

Planning Commission  
Monday, May 10, 2021 7:00 PM  
Council Chambers  
1369 25 Avenue  
Columbus, NE 68601

1. **Statement of Compliance with Open Meetings Act and roll call.**

**84-1407. Act, how cited.**

Sections 84-1407 to 84-1414 shall be known and may be cited as the Open Meetings Act.

**84-1408. Declaration of intent; meetings open to public.**

It is hereby declared to be the policy of this state that the formation of public policy is public business and may not be conducted in secret.

Every meeting of a public body shall be open to the public in order that citizens may exercise their democratic privilege of attending and speaking at meetings of public bodies, except as otherwise provided by the Constitution of Nebraska, federal statutes, and the Open Meetings Act.

**84-1409. Terms, defined.**

For purposes of the Open Meetings Act, unless the context otherwise requires:

(1)(a) Public body means (i) governing bodies of all political subdivisions of the State of Nebraska, (ii) governing bodies of all agencies, created by the Constitution of Nebraska, statute, or otherwise pursuant to law, of the executive department of the State of Nebraska, (iii) all independent boards, commissions, bureaus, committees, councils, subunits, or any other bodies created by the Constitution of Nebraska, statute, or otherwise pursuant to law, (iv) all study or advisory committees of the executive department of the State of Nebraska whether having continuing existence or appointed as special committees with limited existence, (v) advisory committees of the bodies referred to in subdivisions (i), (ii), and (iii) of this subdivision, and (vi) instrumentalities exercising essentially public functions; and

(b) Public body does not include (i) subcommittees of such bodies unless a quorum of the public body attends a subcommittee meeting or unless such subcommittees are holding hearings, making policy, or taking formal action on behalf of their parent body, except that all meetings of any subcommittee established under section 81-15,175 are subject to the Open Meetings Act, and (ii) entities conducting judicial proceedings unless a court or other judicial body is exercising rulemaking authority, deliberating, or deciding upon the issuance of administrative orders;

(2) Meeting means all regular, special, or called meetings, formal or informal, of any public body for the purposes of briefing, discussion of public business, formation of tentative policy, or the taking of any action of the public body; and

(3) Virtual conferencing means conducting or participating in a meeting electronically or telephonically with interaction among the participants subject to subsection (2) of section 84-1412.

**84-1410. Closed session; when; purpose; reasons listed; procedure; right to challenge; prohibited acts; chance meetings, conventions, or workshops.**

(1) Any public body may hold a closed session by the affirmative vote of a majority of its voting members if a closed session is clearly necessary for the protection of the public interest or

for the prevention of needless injury to the reputation of an individual and if such individual has not requested a public meeting. The subject matter and the reason necessitating the closed session shall be identified in the motion to close. Closed sessions may be held for, but shall not be limited to, such reasons as:

(a) Strategy sessions with respect to collective bargaining, real estate purchases, pending litigation, or litigation which is imminent as evidenced by communication of a claim or threat of litigation to or by the public body;

(b) Discussion regarding deployment of security personnel or devices;

(c) Investigative proceedings regarding allegations of criminal misconduct;

(d) Evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if such person has not requested a public meeting;

(e) For the Community Trust created under section 81-1801.02, discussion regarding the amounts to be paid to individuals who have suffered from a tragedy of violence or natural disaster; or

(f) For public hospitals, governing board peer review activities, professional review activities, review and discussion of medical staff investigations or disciplinary actions, and any strategy session concerning transactional negotiations with any referral source that is required by federal law to be conducted at arms length.

Nothing in this section shall permit a closed meeting for discussion of the appointment or election of a new member to any public body.

(2) The vote to hold a closed session shall be taken in open session. The entire motion, the vote of each member on the question of holding a closed session, and the time when the closed session commenced and concluded shall be recorded in the minutes. If the motion to close passes, then the presiding officer immediately prior to the closed session shall restate on the record the limitation of the subject matter of the closed session. The public body holding such a closed session shall restrict its consideration of matters during the closed portions to only those purposes set forth in the motion to close as the reason for the closed session. The meeting shall be reconvened in open session before any formal action may be taken. For purposes of this section, formal action shall mean a collective decision or a collective commitment or promise to make a decision on any question, motion, proposal, resolution, order, or ordinance or formation of a position or policy but shall not include negotiating guidance given by members of the public body to legal counsel or other negotiators in closed sessions authorized under subdivision (1)(a) of this section.

(3) Any member of any public body shall have the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reason stated in the original motion to hold a closed session or if the member contends that the closed session is neither clearly necessary for (a) the protection of the public interest or (b) the prevention of needless injury

to the reputation of an individual. Such challenge shall be overruled only by a majority vote of the members of the public body. Such challenge and its disposition shall be recorded in the minutes.

(4) Nothing in this section shall be construed to require that any meeting be closed to the public. No person or public body shall fail to invite a portion of its members to a meeting, and no public body shall designate itself a subcommittee of the whole body for the purpose of circumventing the Open Meetings Act. No closed session, informal meeting, chance meeting, social gathering, email, fax, or other electronic communication shall be used for the purpose of circumventing the requirements of the act.

(5) The act does not apply to chance meetings or to attendance at or travel to conventions or workshops of members of a public body at which there is no meeting of the body then intentionally convened, if there is no vote or other action taken regarding any matter over which the public body has supervision, control, jurisdiction, or advisory power.

**84-1411. Meetings of public body; notice; method; contents; when available; right to modify; duties concerning notice; videoconferencing or telephone conferencing authorized; emergency meeting without notice; appearance before public body.**

(1)(a) Each public body shall give reasonable advance publicized notice of the time and place of each meeting as provided in this subsection. Such notice shall be transmitted to all members of the public body and to the public.

(b)(i) Except as provided in subdivision (1)(b)(ii) of this section, in the case of a public body described in subdivision (1)(a)(i) of section 84-1409 or such body's advisory committee, such notice shall be published in a newspaper of general circulation within the public body's jurisdiction and, if available, on such newspaper's web site.

(ii) In the case of the governing body of a city of the second class or village or such body's advisory committee, such notice shall be published by:

(A) Publication in a newspaper of general circulation within the public body's jurisdiction and, if available, on such newspaper's web site; or

(B) Posting written notice in three conspicuous public places in such city or village. Such notice shall be posted in the same three places for each meeting.

(iii) In the case of a public body not described in subdivision (1)(b)(i) or (ii) of this section, such notice shall be given by a method designated by the public body.

(c) In addition to a method of notice required by subdivision (1)(b)(i) or (ii) of this section, such notice may also be provided by any other appropriate method designated by such public body or such advisory committee.

(d) Each public body shall record the methods and dates of such notice in its minutes.

(e) Such notice shall contain an agenda of subjects known at the time of the publicized notice or a statement that the agenda, which shall be kept continually current, shall be readily available for public inspection at the principal office of the public body during normal business hours. Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. Except for items of an emergency nature, the agenda shall not be altered later than (i) twenty-four hours before the scheduled commencement of the meeting or (ii) forty-eight hours before the scheduled commencement of a meeting of a city council or village board scheduled outside the corporate limits of the municipality. The public body shall have the right to modify the agenda to include items of an emergency nature only at such public meeting.

(2)(a) The following entities may hold a meeting by means of virtual conferencing if the requirements of subdivision (2)(b) of this section are met:

(i) A state agency, state board, state commission, state council, or state committee, or an advisory committee of any such state entity;

(ii) An organization, including the governing body, created under the Interlocal Cooperation Act, the Joint Public Agency Act, or the Municipal Cooperative Financing Act;

(iii) The governing body of a public power district having a chartered territory of more than one county in this state;

(iv) The governing body of a public power and irrigation district having a chartered territory of more than one county in this state;

(v) An educational service unit;

(vi) The Educational Service Unit Coordinating Council;

(vii) An organization, including the governing body, of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act;

(viii) A community college board of governors;

(ix) The Nebraska Brand Committee;

(x) A local public health department;

(xi) A metropolitan utilities district;

(xii) A regional metropolitan transit authority;

(xiii) A natural resources district; and

(xiv) The Judicial Resources Commission.

(b) The requirements for holding a meeting by means of virtual conferencing are as follows:

(i) Reasonable advance publicized notice is given as provided in subsection (1) of this section, including providing access to a dial-in number or link to the virtual conference;

(ii) In addition to the public's right to participate by virtual conferencing, reasonable arrangements are made to accommodate the public's right to attend at a physical site and participate as provided in section 84-1412, including reasonable seating, in at least one designated site in a building open to the public and identified in the notice, with: At least one member of the entity holding such meeting, or his or her designee, present at each site; a recording of the hearing by audio or visual recording devices; and a reasonable opportunity for input, such as public comment or questions, is provided to at least the same extent as would be provided if virtual conferencing was not used;

(iii) At least one copy of all documents being considered at the meeting is available at any physical site open to the public where individuals may attend the virtual conference. The public body shall also provide links to an electronic copy of the agenda, all documents being considered at the meeting, and the current version of the Open Meetings Act; and

(iv) Except as otherwise provided in this subdivision or subsection (4) of section 79-2204, no more than one-half of the meetings of the state entities, advisory committees, boards, councils, organizations, or governing bodies are held by virtual conferencing in a calendar year. In the case of an organization created under the Interlocal Cooperation Act that sells electricity or natural gas at wholesale on a multistate basis or an organization created under the Municipal Cooperative Financing Act, the organization may hold more than one-half of its meetings by virtual conferencing if such organization holds at least one meeting each calendar year that is not by virtual conferencing. The governing body of a risk management pool that meets at least quarterly and the advisory committees of the governing body may each hold more than one-half of its meetings by virtual conferencing if the governing body's quarterly meetings are not held by virtual conferencing.

(3) Virtual conferencing, emails, faxes, or other electronic communication shall not be used to circumvent any of the public government purposes established in the Open Meetings Act.

(4) The secretary or other designee of each public body shall maintain a list of the news media requesting notification of meetings and shall make reasonable efforts to provide advance notification to them of the time and place of each meeting and the subjects to be discussed at that meeting.

(5) When it is necessary to hold an emergency meeting without reasonable advance public notice, the nature of the emergency shall be stated in the minutes and any formal action taken in such meeting shall pertain only to the emergency. Such emergency meetings may be held by virtual conferencing. The provisions of subsection (4) of this section shall be complied with in conducting emergency meetings. Complete minutes of such emergency meetings specifying the nature of the emergency and any formal action taken at the meeting shall be made available to the public by no later than the end of the next regular business day.

(6) A public body may allow a member of the public or any other witness to appear before the public body by means of virtual conferencing.

(7)(a) Notwithstanding subsections (2) and (5) of this section, if an emergency is declared by the Governor pursuant to the Emergency Management Act as defined in section 81-829.39, a public body the territorial jurisdiction of which is included in the emergency declaration, in whole or in part, may hold a meeting by virtual conferencing during such emergency if the public body gives reasonable advance publicized notice as described in subsection (1) of this section. The notice shall include information regarding access for the public and news media. In addition to any formal action taken pertaining to the emergency, the public body may hold such meeting for the purpose of briefing, discussion of public business, formation of tentative policy, or the taking of any action by the public body.

(b) The public body shall provide access by providing a dial-in number or a link to the virtual conference. The public body shall also provide links to an electronic copy of the agenda, all documents being considered at the meeting, and the current version of the Open Meetings Act. Reasonable arrangements shall be made to accommodate the public's right to hear and speak at the meeting and record the meeting. Subsection (4) of this section shall be complied with in conducting such meetings.

(c) The nature of the emergency shall be stated in the minutes. Complete minutes of such meeting specifying the nature of the emergency and any formal action taken at the meeting shall be made available for inspection as provided in subsections (5) and (6) of section 84-1413.

#### **84-1412. Meetings of public body; rights of public; public body; powers and duties.**

(1) Subject to the Open Meetings Act, the public has the right to attend and the right to speak at meetings of public bodies, and all or any part of a meeting of a public body, except for closed sessions called pursuant to section 84-1410, may be videotaped, televised, photographed, broadcast, or recorded by any person in attendance by means of a tape recorder, a camera, video equipment, or any other means of pictorial or sonic reproduction or in writing.

(2) It shall not be a violation of subsection (1) of this section for any public body to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcasting, or recording its meetings, including meetings held by virtual conferencing. A body may not be required to allow citizens to speak at each meeting, but it may not forbid public participation at all meetings.

(3) No public body shall require members of the public to identify themselves as a condition for admission to the meeting nor shall such body require that the name of any member of the public be placed on the agenda prior to such meeting in order to speak about items on the agenda. The body shall require any member of the public desiring to address the body to identify himself or herself, including an address and the name of any organization represented by such person unless the address requirement is waived to protect the security of the individual.

(4) No public body shall, for the purpose of circumventing the Open Meetings Act, hold a meeting in a place known by the body to be too small to accommodate the anticipated audience.

(5) No public body shall be deemed in violation of this section if it holds its meeting in its traditional meeting place which is located in this state.

(6) No public body shall be deemed in violation of this section if it holds a meeting outside of this state if, but only if:

(a) A member entity of the public body is located outside of this state and the meeting is in that member's jurisdiction;

(b) All out-of-state locations identified in the notice are located within public buildings used by members of the entity or at a place which will accommodate the anticipated audience;

(c) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including making virtual conferencing available at an in-state location to members, the public, or the press, if requested twenty-four hours in advance;

(d) No more than twenty-five percent of the public body's meetings in a calendar year are held out-of-state;

(e) Out-of-state meetings are not used to circumvent any of the public government purposes established in the Open Meetings Act; and

(f) The public body publishes notice of the out-of-state meeting at least twenty-one days before the date of the meeting in a legal newspaper of statewide circulation.

(7) Each public body shall, upon request, make a reasonable effort to accommodate the public's right to hear the discussion and testimony presented at a meeting.

(8) Public bodies shall make available at the meeting or the in-state location for virtual conferencing as required by subdivision (6)(c) of this section, for examination and copying by members of the public, at least one copy of all reproducible written material to be discussed at an open meeting, either in paper or electronic form. Public bodies shall make available at least one current copy of the Open Meetings Act posted in the meeting room at a location accessible to members of the public. At the beginning of the meeting, the public shall be informed about the location of the posted information.

**84-1413. Meetings; minutes; roll call vote; secret ballot; when.**

(1) Each public body shall keep minutes of all meetings showing the time, place, members present and absent, and the substance of all matters discussed.

(2) Any action taken on any question or motion duly moved and seconded shall be by roll call vote of the public body in open session, and the record shall state how each member voted or if

the member was absent or not voting. The requirements of a roll call or viva voce vote shall be satisfied by a public body which utilizes an electronic voting device which allows the yeas and nays of each member of such public body to be readily seen by the public.

(3) The vote to elect leadership within a public body may be taken by secret ballot, but the total number of votes for each candidate shall be recorded in the minutes.

(4) The minutes of all meetings and evidence and documentation received or disclosed in open session shall be public records and open to public inspection during normal business hours.

(5) Minutes shall be written, except as provided in subsection (6) of this section, and available for inspection within ten working days or prior to the next convened meeting, whichever occurs earlier, except that cities of the second class and villages may have an additional ten working days if the employee responsible for writing the minutes is absent due to a serious illness or emergency.

(6) Minutes of the meetings of the board of a school district or educational service unit may be kept as an electronic record.

(7) Beginning July 31, 2022, the governing body of a natural resources district, the city council of a city of the metropolitan class, the city council of a city of the primary class, the city council of a city of the first class, the county board of a county with a population greater than twenty-five thousand inhabitants, and the school board of a school district shall make available on such entity's public web site the agenda and minutes of any meeting of the governing body. The agenda shall be placed on the web site at least twenty-four hours before the meeting of the governing body. Minutes shall be placed on the web site at such time as the minutes are available for inspection as provided in subsection (5) of this section. This information shall be available on the public web site for at least six months.

**84-1414. Unlawful action by public body; declared void or voidable by district court; when; duty to enforce open meeting laws; citizen's suit; procedure; violations; penalties.**

(1) Any motion, resolution, rule, regulation, ordinance, or formal action of a public body made or taken in violation of the Open Meetings Act shall be declared void by the district court if the suit is commenced within one hundred twenty days of the meeting of the public body at which the alleged violation occurred. Any motion, resolution, rule, regulation, ordinance, or formal action of a public body made or taken in substantial violation of the Open Meetings Act shall be voidable by the district court if the suit is commenced more than one hundred twenty days after but within one year of the meeting of the public body in which the alleged violation occurred. A suit to void any final action shall be commenced within one year of the action.

(2) The Attorney General and the county attorney of the county in which the public body ordinarily meets shall enforce the Open Meetings Act.

(3) Any citizen of this state may commence a suit in the district court of the county in which the public body ordinarily meets or in which the plaintiff resides for the purpose of requiring compliance with or preventing violations of the Open Meetings Act, for the purpose of declaring

an action of a public body void, or for the purpose of determining the applicability of the act to discussions or decisions of the public body. It shall not be a defense that the citizen attended the meeting and failed to object at such time. The court may order payment of reasonable attorney's fees and court costs to a successful plaintiff in a suit brought under this section.

(4) Any member of a public body who knowingly violates or conspires to violate or who attends or remains at a meeting knowing that the public body is in violation of any provision of the Open Meetings Act shall be guilty of a Class IV misdemeanor for a first offense and a Class III misdemeanor for a second or subsequent offense.

**Sec. 15, Legislative Bill 83, One Hundred Seventh Legislature, First Session, 2021. (*The Revisor of Statutes will assign a statute number after the Legislature adjourns sine die.*)** No motion, resolution, rule, regulation, ordinance, or formal action made, adopted, passed, or taken at a meeting as defined in section 84-1409 of a public body as defined in such section shall be invalidated because such motion, resolution, rule, regulation, ordinance, or formal action was made, adopted, passed, or taken at a meeting or meetings on or after March 17, 2020, and on or before April 30, 2021, pursuant to a Governor's Executive Order which waived certain requirements of the Open Meetings Act.

2. **Minutes of April 12, 2021, meeting.**

## PLANNING COMMISSION

April 12, 2021

A meeting of the Planning Commission of the City of Columbus, Nebraska, was convened in open and public session on April 12, 2021, at 7 p.m. in the Council Chambers, 1369 25 Avenue, Columbus, Nebraska.

Notice of this meeting was given in advance thereof by publication in the Columbus Telegram with a copy of the proof of publication being on file in the office of the city clerk. Availability of the agenda was communicated in the advance notice and in the notice to the mayor, members of the city council, and members of the planning commission of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the public.

1. **Statement of Compliance with Open Meetings Act and Roll Call:** Chair Anderson announced that a copy of the Open Meetings Act is posted in the meeting room. Present were Members Steve Anderson, Bob Elsasser, Kim Hoefer, Chad Kucera, and Josh Mueller. Members Colleen Bray, Fernando Lopez, Jr., Brent Ogle, and Kristy Spawn were absent and excused. City staff members included City Attorney Neal Valorz, City Administrator Tara Vasicek, City Engineer Rick Bogus, Community Development Director Dan Curtis, and Assistant City Clerk Robin Efta.
2. **Minutes of March 8, 2021, meeting:** The minutes were approved as presented with a motion by Elsasser and a second by Mueller. Anderson, Elsasser, Hoefer, Kucera, and Mueller voted "Aye" and none voted "Nay". Bray, Lopez, Ogle, and Spawn were absent.
3. **Public hearing - Application of Granville Custom Homes, Inc. to rezone property on a tract of land located on the east side of E 14 Avenue and north of Armory Drive from "RR" (Rural Residential District) to "R-2" (Two-Family Residential District):** Steven Ramaekers, Granville Custom Homes, Inc., stated that the rezoning will be consistent with the development of the area. No public testimony was heard. The public hearing closed with a motion by Kucera and a second by Mueller. Anderson, Elsasser, Hoefer, Kucera, and Mueller voted "Aye" and none voted "Nay". Bray, Lopez, Ogle, and Spawn were absent. A recommendation was made to the mayor and council to approve the rezoning application of Granville Custom Homes, Inc. with a motion by Elsasser and a second by Mueller as it is in conformance with the Future Land Use Map and is a good use of the property. Anderson, Elsasser, Hoefer, Kucera, and Mueller voted "Aye" and none voted "Nay". Bray, Lopez, Ogle, and Spawn were absent.
4. **Public hearing - Application of Woerth Properties, LLC to rezone property located at 1300 Block of 17 Avenue on the west side and south of the alley from "R-3" (Multiple-Family Residential District) to "ML/C-1" (Light Industrial District) and amend the Future Land Use Map of the Comprehensive Plan:** Mike Woerth, Woerth Properties, LLC, noted that the property was purchased at an auction through the city and he explained the plans for the property. Woerth described the surrounding zoning and noted the buffer requirements will be met. No public testimony was heard. The public hearing closed with a motion by Mueller and a

second by Elsasser. Anderson, Elsasser, Hoefler, Kucera, and Mueller voted "Aye" and none voted "Nay". Bray, Lopez, Ogle, and Spawn were absent. A recommendation was made to the mayor and council to approve the rezoning application of Woerth Properties, LLC and amend the Future Land Use Map with a motion by Kucera and a second by Mueller as it is an extension of an existing ML/C-1 zoning district. Anderson, Elsasser, Hoefler, Kucera, and Mueller voted "Aye" and none voted "Nay". Bray, Lopez, Ogle, and Spawn were absent.

5. **Public hearing - Application of Kurtis Perry to rezone property located at 2315-2321 10 Street from "ML/C-1" (Light Industrial District) to "R-2" (Two-Family Residential District formerly known as Urban-Family Residential District) and amend the Future Land Use Map of the Comprehensive Plan:** Clark Grant, attorney on behalf of the applicant, explained the plans for a single family residence on each lot and he said it will be a good use of the property. Grant noted the "R-2" zoning was requested to match the zoning on the east end of the north half of the block. Kurtis Perry was available to answer questions. No public testimony was heard. The public hearing closed with a motion by Mueller and a second by Kucera. Anderson, Elsasser, Hoefler, Kucera, and Mueller voted "Aye" and none voted "Nay". Bray, Lopez, Ogle, and Spawn were absent. A recommendation was made to the mayor and council to approve the rezoning application of Kurtis Perry and amend the Future Land Use Map with a motion by Kucera and a second by Elsasser as it is a good fit for the area. Anderson, Elsasser, Hoefler, Kucera, and Mueller voted "Aye" and none voted "Nay". Bray, Lopez, Ogle, and Spawn were absent.
6. **Public hearing - Amendment to Redevelopment Plan for the 23rd Street Corridor Redevelopment Area (23rd Street Corridor Area District TIF Project) located east of 33 Avenue and west of E 11 Avenue, between 19 Street and 27 Street, also known as Redevelopment Area 6:** Vasicek explained the amendment of the redevelopment plan and the difference in stand-alone and pooled tax increment financing. She answered questions regarding financing and the notification requirements for this process. No public testimony was heard. The public hearing closed with a motion by Elsasser and a second by Mueller. Anderson, Elsasser, Hoefler, Kucera, and Mueller voted "Aye" and none voted "Nay". Bray, Lopez, Ogle, and Spawn were absent. A recommendation to the mayor and council that the amendment to the Redevelopment Plan for the 23rd Street Corridor Redevelopment Area be approved based upon the foregoing and substantial evidence presented with a motion by Elsasser and a second by Mueller. Anderson, Elsasser, Kucera, and Mueller voted "Aye" and Hoefler voted "Nay". Bray, Lopez, Ogle, and Spawn were absent.
7. **Adjournment:** The meeting adjourned at 7:57 p.m.

OFFICE OF THE CITY CLERK  
: Robin Efta

- 3. Public hearing - Application of M&M Hanson Properties, LLC for final plat and development agreement of Sunside 2nd Subdivision (east of Kozy Drive, south of Keene Drive, and south of Johannes Additions).**

**NOTICE OF HEARING  
TO ALL PARTIES IN INTEREST AND CITIZENS OF  
COLUMBUS, NEBRASKA**

You are hereby notified that a public hearing before the Planning Commission of the City of Columbus, Nebraska, will be held on Monday, May 10, 2021, at 7 p.m. in the Council Chambers, 1369 25th Avenue, Columbus, Nebraska, on the final plat and development agreement of Sunside 2nd Subdivision, Lots 7, 8, and the East 43.00 feet of Lot 9 of Sunside Subdivision to the City of Columbus, Platte County, Nebraska, and a tract of land located in the Southeast 1/4 of the Northwest 1/4 of Section 15, T17N, R1E of the 6th P.M., Platte County, Nebraska, more particularly described as follows: Beginning at the Northeast corner of Lot 10, Sunside Subdivision to the City of Columbus, Platte County, Nebraska; thence S 01°52'29" E on the East line of said Lot 10, 124.03 feet to the Southeast corner of said Lot 10, said point also being on the South line of the Southeast 1/4 of the Northwest 1/4 of Section 15, T17N, R1E of the 6th P.M., Platte County, Nebraska; thence N 88°06'18" E on said South line, 922.36 feet to the Southeast corner of the Southeast 1/4 of said Northwest 1/4; thence N 01°48'00" W, 184.36 feet; thence S 88°03'04" W, 200.00 feet; thence N 01°41'04" W, 119.96 feet to the Southwest Corner of Lot 9 of Johannes 4th Subdivision to the City of Columbus, Platte County, Nebraska; thence S 88°03'22" W, 60.00 feet to the Southeast corner of Lot 8 of said Johannes 4th Subdivision; thence S 88°03'42" W, 190.06 feet to the Southwest corner of said Lot 8; thence N 01°44'47" W, 68.40 feet to the Northwest corner of said Lot 8; thence N 61°21'51" W on the South line of said Johannes 4th Subdivision, 484.00 feet; thence S 89°04'33" W on said South line, 8.26 feet to the Northeast corner of said Sunside Subdivision; thence S 01°52'26" E on the East line of said Sunside Subdivision, 108.64 feet; thence S 88°20' 06" W, 42.99 feet to the Northeast corner of Lot 7 of said Sunside Subdivision; thence S 88°04'55" W on the North line of said Lot 7, 155.00 feet to the Northwest corner of said Lot 7; thence S 01°52'45" E, 217.10 feet to the Southwest corner of Lot 8 of said Sunside Subdivision; thence N 88°05'54" E on the South line of said Lot 8, 155.02 feet; thence S 01°54'03" E, 108.48 feet to a point on the North Right-of-Way line of Minden Drive; thence N 88°03'57" E on said North Right-of-Way line, 43.00 feet; thence S 01°52'31" E, 60.00 feet to a point on the South Right-of-Way line of Minden Drive; thence S 88°07'13" W on said South Right-of-Way line, 47.96 feet to the Point of Beginning, containing 8.67 acres more or less (east of Kozy Drive, south of Keene Drive, and south of Johannes Additions) and at said time and place you may appear and be heard.

CITY OF COLUMBUS, NEBRASKA  
Janelle Kline, City Clerk

Publish: 04:29:21  
Two Affidavits of Publication

The City of **Columbus**

**MEMORANDUM**

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**DATE:** May 6, 2021  
**FROM :** Richard J. Bogus, City Engineer  
**TO:** Tara Vasicek, City Administrator  
**RE:** Sunside 2<sup>nd</sup> Subdivision - Final Plat

**RECOMMENDATION:**

I recommend the approval of the final plat of Sunside 2<sup>nd</sup> Subdivision as it is consistent with the Preliminary Plat. The Preliminary Plat was approved by the Planning Commission on March 8, 2021, and City Council on March 15, 2021.

**DISCUSSION:**

The addition consists of 29 residential type lots east of the intersection of Minden Drive and Kozy Drive. The subdivision is within the corporate limits.

The approval is based on the developer agreeing to the terms of the Storm Sewer Extension District, Frontier Regional Storm Water Treatment Facility and any work and timeline for associated developer construction.

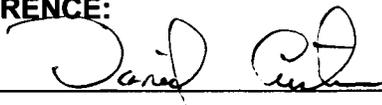
**FISCAL IMPACT:**

Maintenance costs on the street and utilities.

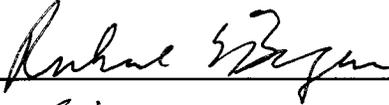
**ALTERNATIVE:**

Do not approve.

**CONCURRENCE:**

By: 

**SIGNATURE:**

By: 

Approved By: 

**MAJOR SUBDIVISION/ADDITION APPLICATION**  
**FINAL**

DATE: April 15, 2021

NAME OF SUBDIVISION: Sunside 2<sup>nd</sup> Subdivision

NAME OF APPLICANT: M&M Hanson Properties, Mark Hanson

ADDRESS OF APPLICANT: 2336 37<sup>th</sup> Street  
Columbus, NE 68601

NUMBER OF LOTS IN SUBDIVISION: 33

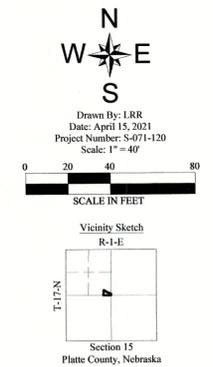
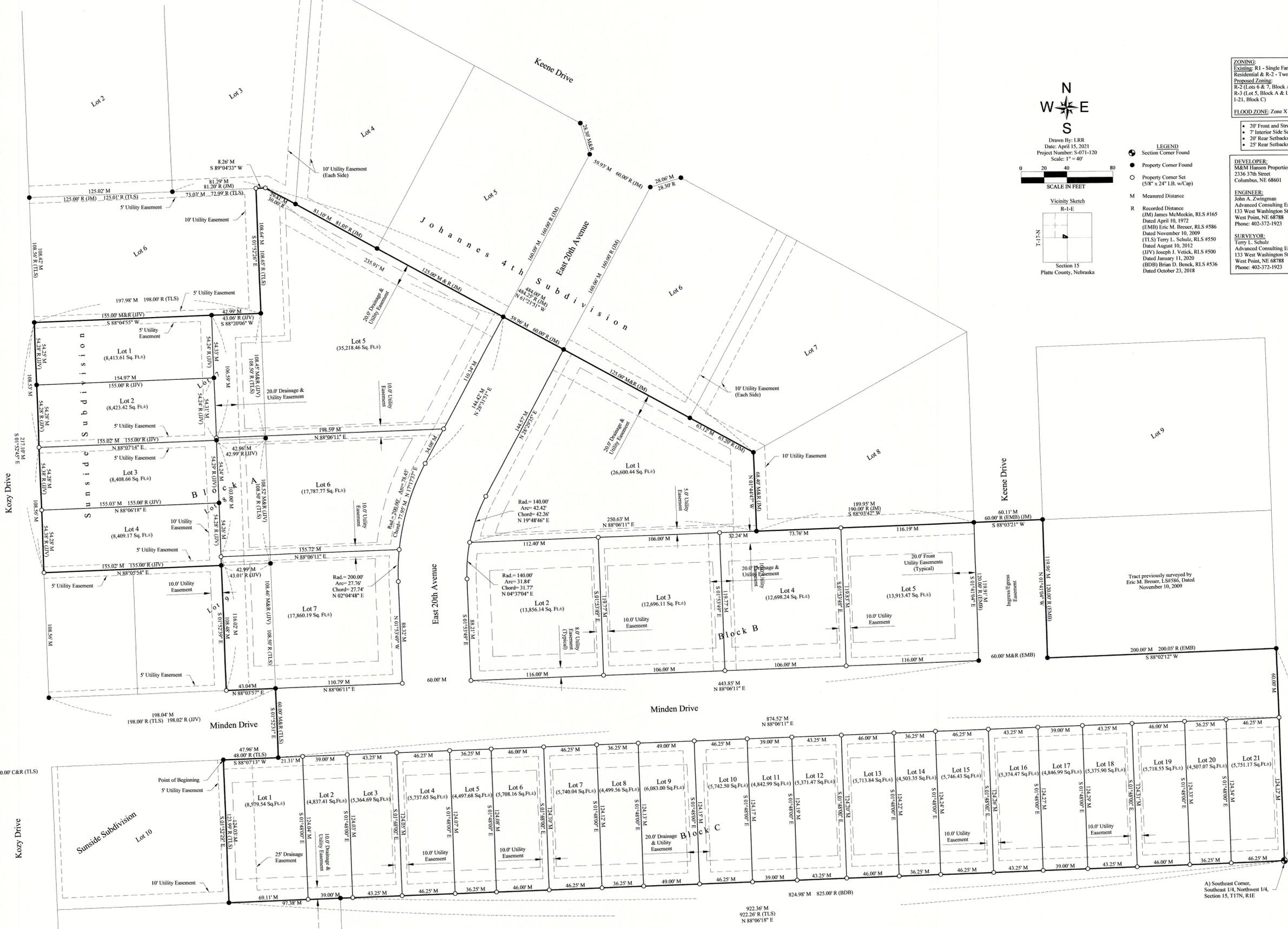
ADDRESS OF SUBDIVISION: Lots 7 and 8 of Sunside Subdivision to the City of Columbus, Platte County, Nebraska, and part of the Southeast 1/4 of the Northwest 1/4 of Section 15, T17N, R1E of the 6th P.M., Platte County, Nebraska. (Minden Drive, East 20<sup>th</sup> Avenue, & Keen Drive)

I hereby apply for a major subdivision and have paid the \$300 application fee, \$500 Rezoning fee, and \$15 per lot review fee.

Leanne R. Ritter

Owner or Owner's Representative

**FINAL PLAT**  
**SUNSIDE 2ND SUBDIVISION**  
of Lots 7 & 8 of Sunside Subdivision to the City of Columbus,  
Platte County, Nebraska and Part of the Southeast 1/4 of the  
Northwest 1/4 of Section 15, T17N, R1E, Platte County, Nebraska



**ZONING:**  
Existing: R1 - Single Family Residential & R-2 - Two Family Residential  
Proposed Zoning: R-2 (Lots 6 & 7, Block A & Lots 2-5, Block B) R-3 (Lot 5, Block A & Lot 1, Block B & Lots 1-21, Block C)

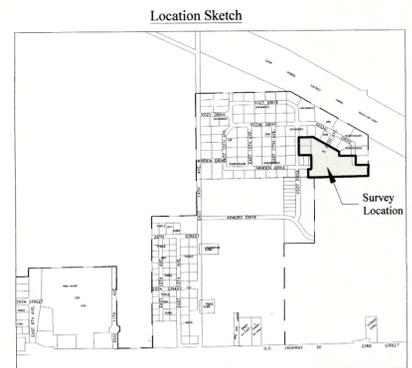
**FLOOD ZONE:** Zone X

- 20' Front and Street Side Setbacks
- 7' Interior Side Setbacks
- 20' Rear Setbacks (R-3)
- 25' Rear Setbacks (R-2)

**DEVELOPER:**  
M&M Hanson Properties  
2336 37th Street  
Columbus, NE 68601

**ENGINEER:**  
John A. Zwingham  
Advanced Consulting Engineering Services, Inc.  
133 West Washington Street  
West Point, NE 68788  
Phone: 402-372-1923

**SURVEYOR:**  
Terry L. Schulz  
Advanced Consulting Engineering Services, Inc.  
133 West Washington Street  
West Point, NE 68788  
Phone: 402-372-1923



**LEGEND**

- Section Corner Found
- Property Corner Set (5/8" x 24" I.B. w/Cap)
- M Measured Distance
- R Recorded Distance
- (JM) James McMeekin, RLS #165 Dated April 10, 1972
- (EMB) Eric M. Breuer, RLS #586 Dated November 10, 2009
- (TJS) Terry L. Schulz, RLS #550 Dated August 10, 2012
- (JVV) Joseph J. Veticik, RLS #500 Dated January 11, 2020
- (BDB) Brian D. Bensch, RLS #536 Dated October 23, 2018

This survey was prepared at the request of Mark Hanson, Columbus, Nebraska.

**FIELD NOTES**  
A) Southeast Corner, Southeast 1/4, Northwest 1/4, Section 15, T17N, R1E: Found 5/8" Iron Bar with orange cap.  
0.6" NE to "X" Nail in Fence Post.  
8.42' NNE to Nail in top of Fence Post.  
34.83' West to 5/8" Iron Bar Witness Corner.  
34.89' South to 5/8" Iron Bar Witness Corner.

**LEGAL DESCRIPTION**  
Lots 7 and 8 of Sunside Subdivision to the City of Columbus, Platte County, Nebraska and a tract of land located in the Southeast 1/4 of the Northwest 1/4 of Section 15, T17N, R1E of the 6th P.M., Platte County, Nebraska, more particularly described as follows:

Beginning at the Northeast corner of Lot 10, Sunside Subdivision to the City of Columbus, Platte County, Nebraska; thence S 01°52'29" E on the East line of said Lot 10, 124.03 feet to the Southeast corner of said Lot 10, said point also being on the South line of the Southeast 1/4 of the Northwest 1/4 of Section 15, T17N, R1E of the 6th P.M., Platte County, Nebraska; thence N 88°06'18" E on said South line, 922.36 feet to the Southeast corner of the Southeast 1/4 of said Northwest 1/4; thence N 01°48'00" W, 184.36 feet; thence S 88°02'12" W, 200.00 feet; thence N 01°41'04" W, 119.96 feet to the Southwest corner of Lot 9 of Johannes 4th Subdivision to the City of Columbus, Platte County, Nebraska; thence S 88°03'21" W, 60.11 feet to the Southeast corner of Lot 8 of said Johannes 4th Subdivision; thence S 88°03'42" W, 189.95 feet to the Southwest corner of Lot 8; thence N 01°44'47" W, 68.40 feet to the Northwest corner of said Lot 8; thence N 61°52'51" W on the South line of said Johannes 4th Subdivision, 484.00 feet; thence S 89°04'33" W on said South line, 8.26 feet to the Northeast corner of said Sunside Subdivision; thence S 01°52'26" E on the East line of said Sunside Subdivision, 108.64 feet; thence S 88°20'06" W, 42.99 feet to the Northeast corner of Lot 7 of said Sunside Subdivision; thence S 88°04'55" W on the North line of said Lot 7, 155.00 feet to the Northwest corner of said Lot 7; thence S 01°52'45" E, 217.10 feet to the Southwest corner of Lot 8 of said Sunside Subdivision; thence N 88°05'54" E on the South line of said Lot 8, 155.02 feet; thence S 01°52'39" E, 108.48 feet to a point on the North Right-of-Way line of Minden Drive; thence N 88°05'57" E on said North Right-of-Way line, 43.04 feet; thence S 01°52'31" E, 60.00 feet to a point on the South Right-of-Way line of Minden Drive; thence S 88°07'15" W on said South Right-of-Way line, 47.96 feet to the Point of Beginning, containing 8.67 acres more or less.

**SURVEYOR'S CERTIFICATE**  
I, Terry L. Schulz, a Registered Land Surveyor of the State of Nebraska, do hereby certify that the survey described above was made by me or under my direct supervision on March 26, 2021; also that all dimensions are in feet and are correct to the best of my knowledge and belief.

Terry L. Schulz, State of Nebraska, RLS #550 Date 4-15-2021



**DEDICATION**  
We, M&M Hanson Properties, LLC, owners of the described property, SUNSIDE 2ND SUBDIVISION, hereby dedicate the streets, avenues, roads and public grounds designated upon and referred to in this Plat to the use and benefit of the public and provide all easements shown on this Plat for drainage facilities, public utilities, signs and right-of-way. We hereby make said tract of land, so shown on the above Plat, a part of the City of Columbus, Platte County, Nebraska. Said tract of land shall hereinafter be known as SUNSIDE 2ND SUBDIVISION of a tract of land located in the Southeast 1/4 of the Northwest 1/4 of Section 15, T17N, R1E of the 6th P.M., Platte County, Nebraska.

M&M Hanson Properties, LLC  
STATE OF NEBRASKA ss  
COUNTY OF PLATTE)

On this \_\_\_\_\_ day of \_\_\_\_\_, 2021, before me, the undersigned, a Notary Public, duly commissioned and qualified in and for said County and State, appeared \_\_\_\_\_ member of M&M Hanson Properties, LLC, to be personally known to be the identical persons who executed the foregoing instrument and acknowledged the signing thereof to be their voluntary act and deed.

Witness my hand and official seal on the date last written.

My Commission expires: \_\_\_\_\_

Notary Public

**COLUMBUS NEBRASKA PLANNING COMMISSION**  
This Final Plat of SUNSIDE 2ND SUBDIVISION to the City of Columbus, Nebraska, approved by the Planning Commission this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

Chairman \_\_\_\_\_

**COLUMBUS NEBRASKA CITY COUNCIL**  
This Final Plat of SUNSIDE 2ND SUBDIVISION to the City of Columbus, Nebraska, approved by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

Mayor \_\_\_\_\_ City Clerk \_\_\_\_\_

**COLUMBUS NEBRASKA SCHOOL BOARD**  
This Final Plat of SUNSIDE 2ND SUBDIVISION to the City of Columbus, Nebraska, is approved by the Columbus Public Schools on this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

School Superintendent \_\_\_\_\_



Please return to:  
Clark J. Grant #18570  
1464 27<sup>th</sup> Ave., P.O. Box 455  
Columbus, NE 68602-0455  
(402)564-3274

SUNSIDE 2<sup>ND</sup> SUBDIVISION  
DEVELOPMENT AGREEMENT

THIS AGREEMENT, made and entered into this 10 day of April, 2021, by and between M&M HANSON PROPERTIES, LLC, (hereinafter referred to as "Subdivider") and the CITY OF COLUMBUS, a Municipal Corporation in the State of Nebraska (hereinafter referred to as "City")

WITNESSETH

WHEREAS, Subdivider is the owner of the land included within the proposed plat attached hereto as Exhibit "A", commonly known as Sunside 2<sup>nd</sup> Subdivision, to the City of Columbus, Platte County, Nebraska, (hereinafter referred to as the "Area to be Developed") within the City's zoning and platting jurisdiction; and,

WHEREAS, the CITY requires public improvements in the Area to be Developed; and,

WHEREAS, the Subdivider wishes to connect the system of sanitary sewers, water, and storm sewers to be constructed within, the Area to be Developed, to the sanitary sewer, water, and storm sewer system of the City.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

For the purpose of this Development Agreement, the following words and phrases shall have the following meanings:

The "cost" or "entire cost" of a type of improvement shall be deemed to include all construction costs, engineering fees, attorneys' fees, testing expenses, publication costs, financing costs and miscellaneous costs.

"Property benefited" shall mean property within the Area to be Developed (Exhibit "A"), which will comprise 7.90 acres of property.

"Street intersections" shall be construed to mean the areas shown in the city policy for the same adopted by Resolution R96-78, which by this reference is made a part hereof.

SECTION I

Subdivider and City covenant that the following public improvements shall be installed and provided by Subdivider as set forth herein, at Subdivider's expense, subject to the exceptions and clarifications detailed herein:

A. The Subdivider will install water, sanitary and storm sewer systems and street improvements, including sidewalks and trails in accordance with city standards. The Subdivider will be responsible for the design, financing and construction of said public infrastructure improvements as detailed herein.

B. Concrete paving of internal streets, dedicated per plat (Exhibit "A"), all of said paving to be thirty three (33) feet in width and six (6) inches thick, and shall be constructed according to city standards. The entire cost of paving and storm sewer system improvements except for intersections shall be paid by the Subdivider, with exception of intersection pavement and pavement in excess of thirty-three (33) feet in width and six (6) inches in thickness. In such case, the oversized cost shall be paid for by the City, subject to final approval of plans and specifications by the City.

C. The sanitary sewer system, including, but not limited to: mains, manholes and related appurtenances shall be constructed according to city standards in dedicated street right-of-way and easement areas, per plat (Exhibit "A"), same to be located on sanitary sewer plan prepared by a Nebraska Licensed Civil Engineer. The entire cost of sanitary sewer system improvements shall be paid by the Subdivider, with exception of sanitary sewer mains located in a dedicated right-of-way or easement area that are greater than eight (8) inches. In such case the cost over 8-inches shall be paid for by the City subject to the final approval of the plans and specifications by the City.

D. The storm water sewer system, including, but not limited to: mains, inlets, manholes, and related appurtenances shall be constructed according to city standards in dedicated street right-of-way and easement areas, per plat (Exhibit "A") to be located on storm water system plan prepared by a Nebraska Licensed Civil Engineer. The Subdivider will be responsible for the design, financing and construction of said storm sewer system improvements. The entire cost of storm sewer system improvements shall be paid by the Subdivider, with exception of storm sewer mains in dedicated right-of-way that are greater than 12-inches. In such case the, the cost over 12-inches shall be paid for by the City subject to the final approval of plans and specifications by the City.

E. The water distribution system, including, but not limited to: mains, hydrants and valves shall be constructed according to city standards within a dedicated street right-of-way and easement areas per plat (Exhibit "A") on water plan prepared by a Nebraska Licensed Civil Engineer. The Subdivider will be responsible for the design, financing and construction of said water distribution improvements. The entire cost of the water distribution system and improvements shall be paid by the Subdivider, with exception of water mains located in a dedicated right-of-way or easement area that are greater than six (6) inches. In such case, the cost over 6-inches shall be paid for by the City subject to the final approval of plans and specifications by the City.

F. Natural gas distribution mains shall be located within a dedicated street right-of-way or easement areas dedicated per plat (Exhibit "A"), which Subdivider will arrange to be installed by the local gas franchisee. Any additional cost participation required by the local gas franchisee for the installation of gas mains, if any, shall be borne by the Subdivider.

G. Subdivider will arrange for underground electrical service to each buildable lot within the Area to be Developed to be provided by Loup Power District at no cost to the City. If

any relocation or adjusting of existing electrical mains are required the costs shall be borne by the Subdivider.

H. Subdivider will arrange for street lighting for public streets dedicated per plat (Exhibit "A") to be provided by Loup Power District at Subdivider's cost and at no cost to the City.

I. Subdivider will install the concrete sidewalk four feet wide and four inches thick in accordance with the American's with Disability Act and per City Code on each lot within the Area to be Developed or shall contract with the builder to construct the same at the time each lot is developed. If Subdivider fails to do so, the lot owner along with the Subdivider shall be responsible for installing the sidewalk. If any lot remains a common area lot or is located adjacent to a designated arterial or collector, Subdivider shall install the sidewalk for said lot(s) as part of the initial construction.

J. Grading for the Area to be Developed shall be completed by the Subdivider at the Subdivider's expense pursuant to the drainage and grading plan elevations to be provided by Advanced Consulting Engineering Services and submitted with the Final Plat. Post construction storm water management systems shall be installed, maintained, and fully functional in accordance with the City of Columbus Code of Ordinances, Chapter 53, at Subdivider's expense. Subdivider agrees to obtain a Nebraska Department of Environmental Quality, National Pollutant Discharge Elimination System, Construction Storm Water Notice of Intent (NOI), including the Storm Water Pollution Prevention Plan (SWPPP), prior to disturbing more than one acre. The Subdivider shall provide a copy of the NOI and SWPPP, name and contact information of the certified person/firm providing the inspections to the City as part of the City's Municipal Storm Sewer Separation System requirements. If less than one acre is disturbed, the Subdivider shall complete a small lot NOI SWPPP.

K. Subdivider agrees to not object to the creation of a Storm Sewer Extension District which would include a regional storm water treatment facility.

L. Subdivider agrees to work with the City on obtaining an easement, design, and construction of a public storm sewer on Sunside Addition, Lot 6 and Kozy Drive.

## SECTION II

Subdivider and City covenant and agree that the Subdivider will abide by and incorporate into all of its construction contracts the provisions required by the regulations of the City pertaining to construction of public improvements, and testing procedures therefor, except as otherwise provided in this Development Agreement.

## SECTION III

A. Subject to the conditions and provisions hereinafter specified, the City hereby grants permission to the Subdivider to connect its sewer system to the sewer system of the City

in such manner and at such place or places designated on plans submitted by the Subdivider's engineer and approved by the City.

B. Without prior written approval by the City, the Subdivider shall not permit any sewer lines or sewers outside the present boundaries of the Area to be Developed to connect to the sewer or sewer lines of the Area to be Developed, any sewers of the City, any outfall sewer of the City, or any sewage treatment plant of the City. The City shall have exclusive control over connections to its sewers whether inside or outside the boundaries of the Area to be Developed.

C. At all times, all sewage from and through said Area to be Developed into the City sewer system shall be in conformity with the ordinances, regulations, and conditions applicable to sewers and sewage within the City as now existing and as from time to time may be amended.

D. Before any connection from any premises to the sewer system of the Area to be Developed may be made, a permit shall be obtained for said premises, and its connection from the City, it being expressly understood that the City reserves the right to collect all connection charges and fees as required by city ordinances or rules now or hereafter in force; all such connections shall comply with minimum standards prescribed by the City.

E. Notwithstanding any other provisions of this Development Agreement, City retains the right to disconnect the sewer of any industry, or other sewer user within the Area to be Developed, which is discharging into the sewer system in violation of any applicable ordinance, statute, rule or regulations.

#### SECTION IV

All buildings built in the Area to be Developed, shall be constructed in compliance with the most recent City of Columbus Building Requirements at the time of application for the building permits, in the extent possible.

#### SECTION V

Installation of entrance signs or related fixtures and any median landscaping and related fixtures, if any, shall be paid by the Subdivider. Plans for such proposed improvements that are to be located in public right-of-way and a proposed maintenance agreement for the improvements must be submitted to the City for review and approval prior to the installation of improvements.

No separate administrative entity or joint venture, among the parties, is deemed created by virtue of the Development Agreement.

The administration of this Development Agreement shall be through the offices of the undersigned officers for their respective entities.

This Development Agreement shall be binding upon parties, their respective successors and assigns.

This Development Agreement replaces and declares void any prior agreements or resolutions regarding the development of the Area to be Developed

This Development Agreement shall be recorded at the Platte County Register of Deeds office, at the Subdivider's expense, within 30 days of final plat approval.

SECTION VI

The Subdivider shall install all public improvements within a time period of two (2) years after the signing of this Development Agreement, except that sidewalks directly in front of houses (if residential) or businesses (if commercial) shall be constructed before the Occupancy Certificate is issued or within four (4) years after the signing of this Development Agreement, whichever comes first. Any extension of this time period may be requested by the Subdivider and if said request receives a favorable recommendation of Planning Commission and approval by the City Council the deadline will be extended pursuant to the new deadline set by the City Council.

IN WITNESS WHEREOF, we the executing parties, by ourselves or our respective duly authorized agents, hereby enter into this Development Agreement:

ATTEST:

CITY OF COLUMBUS

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

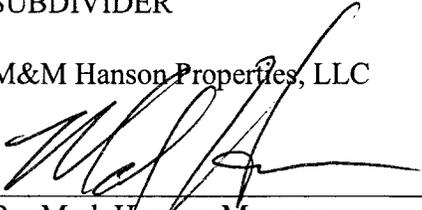
\_\_\_\_\_  
Date

APPROVED AS TO FORM

\_\_\_\_\_  
CITY ATTORNEY

SUBDIVIDER

M&M Hanson Properties, LLC

  
By: Mark Hanson, Manager

Dated this 16 day of April, 2021.

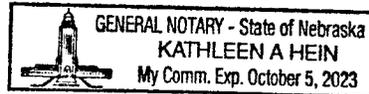
STATE OF NEBRASKA    )  
  ) ss.  
COUNTY OF PLATTE    )

On this 16 day of April, 2021, before me a Notary Public, duly commissioned and qualified in and for said County, appeared Mark Hanson, who is personally known by me to be the identical person whose name is affixed to the Development Agreement, and acknowledged the execution thereof to be his voluntary act and deed as such officer of said corporation.

Witness my hand and Notarial Seal the day and year last above written.

  
Notary Public

(My commission expires: 10-5-23)



4. **Public hearing - Application of M&M Hanson Properties, LLC to rezone property in the vicinity of Minden Drive and E 20 Avenue from "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District) and "R-3" (Multiple-Family Residential District) and amend the Future Land Use Map of the Comprehensive Plan to the extent it is inconsistent with the requested zoning changes.**

**NOTICE OF HEARING  
TO ALL PARTIES IN INTEREST AND CITIZENS OF  
COLUMBUS, NEBRASKA**

You are hereby notified that a public hearing before the Planning Commission of the City of Columbus, Nebraska, will be held on Monday, May 10, 2021, at 7 p.m. in the Council Chambers, 1369 25 Avenue, Columbus, Nebraska, on the application to rezone property located on Lots 6 and 7, Block A and Lots 2, 3, 4, and 5, Block B, Sunside 2nd Subdivision to the City of Columbus, Platte County, Nebraska from "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District) and Lot 5, Block A and Lot 1, Block B, and Lots 1 through 21, Block C, Sunside 2nd Subdivision to the City of Columbus, Platte County, Nebraska from "R-1" (Single-Family Residential District) to "R-3" (Multiple-Family Residential District) (all in the vicinity of Minden Drive and E 20 Avenue), and at said hearing, the Planning Commission will consider amending the Future Land Use Map of the Comprehensive Plan to the extent it is inconsistent with the requested zoning change, to reflect said change in zoning for said real estate and at said time and place you may appear and be heard.

City of Columbus, Nebraska  
Janelle Kline, City Clerk

Publish: 04:29:21  
Two Affidavits of Publication

**CITY OF COLUMBUS  
MEMORANDUM**

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**DATE:** 05/04/2021

**FROM:** Dan Curtis

**TO:** City Administrator Tara Vasicek

**RE:** Request to Rezone Lots 6 & 7, Block A and Lots 2,3,4 & 5, Block B, Sunside 2nd Subdivision from RR to R-2 and Rezone Lot 5, Block A, and Lot 1, Block B, and Lots 1 through 21, Block C, Sunside 2nd Subdivision from RR to R-3

**RECOMMENDATION:**

The requested zoning districts are listed above, I recommend approval of the rezoning of 6 and 7 Block A Sunside 2<sup>nd</sup> Subdivision, and Lots 2,3,4, & 5 Block B Sunside 2<sup>nd</sup> Subdivision from RR to R-2, and approval of rezoning lots 1 thru 21 Block C Sunside 2<sup>nd</sup> Subdivision from RR to R-3 and to amend the Future Land Use accordingly. In addition, I recommend Lot 5 Block A and Lot 1 Block B be rezoned to R-1 or R-2. If Lot 5 Block A and Lot 1, Block B were rezoned to R-1 or R-2 there would be a buffer between the existing R-1 zoning to the north and the proposed R-3 zoning along the south side of the property.

**DISCUSSION:**

We have received an application to rezone The property listed above from RR to R-2 and RR to R-3. I believe if Lot 5 Block A and Lot 1 Block A were rezoned either R-1 or R-2 the rezoning would make a nice buffer from the existing R-1 zoning district to the north and the proposed R-3 zoning to the south and be a good fit for the area.

**FISCAL IMPACT:**

None

**ALTERNATIVE:**

Deny the rezoning in whole or part

**SIGNATURE:**

By: Daniel Curtis

Approved By: \_\_\_\_\_



**SUNSIDE 2ND SUBDIVISION**  
of Lots 7 & 8 of Sunside Subdivision to the City of Columbus,  
Platte County, Nebraska and Part of the Southeast 1/4 of the  
Northwest 1/4 of Section 15, T17N, R1E, Platte County, Nebraska

- R-2 (Lots 6 & 7, Block A & Lots 2-5, Block B)
- R-3 (Lot 5, Block A & Lot 1, Block B & Lots 1-21, Block C)



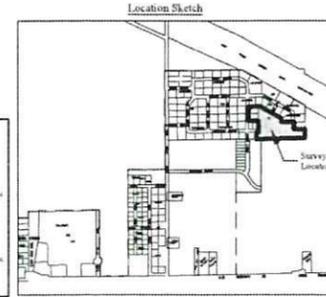
**LEGEND**

- Section Corner Point
- Property Corner Point
- Property Corner Set (25' or 20' to 1/8" = 1')
- M Measured Distance
- R Revalued Distance

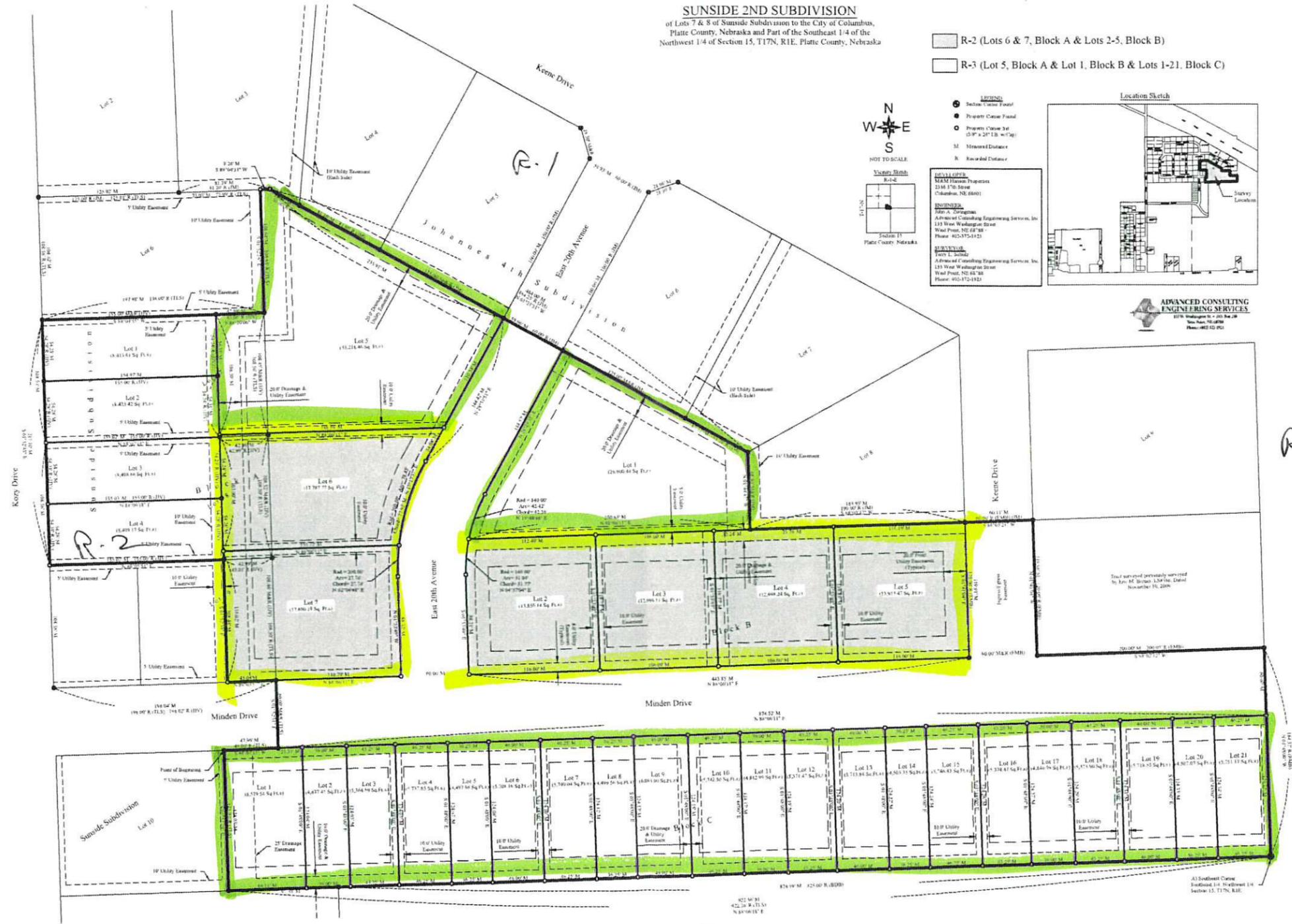
**PLATTE COUNTY**  
MEMBER PROPERTY  
2144 17th Street  
Columbus, NE 68401

**ENGINEER**  
John A. Ziegler  
Advanced Consulting Engineering Services, Inc.  
133 West Wolcott Street  
West Platte, NE 68788  
Phone: 402-575-1921

**SURVEYOR**  
Terry L. Schaefer  
Advanced Consulting Engineering Services, Inc.  
133 West Wolcott Street  
West Platte, NE 68788  
Phone: 402-575-1921



**ADVANCED CONSULTING ENGINEERING SERVICES**  
133 West Wolcott Street  
West Platte, NE 68788  
Phone: 402-575-1921



R-R



Proposed R-2



Proposed R-3

RR

## RE-ZONING APPLICATION

The following Application needs to be completed fully and submitted to the City Clerk at least twenty-one (21) calendar days before the Planning Commission Meeting at which the Application will be considered. Please complete the following:

- 1. Applicant's Name:** M&M Hanson Properties, LLC  
**Applicant's Address:** 384 Road 1, P.O. Box 353, Columbus, NE 68602  
**Applicant's Phone #:** 402-910-6781  
**Applicant's E-Mail:** michelle@muellersprinklers.com
- 2. Property Owner:** M&M Hanson Properties, LLC  
**Address of Property:** East 20th Ave. and Minden Dr.; and Minden Dr. and Keene Dr.

**Legal Description of Property:**

Lots 6 and 7, Block A and Lots 2, 3, 4, and 5, Block B, Sunside 2nd Subdivision to the City of Columbus, Platte County, Nebraska. The requested zoning is R-1 to R-2

And;

Lot 5, Block A and Lot 1, Block B, and Lots 1 through 21, Block C, Sunside 2nd Subdivision to the City of Columbus, Platte County, Nebraska. The requested zoning R-1 to R-3.

**Present Zoning Classification:** R-1

**Requested Zoning Classification:** R-2 (Two-Family Residential) and R-3 (Multiple-Family Residential)

**Description of the reason for the Re-zoning Application:** Subdivision Development for the Sunside 2nd Subdivision.

- 3. Nature and operating characteristics of the proposed use:**  
(Please attach any graphic information, including site plans, elevations or other drawings, necessary to describe the proposed use to the approving agencies)

See attached maps.

I, the undersigned, am the owner of the property described in this Application or the property owner's authorized agent.

Dated this 26th day of April, 2021.



Clark J. Grant #18570

**SUNSIDE 2ND SUBDIVISION**  
of Lots 7 & 8 of Sunside Subdivision to the City of Columbus,  
Platte County, Nebraska and Part of the Southeast 1/4 of the  
Northwest 1/4 of Section 15, T17N, R1E, Platte County, Nebraska

- R-2 (Lots 6 & 7, Block A & Lots 2-5, Block B)
- R-3 (Lot 5, Block A & Lot 1, Block B & Lots 1-21, Block C)

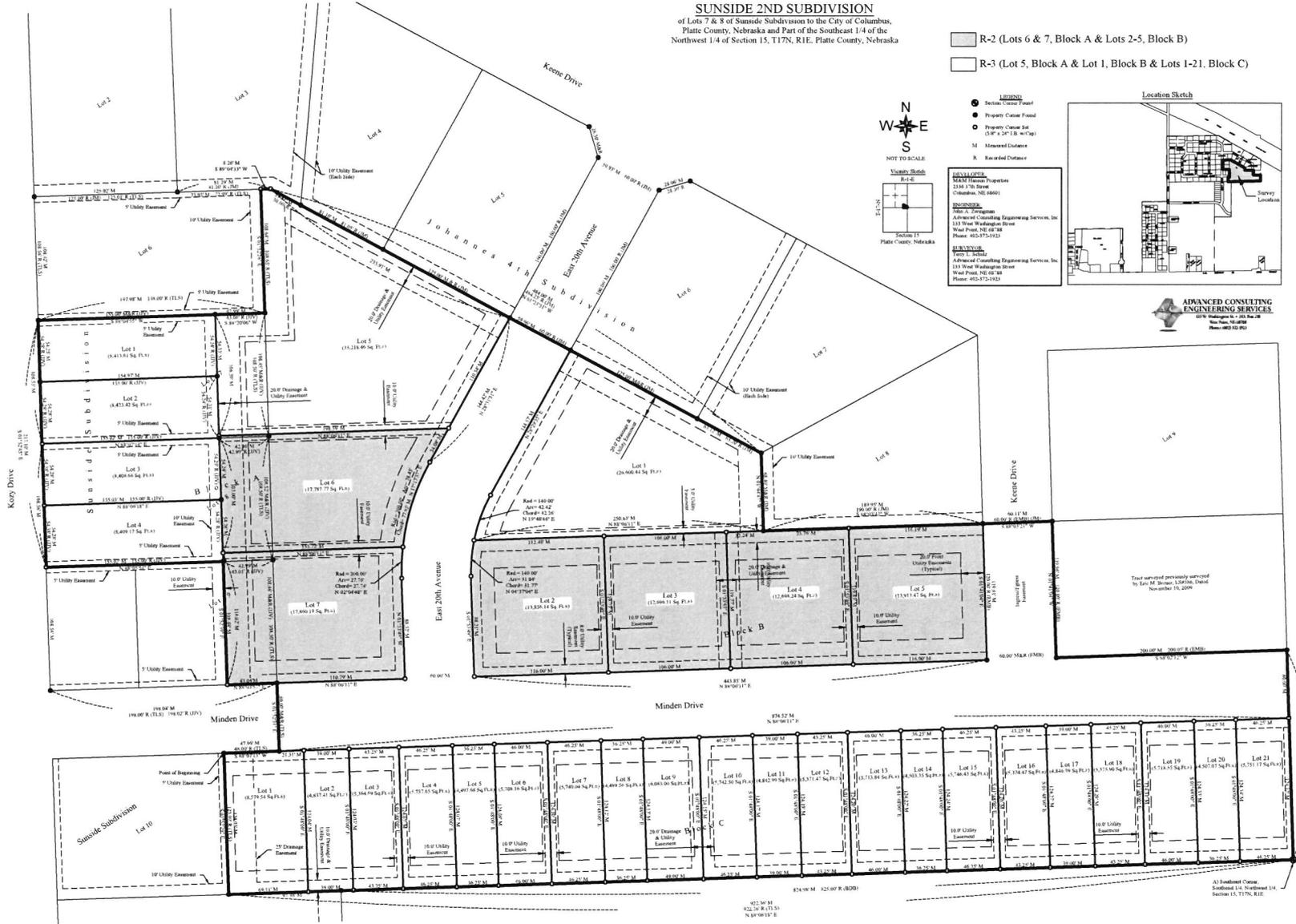
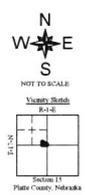
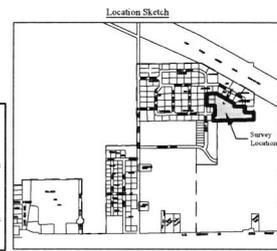
**LEGEND**

- Section Corner Point
- Property Corner Point
- Property Corner Set (SHP, LOT 13, 10/2/99)
- M Measured Distance
- R Recorded Distance

**DEEDS/OPINIONS**  
MEM Human Properties  
2324 N Street  
Columbus, NE 68601

**PLANNING**  
Mike A. Ferguson  
Advanced Consulting Engineering Services, Inc.  
113 West Washington Street  
West Point, NE 68778  
Phone: 402-572-1923

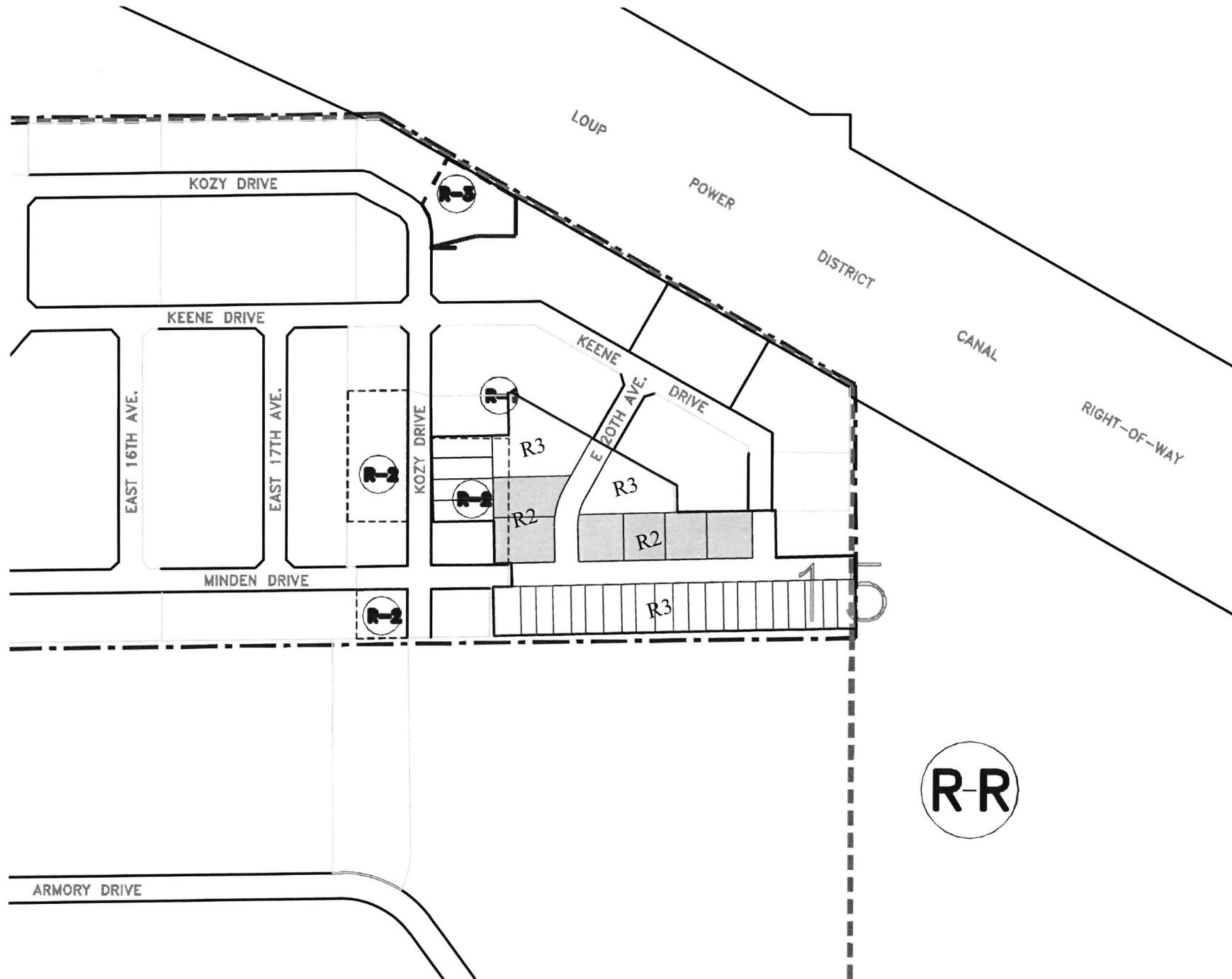
**SURVEYOR**  
Tom L. Schulz  
Advanced Consulting Engineering Services, Inc.  
113 West Washington Street  
West Point, NE 68778  
Phone: 402-572-1923



922.34' M  
922.10' R (T1.5)  
N 89°00'13" E

A3 Roadment Change  
Southeast 1/4, Northwest 1/4,  
Section 15, T17N, R1E







5. **Appointment of Nominating Committee for chair and vice chair.**
6. **Building reports for March and April, 2021.**

## City of Columbus Building Department Monthly Report

	MARCH 2021			MARCH 2020		
	Count	Permit Fees	Value	Count	Permit Fees	Value
<b>Accessory Structure</b>	5	\$392.05	\$55600.00	1	\$228.80	\$42000.00
<b>Com Alteration</b>	1	\$195.00	\$29000.00	0	\$0.00	\$0.00
<b>Com New Construction</b>	1	\$68.75	\$8000.00	0	\$0.00	\$0.00
<b>Com Plumbing</b>	1	\$28.00	\$0.00	0	\$0.00	\$0.00
<b>Com Construction</b>	0	\$0.00	\$0.00	4	\$800.40	\$129547.00
<b>Deck</b>	2	\$115.50	\$15000.00	0	\$0.00	\$0.00
<b>Demolition</b>	1	\$25.00	\$5000.00	1	\$25.00	\$4000.00
<b>Fence</b>	5	\$125.00	\$11750.00	0	\$0.00	\$0.00
<b>Plumbing</b>	14	\$27.00	\$95650.00	24	\$0.00	\$379800.00
<b>Res Addition</b>	1	\$321.75	\$65000.00	0	\$0.00	\$0.00
<b>Res Alteration</b>	4	\$656.76	\$114127.00	0	\$0.00	\$0.00
<b>Res New Construction</b>	18	\$13852.11	\$4370834.00	0	\$0.00	\$0.00
<b>Res Plumbing</b>	15	\$858.00	\$136000.00	0	\$0.00	\$0.00
<b>Res Pool</b>	1	\$25.00	\$2282.00	0	\$0.00	\$0.00
<b>Res Construction</b>	22	\$5565.14	\$1599395.00	35	\$12822.92	\$3947070.00
<b>Signs</b>	0	\$0.00	\$0.00	2	\$60.00	\$150000.00
<b>TOTAL</b>	<b>91</b>	<b>\$22255.06</b>	<b>\$6507638.00</b>	<b>67</b>	<b>\$13937.12</b>	<b>\$4652417.00</b>

## City of Columbus Building Department Monthly Report

	April 2021			April 2020		
	Count	Permit Fees	Value	Count	Permit Fees	Value
<b>Accessory Structure</b>	3	\$459.67	\$50000.00	2	\$457.11	\$83889.00
<b>Com Addition</b>	1	\$2542.50	\$1046000.00	0	\$0.00	\$0.00
<b>Com Alteration</b>	2	\$3485.68	\$1329270.00	0	\$0.00	\$0.00
<b>Com New Construction</b>	1	\$5831.25	\$2800000.00	0	\$0.00	\$0.00
<b>Com Plumbing</b>	2	\$158.00	\$58000.00	0	\$0.00	\$0.00
<b>Commercial Construction</b>	0	\$0.00	\$0.00	4	\$537.50	\$787925.00
<b>Deck</b>	11	\$607.92	\$77940.00	0	\$0.00	\$0.00
<b>Demolition</b>	4	\$75.00	\$13500.00	1	\$25.00	\$2500.00
<b>Fence</b>	37	\$925.00	\$106482.00	0	\$0.00	\$0.00
<b>Plumbing</b>	0	\$0.00	\$0.00	26	\$0.00	\$136600.00
<b>Res Addition</b>	8	\$1583.01	\$291520.00	0	\$0.00	\$0.00
<b>Res Alteration</b>	16	\$928.25	\$120500.00	0	\$0.00	\$0.00
<b>Res New Construction</b>	4	\$4543.00	\$1635000.00	0	\$0.00	\$0.00
<b>Res Plumbing</b>	19	\$1277.00	\$224100.00	0	\$0.00	\$0.00
<b>Res Pool</b>	1	\$404.04	\$86373.00	0	\$0.00	\$0.00
<b>Residential Construction</b>	0	\$0.00	\$0.00	42	\$5657.88	\$1482429.00
<b>Signs</b>	1	\$30.00	\$7000.00	2	\$60.00	\$16000.00
<b>TOTAL</b>	<b>110</b>	<b>\$22850.32</b>	<b>\$7845685.00</b>	<b>77</b>	<b>\$6737.49</b>	<b>\$2509343.00</b>

**7. Adjournment.**