

## PLANNING COMMISSION MINUTES

February 15, 2021

5:00 p.m. Meeting

Chairman Jarod Borisow 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 Borisow and Commissioners Gifford, Carlson, Washburn, Landholm, Lathrop, Sawyer, and Horeis present. Eight Commissioners present – a quorum was established.

Chairman Borisow 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 Borisow read the item: dispense with the reading of the minutes of the January 18, 2021 meeting. Commissioner Sawyer made a motion to approve the minutes as prepared. Commissioner Nielsen seconded the motion. By a roll call vote, Borisow, Gifford, Lathrop, Nielsen, Washburn, Sawyer, Landholm and Horeis voted in favor. The motion carried 8-0.

Chairman Borisow read the item: a request by William Stott on behalf of the Salvation Army for a Conditional Use Permit to expand a non-standard use into the rear yard setback on property described as Lots 1 and 2 and the South 16' of the East 104.18' of Lot 11, Balding's Subdivision of Block 109 of the Original Town of Fremont. This property is located in Dodge County at 707 N I Street, Fremont, NE. Planning Director Dam presented her staff report. No one from the public testified in favor or in opposition. Commissioner Gifford moved to recommend approval, seconded by Commissioner Landholm. By a roll call vote, Commissioners Carlson, Sawyer, Landholm, Horeis, Borisow, Lathrop, Gifford and Washburn voted aye. The motion carried 8-0.

Chairman Borisow read the item: a request by the Public Works Director to review the 1- and 6- year road plan for conformance with the Comprehensive Plan. Public Works director gave his staff report. No one testified in favor or opposition. Commissioner Sawyer moved to find the plan in conformance with the Comprehensive Plan. The motion was seconded by Commissioner Landholm. The motion passed 8-0 by a roll call vote with Commissioners Gifford, Lathrop, Borisow, Sawyer, Landholm, Horeis, Washburn and Carlson voting in favor.

Chairman Borisow read the item: a request by the City of Fremont to consider the Fremont Area 10 Blight and Substandard Study covering an area generally described as lying between the Fillmore Western Railway line on the south and the Burlington Northern Santa Fe rail line on the north. N. Yager Road on the east and approximately

250 feet west of N. Broad Street on the west; and including the Mid America Truck Wash property located at 321 Cathy Ave. The properties are located in Section 2, Township 17 N, Range 8E and in Section 11, Township 17 N, Range 8 E, Dodge County, Nebraska. Commissioner Washburn indicated that he had a conflict of interest and left the room. Planning Director Dam gave her staff report. There were no comments in favor or against from the public. Commissioner Landholm moved to recommend that the area be declared blighted and substandard. Commissioner Gifford seconded the motion. By a roll call vote, Commissioners Borisow, Carlson, Lathrop, Horeis, Gifford, Sawyer and Landholm voted in favor, Commissioner Washburn abstained. The motion carried 7 to 0 with 1 abstention.

Chairman Borisow read the item: a request by Trent R. Sidders for a Change of Zone from R, Rural to PD, Planned Development with General Industrial uses on property generally described as Tax Lots 35 and 37 located in Section 2, Township 17 North, Range 8E, Dodge County, Nebraska and generally located on the west side of Yager Road approximately 880 feet south of Highway 30. Planning Director Dam gave her staff report. The applicant provided an overview of the project. Sawyer moved to recommend approval, seconded by Washburn. By a roll call vote, Commissioners Sawyer, Borisow, Gifford, Carlson, Lathrop, Horeis, Landholm and Washburn voted in favor. Motion carried 8-0.

Chairman Borisow read the item: a request by Trent R. Sidders to voluntarily annex property generally described as a portion of Tax Lot 48, a portion of Tax Lot 33, Tax Lot 35, Tax Lot 37 all located in Section 2, Township 17 North, Range 8E, along with Lots 2 and 4, Block 2, L J Abbott Subdivision, Dodge County, Nebraska. Commissioner Washburn indicated that he had a conflict of interest and left the room. Planning Director Dam provided her staff report. Commissioner Gifford moved to recommend approval which was seconded by Horeis. By a roll call vote, Commissioners Horeis, Borisow, Gifford, Carlson, Sawyer and Lathrop voted in favor while Commissioner Washburn abstained. Motion carried 7-0 with 1 abstention.

Chairman Borisow indicated that the following item would be continued until March 15, 2021: A request by the City of Fremont for a Change of Zone from BP, Business Park to LI, Light Industrial on property generally located between N. Yager Rd. on the west; 110 feet west of N. Laverna St. on the east; the Rawhide Creek on the south, and; 32<sup>nd</sup> Street on the north, located in Fremont, Nebraska. Commissioner Landholm made a motion to continue the item which was seconded by Gifford. By a roll call vote, Commissioners Landholm, Borisow, Lathrop, Carlson, Gifford, Horeis, Sawyer and Washburn voted in favor of the continuance. The motion carried 8-0.

Chairman Borisow read the item: a request by the City of Fremont to amend Table 11-502.02 of the Unified Development Code to add the land use Personal Camp Site.

Consultant Jackie Wells from the Houseal-Lavigne planning firm provided an overview of the “expedited” amendments to the UDC. Planning Director Dam provided her staff report. Commissioner Landholm moved to recommend approval which was seconded by Carlson. By a roll call vote, Commissioners Landholm, Borisow, Lathrop, Carlson, Gifford, Horeis, Sawyer and Washburn voted in favor. The motion carried 8-0.

Chairman Borisow read the item: a request by the City of Fremont to amend Table 11-502.03 of the Unified Development Code related to the following uses: Carwash; Non-transient Lodging Services; Restaurant, drive-through, and; Small Animal Boarding Facilities/Kennels. Consultant Jackie Wells from the Houseal-Lavigne planning firm provided an overview of the “expedited” amendments to the UDC. Planning Director Dam provided her staff report. There was no public testimony. Commissioner Washburn moved to recommend approval which was seconded by Gifford. By a roll call vote, Commissioners Sawyer, Borisow, Gifford, Carlson, Lathrop, Horeis, Landholm and Washburn voted in favor. Motion carried 8-0.

Chairman Borisow read the item: a request by the City of Fremont to amend Section 11-504.02 of the Unified Development Code regarding Institutional, Recreation, and Amusement Use Standards for Campgrounds and Personal Camp Sites. Planning Director Dam provided her staff report. There was no public testimony. Commissioner Horeis moved to recommend approval which was seconded by Landholm. By a roll call vote, Commissioners Sawyer, Borisow, Gifford, Carlson, Lathrop, Horeis, Landholm and Washburn voted in favor. Motion carried 8-0.

Chairman Borisow read the item: a request by the City of Fremont to amend Section 11-504.03 of the Unified Development Code regarding Commercial Use Standards for Restaurant, Drive Through; Carwash; Service station; and Small Animal Boarding Facility/Kennel. Planning Director Dam provided her staff report. There was no public testimony. Commissioner Sawyer moved to recommend approval which was seconded by Carlson. By a roll call vote, Commissioners Sawyer, Borisow, Gifford, Carlson, Lathrop, Horeis, Landholm and Washburn voted in favor. Motion carried 8-0.

Chairman Borisow read the item: a request by the City of Fremont to amend Section 11-616.B regarding encroachments of required yards to include egress window wells and temporary ADA ramps. Planning Director Dam provided her staff report. There was no public testimony. The Planning Commission discussed patios and egress window wells. Commissioner Horeis moved to recommend approval which was seconded by Carlson. By a roll call vote, Commissioners Sawyer, Borisow, Carlson, Lathrop, Horeis, Landholm and Washburn voted in favor while Gifford voted against. Motion carried 7-1.

Chairman Borisow read the item: a request by the City of Fremont to amend Section 11-920 of the Unified Development Code regarding the definitions of Campground, Camping Unit, Carwash, Duplex, Dwelling Unit, Kennel, Lodging House, Lot,

Multifamily, Personal Camp Site, Rowhome, Service Station, Storage Yard, Townhome, and Transient Lodging Services. Consultant Jackie Wells from the Houseal-Lavigne planning firm provided an overview of the “expedited” amendments to the UDC. Planning Director Dam provided her staff report. There was no public testimony. Planning Commissioner Gifford had a question about the duplex definition which requires a fire wall between two units in a duplex. The Chief Building Official, Don Simon, stated that the building code already requires that a 2- hour fire wall between the units in a duplex or a townhouse. There was discussion among the Planning Commission. Commissioner Sawyer moved to recommend approval which was seconded by Landholm. By a roll call vote, Commissioners Borisow, Carlson, Landholm, Sawyer and Lathrop voted aye and Commissioners Horeis, Gifford and Washburn voted nay. The motion carried 5-3.

Chairman Borisow read the item: a request by Deborah Newill on behalf of FurEver Home, Inc for a conditional use permit for a small animal boarding facility/kennel on property generally located at 925 W. 6<sup>th</sup> St., Fremont, Nebraska. Planning Director Dam read her staff report. The applicant responded to questions from the Planning Commission regarding the fenced area and noise. A member of the Public testified in opposition. He stated concerns about noise, the proximity to residential uses, whether the building would provide adequate air circulation and drainage, and the impact on his property values. The applicant responded that the building would meet all Department of Agriculture guidelines, would have insulation that would reduce noise, described the outdoor area, and noted that the trains made more noise. Planning Commissioner Horeis made a motion to recommend conditional approval which was seconded by Gifford. By a roll call vote, Commissioners Borisow, Carlson, Lathrop, Horeis and Sawyer voted in favor. Commissioners Washburn, Gifford and Landholm voted against. The motion carried 5-3.

Commissioner Sawyer made a motion which was seconded by Commissioner Landholm to adjourn the meeting. By roll call vote, Carlson, Landholm, Washburn, Sawyer, Lathrop, Borisow, Gifford, and Horeis voting aye. The motion carried 8-0. Meeting was adjourned at approximately 6:44 p.m.

APPROVED

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Jarod Borisow, Chairman

ATTEST

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Jennifer Dam, Director of Planning