

**AGENDA
DODGE COUNTY PLANNING COMMISSION**

Dodge County Planning Commission, Tuesday, July 16, 2019 at 4:30 P.M., Board of Supervisors Room, Courthouse, Fremont, NE.

Agenda Item # 174
Date 7-31-19

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 June 18, 2019 Meeting
4. **Public Hearing:** Consider request of Robert W. Heyne of 246 Hwy. 77, P.O. Box 24, Uehling, NE 68063 to subdivide a 6.12 tract and obtain a Conditional Use Permit for an existing dwelling as per Article 12 Section 4.2 Exemptions B.(1) located in Part SW ¼ SW ¼ Section 12, Township 20 North, Range 8 East in Logan Township, Zoning District A-1 Intensive Ag.

Testimony:
For:
Against:
Possible Action:

5. **Public Hearing:** Consider request of Gary Kremlacek of 1976 County Rd. R, Fremont, NE 68025 to subdivide a 5.10 acre tract and obtain a Residential Registration for an existing dwelling as per Article 14. Section 3. 1.3 Single Family dwellings by a no-fee residential registration permit located Pt TL 26, W ½ NW ¼ Section 26, Township 18 North, Range 8 East in Nickerson Township, Zoning District A-3, Transitional Ag.

Testimony:
For:
Against:
Possible Action:

6. Other business brought to the board (by published addendum only)
7. Adjournment

AGENDA POSTED AND KEPT CONTINUALLY CURRENT AT THE DODGE COUNTY COURTHOUSE AND DISTRIBUTED TO THE PLANNING COMMISSION ON JULY 3, 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, July 16, 2019 at 4:30 P.M. and with the Dodge County Board of Supervisors during their regularly scheduled meeting on Wednesday, July 31, 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 Robert W. Heyne of 246 Hwy. 77, P.O. Box 24, Uehling, NE 68063 to subdivide a 6.12 tract and obtain a Conditional Use Permit for an existing dwelling as per Article 12 Section 4.2 Exemptions B.(1) located in Part SW ¼ SW ¼ Section 12, Township 20 North, Range 8 East in Logan Township, Zoning District A-1 Intensive Ag.
2. Consider request of Gary Kremlacek of 1976 County Rd. R, Fremont, NE 68025 to subdivide a 5.10 acre tract and obtain a Residential Registration for an existing dwelling as per Article 14. Section 3. 1.3 Single Family dwellings by a no-fee residential registration permit located Pt TL 26, W ½ NW ¼ Section 26, Township 18 North, Range 8 East in Nickerson Township, Zoning District A-3, Transitional Ag.

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

Based on the record in this case of the application of Robert Heyne 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 16 day of July, 2019.

BY: _____

LOT SPLIT APPLICATION
Dodge County, Nebraska

Date June 21, 2019

Property Owner's Name Robert W Heyne

Address: 246 HWY 77, PO Box 24 Vekling NE 68063

Phone No. 402-594-3739

Legal Description of the Property to be split PT SW 1/4 SW 1/4 Sec 12, T20N, R8E

Number of Acres being split off 6.12 Zoning District A-1

Total Number of Acres the subdivision subdivided from 40 Acres

Is a new access route needed or proposed? YES or NO?

Is a vacation of streets, alleys, setback lines, access control or easement required or proposed?
YES or NO

Will a lot split in significant increase in service requirements; e.g. Utilities, schools, traffic control, streets, county roads, etc. or will it interfere with maintaining existing service levels? YES or NO

Will this action result in a tract without direct access to a street or county road? YES or NO

Has the lot been previously split in accordance with these Regulations? YES or NO

Applicant's Name (Print) Robert W Heyne

Applicant's Address 246 HWY 77, PO Box 24 Vekling NE 68063

Applicant's Signature Robert Heyne

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

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Dodge County Highway Dept
JUN 21 AM 9:09

OFFICE USE ONLY

Permit No. 2019-004

Date 7-16-19 Approved _____
Disapproved _____

Chairman, Dodge Co. Planning Comm.

Date 7-31-19 Approved _____
Disapproved _____

Chairman, Dodge Co. Board of Superv.

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Dodge Co Highway Dept

APPLICATION FOR CONDITIONAL USE
Dodge County, Nebraska

Date 6-21-19
Property Owner's Name Robert W Heyne

Address: 246 HWY 77, PO Box 24 Nehling NE 68063

Phone No. 402-594-3739 (Home) 402-567-2251 (Work)

Pursuant to the Dodge County Zoning Regulations, application is hereby made for the following proposed use of property or structure: _____

Section 12 Township 20 Range 8 Lot No. _____

Location within Section SW 1/4 SW 1/4 Lot Size 6.12 (Sq. Ft./Acres)

Estimated Cost of Structure/Use \$ N/A Zoning District A-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 Agriculture South Agriculture
East Agriculture West Agriculture

Justification

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

1. What is the general character of the area? Describe. Agriculture and farmsteads
2. Can soil conditions support the proposed development? What is the soil classification of the area? N/A
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

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Dodge County Planning & Zoning Dept

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? no

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 N/A

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 \$ _____ 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

Robert Skye

Mailing Address

PO Box 24 Wehling NE 68063

OFFICE USE ONLY

PERMIT NO. 2019-011

Permit when issued is Transferrable/Transferrable Upon Renewal

Date 7-16-19 Approved _____

Approved with Added Conditions _____
Disapproved _____ Chair, Dodge County Planning Comm

Date 7-31-19 Approved _____

Approved with Added Conditions _____
Disapproved _____ Chair, Dodge County Board of Comm

____ See attachment for added conditions.

ATTEST _____

Dodge County Clerk

Dated this 31 day of July 2019

Dodge Co Highway Dept
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2019 JUN 21 AM 9:09

APPLICATION FOR NO-FEE RESIDENTIAL REGISTRATION PERMIT

(cont.)

**(A-1, A-2, and A-3 Agricultural Districts)
Dodge County, Nebraska**

Permit No. 2019-004
Property Owner's Name Robert W. Hayne
Address 246 HWY 77, PO Box
Legal Description PT SW¹/₄ SW¹/₄, Sec 12, T20N, R8-E
Lot Size and Number of Acres 6.12 A
Distance from Nearest Livestock Operation 5 miles

Single-family dwellings are not permitted on tracts without legal access to an improved road and owners must sign no-fee Residential Registration Permit Application prior to a 10-day waiting period before a building permit is granted. The Residential Use Permit is valid for the length of the building permit and must be signed and filed with the Dodge County Planning Commission and Zoning Administrator and a copy filed with the Dodge County Register of Deeds. Once the dwelling is constructed, the Residential Registration Permit is valid for the life of the dwelling.

Will the Residential Use in all other respects conform to the applicable regulations of the Zoning District in which it is located? YES or NO

Applicant's Signature Robert Hayne
Mailing Address PO Box 24 Welling NE 68063
Telephone No. 402-594-3739

OFFICE USE ONLY

Sherad Walnoven has been granted a no-fee Residential Registration Permit, under the following conditions and/or limitations, all of which must be complied with by applicant for said permit.

Date 7-16-19

Chairman, Dodge County Planning Commission

Dodge County Planning and Zoning Administrator
435 N. Park, Fremont, NE 68025 402/727-2724

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Dodge Co Hwyway Depts

APPLICATION FOR NO-FEE RESIDENTIAL REGISTRATION PERMIT
(A-1, A-2, and A-3 Agricultural Districts)
Dodge County, Nebraska

"I certify that I am the applicant for a residential use permit to allow a residential use in the A-1, A-2, or A-3 Agriculture Districts. I certify that I have read the following preamble to the A-1 Agriculture-Intensive District contained in the Dodge County Zoning Regulations and that I understand that there are permitted uses and named conditional uses allowed in the A-1, A-2, and A-3 Agriculture Districts that may not be compatible with a residential use in the district. I further understand that residential uses in the A-1, A-2, and A-3 Districts are not given the same provision of services, amenities and protection from other land uses that are afforded to residential uses by the regulations of other districts and that the A-1, A-2, and A-3 District Regulations are not intended to afford such services, amenities and protections to residential uses located therein."

The A-1 Agricultural District regulations are intended to provide for the use and conservation of agricultural land, to protect the value of such land, and to protect it from indiscriminate residential and urban development and other incompatible and conflicting land uses; to conserve and protect the value of open space, wooded areas, streams, mineral deposits and other natural resources and to protect them from incompatible land uses and to provide for their timely utilization; to provide for the location and govern the establishment and operation of land uses which are compatible with agriculture and are of such nature that their location away from residential, commercial and industrial areas is most desirable; to provide for the location and govern the establishment of residential uses which are accessory to and necessary for the conduct of agriculture and to provide for the location and govern the establishment and use of limited non-agricultural residential uses. Such non-agricultural residential uses shall not be so located as to be detrimental to or conflict with other uses which are named as permitted or conditional uses in this district and are appropriate to other property in the area. The nature of the A-1 District and the uses allowed outright or by conditional use precludes the provision of services, amenities and protection from other land uses which are afforded to residential uses by the regulations of other districts, and it is not intended that the A-1 District regulations afford such services, amenities and protection to residential; uses located therein.

"I understand that if the County Board of Dodge County approves my no-fee residential registration permit application and I establish a residential use in the A-1, A-2, or A-3 Agricultural Districts that such land use has no additional rights granted to it that is granted of other uses allowed by either permit or by conditional use in the A-1, A-2, and A-3 Districts. I certify that I have been given a copy of this attachment."

Signature of Applicant: *John Wak*

Address of Applicant: *2314 Co Rd C Harper NE 68031*

In witness whereof, the parties aforesaid have hereto set their hand with this application *21* day of *June* *2019*

Date filed with Dodge County Joint Planning Commission: *7-16-19*

Date filed with Dodge County Board of Supervisors: *7-31-19*

Sean Andrews
Dodge County Zoning Administrator or County Building Inspector

Brad
~~*Wahlravn*~~
Wahlravn

Dodge County Planning and Zoning Administrator
435 N. Park, Fremont, NE 68025 402/727-2724

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DODGE COUNTY
BUILDING INSPECTION & ZONING DEPARTMENT

JEAN ANDREWS, Zoning Administrator

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

July 3, 2019

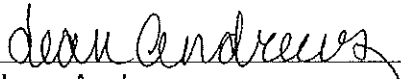
Robert W. Heyne
246 Hwy. 77
P.O. Box 24
Uehling, NE 68063

Good Day!

Enclosed please find a copy of the agenda for the Planning Commission meeting to be held July 16, 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 July 31, 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



WE'VE JUST MADE OUR PLAT & DIRECTORIES SO MUCH MORE USER FRIENDLY

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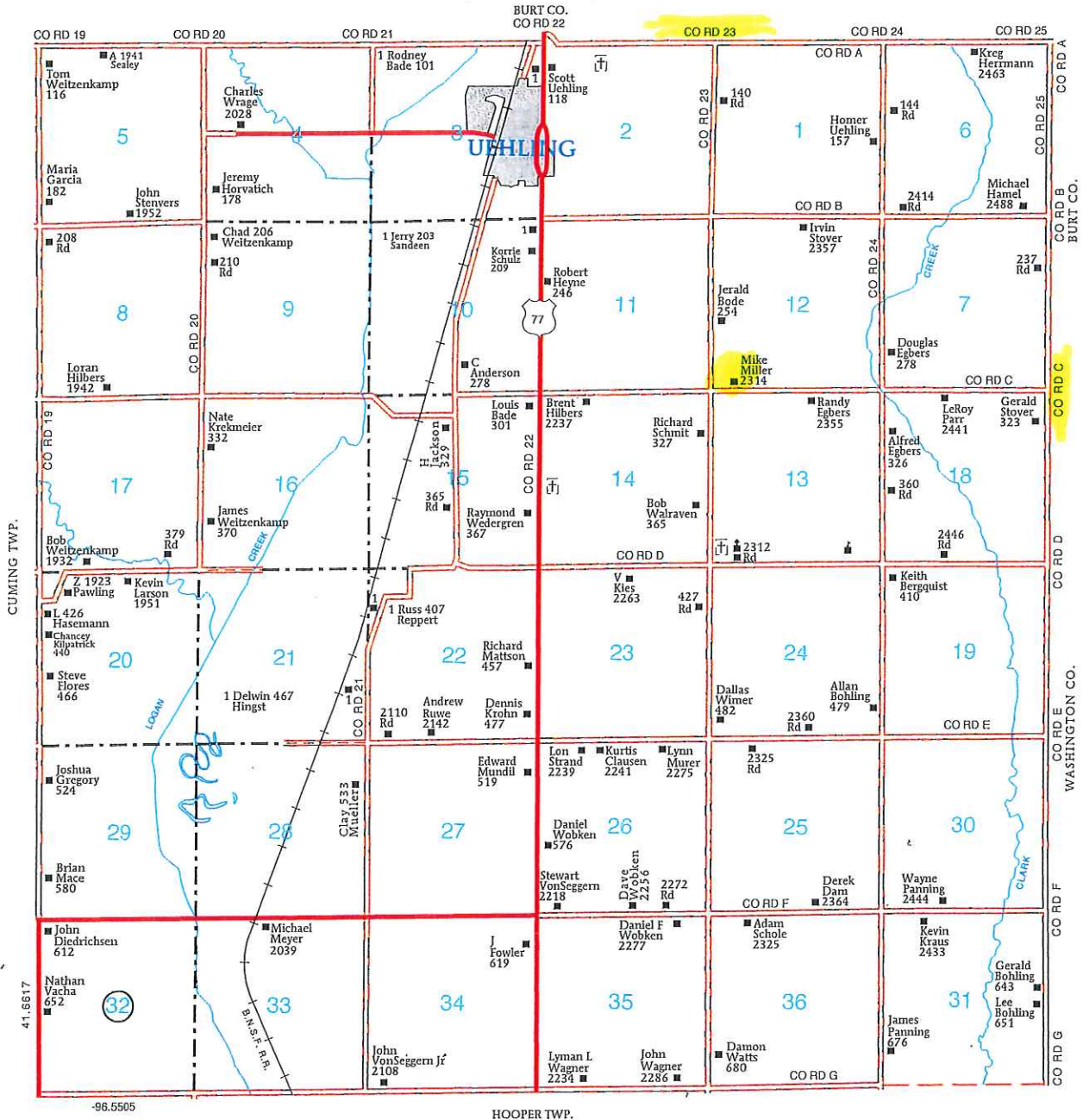
524 River Ave. North • Belmond, IA 50421
641-444-3508

T-20-N

LOGAN DIRECTORY

(Residents - Owners or Renters)

R-8-9-E



DODGE COUNTY
BUILDING INSPECTION & ZONING DEPARTMENT

JEAN ANDREWS, Zoning Administrator

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

July 3, 2019

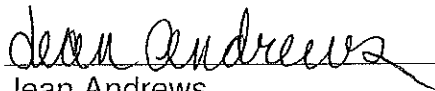
Dear Property Owner:

You are hereby notified that the Dodge County Planning Commission will hold a public hearing on Tuesday, July 16, 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 Robert W. Heyne of 246 Hwy. 77, P.O. Box 24, Uehling, NE 68063 to subdivide a 6.12 tract and obtain a Conditional Use Permit for an existing dwelling as per Article 12 Section 4.2 Exemptions B.(1) located in Part SW ¼ SW ¼ Section 12, Township 20 North, Range 8 East in Logan Township, Zoning District A-1 Intensive Ag.

The Dodge County Planning Commission will hold a public hearing on this matter at 4:30 P.M., Tuesday, July 16, 2019 in the Board of Supervisors Room, Third Floor of the Courthouse, Fremont, NE. Since your property adjoins the property that is requesting the Lot Split 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

2013 JUN -3 PM 4:17
RECEIVED
Dodge Co Highway Dept

NAME AND ADDRESS SEARCH

Request Made By: **Robert W. Heyne**

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 Southwest Quarter Southwest Quarter and the Southeast Quarter Southwest Quarter of Section 12, Township 20, Range 8 East of the 6th P.M.

The list of names and addresses include all property owners within 300 feet of said property:

Jerald Bode OR Roberta Bode, Tree N1/2SW1/4 12-20-8
254 County RD 23
Hooper, NE 68031-1282

Douglas R. Egbers W1/2SE1/4 & TL 2 12-20-8
Beverly Egbers
326 CO RD 24
Hooper, NE 68031

Randy W. Egbers & Pamela J. Egbers NW1/4NE1/4 13-20-8
2355 County RD C
Hooper, NE 68031-1287

Douglas R. Egbers E1/2NW1/4 & TL 3 & 4 13-20-8
Beverly Egbers
326 CO RD 24
Hooper, NE 68031

W R CO NW1/4NW1/4 13-20-8
PO Box 129
Uehling, NE 68063-0129

Adele Anderson W1/2NE1/4 & TL 6 14-20-8
1400 East Ave
APT # 213
Rochester, NY 14610-1646

W R CO SE1/4SE1/4, E1/2SW1/4SE1/4 11-20-8
PO Box 129 NW1/4SE1/4
Uehling, NE 68063-0129

Jerald Bode OR Roberta Bode, Tree
254 CT RD 23
Hooper, NE 68031

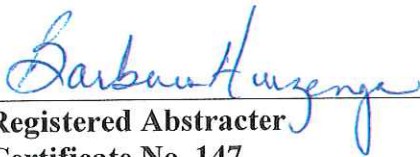
NE1/4SE1/4

11-20-8

The liability of Dodge County Title & Escrow Co. is limited to the information available in the office of the County Assessor and in no way extends to the correctness of the fee simple title to subject property. A certified search of the records or a Title Insurance Policy would be required to assure the fee simple ownership and any existing liens.

Dated: May 30, 2019

DODGE COUNTY TITLE & ESCROW CO., L.L.C.

A handwritten signature in blue ink, reading "Barbara Hunsinger", is written over a horizontal line.

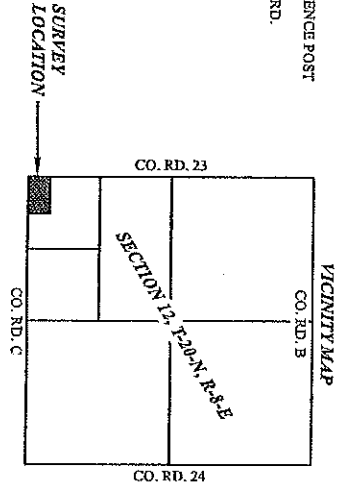
Registered Abstracter

Certificate No. 147

Order No. 190595

ASSUMED N 0°10'58" W 2660.13' (M) 2660.07' (R1)

NORTHWEST CORNER
OF THE SOUTHWEST QUARTER
FOUND AN ALUMINUM CAP 1.0" DEEP
NW 38.76' TO A CARVED REBAR
ENE 14.03' TO A NAIL WASHER IN END FENCE POST
W 1.3'-4" TO EAST EDGE OF CO. RD.
W 1.5'-4" TO THE CENTERLINE OF A CO. RD.



A SURVEY LOCATED IN PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 20 NORTH, RANGE 8 EAST OF THE 6TH P.M., DODGE COUNTY, NEBRASKA.

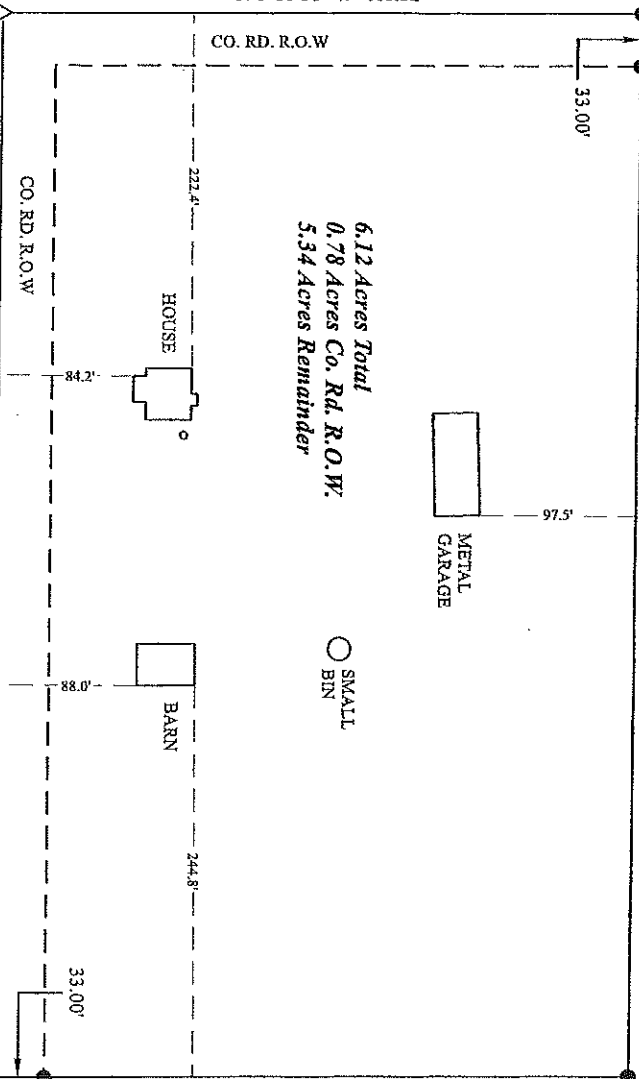
LEGEND

- △ SUBDIVISIONAL CORNER FOUND - "AS NOTED"
- PROPERTY CORNER SET - 5/8" REBAR WITH AN RLS 622 PLASTIC CAP
- (M) MEASURED DISTANCE
- (R1) RECORD DISTANCE - A CORNER RE-ESTABLISHED CERTIFICATION BY JAMES L. COEN DATED MARCH 26, 1998.
- (R2) RECORD DISTANCE - A SURVEY BY RICHARD L. HANSEN DATED MAY 1, 1987.
- (R3) RECORD DISTANCE - A SURVEY BY WARREN D. WHITAKER DATED FEBRUARY 1978.

LEGAL DESCRIPTION:
A TRACT OF LAND LYING IN PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 20 NORTH, RANGE 8 EAST OF THE 6TH P.M., DODGE COUNTY, NEBRASKA, CONTAINING 6.12 ACRES, MORE OR LESS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER AND ASSUMING THE WEST LINE OF THE DISTANCE OF 401.12 FEET; THENCE SOUTH 89°-47'-58" EAST ON A LINE PARALLEL WITH THE SOUTH LINE OF THE SOUTHWEST QUARTER TO BEAR NORTH 0°-10'-58" WEST; THENCE NORTH 0°-10'-58" WEST ALONG SAID LINE A DISTANCE OF 401.12 FEET; THENCE SOUTH 89°-47'-58" EAST ON A LINE PARALLEL WITH THE SOUTH LINE OF THE SOUTHWEST QUARTER A DISTANCE OF 665.13 FEET; THENCE SOUTH 0°-10'-58" WEST ON A LINE PARALLEL WITH THE WEST LINE OF THE SOUTHWEST QUARTER A DISTANCE OF 401.12 FEET TO THE SOUTH LINE OF THE SOUTHWEST QUARTER; THENCE NORTH 89°-47'-58" WEST ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER A DISTANCE OF 665.13 FEET TO THE POINT OF BEGINNING.

S 89°47'58" E 665.13' TOTAL

6.12 Acres Total
0.78 Acres Co. Rd. R.O.W.
5.34 Acres Remainder

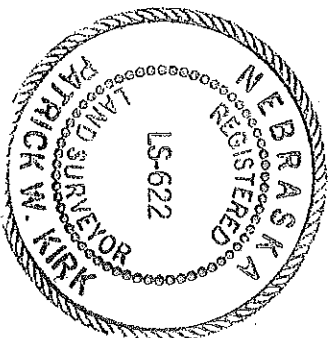
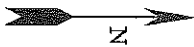


S 0°10'58" E 401.12' TOTAL

N 89°47'58" W 665.13'

S 89°47'58" E 2662.94' (M) 2662.76' (R2) 2662.99' (R2) TOTAL

CO. RD. C



NOTE: ALL DISTANCES ARE MEASURED UNLESS OTHERWISE NOTED.

CERTIFICATION:
I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DUTY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA.

NAME: PATRICK W. KIRK
DATE: 12-26-2018 REGISTRATION NO. 622

SOUTHWEST CORNER
OF THE SOUTHWEST QUARTER
FOUND AN ALUMINUM CAP 1.0" DEEP
NE 45.58' TO A NAIL WASHER IN A POWER POLE
NW 46.18' TO A NAIL WASHER IN A POWER POLE
SW 43.99' TO A NAIL WASHER IN A TEL. PED. POST

KIRK LAND SURVEY, LLC • 12572 COUNTY ROAD 3 • NICKENSON, NE 68044 • PHONE: 402-719-9136

SOUTHEAST CORNER
OF THE SOUTHWEST QUARTER
FOUND AN ALUMINUM CAP 1.0" DEEP
S 34.12' TO A NAIL WASHER IN AN END FENCE POST
NE 49.52' TO 'X' NAILS IN A POWER POLE
S 1.0' TO THE CENTERLINE OF A CO. RD.