

**AGENDA
DODGE COUNTY PLANNING COMMISSION**

Dodge County Planning Commission, Tuesday, September 17, 2019 at 4:30 P.M., Board of Supervisors Room, Courthouse, Fremont, NE.

Agenda Item # 226
Date 9-25-2019

1. Call to Order at 4:30 P.M. – Roll Call – Declaration of Open Meeting
2. Legality of Meeting – Approval of Agenda
3. Approval of Minutes of July 16, 2019 Meeting
4. **Public Hearing:** Consider request of Nextera Properties, LLC (Platte Valley Equipment) of P.O. Box 230, Fargo, ND 58107-0230 to request a Change of Zoning from A-2, General Ag to C-1, Commercial on a 25.97 acre parcel of ground located in West ½ of NW ¼ Section 26, Township 18 North, Range 8 East in Nickerson Township, Dodge County

 Testimony:
 For:
 Against:
 Possible Action:
5. Other business brought to the board (by published addendum only)
6. Adjournment

AGENDA POSTED AND KEPT CONTINUALLY CURRENT AT THE DODGE COUNTY COURTHOUSE AND DISTRIBUTED TO THE PLANNING COMMISSION ON SEPTEMBER 6, 2019. COPIES AVAILABLE AT THE OFFICE OF THE COUNTY ZONING ADMINISTRATOR AND COUNTY CLERK.

**NOTICE
PUBLIC MEETING AND HEARINGS
DODGE COUNTY PLANNING COMMISSION
AND
DODGE COUNTY BOARD OF SUPERVISORS**

NOTICE IS HEREBY GIVEN, that public hearing of the Dodge County Planning Commission will be held during their regularly scheduled meeting, September 17, 2019 at 4:30 P.M. and with the Dodge County Board of Supervisors during their regularly scheduled meeting on Wednesday, September 25, 2019 at 9:00 A.M. Both meetings will be held in the Dodge County Board of Supervisors Room., 3rd floor of the Courthouse, Fremont, NE for the purpose of hearing testimony of support, opposition, criticism, suggestions or observations for the following item:

1. Consider request of Nextera Properties, LLC (Platte Valley Equipment) of P.O. Box 230, Fargo, ND 58107-0230 to request a Change of Zoning from A-2, General Ag to C-1, Commercial and a Conditional Use Permit on a 25.97 acre parcel of ground located in West ½ of NW ¼ Section 26, Township 18 North, Range 8 East in Nickerson Township, Dodge County

Questions or comments concerning the public hearings and proposed request should be directed to the Zoning Administrator at (402) -727-2724 and the Dodge County Clerk's Office at (402)727-2767. All interested parties may offer oral comments at the public hearings and/or may file written comments with the Zoning Administrator or County Clerk concerning the petition and such comments shall be considered by the Board, provided such written comments are received prior to the public hearing dates.

DODGE COUNTY PLANNING COMMISSION - CONDITIONAL USE PERMIT

Nextera Properties, LLC

Based on the record in this case of the application of (Platte Valley Equip) for a conditional use permit, the Dodge County Planning Commission finds as follows (check as many as apply):

DISAPPROVAL - FACTUAL FINDINGS:

- 1. Does not protect the comfort, convenience, appearance, prosperity or general welfare of abutting properties and citizens.
- 2. Location and characteristics of the use will be injurious to the health, safety, morals and general welfare of the area.
- 3. Conditional use does not conform to the intent and purpose of the regulations and the comprehensive plan.
 - a. Use does not conform to regulations of the district in which it is located.
 - b. Ingress and egress are not designed to minimize congestion in the public street, road or highway.
 - c. Use is not in harmony with the character of the area and most appropriate use of the land.
 - d. Use does not conserve and stabilize the value of the property.
 - e. Use does not provide adequate open space for light and air.
 - f. Use adversely affects concentration of population.
 - g. Use congests public streets.
 - h. Use does not promote public safety, health, convenience and comfort.
 - i. Other: _____

APPROVAL - FACTUAL FINDINGS:

- 1. Conditional use protects the comfort, convenience, appearance, prosperity or general welfare of abutting properties and citizens.
- 2. Location and characteristics of the use will not be injurious to the health, safety, morals and general welfare of the area.

- _____ 3. Conditional use conforms to the intent and purpose of the regulations and the comprehensive plan.
- _____ a. Use conforms to regulations of the district in which it is located.
 - _____ b. Ingress and egress are designed to minimize congestion in the public street, road or highway.
 - _____ c. Use is in harmony with the character of the area and most appropriate use of the land.
 - _____ d. Use conserves and stabilizes the value of the property.
 - _____ e. Use provides adequate open space for light and air.
 - _____ f. Use does not adversely affect concentration of population.
 - _____ g. Use does not congest public streets.
 - _____ h. Use promotes public safety, health, convenience and comfort.
 - _____ i. Other: _____

DATED this 17 day of September, 2019.

BY: _____

APPLICATION FOR CONDITIONAL USE
Dodge County, Nebraska

Date 9/5/19
Property Owner's Name NEXTERA PROPERTIES, LLC
Address: PO BOX 230, FARGO ND 58107
Phone No. 402-909-0720 (Home) _____ (Work)

Pursuant to the Dodge County Zoning Regulations, application is hereby made for the following proposed use of property or structure: IMPLEMENTATION DEALERSHIP
SYNCRATE BUILDING, WELL AND SEWAGE LAGOON.

Section 26 Township T8 Range 8 Lot No. 8
Location within Section W 1/2 NW 1/4 Lot Size 25 AC. (Sq.Ft./Acres)
Estimated Cost of Structure/Use \$ _____ Zoning District C-1

Will use in all other respects conform to the applicable regulations of the district in which it is located?

Will use conform to all other applicable regulations and laws of any governmental jurisdiction? Yes

How are Adjoining Properties Used (Actual Use)

North AG / INDUSTRIAL South AG
East AG West AG

Justification

You must justify your request. Questions 1 through 4 must be answered completely.

1. What is the general character of the area? Describe.
AG WITH HIGHWAY 275 FRONTAGE
2. Can soil conditions support the proposed development? What is the soil classification of the area?
YES, - FAT CLAY, LOAM CLAY + POORLY GRADED SAND
3. Will use have adequate water, sewer and drainage facilities (approved by the Dodge County Board of Health, Dodge County Board of Supervisors, and the State of Nebraska Department of Health)?
YES - ALL PRIVATE WATER AND SANITARY

Dodge County Planning & Zoning Administrator
435 N. Park, Rm. 204, Fremont, NE 68025
(402)727-2724

RECEIVED
Dodge Co Highway Dept
SEP - 5 PM 2:32

4. Will ingress and egress be so designed as to minimize traffic congestion in the public streets/roads?
YES How will the proposed Zoning District affect traffic in the area? Will streets or roads need to be updated for access to the area? If yes, what will the requirements be? NONE ANTICIPATED

Enclosed:

Site Plan Soil Suitably Map _____ Easements _____

Conditions and requirements pending approval of application for a proposed operation and waste disposal plan from the DEQ or other applicable State Agency _____

If Exhibits are furnished, please describe and enumerate. (Furnish Plot or Site Plan showing existing and proposed structures, easements, water courses, curb cutbacks, etc.)

Application Fee of \$ 150 is Non-Refundable.

The Zoning Administrator or Building Inspector, who may be accompanied by others, is hereby authorized to enter upon the property during normal working hours for the purpose of becoming familiar with the proposed situation.

In consideration of the issuance of this Certificate, the applicant hereby certifies that the information in this application is true and correct, and hereby certifies that compliance with the zoning, subdivision and floodplain regulations which are in effect have been met.

Applicant's Signature [Signature] Mailing Address 11717 BURT ST.
OMAHA, NE 68154
JEO CONSULTING GROUP

OFFICE USE ONLY

PERMIT NO 2019-012

Permit when issued is Transferrable/Transferrable Upon Renewal

Date 9/17/19 Approved _____
Approved with Added Conditions _____
Disapproved _____ Chair, Dodge County Planning Comm

Date 9/25/19 Approved _____
Approved with Added Conditions _____
Disapproved _____ Chair, Dodge County Board of Comm

____ See attachment for added conditions.

ATTEST _____
Dodge County Clerk

Dated this _____ day of _____ 20____

Dodge County Planning & Zoning Administrator
435 N. Park, Rm. 204, Fremont, NE 68025
(402)727-2724

APPLICATION FOR A CHANGE OF ZONING

Dodge County, Nebraska

Date August 30, 2019

Form must be filled out completely before acceptance of this application for processing. Please print.

Applicant's Name Nextera Properties, LLC (Platte Valley Equipment) Telephone No. 402-929-0720

Applicant's Address PO Box 230, Fargo ND 58107-0230

Present Use of Subject Property Agriculture

Desired Use of Subject Property Commercial

Present Zoning A-2 Requested Zoning C-1

Legal Description of Property Requested to be Rezoned see attached map

Area of Subject Property, Square Feet and/or Acres 25 acres

How are Adjoining Properties Used (Actual Use)

North Ag and Industrial

South Ag

East Ag

West Ag


If Exhibits are furnished, please describe and enumerate. (Furnish Plot or Site Plan showing existing and proposed structures, easements, water courses, curb cutbacks, etc.)

The Zoning Administrator, who may be accompanied by others is hereby authorized to enter upon the property during normal working hours for the purpose of becoming familiar with the proposed situation.

Justification

You must justify your request. Questions 1 through 4 must be answered completely.

1. What is the general character of the area? Describe.
Agricultural with highway access
2. Can soil conditions support the kinds of development in the proposed zoning district? What is the soil classification of the area?
Yes, soil type/classification (ie, fat clay, lean clay, poorly graded sand etc.) and the geologic origin (ie, man-placed fill, Peoria loess, etc.)
3. What type of sewer and water system will be used?
Private well and sanitary lagoon system
4. How will the proposed Zoning District affect traffic in the area? Will streets or roads need to be updated for access to the area? If yes, what will the requirements be?
Minimal traffic impact anticipated and a NDOT requested Traffic Study is pending

Signature of Owner _____ or Signature of Agent 

OFFICE USE ONLY

Permit No. 2019-01

Date 9-17-19 Approved _____
Disapproved _____

Chairman, Dodge County Planning Commission

Date 9-25-19 Approved _____
Disapproved _____

Chairman, Dodge County Board of Supervisors

**DODGE COUNTY
BUILDING INSPECTION & ZONING DEPARTMENT**

JEAN ANDREWS, Zoning Administrator

Courthouse - 435 N. Park, Room 204
Fremont, Nebraska 68025
Phone: (402) 727-2724

September 9, 2019

Jeffrey Ray
JEO Consulting Group Inc.

Good Day!

Enclosed please find a copy of the agenda for the Planning Commission meeting to be held September 17, 2019 at 4:30 P.M. on third floor of the Courthouse, Fremont, NE. You or your representative should make an effort to attend this meeting to answer any questions the board may have. Please come to the east door of the Courthouse for admittance and go directly up to third floor. In addition, please plan to attend the Dodge County Board of Supervisors meeting on September 25, 2019 where your application will be heard at 9:30 A.M.

If you have any questions, please feel free to contact my office.

Thank you,



Jean Andrews,
Dodge County Zoning Administrator

Enclosure
Cc: File

**DODGE COUNTY
BUILDING INSPECTION & ZONING DEPARTMENT**

JEAN ANDREWS, Zoning Administrator

Courthouse - 435 N. Park, Room 204
Fremont, Nebraska 68025
Phone: (402) 727-2724

September 9, 2019

Clark Boschult,
Dodge County Surveyor

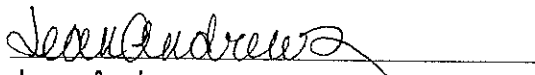
Good Day:

Attached please find a copy of a plat that is requesting a Re-zone from General Ag, A-2 to Commercial, C-1 in order to construct a new commercial agricultural business known as Platte Valley Implement.

As per Dodge County Zoning regulations, I am submitting this request for rezone and if you have any comments either for or against, please respond.

If you have any questions, please feel free to contact me.

Thank you.



Jean Andrews,
Dodge County Zoning Administrator

Attachment

CC: Dodge County Planning Commission
File

DODGE COUNTY
BUILDING INSPECTION & ZONING DEPARTMENT

JEAN ANDREWS, Zoning Administrator

Courthouse - 435 N. Park, Room 204
Fremont, Nebraska 68025
Phone: (402) 727-2724

September 9, 2019

Dear Property Owner:

You are hereby notified that the Dodge County Planning Commission will hold a public hearing on Tuesday, September 17, 2019 at 4:30 P.M. in the Dodge County Board of Supervisors Room, 3rd Floor, Dodge County Courthouse, Fremont, NE 68025 to consider request of Nextera Properties, LLC (Platte Valley Equipment) of P.O. Box 230, Fargo, ND 58107-0230 to request a Change of Zoning from A-2, General Ag to C-1, Commercial and a Conditional Use Permit on a 25.97 acre parcel of ground located in West ½ of NW ¼ Section 26, Township 18 North, Range 8 East in Nickerson Township, Dodge County

The Dodge County Planning Commission will hold a public hearing on this matter at 4:30 P.M., Tuesday, September 17, 2019 in the Board of Supervisors Room, Third Floor of the Courthouse, Fremont, NE. Since your property adjoins the property that is requesting the Change of Zoning and Conditional Use Permit, it is a requirement that we notify you of such hearing.

If you have any objections or comments of this proposal, please send them in writing to this office or appear at the meeting and express them verbally.

Thank you,



Jean Andrews,
Dodge County Zoning Administrator

DODGE COUNTY TITLE & ESCROW CO., LLC
549 NORTH MAIN STREET,
FREMONT, NE 68025
402-721-5833

RECEIVED
Dodge County Highway Dept
SEP -9 PM 1:22

NAME AND ADDRESS SEARCH

Request Made By: **JEO Consulting Group Inc.**

We, **DODGE COUNTY TITLE & ESCROW CO., L.L.C.**, hereby certify that we have checked the records of the County Assessor of Dodge County, Nebraska, for the purpose of presenting a list to the Zoning Administrator of said County and find the following named persons are shown as property owners of land adjoining the property described as:

The West half of the Northwest Quarter of Section 26, Township 18 North, Range 8 East of the 6th P.M., in Dodge County, Nebraska, EXCEPT that part conveyed to the State of Nebraska, AND EXCEPT a parcel of land located in part of Tax Lot 26, in the West half of the Northwest Quarter of Section 26, Township 18 North, Range 8 East of the 6th P.M., Dodge County, Nebraska, being described as follows: Referring to the Southeast corner of the West half of the Northwest Quarter of said Section 26; thence S89°48'32"W (assumed bearing) on the South line of said West Half of the Northwest Quarter, a distance of 268.94 feet to the point of beginning; thence continuing S89°48'32"W on said South line, a distance of 121.12 feet to the Southwest corner of Tax Lot 26 in said Section 26; thence N00°27'01"W on the West line of said Tax Lot 26, a distance of 716.95 feet; thence N89°48'32"E, parallel with said South line, a distance of 329.75 feet to the Westerly Right of Way line of U.S. Highway 77 as described in Book 110, Page 485; thence S00°24'41"E on said Westerly Right of Way line, a distance of 617.04 feet; thence S71°58'19"W on the Westerly Right of Way line of U.S. Highway 77 as described in Book 239, Page 963, a distance of 218.41 feet to the North Right of Way line of a County Road; thence S00°27'55"E, a distance of 33.00 feet to the point of beginning. Also referred to as Tax Lot 8 and part of Tax Lot 26 in said Section.

The list of names and addresses include all property owners within 1000 feet of said property:

John G. & Jacqueline S. Brabec (Co-Trustees) 1069 130th St Essex, IA 51638-6023	TL 12 & 19 (TL 19 SE1/4SW1/4) (TL 12 NE1/4SW1/4)	23-18-8
Marlin J. & Marla E. Brabec, Trustee 1030 Timberwoods Dr Ames, NE 68621	TL 20	23-18-18
John G. & Jacqueline S. Brabec (Co-Trustees) 1069 130th St Essex, IA 51638-6023	TL 25	26-18-8

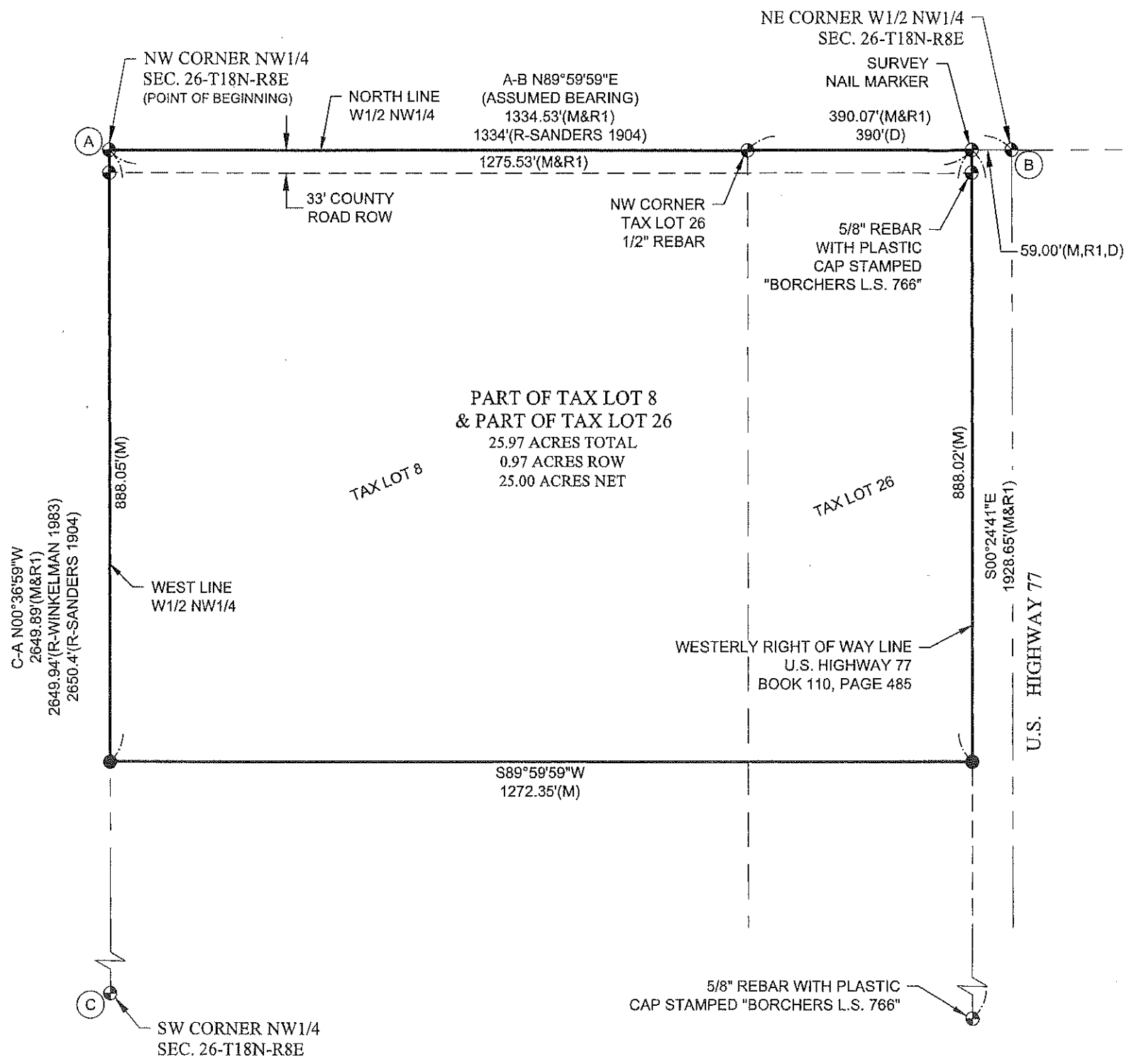
NE Dept of Roads State Capitol PO Box 94759 Lincoln, NE 68509-4759	TL 10	26-18-8
James Schauer, ETAL Bonnie Phillips; Janice Stieren; David Schauer 1735 N Keene Ave Fremont, NE 68025-2989	TL 27 (SE1/4NW1/4)	26-18-8
John & Jolene Schauer 2214 Rosedale Rd Fremont, NE 68025	TL 30	26 - 18 - 8
John & Jolene Schauer 2214 Rosedale Rd Fremont, NE 68025	TL 13 & PT TL 32	26 - 18 - 8
Robert K. & Sandra L. Murray, Tr 605 N. Broad St Fremont, NE 68025	PT TL 32	26 - 18 - 18
Carroll Hasemann 261 County Road 16 Blvd Scribner, NE 68057	PT TL 29	26 - 18 - 8
Carroll D. Hasemann 261 County Road 16 Blvd Scribner, NE 68057	E1/2SE1/4	27 - 18 - 8
Kirk & Jeanne Brand 2190 Rosedale Rd Fremont, NE 68025-7830	TL 11 E1/2NE1/4	27 - 18 - 8
Gary J. Kremlacek 1976 County Road R Fremont, NE 68025-7311	PT TL 26	26-18-8
McGreer Family Farms LLC Lallman & Paulson PO Box 672 Fremont, NE 68026-0672	SE1/4	22 - 18 - 8

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 18 NORTH, RANGE 8 EAST OF THE SIXTH P.M., DODGE COUNTY, NEBRASKA, BEING COMPRISED OF PART OF TAX LOT 8 AND PART OF TAX LOT 26, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 26; THENCE N89°59'59"E (ASSUMED BEARING) ON THE NORTH LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 26, A DISTANCE OF 1275.53 FEET TO THE WESTERLY RIGHT OF WAY LINE OF UNITED STATES HIGHWAY 77 AS DESCRIBED IN BOOK 110, PAGE 485; THENCE S00°24'41"E ON SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 888.02 FEET; THENCE S89°59'59"W PARALLEL WITH AND 888.00 FEET DISTANT FROM SAID NORTH LINE, A DISTANCE OF 1272.35 FEET TO THE WEST LINE OF SAID WEST HALF OF THE NORTHWEST QUARTER; THENCE N00°36'59"W ON SAID WEST LINE, A DISTANCE OF 888.05 FEET TO THE POINT OF BEGINNING, CONTAINING 25.97 ACRES, MORE OR LESS, WHICH INCLUDES 0.97 ACRES, MORE OR LESS, OF CURRENTLY OCCUPIED PUBLIC ROAD RIGHT OF WAY.

CORNER TIES:

- (A) NW CORNER NW1/4 SECTION 26-T18N-R8E**
FOUND A DODGE COUNTY ALUMINUM CAP, 0.5' DEEP
- | | | |
|-----|--------|--|
| S | 33.00' | TO A FOUND 5/8" REBAR WITH A PLASTIC CAP STAMPED "BORCHERS L.S. 766" |
| NNW | 35.36' | TO A FOUND 5/8" REBAR WITH AN ALUMINUM CAP, 0.5' DEEP |
| NE | 41.90' | TO A FOUND 5/8" REBAR WITH AN ALUMINUM CAP, 1.0' DEEP |
| SSE | 36.41' | TO A FOUND 5/8" REBAR WITH AN ALUMINUM CAP, 0.8' DEEP |
| SW | 38.77' | TO A FOUND 5/8" REBAR WITH AN ALUMINUM CAP, 1.0' DEEP |
- (B) NE CORNER W1/2 NW1/4 SECTION 26-T18N-R8E**
FOUND A STEEL NAIL MARKER STAMPED "SURVEY MARK" IN CONCRETE
- | | | |
|-----|---------|---|
| E | 46.30' | TO THE CENTERLINE NORTH-SOUTH SAW CUT JOINT OF SOUTH BOUND LANES |
| W | 100.00' | TO A 3/4" OPEN TOP PIPE, FOUND 1.5' DEEP (100.0' R) |
| WSW | 73.78' | TO A NAIL "X" FOUND IN THE NORTH FACE OF A POWER POLE (5' ABOVE GROUND) |
| N | 3.85' | TO THE EAST-WEST CENTERLINE SAW CUT JOINT OF CONCRETE RETURN |
| E | 5.25' | TO A NORTH-SOUTH SAW CUT JOINT |
| W | 390.07' | TO A FOUND 1/2" REBAR (390.0' R) |
| W | 67' | TO A NORTH-SOUTH POWER LINE |
- NOTE: CORNER MONUMENT, 3/4" OPEN TOP PIPE 100' WEST AND 1/2" REBAR 390.07' WEST ARE ON LINE BETWEEN POINTS "A" AND "C"
- (C) SW CORNER NW1/4 SECTION 26-T18N-R8E**
FOUND A DODGE COUNTY ALUMINUM CAP, 0.5' DEEP
- | | | |
|-----|---------|---|
| N | 33.00' | TO A FOUND 1/2" OPEN TOP PIPE |
| NNW | 19.47' | TO A MAG NAIL FOUND IN THE TOP NORTH END OF A 24" CMP |
| WNW | 111.36' | TO A MAG NAIL FOUND IN THE TOP EAST END OF A 24" CMP |
| ESE | 62.63' | TO A NAIL FOUND IN THE NORTH FACE OF A POWER POLE (4' ABOVE GROUND) |
| N | 49.98' | TO A FOUND 3/4" REBAR |
| W | 1.5' | TO A RANGE OF FENCE NORTH |
| S | 31.5' | TO AN EAST-WEST POWER LINE |



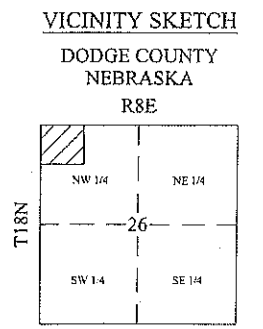
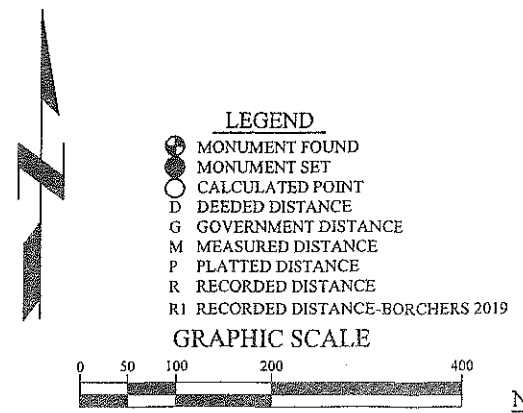
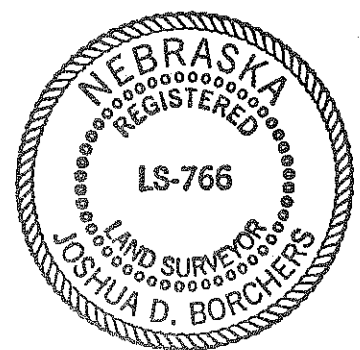
PART OF TAX LOT 8
& PART OF TAX LOT 26
25.97 ACRES TOTAL
0.97 ACRES ROW
25.00 ACRES NET

P:\Engineering\190645.02 - Platte Valley Equipment - North Hwy 77 Site Development\6 Survey Drawings\SV-190645.02 PLAT 3.dwg, on 8/29/2019 12:56 PM.

REPOSITORY STAMP

SURVEYOR'S CERTIFICATE:
I HEREBY CERTIFY THAT THIS PLAT OF A SURVEY WAS MADE BY ME OR UNDER MY SUPERVISION AND IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE, AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA.

Joshua D. Borchers
JOSHUA D. BORCHERS, LS 766 8/29/2019



NOTE: ALL BEARINGS ARE ASSUMED.

PROJECT NO. 190645.02
DATE 8/29/2019
DRAWN BY AWF
FILE NAME SV-190645.02 PLAT 3.dwg
FIELD BOOK DODGE CO.2E
FIELD CREW MS/NF
SURVEY FILE NO. 31C-4E

SITE PLAN

