.*

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

*Finding: Access is from a collector roadway.*

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; and"

*Finding: Parking is sufficient on the site. Traffic will exit south to 23<sup>rd</sup> Street unless someone lives in the area. The use should not create external noise.*

4. "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: This is not applicable to the proposed use.*

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 church will not undermine the implementation of an adopted plan.*

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

*Finding: The proposed church is compatible with the surrounding land uses.*

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

*Finding: There is not a site within 1,000 feet where the use is permitted as-of-right.*

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

*Finding: The proposed use will not create a critical mass of similar uses.*

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

*Finding: The proposed use is a church. The traffic impacts are likely equal to when the building was used as an industrial facility.*

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

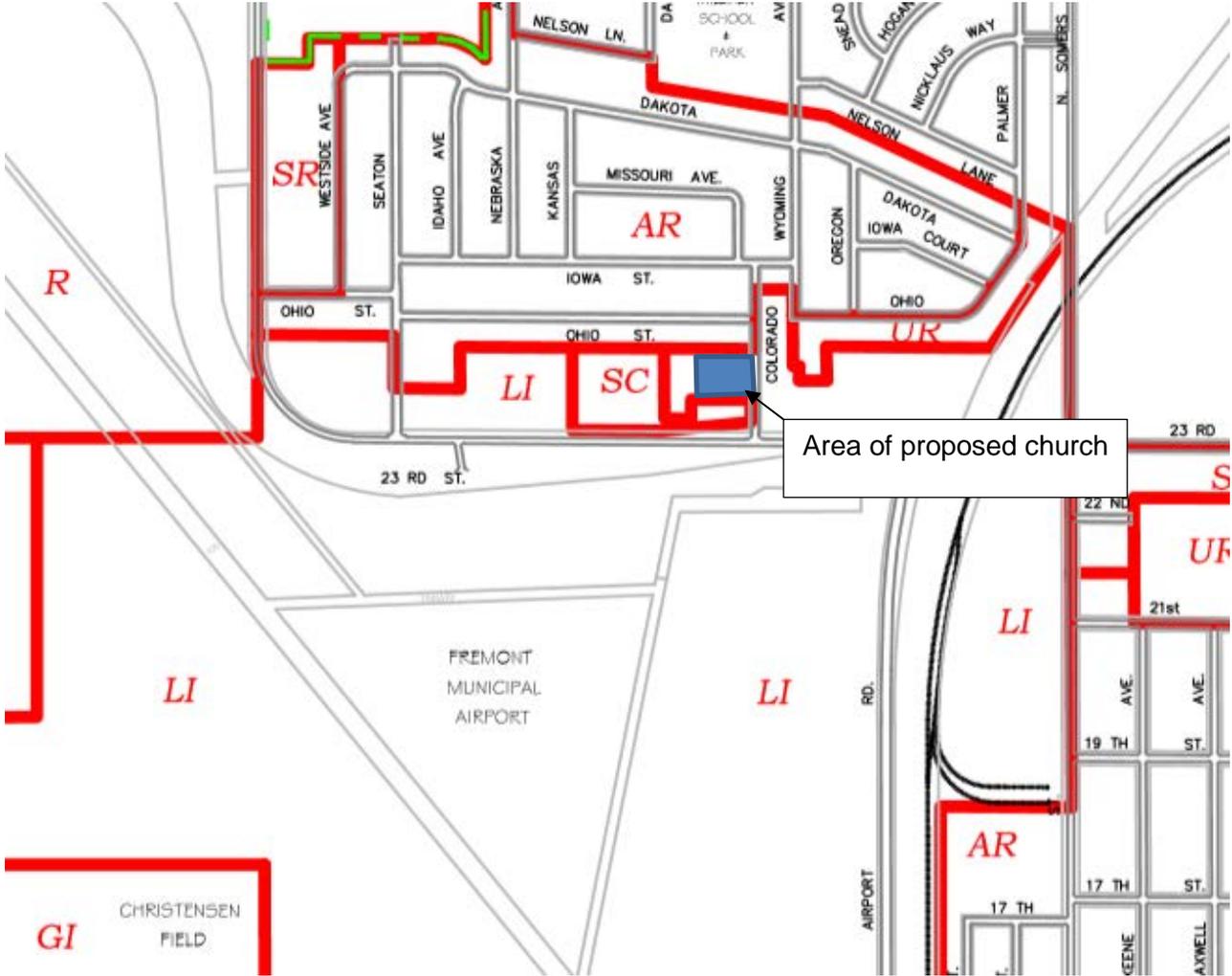
*Finding: The church will not disproportionately use public services.*

**Fiscal Impact:** N/A

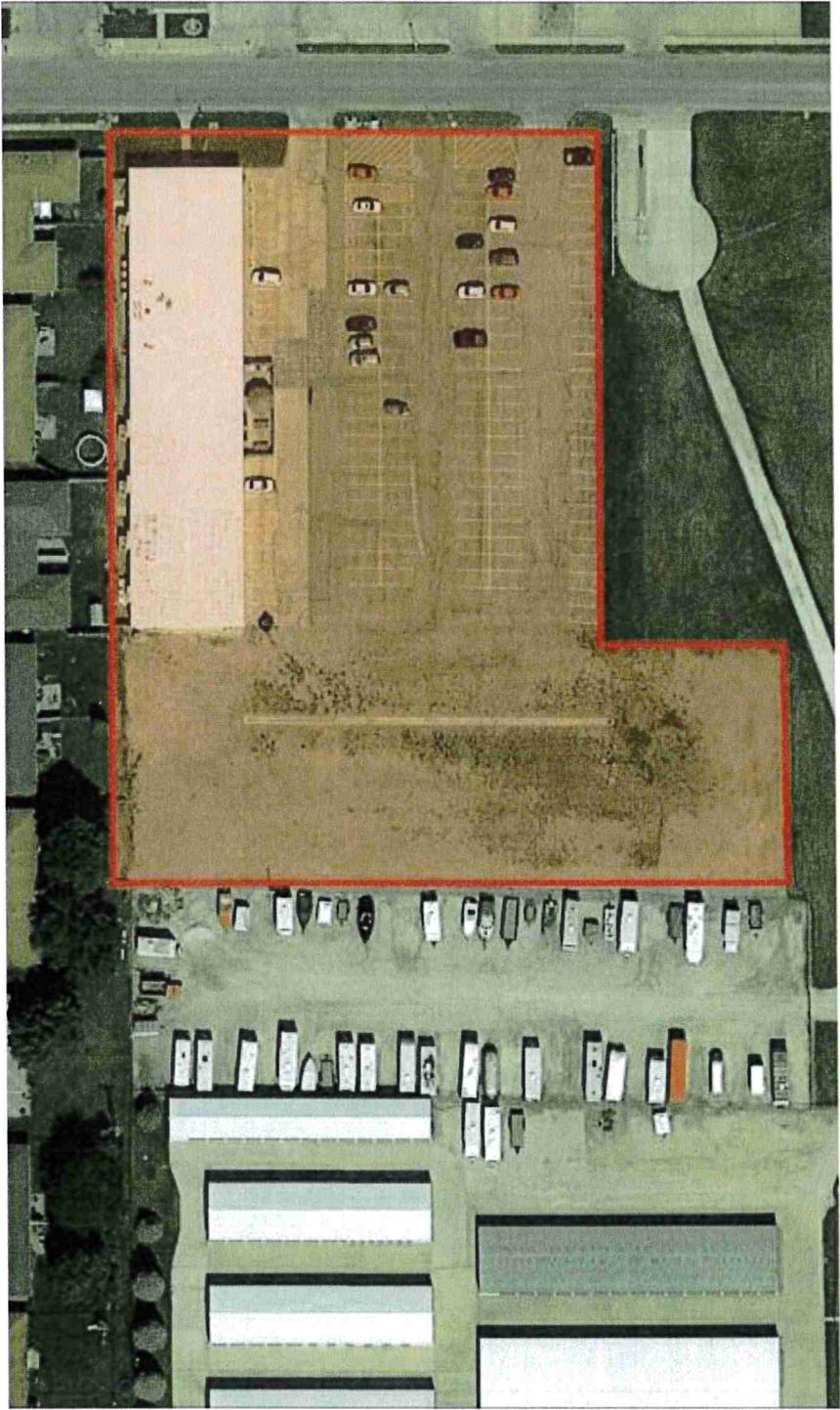
# Lifegate Church C.U.P. Vicinity Map



Lifegate Church C.U.P.  
Surrounding Zoning







2407 Colorado Ave., Fremont, NE

Legal Description:

A tract of land located in the Southeast Quarter Southwest Quarter (SE $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section Ten (10), Township Seventeen (17) North, Range Eight (8) East of the 6th P.M., in Dodge County, Nebraska, more particularly described as follows:

Beginning at the Southeast corner of Lot One (1), Block Two (2), Washington Heights Second Addition to the City of Fremont, Dodge County, Nebraska; said point also being on the West margin of Colorado Avenue; thence South 00°08'03" East (assumed bearing) along said West margin 270.00 feet; thence South 90°00'00" West, 280 feet; thence South 00°08'03" East 90 feet;

thence South 90°00'00" West, 125 feet; thence North 00°08'03" West, 360 feet to a point on the

South margin of said Washington Heights Second Addition; thence North 90°00'00" East along said

South margin, 405.0 feet to the point of beginning.

Also described as Tax Lots 40, 74, 86 and part of Tax Lot 89 in said section.

City of Fremont Nebraska  
Planning & Development  
400 E. Military Ave.  
Fremont, NE 68025

March 2, 2020

RE: Conditional Use Permit Application for 2407 Colorado Ave, Fremont, NE 68046

To whom it may concern,

We support Lifegate Church application for a Conditional Use Permit and recognize that we have a fully, executed Purchase Agreement for the sale of the property with Lifegate Church.

Thank you.

Steve Samek



# Staff Report

**TO:** Planning Commission  
**FROM:** Jennifer L. Dam, AICP, Planning Director  
**DATE:** April 20, 2020  
**SUBJECT:** Request to expand non-standard use at 1249 E 23<sup>rd</sup> St.

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**Recommendation:** Recommend City Council approve

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## Background:

The Ludvigsen funeral home is an existing building that is constructed up to the east lot line. They propose to expand the southern portion of the east side of the building to the match the existing building line. The intent of the expansion is to add additional restroom facilities.

The property is zoned GC, General Commercial. The use on the property is a limited use in the GC zoning district.

The existing building is non-standard as to the setbacks it is built up to the property lines on the east side.

The proposed expansion will eliminate three parking spaces on the east side, however parking is available on the west side.

The property is approximately 90 percent impervious surface. The proposed expansion will not increase the amount of impervious coverage.

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

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

The proposal will have a minimal impact to the property to the south.

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

The proposed expansion will not undermine an adopted plan.

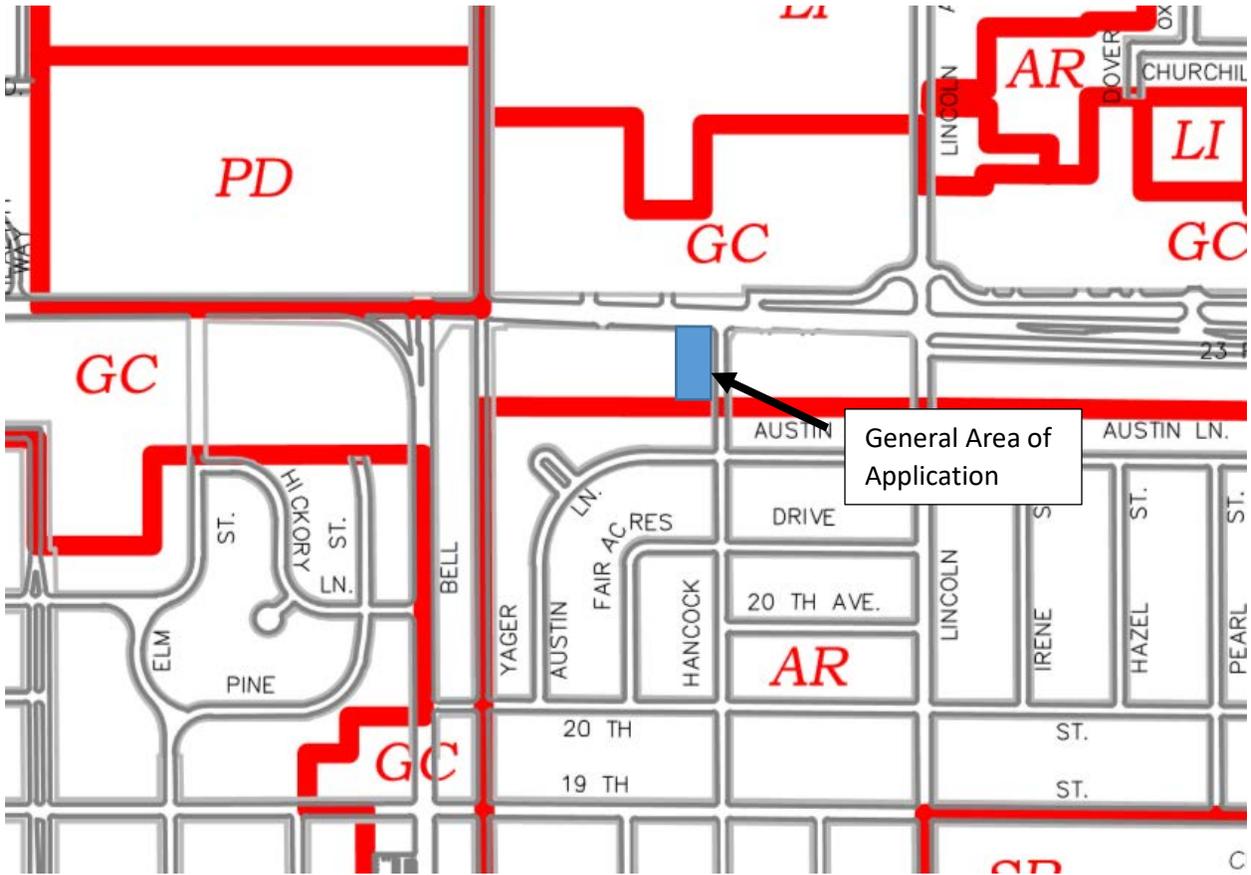
The proposed expansion is compatible with the surrounding land uses.

The proposed expansion is located in an area that fits with the flow of work in the existing building. It would be difficult to locate the expansion in a different area on the property.

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

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

# Ludvigsen Mortuary Expansion Vicinity Map



  
Architectural  
Innovations

March 16<sup>th</sup>, 2020

To: Jennifer Dam, Director of Planning  
Planning Commission, City Council, Mayor Getzschman  
All interested parties

RE: Request for Expansion of Nonconforming Use  
Ludvigsen Mortuary  
1249 East 23<sup>rd</sup> Street, Fremont, Nebraska

On behalf of Ludvigsen Mortuary, I am requesting an Expansion of Nonconforming Use Permit at their present location 1249 East 23<sup>rd</sup> Street.

Larry Ludvigsen was born and raised in Fremont, served in the Marine Corps, attended Midland Lutheran College, Dallas College of Mortuary Science and then opened Ludvigsen Mortuary in 1975. Larry has been part of this community and continues to operate Ludvigsen Mortuary with his Son Jon to this day.

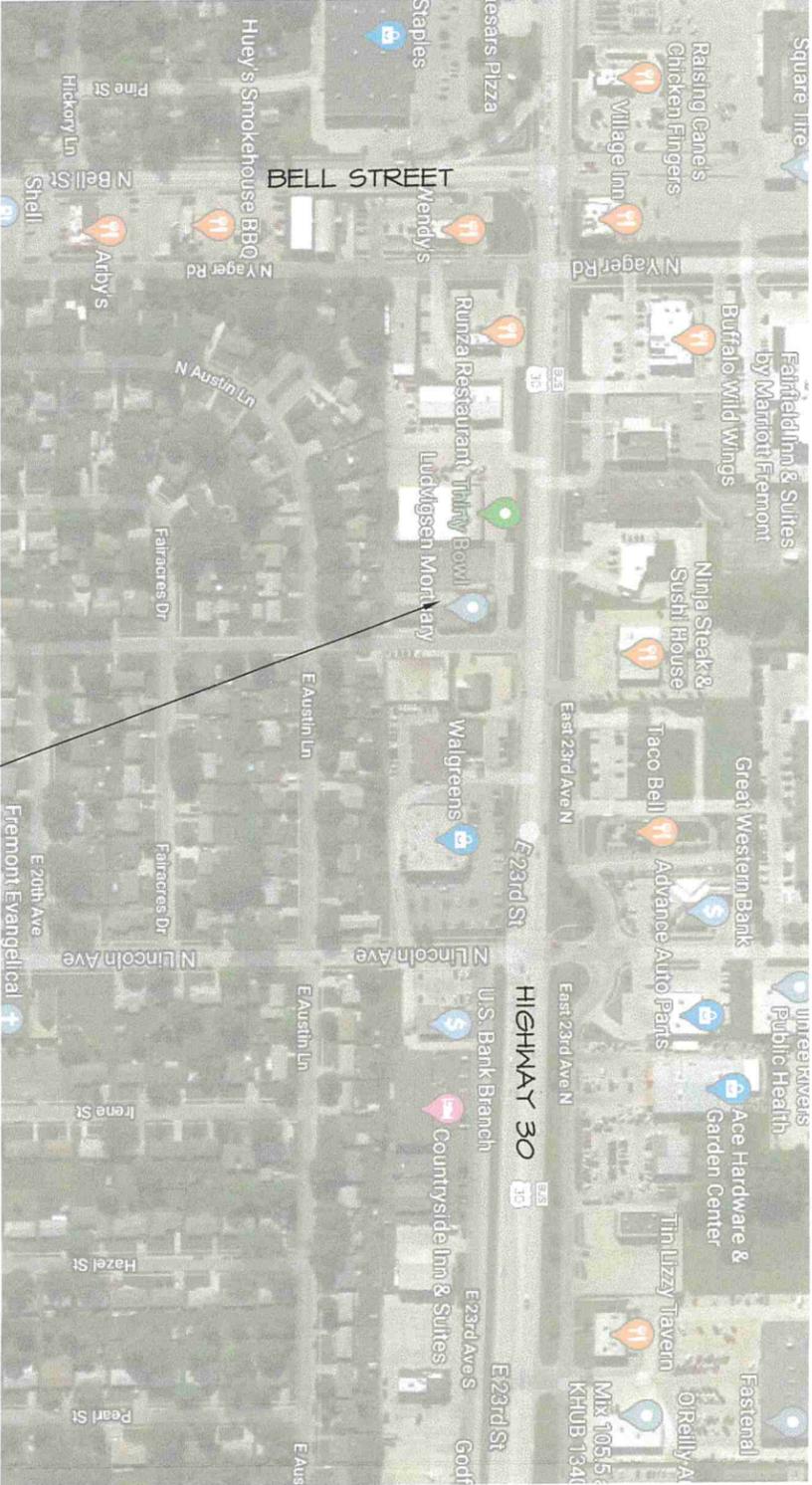
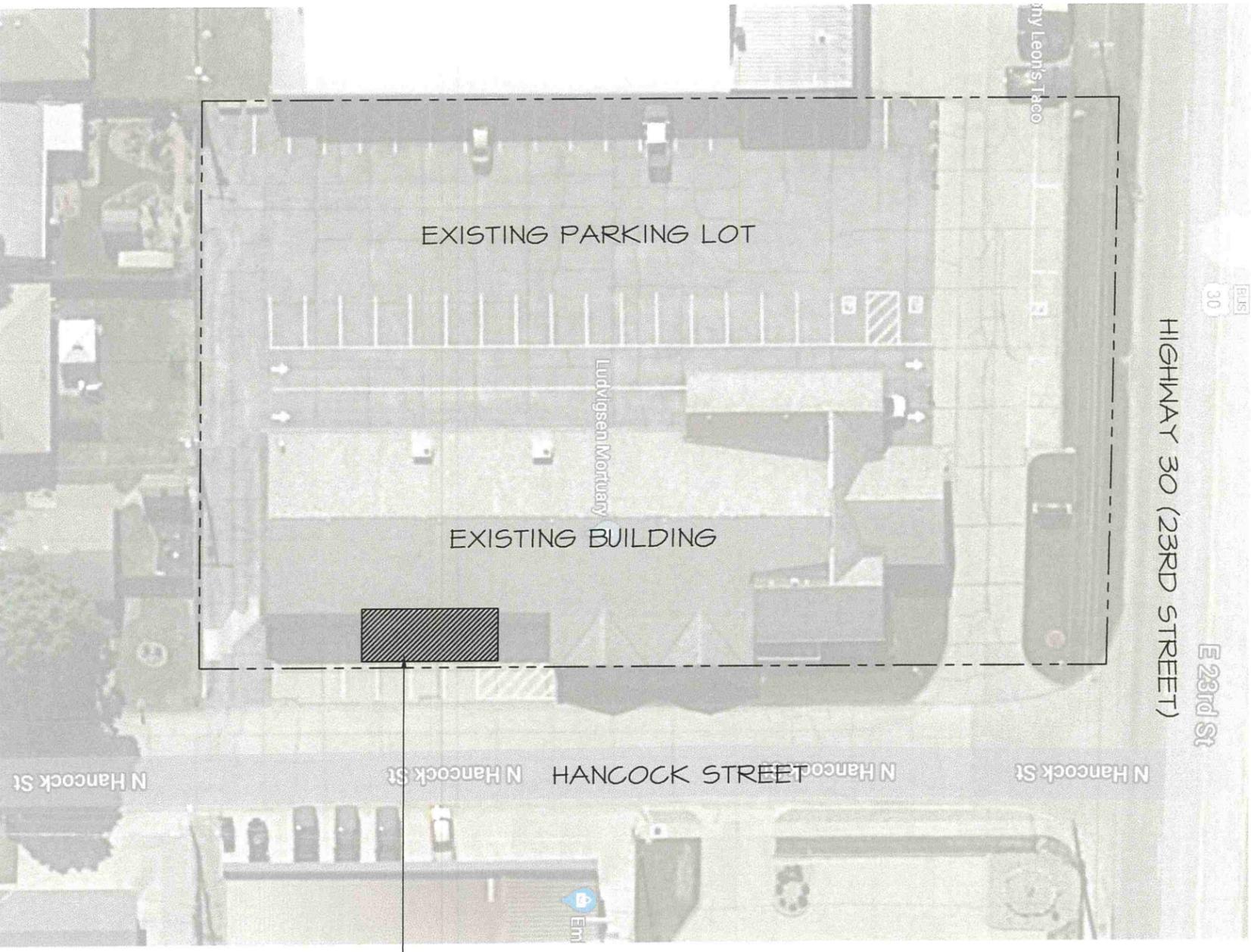
The original design only consisted of two single user restrooms for the public. The lack of restroom fixtures does not meet current public expectations nor does it meet current code. The current operation fully utilized all of the internal space therefore we are proposing to add three stall restrooms to the East side of the building. We are asking for an Expansion of Nonconforming use to allow this addition to align with the East edge of the existing building. The proposed addition would have a similar look to the Northern portion of the building that faces East.

Jon has reached out to the three residential neighbors South of the property, Embroidery Connection (Business directly East of proposed addition), and 30 Bowl (Business West of the property). None of the aforementioned neighbors had any issues with the proposed addition.

Please reach out to me with any questions or concerns

Sincerely,

Jerry Nelson, AIA



**VICINITY MAP**

SCALE: NO SCALE

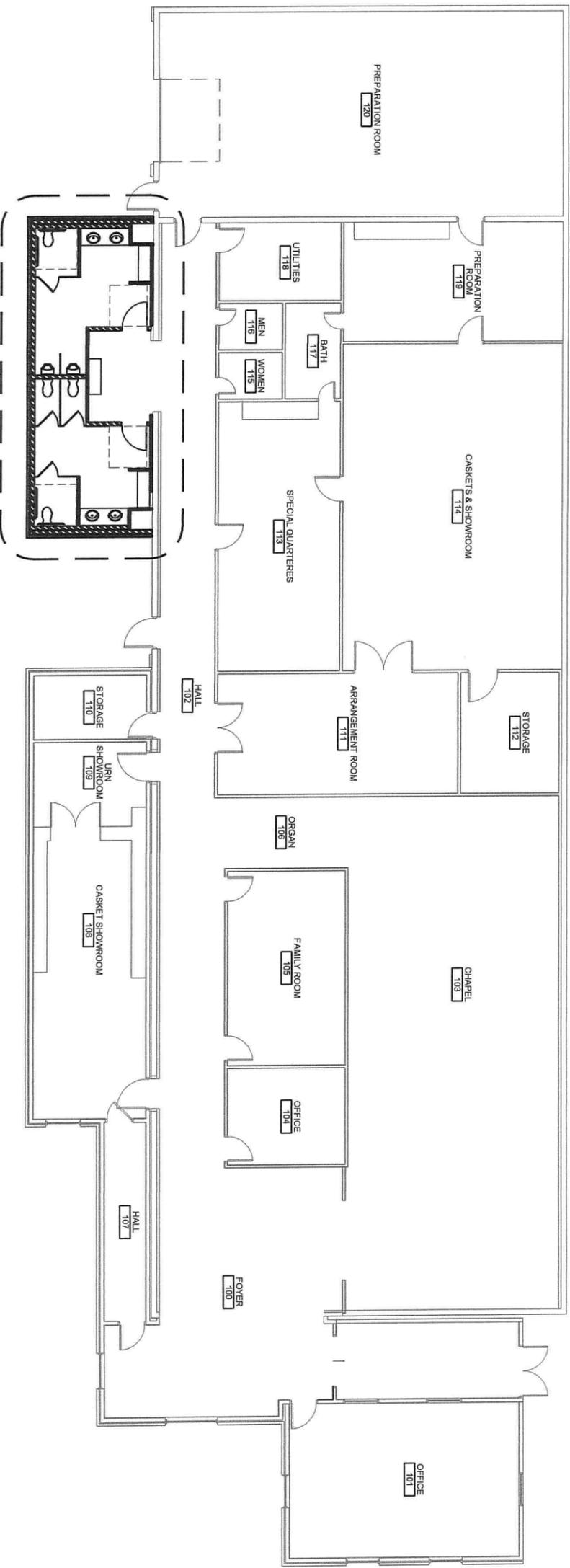
AREA OF DETAIL

PROPOSED ADDITION

**AERIAL VIEW**

SCALE: 1"=30'-0"

 <b>Architectural</b> <b>Innovations</b>
620 N 48TH STREET, SUITE 102 LINCOLN, NEBRASKA 68504 PHONE: (402) 467-4328 WWW.AILINCOLN.COM
<b>LUDVIGSEN MORTUARY</b> <b>PROPOSED ADDITION</b> 1249 EAST 23RD STREET 03-16-2020 <b>A1.0</b>



PROPOSED RESTROOM ADDITION



**PROPOSED FLOOR PLAN**

SCALE: 1/16" = 1'-0"



**Architectural**

**Innovations**

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 LINCOLN, NEBRASKA 68504  
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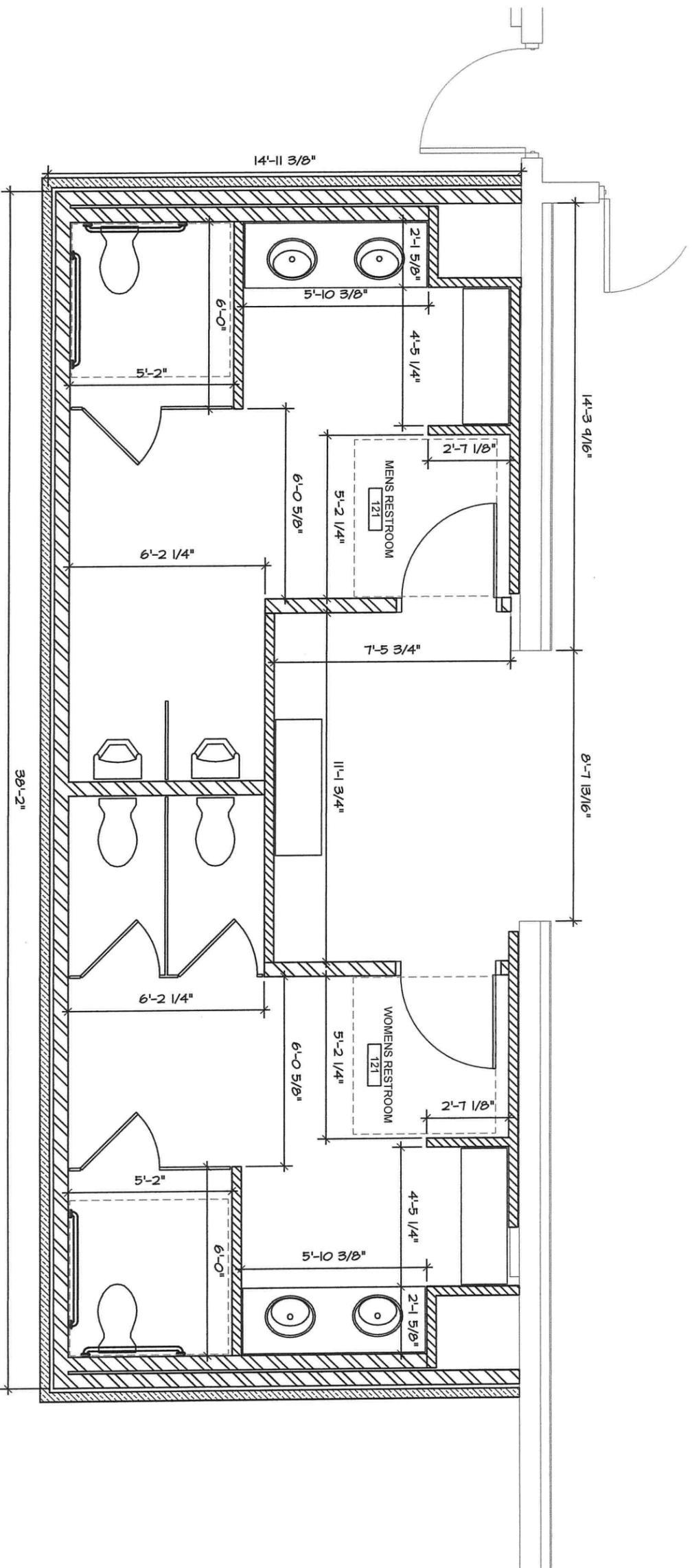
LUDVIGSEN MORTUARY

PROPOSED ADDITION

1249 EAST 23RD STREET

03-16-2020

**A1.1**




**PROPOSED BATHROOM PLAN**  
 SCALE: 1/4" = 1'-0"

  
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 LINCOLN, NEBRASKA 68504  
 PHONE: (402) 467-4328  
 WWW.AILINCOLN.COM

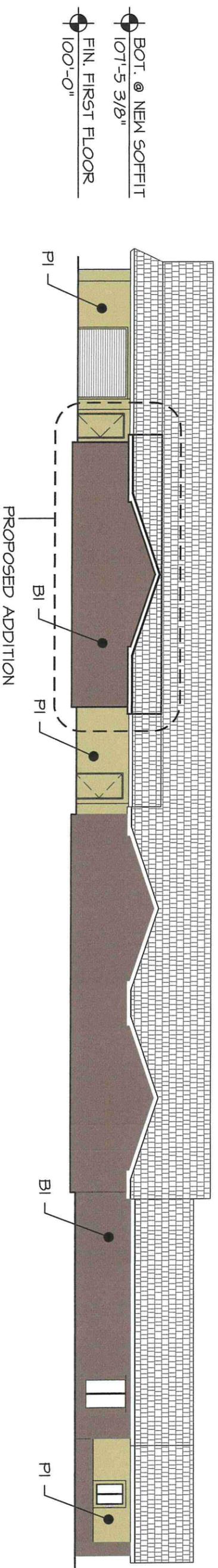
LUDVIGSEN MORTUARY

PROPOSED ADDITION

1249 EAST 23RD STREET

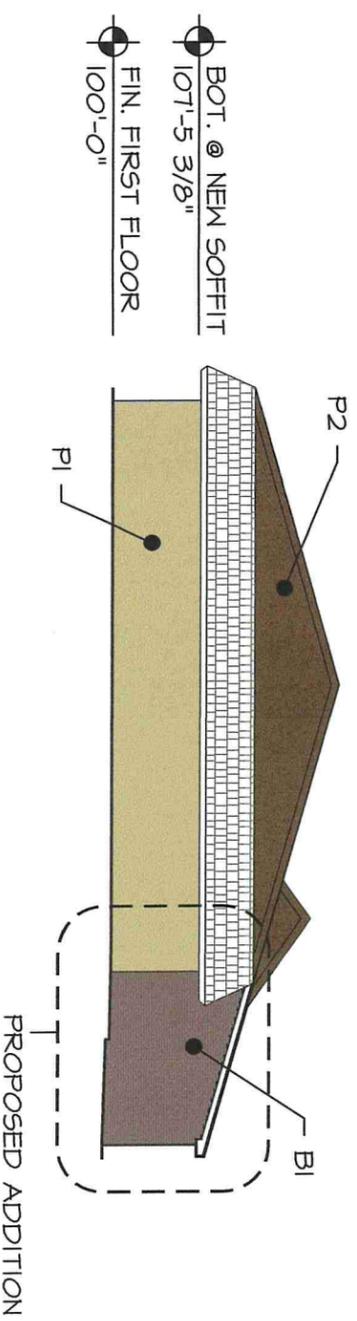
03-16-2020

A1.2



# 1. EAST ELEVATION

SCALE: 1/16" = 1'-0"



# 2. SOUTH ELEVATION

SCALE: 1/16" = 1'-0"

**MATERIAL KEY**

- P1 = EXISTING PAINT
- P2 = EXISTING PAINT
- B1 = BRICK


<h2>Architectural Innovations</h2>
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PROPOSED ADDITION
1249 EAST 23RD STREET
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A2.1