

Agenda Item # 23a

Date 9/23/20

**MINUTES
DODGE COUNTY PLANNING COMMISSION**

Meeting of the Dodge County Planning Commission was called to order by Vice Chairman, Brad Fooker at 4:30 P.M., Tuesday, September 15, 2020 in the Board of Supervisors Room on 3rd Floor of the Courthouse, Fremont, Nebraska. The following members were present: Fooker, Giesselmann, Hansen, Rolf, Ruzicka, Taylor and Wagner. Absent: Brabec.

The meeting was declared legally convened, due to Public Notice given and is considered to be an Open Meeting.

Vice Chairman Fooker asked if ex-parte had been received. None were reported.

Motion was made by **Ruzicka** to accept the Minutes of the August 18th meeting as mailed. Seconded by **Rolf**. Motion carried by voice vote with the following voting yes: Giesselmann, Hansen, Rolf, Ruzicka, Taylor, Wagner and Fooker. Absent: Brabec.

Public Hearing: Consider request of Larry and Lois Koglin of 817 County Road 14, Scribner, NE 68057 to subdivide a 10.52 acre tract and obtain a Conditional Use Permit for an existing dwelling as per Article 12 Section 2 Conditional Uses 4.2 Exemptions B. (1-3) located in NE ¼ NE ¼ Section 7, Township 19 North, Range 7 East in Everett Township, Zoning District A-1, Intensive Ag.

Vice Chairman Fooker declared the Public Hearing open.

For:

Larry Koglin and son, Lynn Koglin were present to explain their request. Larry Koglin stated he was going to live in Arizona and he had been approached to sell the acreage to someone who was moving back to Nebraska. He stated that he would retain the remaining 30 some acres that surrounds the farmstead.

Against:

No one was present either for or against the proposal.

Motion to close the public hearing was made by **Ruzicka** and seconded by **Hansen**. Motion carried by voice vote. Voting yes: Hansen, Rolf, Ruzicka, Taylor, Wagner, Fooker and Giesselmann. Absent: Brabec.

Possible Action:

Motion was made by **Ruzicka** to recommend approval of the lot split and conditional use request based on the Conditional Use conforms to the intent and purpose of the regulations and the use conforms to regulations of the district which it is located and seconded by **Giesselmann**. Motion carried by roll call vote. Voting yes: Rolf, Ruzicka, Taylor, Wagner, Fooker, Giesselmann and Hansen. Absent: Brabec. The applicant was advised the County Board would hear their request on Wednesday, September 23, 2020 at 9:30 A.M.

Public Hearing: Consider request of Chad Christianson of 1335 County Rd. 19, Fremont, NE 68025 to obtain a Conditional Use Permit to store and apply Bio-Solids as per Article 13 Section 2. Conditional Uses 2.18 in NW ¼ & N ½ SW ¼ Section 26, Township 19 North, Range 8 East in Hooper Township, Zoning District A-2, General Ag.

Vice Chairman Fooker declared the public hearing to be open.

Testimony:

For: Scott Nunn of NE-IA Agrinomics, representing the City of Fremont and Chad Christianson, as well as Chad Christianson were present to explain the request. He stated that this request was a renewal of a previous conditional use to store and apply Bio-Solids. He went on to say that they would apply the material on one part of the ground this fall and part of it next fall. Rolf asked how long ago was it spread. Nunn said it was in 2016. Ruzicka asked where they would spread this fall. Nunn stated the south ½ this time.

Against:

No one spoke against the request and no communication had been received.

Motion to close the public hearing was made by **Ruzicka** and seconded by **Rolf**. Motion carried by voice vote. Those voting yes: Ruzicka, Taylor, Wagner, Fooker, Giesselmann, Hansen and Rolf. Absent: Brabec.

Possible Action:

Motion to recommend approval of the Conditional Use request was made by **Giesselmann** based on the Conditional Use conforms to the intent and purpose of the regulations and the use conforms to regulations of the district which it is located. Seconded by **Ruzicka**. Motion carried by roll call vote. Voting yes: Taylor, Wagner, Fooker, Giesselmann, Hansen, Rolf and Ruzicka. Absent: Brabec. The applicant was

advised that the County Board would hear his request at Wednesday, September 23, 2020 at 9:35 A.M.

Public Hearing: Consider request of Nextera Properties, LLC (aka Platte Valley Equip.) P.O. Box 230, Fargo, ND 58107-0230 to request a Change of Zoning from A-3, Transitional Ag to C-1, Commercial and obtain a Conditional Use Permit on a 40.60 acre parcel located in the West ½ NW ¼ Section 26, Township 18 North, Range 8 East and Part of Tax Lot 8 and Part of Tax Lot 26 in Nickerson Township, Dodge County

Vice Chairman Fooker declared the public hearing to be opened.

Testimony:

For: Jeff Ray with JEO Consulting Group was present representing Nextera Properties. He stated that they wished to make a change of zoning for the remaining portion of ground. He stated that there was interest in the property that would compliment the existing commercial property. Ruzicka asked if the rezone would go all the way to the south property. Ray stated all the remaining property that Nextera owns.

Jennifer Gruenke, manager of Platte Valley Impement stated Nextera did not have a need for 78 some acres, so they were rezoning for a future potential buyer.

Against:

Kirk Brand of 2190 Rosedale Road, Fremont presented the board with a map of the area where his home and the area that was requesting the rezone. **Rolf** moved to receive and file the map and seconded by **Wagner**. Motion carried by voice vote. All members present voting yes. Absent: Brabec.

Brand stated that the applicant had stated a year ago that they were not going to rezone at that time, but was keeping it agriculture. He went on to say his home was 105 feet from the property line and 370 feet north of Rosedale Road. He added that he and his wife moved into the home in 2009 and was farming the balance of the land. At that time, he said he had no idea that there wouldn't be a home or two being built east of his property and didn't have any idea that the property would become commercial. He stated the rezone would put a burden on the Sheriff's department and that Rosedale Road was dangerous. He said that gaining access to or going across Hwy.77/275, you have to go half way to the middle of the 4-lane and when it is clear, you cross. He stated that the commercial properties would add traffic and that the speed limit should be reduced to 55 mph. Brand asked how the proposed additional commercial business would enter their property. Would they come in from the north? Ray stated he didn't know that yet. Brand stated he didn't know why the commercial businesses don't go down south where the speed limit is 55 mph. And, he has to put up with the extra lights, noise etc. He wants the board to deny the re-zone. He added that there should be a line of large trees planted along the east side of his property and wants the speed limit reduced to 55.

Giesselmann asked about the drainage toward Brand's property. Brand stated the building did not affect the farm ground's drainage, but if it ever did, they would be in court.

John Schauer of 2241 Rosedale Road, Fremont, has the tree farm across Hwy 77/275 stated he agrees with Brand on everything that was said. He stated it is very difficult to see what is coming from either the north or south along the highway. This creates a hazard and has complained to the state regarding the hazard. He added that the electricity is furnished by the Fremont Department of Utilities and has problems with the low voltage. He stated that the current usage is too much for the lines. He added that he wants the water quality protected. He said that commercial businesses along the highway will not have city services. They will have their own wells and lagoons. He went on to say that he was neutral regarding the re-zone, but wanted the area to be developed responsibly.

Jolene Schauer of 2241 Rosedale Road, Fremont stated she pulls into the middle of US Highway 77/275 trying to turn south. This highway is dangerous and difficult to enter. She demanded to know what is complimentary to John Deere Equipment? John Schauer stated they could have Adult Entertainment.

Jennifer Gruenke stated that their company was Platte Valley Equipment not John Deere.

Jeff Ray responded regarding the topic of traffic. He stated that Nebraska Department of Transportation would require improvements and that the Department of Environmental Quality would investigate potential discharges if that occurred.

Kirk Brand asked how long is the left turn lane onto Road Q. He stated he thinks there is much too much traffic for that turn lane.

Motion to close the public hearing was made by **Ruzicka** and seconded by **Giesselmann**. Motion carried by voice vote. Those voting yes: Wagner, Fooker, Giesselmann, Hansen, Rolf, Ruzicka and Taylor. Absent: Brabec.

Motion was made by **Rolf** to recommend approval of the Change of Zoning and Conditional Use Permit based on the Conditional Use conforms to the intent and purpose of the regulations and the use conforms to regulations of the district in which it is located. Seconded by **Ruzicka**. Motion carried by roll call vote. Voting yes: Fooker, Giesselmann, Hansen, Rolf, Ruzicka, Taylor and Wagner. Absent: Brabec. The applicant was advised the County Board of Supervisors would hear the request on Wednesday, September 23, 2020 at 9:40 A.M.

With no further business **Ruzicka** moved to adjourn at 5:15 P.M. and seconded by **Wagner**. Motion carried: Giesselmann, Hansen, Rolf, Ruzicka, Taylor, Wagner and Fooker. Absent: Brabec. The next scheduled meeting will be October 20, 2020 at 4:30 P.M. if business arises.

Respectfully submitted,

Allen Rolf
Secretary, Dodge County
Planning Commission

Dodge County
Planning & Zoning Commission

Approval Date

Future John Deere
Building Site

Kurt Brand
2490 Rosedale Rd
Fremont, NE
48031 (781-229)

105'
East edge
of property
to property

Google

41°30'21"N 96°30'14"W 1

STAFF REPORT
Dodge County Bldg. Insp. & Zoning Dept.
Meeting of September 15, 2020

Zoning signs were placed on the property Thursday, September 10, 2020

Larry and Lois Koglin

The property is located on County Road 14 and H approximately 1 1/2 miles south of Scribner, NE. Has a good set of buildings and home on a well-maintained road.

Chad Christianson


The property requesting the Conditional Use Permit to store and apply Bio-Solids is located along Highway 77 just east of the interchange of 275 and 77 approximately 2 miles east of Hooper, NE. Currently this ground is in corn.

This is a renewal of a previous Bio-Solids Conditional Use Permit.

Nextera Properties LLC

The property requesting the Change of Zoning is located just north of the new Platte Valley Equipment building located on County Road Q and Highway 77/275. The remaining 40 acres is currently in crops and is just north of the acreage.

Respectfully submitted,


Jean Andrews,
Dodge County Zoning Administrator

Hoglin





Christianson





Nepterra





**AGENDA
DODGE COUNTY PLANNING COMMISSION**

Dodge County Planning Commission, Tuesday, September 15, 2020 at 4:30 P.M., Board of Supervisors Room, Courthouse, Fremont, NE.

1. Call to Order at 4:30 P.M. – Roll Call – Declaration of Open Meeting
2. Legality of Meeting – Approval of Agenda
3. Declaration of Exparte
4. Approval of Minutes of August 18, 2020 Meeting

5. **Public Hearing:** Consider request of Larry and Lois Koglin of 817 County Road 14, Scribner, NE 68057 to subdivide a 10.52 acre tract and obtain a Conditional Use Permit for an existing dwelling as per Article 12 Section 2 Conditional Uses 4.2 Exemptions B. (1-3) located in NE ¼ NE ¼ Section 7, Township 19 North, Range 7 East in Everett Township, Zoning District A-1, Intensive Ag.

 Testimony:
 For:
 Against:
 Possible Action:

6. **Public Hearing:** Consider request of Chad Christianson of 1335 County Rd. 19, Fremont, NE 68025 to obtain a Conditional Use Permit to store and apply Bio-Solids as per Article 13 Section 2. Conditional Uses 2.18 in NW ¼ & N ½ SW ¼ Section 26, Township 19 North, Range 8 East in Hooper Township, Zoning District A-2, General Ag.

 Testimony:
 For:
 Against:
 Possible Action:

7. **Public Hearing:** Consider request of Nextera Properties, LLC (aka Platte Valley Equip.) P.O. Box 230, Fargo, ND 58107-0230 to request a Change of Zoning from A-3, Transitional Ag to C-1, Commercial and obtain a Conditional Use Permit on a 40.60 acre parcel located in the West ½ NW ¼ Section 26, Township 18 North, Range 8 East and Part of Tax Lot 8 and Part of Tax Lot 26 in Nickerson Township, Dodge County

 Testimony:
 For:
 Against:
 Possible Action:

8. Other business brought to the board (By Published Addendum)
9. Adjournment

AGENDA POSTED AND KEPT CONTINUALLY CURRENT AT THE DODGE COUNTY COURTHOUSE AND DISTRIBUTED TO THE PLANNING COMMISSION ON SEPTEMBER 4, 2020. 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 15, 2020 at 4:30 P.M. and with the Dodge County Board of Supervisors during their regularly scheduled meeting on Wednesday, September 23, 2020 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 items:

1. Consider request of Larry and Lois Koglin of 817 County Road 14, Scribner, NE 68057 to subdivide a 10.52 acre tract and obtain a Conditional Use Permit for an existing dwelling as per Article 12 Section 2 Conditional Uses 4.2 Exemptions B. (1-3) located in NE ¼ NE ¼ Section 7, Township 19 North, Range 7 East in Everett Township, Zoning District A-1, Intensive Ag.
2. Consider request of Chad Christianson of 1335 County Rd. 19, Fremont, NE 68025 to obtain a Conditional Use Permit to store and apply Bio-Solids as per Article 13 Section 2. Conditional Uses 2.18 in NW ¼ & N ½ SW ¼ Section 26, Township 19 North, Range 8 East in Hooper Township, Zoning District A-2, General Ag.
3. Consider request of Nextera Properties, LLC (aka Platte Valley Equip.) P.O. Box 230, Fargo, ND 58107-0230 to request a Change of Zoning from A-3, Transitional Ag to C-1, Commercial and obtain a Conditional Use Permit on a 40.60 acre parcel located in the West ½ NW ¼ Section 26, Township 18 North, Range 8 East and Part of Tax Lot 8 and Part of Tax Lot 26 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.