

DODGE COUNTY PLANNING COMMISSION - CONDITIONAL USE PERMIT

Based on the record in this case of the application of Nextera Properties, LLC 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 15 day of September, 2020.

BY: _____

**DODGE COUNTY
BUILDING INSPECTION & ZONING DEPARTMENT**

**JEAN ANDREWS, Zoning Administrator
Flood Plain Manager**

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

September 4, 2020

Nextera Properties, LLC
P.O. Box 230
Fargo, ND 58107-0230

Good Day!

Enclosed please find a copy of the agenda for the Planning Commission meeting to be held September 15, 2020 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 23, 2020 where your application will be heard at 9:40 A.M.

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

Thank you,



Jean Andrews,
Dodge County Zoning Administrator

Enclosure

Cc: Jeffrey Ray, JEO Consultants Group
File

APPLICATION FOR A CHANGE OF ZONING
Dodge County, Nebraska

Date August 27, 2020

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

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

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

Present Use of Subject Property agricultural

Desired Use of Subject Property commercial

Present Zoning A-2 Requested Zoning C-1

Legal Description of Property Requested to be Rezoned See attached legal

Area of Subject Property, Square Feet and/or Acres 40.60 Acres

How are Adjoining Properties Used (Actual Use)

North commercial South agricultural

East agricultural West agricultural

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.
commercial, acreage residential and agriculture with highway frontage
2. Can soil conditions support the kinds of development in the proposed zoning district? What is the soil classification of the area?
yes, fat clay, lean clay, and poorly graded sand
3. What type of sewer and water system will be used?
Private well and lagoon
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 impacts, no need for street or road improvements

Signature of Owner _____ or Signature of Agent *Amber*

OFFICE USE ONLY

Permit No. _____

Date _____ Approved _____
Disapproved _____

Chairman, Dodge County Planning Commission

Date _____ Approved _____
Disapproved _____

Chairman, Dodge County Board of Supervisors

2020 AUG 31 AM 9:22

RECEIVED
Dodge Co Highway Dept

**APPLICATION FOR CONDITIONAL USE
Dodge County, Nebraska**

Date September 2, 2020

Property Owner's Name Nextera Properties LLC

Address: PO Box 230, Fargo ND 58107-0230

Phone No. 402-929-0720 (Home) _____ (Work)

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

Section 26 Township 18N Range 8E Lot No. TL 8 & PT. LT 26

Location within Section 26 Lot Size 40.60 (Sq.Ft./Acres)

Estimated Cost of Structure/Use \$ unk Zoning District C-1

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

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

How are Adjoining Properties Used (Actual Use)

North Commercial 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.
commercial, acreage residential and agriculture with highway frontage
2. Can soil conditions support the proposed development? What is the soil classification of the area?
yes, fat clay, lean clay, and 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

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 transportation improvements are anticipated

Enclosed:

Site Plan X 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 Yes

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 [Signature] Mailing Address JEO Consulting Group
11213 Davenport St, Ste 200
Omaha, NE 68154

OFFICE USE ONLY

PERMIT NO. 2020-009

Permit when Issued is Transferrable/Transferrable Upon Renewal

Date 9-15-2020 Approved _____
Approved with Added Conditions _____
Disapproved _____ Chair, Dodge County Planning Comm

Date 9-23-2020 Approved _____
Approved with Added Conditions _____
Disapproved _____ Chair, Dodge County Board of Comm

See attachment for added conditions.

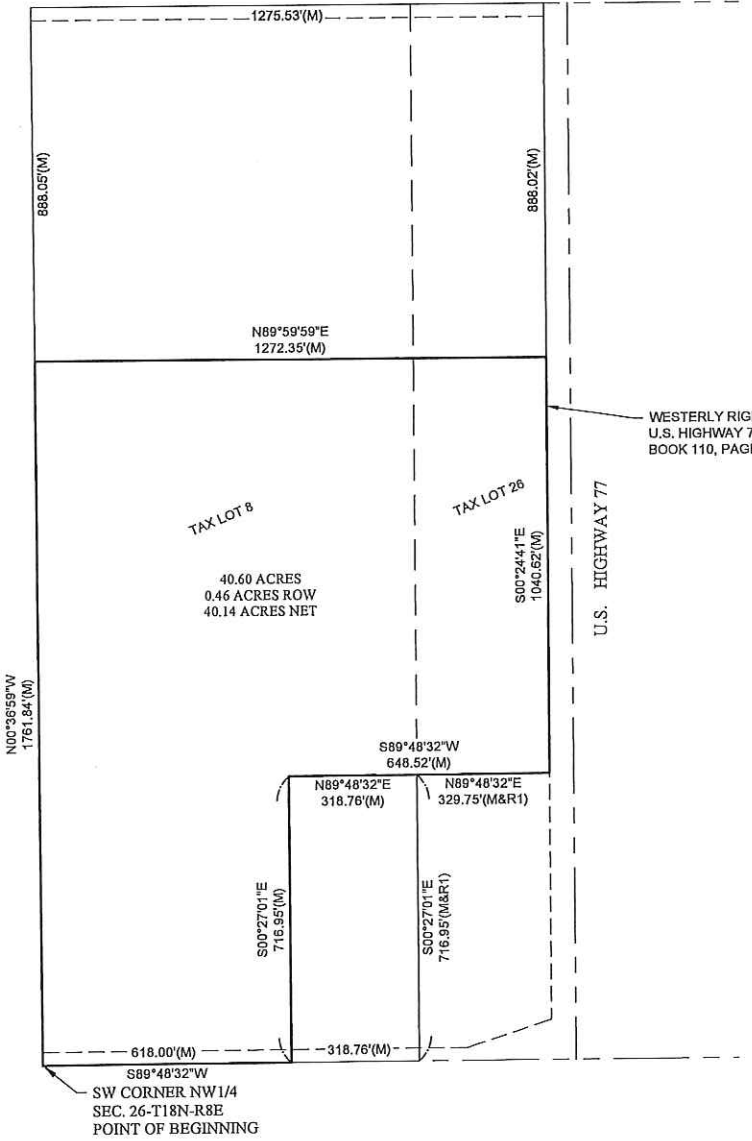
ATTEST _____
Dodge County Clerk

Dated this _____ day of _____ 20__

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

2020 SEP -3 AM 7:36
RECEIVED
Dodge Co Highway Dept

P:\Engineering\190645.02 - Phase 1\Sub Equipment - North Hwy 77 Site Development\DWG\190645.02 PLAT.dwg, on 8/27/2020 1:34 PM



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 SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 26; THENCE N00°36'59"W (ASSUMED BEARING) ON THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1761.84 FEET; THENCE N89°59'59"E, PARALLEL WITH A 888.00 FEET DISTANT FROM THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1272.35 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 1040.62 FEET; THENCE S89°48'32"W, PARALLEL WITH THE SOUTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 648.52 FEET; THENCE S00°27'01"E, PARALLEL WITH THE EAST LINE OF SAID TAX LOT 8, A DISTANCE OF 716.95 FEET TO SAID SOUTH LINE; THENCE S89°48'32"W ON SAID SOUTH LINE, A DISTANCE OF 618.00 FEET TO THE POINT OF BEGINNING, CONTAINING 40.60 ACRES, MORE OR LESS.

WESTERLY RIGHT OF WAY LINE
U.S. HIGHWAY 77
BOOK 110, PAGE 485

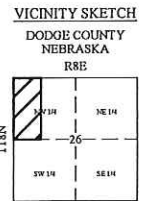
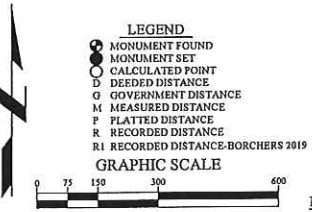
SURVEYOR'S STATEMENT:

I, JOSHUA D. BORCHERS, A REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE PLAT OF THE PROPERTY DESCRIBED IN THE LEGAL DESCRIPTION.

J.D. Borchers
JOSHUA D. BORCHERS



8/31/2020
DATE



NOTE: ALL BEARINGS ARE ASSUMED.



PT. OF TAX LOT 8 & PT. OF TAX LOT 26
IN THE NW1/4
SEC. 26-T18N-R8E SIXTH P.M.
DODGE COUNTY, NEBRASKA

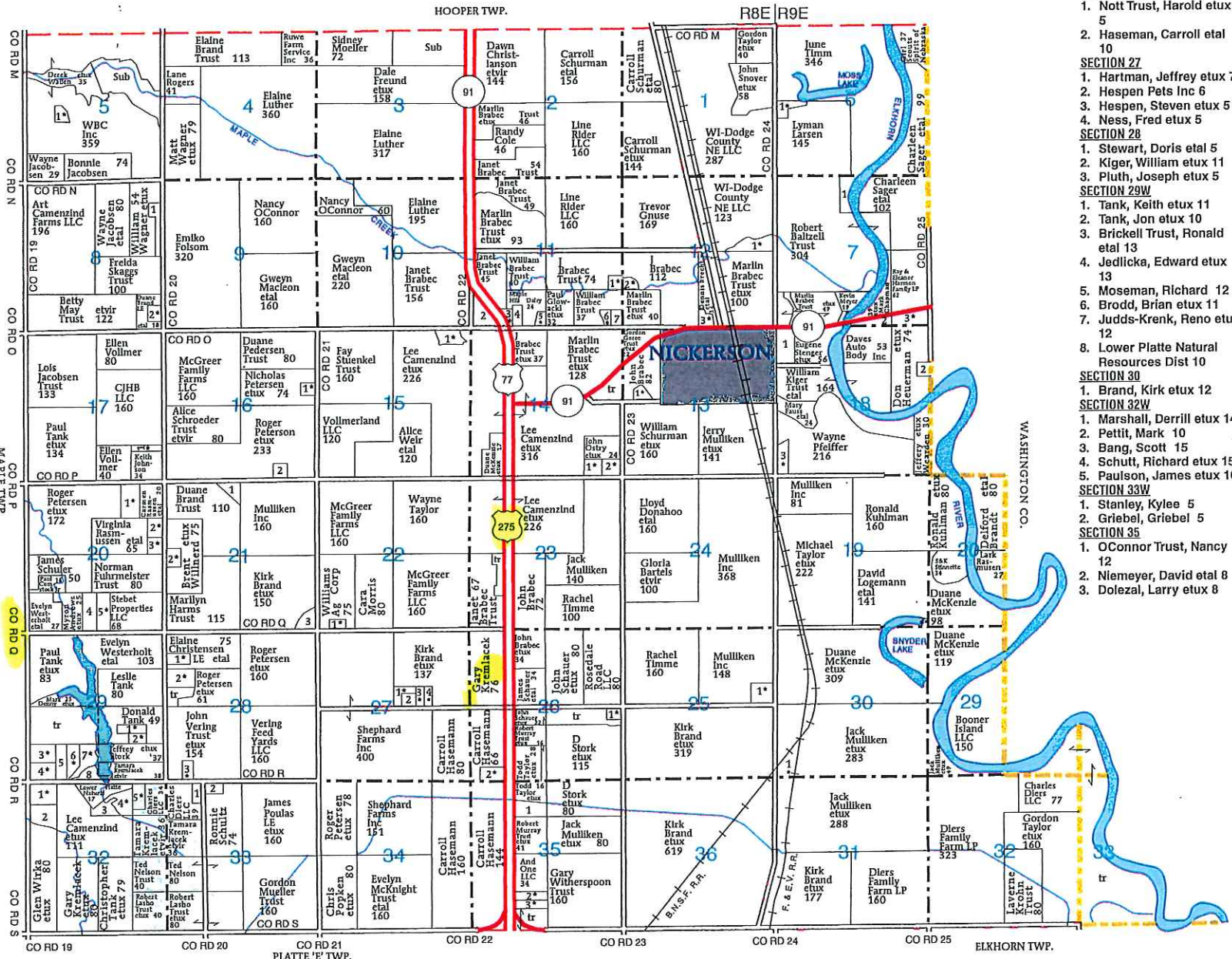
PROJECT NO. 190645.02
DATE 8/25/2020
DRAWN BY AWH
FILE NAME 5V-190645.02 PLAT 4.dwg
FIELD BOOK DODGE CO.28
FIELD CREW MS/RNF
SURVEY FILE NO. 31C-48

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 SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 26; THENCE $N00^{\circ}36'59''W$ (ASSUMED BEARING) ON THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1761.84 FEET; THENCE $N89^{\circ}59'59''E$, PARALLEL WITH A 888.00 FEET DISTANT FROM THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1272.35 FEET TO THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 77 AS DESCRIBED IN BOOK 110, PAGE 485; THENCE $S00^{\circ}24'41''E$ ON SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 1040.62 FEET; THENCE $S89^{\circ}48'32''W$, PARALLEL WITH THE SOUTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 648.52 FEET; THENCE $S00^{\circ}27'01''E$, PARALLEL WITH THE EAST LINE OF SAID TAX LOT 8, A DISTANCE OF 716.95 FEET TO SAID SOUTH LINE; THENCE $S89^{\circ}48'32''W$ ON SAID SOUTH LINE, A DISTANCE OF 618.00 FEET TO THE POINT OF BEGINNING, CONTAINING 40.60 ACRES, MORE OR LESS.

NICKERSON TOWNSHIP

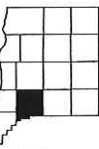
- SECTION 5**
- 1. Kment, Jay etux 7
- SECTION 6**
- 1. Hull, Craig etux 12
- SECTION 7**
- 1. Timm, June 15
- 2. Daves Auto Body Inc 7
- 3. Heurman, Donald etux 15
- SECTION 8**
- 1. Jacob, Gene 6
- 2. Baumgartner, Jeffrey etux 6
- SECTION 11**
- 1. ZRust, Ronnie etux 6
- 2. Shammah Enterprises LLC 5
- 3. Kreifels, Joseph etux 5
- 4. Soukup, Carla 10
- 5. Brabec Trust, Marlin etux 6
- 6. Whitaker, Justin etux 5
- 7. Nachtman, Lee 5
- SECTION 12**
- 1. Brabec Trust, Marlin etux 14
- 2. Zrust, Ronnie etux 6
- 3. Nielsen, Roger etux 7
- SECTION 13**
- 1. Ramsay, John etux 10
- SECTION 14**
- 1. Limbach Trust, Audrey etux 5
- 2. Taylor, Todd etux 5
- SECTION 15**
- 1. Camenzind, Case etux 14
- SECTION 16**
- 1. Petersen, Roger etux 7
- 2. Bang, Joshua 7
- SECTION 17**
- 1. League, James etux 6
- SECTION 18**
- 1. Village of Nickerson 9
- 2. Harshman, Stephen 5
- 3. Allen, Ronald etux 7
- SECTION 19**
- 1. McKenzle, Duane etux 14
- SECTION 20W**
- 1. Furrmelster, Ranatta etal 20
- 2. Joens, Gary etux 9
- 3. Johnson, Roy etux 6
- 4. Havranek, Janice 13
- 5. Meyers, Mathew etux 11
- SECTION 21**
- 1. Pettit, Mark 10
- 2. Poppe, Stephen etux 5
- 3. Plainview Holdings LLC 10
- SECTION 22**
- 1. Mueller, David etux 5
- SECTION 25**
- 1. Christensen LE, Roy etux 10



- SECTION 26**
- 1. Nott Trust, Harold etux 5
- 2. Haseman, Carroll etal 10
- SECTION 27**
- 1. Hartman, Jeffrey etux 7
- 2. Hespen Pets Inc 6
- 3. Hespen, Steven etux 5
- 4. Ness, Fred etux 5
- SECTION 28**
- 1. Stewart, Doris etal 5
- 2. Kiger, William etux 11
- 3. Pluth, Joseph etux 5
- SECTION 29W**
- 1. Tank, Keith etux 11
- 2. Tank, Jon etux 10
- 3. Brickell Trust, Ronald etal 13
- 4. Jedlicka, Edward etux 13
- 5. Moseman, Richard 12
- 6. Brodd, Brian etux 11
- 7. Judds-Krenk, Reno etux 12
- 8. Lower Platte Natural Resources Dist 10
- SECTION 30**
- 1. Brand, Kirk etux 12
- SECTION 32W**
- 1. Marshall, Derrill etux 14
- 2. Pettit, Mark 10
- 3. Bang, Scott 15
- 4. Schutt, Richard etux 15
- 5. Paulson, James etux 10
- SECTION 33W**
- 1. Stanley, Kylee 5
- 2. Griebel, Griebel 5
- SECTION 35**
- 1. OConnor Trust, Nancy 12
- 2. Niemeyer, David etal 8
- 3. Dolezal, Larry etux 8

T-18-N

NICKERSON PLAT



R-8-9-E

**DODGE COUNTY
BUILDING INSPECTION & ZONING DEPARTMENT**

**JEAN ANDREWS, Zoning Administrator
Flood Plain Manager**

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

September 4, 2020

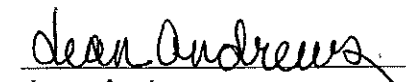
Dear Property Owner:

You are hereby notified that the Dodge County Planning Commission will hold a public hearing on Tuesday, September 15, 2020 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 (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

The Dodge County Planning Commission will hold a public hearing on this matter at 4:30 P.M., Tuesday, September 15, 2020 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

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 the parts conveyed to Zoua Lo and Dang Vang and Sheng Yeng Vang, in Inst. Nos. 201904728 and 201905653.

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

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Dodge County Highway Dept

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
Zoua Lo (JT WROS ETAL) Dang Vang Yeng Vang 2256 Rosedale Rd Fremont, NE 68025-7829	PT TL 26	26 - 18 - 8
Zoua Lo (JT WROS ETAL) Dang Vang Sheng Yeng Vang 20129 Furuby Rd Taylors Falls, MN 55084-2816	PT TL 8 (W1/2NW1/4)	26 - 18 - 8
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
McGreer Family Farms LLC Lallman & Paulson PO Box 672 Fremont, NE 68026-0672	SE1/4	22 - 18 - 8
Janet L. Brabec, (Trustee) 3110 Cherrywood Dr Fremont, NE 68025-6285	TL 11 & 15 (TL 15 W1/2SW1/4) (TL 11 NW1/4SW1/4)	23 - 18 - 8

Janet L. Brabec, (Trustee) TL 7 & 14 (SW1/4SW1/4) 23 - 18 - 8
3110 Cherrywood Dr
Fremont, NE 68025-6285

Raymond A. & Marilyn A. Capron TL 28 23 - 18 - 8
1683 HWY 275 - 77
Fremont, NE 68025

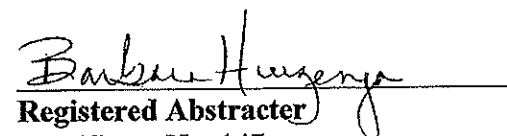
Raymond A. & Marilyn A. Capron Tank's Sub Lot 8 23 - 18 - 8
1683 HWY 275 - 77
Fremont, NE 68025

Janet L. Brabec, Trustee Tanks Sub Lots 9-12 (TL 21) 23-18-8
3110 Cherrywood Dr
Fremont, NE 68025-6285

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: September 2, 2020

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


Registered Abstractor
Certificate No. 147
Order No. 201111