Planning Commission
Monday, June 14, 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 instate 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 instate 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 May 10, 2021, meeting.**

PLANNING COMMISSION
May 10, 2021

A meeting of the Planning Commission of the City of Columbus, Nebraska, was convened in open and public session on May 10, 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 available at this meeting. Present were Members Steve Anderson, Bob Elsasser, Kim Hoefer, Fernando Lopez, Jr., Josh Mueller, Brent Ogle, and Kristy Spawn. Members Colleen Bray and Chad Kucera were absent and excused. City staff members included City Attorney Gene Schumacher, City Engineer Rick Bogus, Community Development Director Dan Curtis, and Assistant City Clerk Robin Efta. Also present was Mayor James Bulkley.

2. **Minutes of April 12, 2021, meeting:** The minutes were approved as presented with a motion by Mueller and a second by Elsasser. Anderson, Elsasser, Hoefer, Lopez, Mueller, Ogle, and Spawn voted “Aye” and none voted “Nay”. Bray and Kucera were absent.

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):** John Zwingman, Advanced Consulting Engineering Services on behalf of the applicant, stated that the final plat is substantially consistent with the preliminary plat. He described the area, explained the plans for drainage, and noted they have agreed to the terms of the Regional Storm Water Treatment and Storm Sewer Extension District. Russell Rahtz, 2126 Keene Drive, stated that he spoke with multiple neighbors who are all in agreement with him and expressed opposition due to the following concerns: 1) E 14 Avenue is the only access to the area; 2) increase in traffic at the intersection of E 14 Avenue and Highway 30 which already experiences traffic congestion and safety problems; 3) drainage issues; 4) fire and rescue response time; 5) children’s safety with truck traffic from the Armory; and 6) the addition of multiple-family dwellings in a neighborhood of single-family dwellings would change the dynamics of the neighborhood. The public hearing closed with a motion by Mueller and a second by Lopez. Elsasser, Hoefer, Lopez, Mueller, Ogle, Spawn, and Anderson voted “Aye” and none voted “Nay”. Bray and Kucera were absent. A recommendation was made to the mayor and council to approve the final plat and development agreement of Sunside 2nd Subdivision with a motion by Elsasser and a second by Lopez as it is consistent with the Preliminary Plat. Hoefer, Lopez, Mueller, Ogle, Spawn, Anderson, and Elsasser voted “Aye” and none voted “Nay”. Bray and Kucera were absent.

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:** Clark Grant, attorney on behalf of the applicant, addressed some of Mr. Rahtz's concerns and explained that they have agreed to the city's recommendation to change the rezoning for Lot 5, Block A and Lot 1, Block B, from "R-3" to "R-2" so there would be a buffer from the existing zoning to the north. The "R-3" zoning request for Lots 1 through 21, Block C, is to have seven tri-plex buildings and the developer has agreed to build a portion of the storm water extension as part of the street extension which will help control traffic. He noted Mr. Hanson was available for questions. Daniel Betz, 1907 Keene Drive, expressed support of rezoning the two northern lots from "R-3" to "R-2". Otis Pierce, 3253 E 15 Avenue, expressed opposition due to the width and poor condition of E 14 Avenue, the congestion at the intersection of E 14 Avenue and Highway 30, and children's safety with the increase in traffic. Penny Rausch, 1821 Keene Drive, spoke in opposition due to increase in volume of traffic, the poor condition of E 14 Avenue, the gravel road that goes to the by-pass, and children's safety with the increase in traffic. It was noted that the platting of Lot 1, adjacent to an existing single-family residential district, includes an allowance for a side yard and buffer and the southern lots would not be large enough for a three-story apartment complex. Bogus noted that the gravel road is a county road and the city has a project under contract to reconstruct E 14 Avenue from 23 Street north past Johannes Addition and said the project will start later this year. He said the intersection of E 14 Avenue and 23 Street will continue to be monitored to determine whether a traffic signal is warranted. The public hearing closed with a motion by Mueller and a second by Lopez. Lopez, Mueller, Ogle, Spawn, Anderson, Elassser, and Hoefer voted "Aye" and none voted "Nay". Bray and Kucera were absent. A recommendation was made to the mayor and council to approve the rezoning application of M&M Hanson Properties, LLC with the change of Lot 5, Block A and Lot 1, Block B to be rezoned to "R-2" instead of "R-3" and amend the Future Land Use Map accordingly with a motion by Lopez and a second by Ogle as it would be a good fit for the area. Mueller, Ogle, Spawn, Anderson, Elsasser, Hoefer, and Lopez voted "Aye" and none voted "Nay". Bray and Kucera were absent.

5. **Appointment of Nominating Committee for chair and vice chair:** Chair Anderson appointed Members Elsasser and Ogle to serve as members of the Nominating Committee to bring nominations for chair and vice chair to the June 14, 2021, planning commission meeting.

6. **Building reports for March and April, 2021:** Curtis explained that with the new BS&A software, they are working on merging data. The building reports were approved as presented with a motion by Elsasser and a second by Ogle. Ogle, Spawn, Anderson, Elsasser, Hoefer, Lopez, and Mueller voted "Aye" and none voted "Nay". Bray and Kucera were absent.

7. **Adjournment:** The meeting adjourned at 7:40 p.m.

OFFICE OF THE CITY CLERK
: Robin Efta

3. **Public hearing - Application of Growth Properties, LLC for special use permit to allow a single-family detached residential home in a "B-2" (General Commercial District) zone at 3023 13 Street.**

**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, June 14, 2021, at 7 p.m. in the Council Chambers, 1369 25 Avenue, Columbus, Nebraska, on the application for a Special Use Permit to allow a single-family detached residential home on the following described real estate in an "B-2" (General Commercial District) zone: the West 77 feet of Lot 2, Block F, Becker's Subdivision of Outlot 8, to the City of Columbus, Platte County, Nebraska (3023 13 Street) and at said time and place you may appear and be heard.

CITY OF COLUMBUS, NEBRASKA
By: Janelle Kline
City Clerk

Publish: 06:03:21
Two Affidavits of Publication

# CITY OF COLUMBUS
# MEMORANDUM

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**DATE**: June 9, 2021

**FROM**: Daniel Curtis

**TO:** City Administrator Tara Vasicek

**RE:** Special Use Permit to allow a Single-Family Dwelling in a B-2 Zone at 3023 13 Street

**RECOMMENDATION:**

I recommend approval of the Special Use permit to allow a Single-Family dwelling in a B-2 zoning district at 3023 13th Street. There are other dwellings located along 13th Street and I believe this is a good use of the property.

**DISCUSSION:**

We have received an application for a Special Use Permit to allow a Single-Family dwelling in a B-2 zoning district. If approved the owner will bring the structure up to dwelling code standards including egress windows, smoke detectors and adding a kitchen.

**FISCAL IMPACT:**

None

**ALTERNATIVE:**

Deny the Special Use Permit

**SIGNATURE:**

By: Daniel Curtis

Approved By: Tara Vasicek

REC'D 5/17/2021

## SPECIAL USE PERMIT APPLICATION

An application for a Special Use Permit may be filed with the Community Development Director's office. Any such application will not be deemed submitted until all of the stated information is included. It is the responsibility of the applicant to provide all of the requested information. Incomplete applications WILL NOT be placed on the Planning Commission agenda until all such missing information is provided. Such completed application shall be submitted to the Community Development Director's office at least 21 calendar days (including Holidays) before the Planning Commission meeting at which time the public hearing on the application will be held.

APPLICANT/PROPERTY OWNER NAME: **Growth Properties, LLC**

APPLICANT MAILING ADDRESS: **3120 36 Street, Columbus NE 68601**

APPLICANT PHONE NUMBER: **402 / 564.5827**

APPLICANT EMAIL ADDRESS: **robc@cruise-associates.com**

LEGAL REPRESENTATION FIRM/ATTORNEY: **Fehringer & Mielak, LLP**

ATTORNEY PHONE NUMBER: **402 / 942.9513**

ATTORNEY EMAIL ADDRESS: **thomas.fehringer@fmflaw.com**

ADDRESS OF PROPERTY: **3023 13 Street, Columbus NE 68601**

LEGAL DESCRIPTION OF PROPERTY:

**The West 77 feet of Lot 2, Block F, Becker's Subdivision of Outlot 8, to the City of Columbus, Platte County, Nebraska.**

PRESENT ZONING CLASSIFICATION: **B-2**

DESCRIPTION OF THE REASON FOR THE SPECIAL USE PERMIT APPLICATION:

**To Use the Property as a Single Family-Detached residential home.**

NATURE AND OPERATING CHARACTERISTICS OF THE PROPOSED USE: (Include aerial image of proposed development on property and existing surrounding zoning classifications, any graphic information, including site plans, elevations or other drawings, necessary to describe the proposed use): See attached Exhibits A & B.

Dated: May 17, 2021.

By: Robert Cruise, Authorized Member of
Growth Properties, LLC, Owner

EXHIBIT

A

31st
Home
710077441
Home
710077448
710077455
Home
710077539
Home
710077462
Home
710077483
Home
710077469
Home
Business
710077476
30th AVE
13th STREET
Business
TWN:17
RNG:1E
710077644
31st AVENUE
Subject Property
710077679
Business
710077672
19
Home
710077665
Home
710077658
30th AVENUE
NION PACIFIC
Business
1
710125797
Business
710125804
2
Business
710125811
3
SUBDIVISION
299.54'
299.48'
150.08'
150.23'
150.38'
143'
132'
80'
555
50'

EXHIBIT

B

4. **Public hearing - Application of Meadow Ridge Properties, LLC to rezone property in the vicinity of 42 Street and 54 Avenue from "RR" (Rural Residential District) to "R-1" (Single-Family Residential District).**

**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, June 14, 2021, at 7 p.m. in the Council Chambers, 1369 25 Avenue, Columbus, Nebraska, on the application to rezone a tract of land located in the N1/2SW1/4SE1/4 of Section 11, Township 17 North, Range 1 West of the 6th P.M., Platte County, Nebraska, more particularly described as follows: Commencing at the Northwest Corner of the N1/2SW1/4SE1/4 of Section 11, Township 17 North, Range 1 West of the 6th P.M., Platte County, Nebraska; thence S 02°05'54" E on the West line of said North 1/2, 82.07 feet to the Point of Beginning; thence N 88°06'37" E, 558.41 feet to the Northwest corner of Meadow Ridge Seventh Addition to the City of Columbus, Platte County, Nebraska; thence S 02°12'51" E on the West line of said Meadow Ridge Seventh Addition, 277.92 feet to the Southwest corner of said Meadow Ridge Seventh Addition; thence S 88°06'52" W on the North line of Meadow Ridge Eighth Addition to the City of Columbus, Platte County, Nebraska, 125.00 feet to the Northwest Corner of said Meadow Ridge Eighth Addition; thence S 02°14'17" E, 21.05 feet; thence S 87°45'45" W, 434.04 feet to a point on the West line of the SW1/4SE1/4; thence N 02°05'39" W on said West line, 301.60 feet to the Point of Beginning, containing 3.79 acres more or less; and a tract of land located in the NW1/4NE1/4 of Section 14, Township 17 North, Range 1 West of the 6th P.M., Platte County, Nebraska, more particularly described as follows: Beginning at the Northwest corner of Lot 1, Block A, Whispering Meadows Addition to the City of Columbus, Platte County, Nebraska; thence S 02°06'31" E on the West line of said Lot 1, 138.64 feet to the Southwest corner of said Lot 1; thence S 02°02'27" E on the West line of said Whispering Meadows Addition, 211.75 feet to the Southwest corner of Lot 2, Block B of said Whispering Meadows Addition said point being on the North line of Meadow View Subdivision to the City of Columbus, Platte County, Nebraska; thence S 87°56'39" W on said North line, 104.82 feet; thence S 42°55'35" W on said North line, 113.13 feet to a point on the West line of said Meadow View Subdivision; thence S 02°04'06" E on said West line, 93.82 feet to the Northeast corner of Lot 5, Block 1 of Westbrook Apartment Subdivision to the City of Columbus, Platte County, Nebraska; thence S 88°06'58" W on the North line of said Westbrook Apartment Subdivision, 350.00 feet; thence N 33°13'02" W, 191.18 feet; thence N 14°03'16" W, 253.57 feet; thence N 30°17'03" W, 26.24 feet; thence N 59°42'57" E, 374.00 feet to a point on the West line of Meadow Ridge Eighth Addition to the City of Columbus, Platte County, Nebraska; thence S 30°17'03" E on the West line of said Meadow Ridge Eighth Addition, 180.00 feet to the Southwest corner of Lot 10-R of said Meadow Ridge Eighth Addition; thence N 59°45'15" E on the South line of said Lot 10-R, 149.92 feet to the Southwest corner of Meadow Ridge Subdivision to the City of Columbus, Platte County, Nebraska; thence N 88°12'13" E on the South line of said Meadow Ridge Subdivision, 151.95 feet to the Point of Beginning, containing 7.00 acres more or less (vicinity of 42 Street and 54 Avenue) from “RR” (Rural Residential District) to “R-1” (Single-Family Residential District) and at said time and place you may appear and be heard.

City of Columbus, Nebraska
Janelle Kline, City Clerk

Publish: 06:03:21
Two Affidavits of Publication

# CITY OF COLUMBUS
# MEMORANDUM

---

**DATE**: June 9, 2021

**FROM**: Daniel Curtis

**TO:** City Administrator Tara Vasicek

**RE:** Rezoning vicinity of 42 St & 54 Ave from RR to R-1

**RECOMMENDATION:**

I recommend approval of this rezoning.

**DISCUSSION:**

We have received an application to rezone property in the vicinity of 42 Street and 54 Ave from RR to R-1. The developer intends to construct single-family homes on the property. I believe R-1 is compatible with the area and recommend approval.

**FISCAL IMPACT:**

None

**ALTERNATIVE:**

Deny the Application

**SIGNATURE:**

By: Daniel Curtis

Approved By: Tara Vasicek

# REZONING APPLICATION

An application for a Rezoning may be filed with the Community Development Director's office. Any such application will not be deemed submitted until all of the stated information is included. It is the responsibility of the applicant to provide all of the requested information. Incomplete applications WILL NOT be placed on the Planning Commission agenda until all such missing information is provided. Such completed application shall be submitted to the Community Development Director's office at least 21 calendar days (including Holidays) before the Planning Commission meeting at which time the public hearing on the application will be held.

APPLICANT/PROPERTY OWNER NAME: **Meadow Ridge Properties, LLC**

APPLICANT MAILING ADDRESS: **4811 37 Street Columbus NE 68601**

APPLICANT PHONE NUMBER: **402 / 562-8155**

APPLICANT EMAIL ADDRESS: **charles@walkerfoundations.com**

ATTORNEY/FIRM: **Fehringer & Mielak LLP**

ATTORNEY PHONE NUMBER: **402 / 942-9513**

ATTORNEY EMAIL ADDRESS: **thomas.fehringer@fmflaw.com**

ADDRESS OF PROPERTY TO BE REZONED: **Rural**

LEGAL DESCRIPTION OF PROPERTY:

**A tract of land located in the N½SW¼SE¼ of Section 11, Township 17 North, Range 1 West of the 6th P.M., Platte County, Nebraska, more particularly described as follows: Commencing at the Northwest Corner of the N½SW¼SE¼ of Section 11, Township 17 North, Range 1 West of the 6th P.M., Platte County, Nebraska; thence S 02°05'54" E on the West line of said North 1/2, 82.07 feet to the Point of Beginning; thence N 88°06'37" E, 558.41 feet to the Northwest corner of Meadow Ridge Seventh Addition to the City of Columbus, Platte County, Nebraska; thence S 02°12'51" E on the West line of said Meadow Ridge Seventh Addition, 277.92 feet to the Southwest corner of said Meadow Ridge Seventh Addition; thence S 88°06'52" W on the North line of Meadow Ridge Eighth Addition to the City of Columbus, Platte County, Nebraska, 125.00 feet to the Northwest Corner of said Meadow Ridge Eighth Addition; thence S 02°14'17" E, 21.05 feet; thence S 87°45'45" W, 434.04 feet to a point on the West line of the SW¼SE¼; thence N 02°05'39" W on said West line, 301.60 feet to the Point of Beginning, containing 3.79 acres more or less ("Meadow Ridge 9th Addition"); and**

**A tract of land located in the NW¼NE¼ of Section 14, Township 17 North, Range 1 West of the 6th P.M., Platte County, Nebraska, more particularly described as follows: Beginning at the Northwest corner of Lot 1, Block A, Whispering Meadows Addition to the City of Columbus, Platte County, Nebraska; thence S 02°06'31" E on the West line of said Lot 1, 138.64 feet to the Southwest corner of said Lot 1; thence S 02°02'27" E on the West line of said Whispering Meadows Addition, 211.75 feet to the Southwest corner of Lot 2, Block B of said Whispering Meadows Addition said point being on the North line of Meadow View Subdivision**

**to the City of Columbus, Platte County, Nebraska; thence S 87°56'39" W on said North line, 104.82 feet; thence S 42°55'35" W on said North line, 113.13 feet to a point on the West line of said Meadow View Subdivision; thence S 02°04'06" E on said West line, 93.82 feet to the Northeast corner of Lot 5, Block 1 of Westbrook Apartment Subdivision to the City of Columbus, Platte County, Nebraska; thence S 88°06'58" W on the North line of said Westbrook Apartment Subdivision, 350.00 feet; thence N 33°13'02" W, 191.18 feet; thence N 14°03'16" W, 253.57 feet; thence N 30°17'03" W, 26.24 feet; thence N 59°42'57" E, 374.00 feet to a point on the West line of Meadow Ridge Eighth Addition to the City of Columbus, Platte County, Nebraska; thence S 30°17'03" E on the West line of said Meadow Ridge Eighth Addition, 180.00 feet to the Southwest corner of Lot 10-R of said Meadow Ridge Eighth Addition; thence N 59°45'15" E on the South line of said Lot 10-R, 149.92 feet to the Southwest corner of Meadow Ridge Subdivision to the City of Columbus, Platte County, Nebraska; thence N 88°12'13" E on the South line of said Meadow Ridge Subdivision, 151.95 feet to the Point of Beginning, containing 7.00 acres more or less ("Meadow Ridge 10th Addition"); and**

PRESENT ZONING CLASSIFICATION: **RR**

REQUESTED ZONING CLASSIFICATION: **R-1**

DESCRIPTION OF THE REASON FOR THE REZONING APPLICATION:

**To allow Applicant to use the Property for single-family residential unit purposes.**

NATURE AND OPERATING CHARACTERISTICS OF THE PROPOSED USE: (Include aerial image of proposed development on property and existing surrounding zoning classifications, any graphic information, including site plans, elevations or other drawings, necessary to describe the proposed use).

**To allow Applicant to use the Property for single-family residential unit purposes by eventually subdividing the Property and offering the same for sale to others for purposes of building single-family residential units.**

**See attached Exhibit "A" for a copy of the Preliminary Plat of Meadow Ridge 9th Addition.**

**See attached Exhibit "B" for a copy of the Preliminary Plat of Meadow Ridge 10th Addition.**

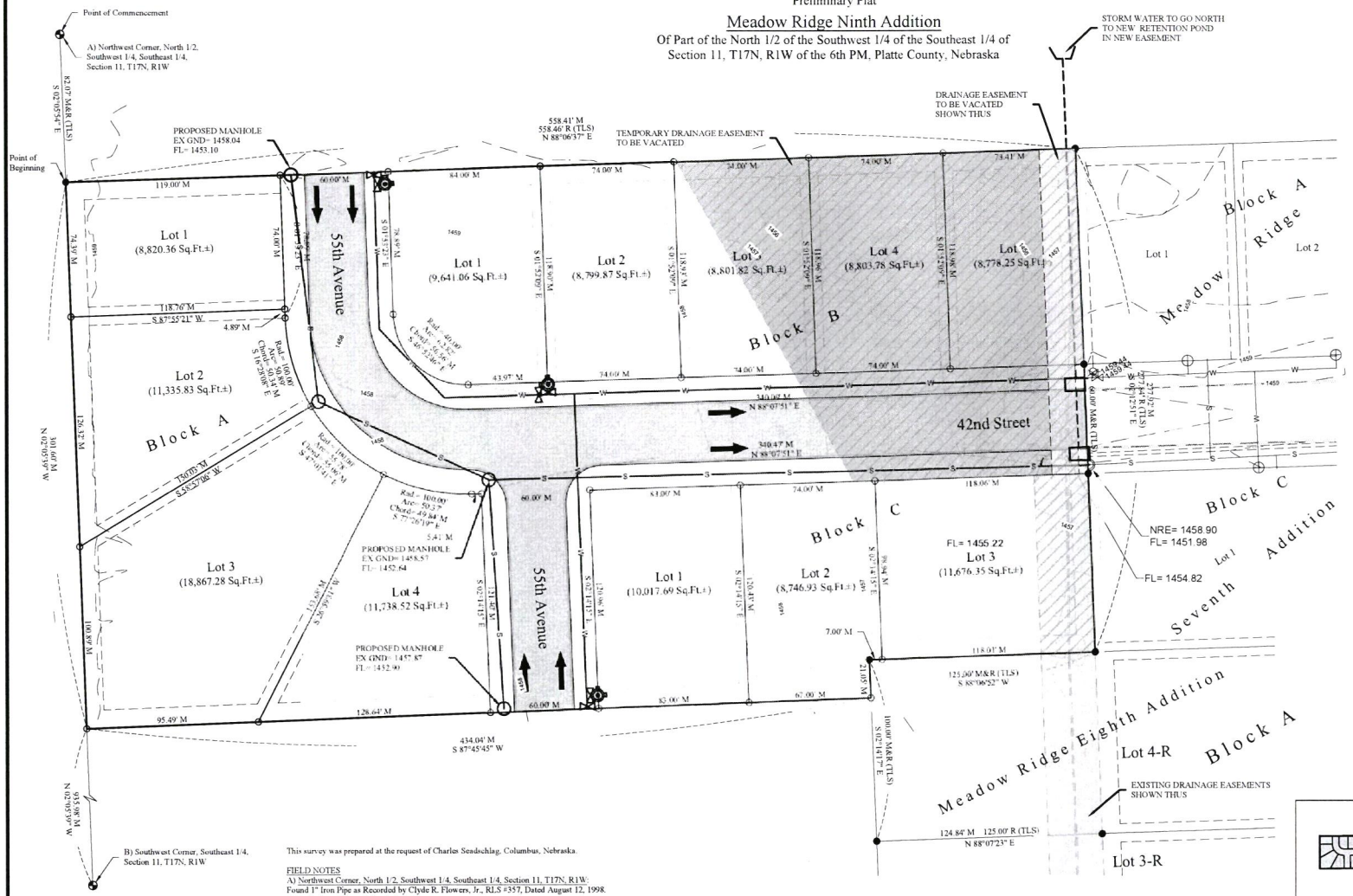
DATED: May 21, 2021.

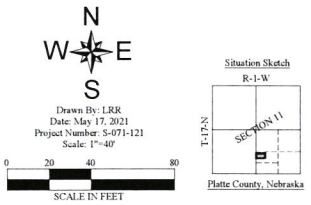
Charles B. Seadschlag, Authorized Member of
Meadow Ridge Properties, LLC, Owner

Preliminary Plat

# Meadow Ridge Ninth Addition

Of Part of the North 1/2 of the Southwest 1/4 of the Southeast 1/4 of Section 11, T17N, R1W of the 6th PM, Platte County, Nebraska




**LEGEND**

- Section Corner Found
- Property Corner Found
- Set Property Corner
- M Measured Distance
- R Recorded Distance (TLS) Terry L. Schulz, LS #550 Dated July 5, 2019

**DEVELOPER/OWNER:**
Meadow Ridge Properties, LLC
4811 37th Street
Columbus, NE 68601

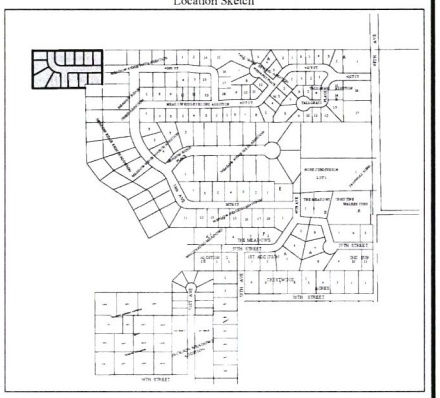
**ENGINEER:**
John A. Zwingman
Advanced Consulting Engineering Services, Inc.
133 West Washington Street
West Point, NE 68788
Phone: 402-372-1923

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

**ZONING**
Existing Zone: RR
Proposed Zone: R2

- 20' Front and Street Side Setbacks
- 7' Interior Side Setbacks
- 25' Rear Setbacks

Location Sketch



City of Columbus, Platte County, Nebraska

This survey was prepared at the request of Charles Seadschlag, Columbus, Nebraska.

**FIELD NOTES**

A) Northwest Corner, North 1/2, Southwest 1/4, Southeast 1/4, Section 11, T17N, R1W:
Found 1" Iron Pipe as Recorded by Clyde R. Flowers, Jr., RLS #357, Dated August 12, 1998.
8.32' North to Nail and Disc in Brace Post.
0.80' SSE to Nail and Disc in Corner Fence Post.
8.02' West to Nail and Disc in Brace Post.

B) Southwest Corner, Southeast 1/4, Section 11, T17N, R1W: Found 3 1/2" Aluminum Cap.
0.5' East to Range of Fence North-South.
28.85' North to Aluminum Cap.
17.50' South to Nail and Disk in Fence Post.
0.60' SE to Nail and Disk in Fence Post.
0.69' SE to Nail in Top Fence Post.

**LEGAL DESCRIPTION**

A tract of land located in the North 1/2 of the Southwest 1/4 of the Southeast 1/4 of Section 11, T17N, R1W of the 6th P.M., Platte County, Nebraska, more particularly described as follows:

Commencing at the Northwest Corner of the North 1/2 of the Southwest 1/4 of the Southeast 1/4 of Section 11, T17N, R1W of the 6th P.M., Platte County, Nebraska; thence S 02°05'54" E on the West line of said North 1/2, 82.07 feet to the Point of Beginning; thence N 88°06'37" E, 558.41 feet to the Northwest corner of Meadow Ridge Seventh Addition to the City of Columbus, Platte County, Nebraska; thence S 02°12'51" E on the West line of said Meadow Ridge Seventh Addition, 277.92 feet to the Southwest corner of said Meadow Ridge Seventh Addition; thence S 88°06'52" W on the North line of Meadow Ridge Eighth Addition to the City of Columbus, Platte County, Nebraska, 125.00 feet to the Northwest Corner of said Meadow Ridge Eighth Addition; thence S 02°14'17" E, 21.05 feet; thence S 87°45'45" W, 434.04 feet to a point on the West line of the Southwest 1/4 of said Southeast 1/4; thence N 02°05'39" W on said West line, 301.60 feet to the Point of Beginning, containing 3.79 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 on May 17, 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, R.L.S. #550 Date

NEBRASKA REGISTERED LS-550 LAND SURVEYOR TERRY L. SCHULZ

**COLUMBUS NEBRASKA PLANNING COMMISSION**

This Preliminary Plat of MEADOW RIDGE NINTH ADDITION to the City of Columbus, Nebraska

approved by the Planning Commission this _____day of _____, 2021

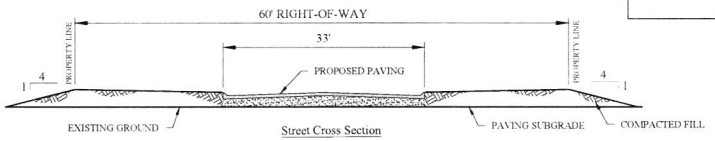
Chairman

**COLUMBUS NEBRASKA CITY COUNCIL**

This Preliminary Plat of MEADOW RIDGE NINTH ADDITION to the City of Columbus, Nebraska

approved by the City Council this_____ day of _____, 2021.

Mayor City Clerk





ADVANCED CONSULTING ENGINEERING SERVICES
133 W. Washington St. • P.O. Box 218
West Point, NE 68788
Phone: (402) 372-1923


EXHIBIT A

Preliminary Plat

# Meadow Ridge Tenth Addition

Of Part of the Northwest 1/4 of the Northeast 1/4 of
Section 14, T17N, R1W of the 6th PM, Platte County, Nebraska

N
W E
S

Drawn By: LKR
Date: May 17, 2021
Project Number: 5-071-121
Scale: 1"=60'

0 20 40 80
SCALE IN FEET

Situation Sketch

R-1-W
T-17-N
SECTION 14
Platte County, Nebraska

ZONING
Existing Zone: RR
Proposed Zone: R2

- 20' Front and Street Side Setbacks
- 7' Interior Side Setbacks
- 25' Rear Setbacks

LEGEND

- Section Corner Found
- Property Corner Found
- Set Property Corner
- M Measured Distance
- R Recorded Distance (TLS) Terry L. Schulz, LS #550 Dated December 30, 2013, July 5, 2019


DEVELOPER/OWNER:
Meadow Ridge Properties, LLC
4811 37th Street
Columbus, NE 68601

ENGINEER:
John A. Zwingman
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


Location Sketch

City of Columbus,
Platte County, Nebraska

This survey was prepared at the request of Charles Sendschlag, Columbus, Nebraska

LEGAL DESCRIPTION
A tract of land located in the Northwest 1/4 of the Northeast 1/4 of Section 14, T17N, R1W of the 6th P.M., Platte County, Nebraska, more particularly described as follows:

Beginning at the Northwest corner of Lot 1, Block A, Whispering Meadows Addition to the City of Columbus, Platte County, Nebraska; thence S 02°00'31" E on the West line of said Lot 1, 138.64 feet to the Southwest corner of said Lot 1; thence S 02°02'27" E on the West line of said Whispering Meadows Addition, 231.75 feet to the Southwest corner of Lot 2, Block B of said Whispering Meadows Addition; said point being on the North line of Meadow View Subdivision to the City of Columbus, Platte County, Nebraska; thence S 87°56'39" W on said North line, 104.82 feet; thence S 42°55'35" W on said North line, 113.13 feet to a point on the West line of said Meadow View Subdivision; thence S 02°04'06" E on said West line, 91.82 feet to the Northeast corner of Lot 5, Block I of Westbrook Apartment Subdivision; thence S 88°06'58" W, on the North line of said Westbrook Apartment Subdivision, 350.00 feet; thence N 33°11'02" W, 191.18 feet; thence N 14°01'16" W, 253.57 feet; thence N 86°17'07" W, 26.24 feet; thence N 59°42'57" E, 174.00 feet to a point on the West line of Meadow Ridge Eighth Addition to the City of Columbus, Platte County, Nebraska; thence S 30°17'03" E on the West line of said Meadow Ridge Eighth Addition, 180.00 feet to the Southwest corner of Lot 10-R of said Meadow Ridge Eighth Addition; thence N 59°43'15" E on the South line of said Lot 10-R, 149.92 feet to the Southwest corner of Meadow Ridge Subdivision to the City of Columbus, Platte County, Nebraska; thence N 88°12'13" E on the South line of said Meadow Ridge Subdivision, 151.95 feet to the Point of Beginning, containing 7.00 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 May 17, 2021, also that all dimensions are in feet and are correct to the best of my knowledge and belief.

NEBRASKA REGISTERED LS-550 LAND SURVEYOR TERRY L. SCHULZ

Terry L. Schulz, State of Nebraska, R.L.S. #550 Date

COLUMBUS NEBRASKA PLANNING COMMISSION
This Preliminary Plat of MEADOW RIDGE TENTH ADDITION to the City of Columbus, Nebraska

approved by the Planning Commission this _____ day of _____, 2021.

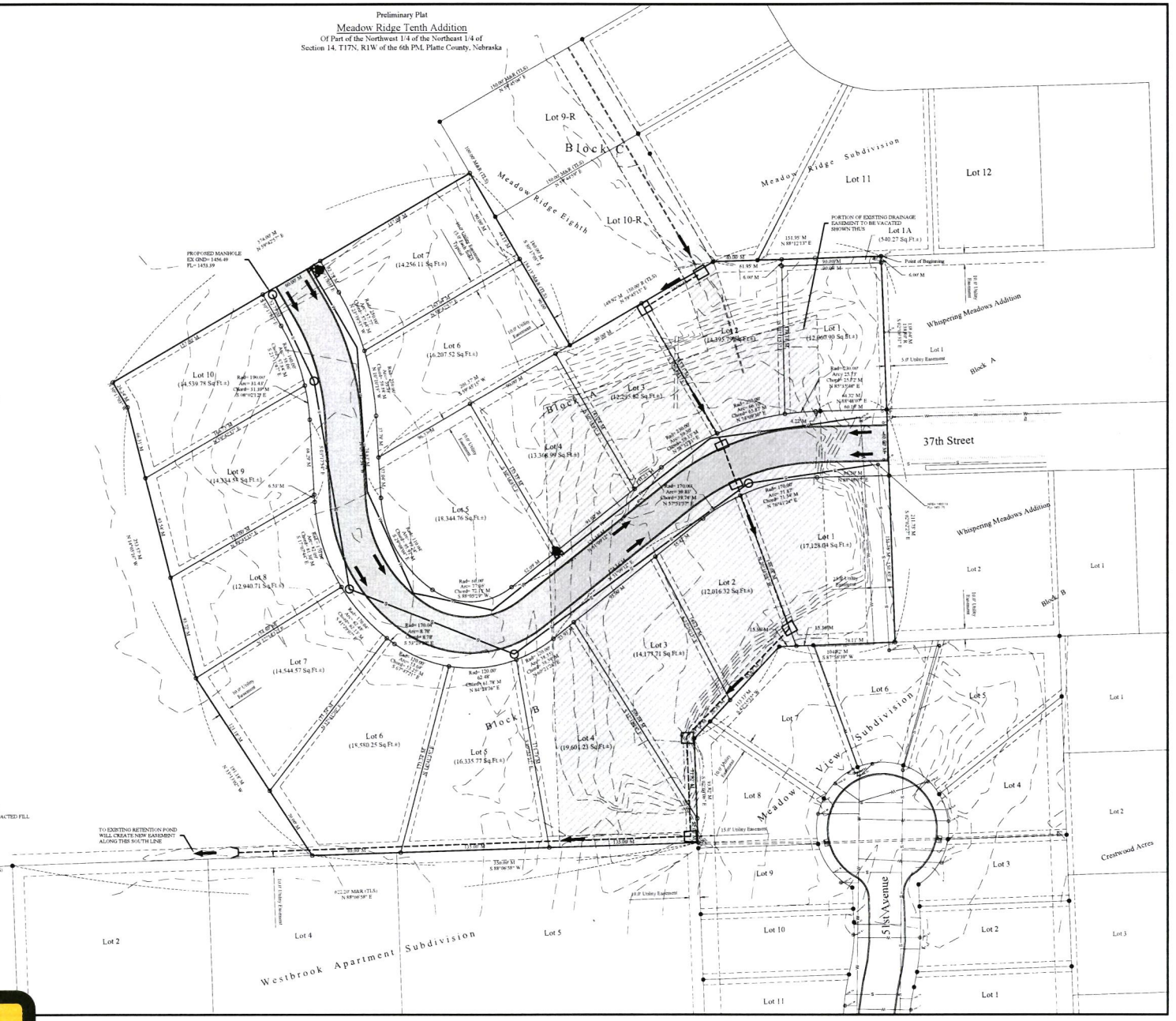
Chairman

COLUMBUS NEBRASKA CITY COUNCIL
This Preliminary Plat of MEADOW RIDGE TENTH ADDITION to the City of Columbus, Nebraska

approved by the City Council this _____ day of _____, 2021.

Mayor City Clerk

Street Cross Section




ADVANCED CONSULTING ENGINEERING SERVICES
133 W. Washington St. • P.O. Box 280
West Point, NE 68788
Phone: (402) 372-1923

EXHIBIT
B

5. **Public hearing - Application of Providing Property Solutions, LLC to rezone property located at 3770 18 Avenue from "R-1" (Single-Family Residential District) to "R-3" (Multiple-Family Residential District) and amend the Future Land Use Map of the Comprehensive Plan.**

**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, June 14, 2021, at 7 p.m. in the Council Chambers, 1369 25 Avenue, Columbus, Nebraska, on the application to rezone a tract of land located in the NE1/4 NE1/4 NE1/4 of Section 18, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska, more particularly described as follows: Beginning at a point on the East Section line of Section 18, Township 17 North, Range 1 East of the 6th P.M., located 33.0 feet South of the Northeast corner of said Section; thence South along the East line of said Section 18 a distance of 384.42 feet; thence West and parallel to the North line of said Section 18, 260.91 feet; thence North and parallel to the East line of said Section 18, 384.42 feet; said point being 33.0 feet South of the North line of said Section 18, thence East 260.91 feet to the point of beginning; EXCEPT a tract of land located in the NE1/4 NE1/4 of Section 18, Township 17 North, Range 1 East of the 6th PM., Platte County, Nebraska, more particularly described as: Beginning at a point on the East Section line of Section 18, Township 17 North, Range 1 East of the 6th P.M., located 33.0 feet South of the Northeast corner of said Section, thence South along the East line of said Section 18, a distance of 366.35 feet to a point; thence Northwesterly at an interior angle of 30°22'12" with the last described course a distance of 428.62 feet to a point 33.0 feet South of the North line of said Section 18; thence East parallel to the North line of said Section 18 a distance of 216.18 feet to the point of beginning (3770 18 Avenue) from "R-1" (Single-Family Residential District) to "R-3" (Multiple-Family Residential District) and at said hearing, the Planning Commission will consider amending the Future Land Use Map of the Comprehensive Plan to reflect the same 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: 06:03:21
Two Affidavits of Publication

# CITY OF COLUMBUS
# MEMORANDUM

---

**DATE**: June 9, 2021

**FROM**: Daniel Curtis

**TO:** City Administrator Tara Vasicek

**RE:** Rezoning 3770 18 Avenue from R-1 to R-3

**RECOMMENDATION:**

I recommend approval of this rezoning and to amend the Future Land Use Map accordingly. The property located to the south is currently zoned R-3C (see attached Ordinance No. 96-27).

**DISCUSSION:**

We have received an application to rezone property at 3770 18 Avenue from R-1 to R-3. The applicant intends to use the property for Multiple-Residential housing purposes and they are applying simultaneously for a Special Use Permit for lodging.

**FISCAL IMPACT:**

None

**ALTERNATIVE:**

Deny or Modify the Application

**SIGNATURE:**

By: Daniel Curtis

Approved By: _____

ORDINANCE NO. 96-27

AN ORDINANCE OF THE CITY OF COLUMBUS, NEBRASKA, TO AMEND ORDINANCE NO. 94-46 WHICH AMENDED SECTION 11-2-2 OF CHAPTER II OF TITLE XI OF ORDINANCE NO. 2826 ADOPTED NOVEMBER 16, 1981, AS THE OFFICIAL ZONING CODE OF COLUMBUS, AS AMENDED; TO REZONE AND RECLASSIFY LOTS 12, 13 AND 14, NORTH PARK ACRES ADDITION TO THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA, FROM R-1 SINGLE FAMILY RESIDENCE DISTRICT TO R-3C MULTIPLE DWELLING DISTRICT-CONDITIONAL ZONING; TO AMEND THE MAP WHICH HAS BEEN ADOPTED BY AND MADE A PART OF SECTION 11-2-2 OF ORDINANCE NO. 2826 BY SHOWING SAID REZONING AND RECLASSIFICATION; TO REPEAL ALL ORDINANCES AND RESOLUTIONS OR PARTS THEREOF IN CONFLICT HEREWITH; AND TO PROVIDE FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, it appearing from the record and all of the evidence on file that all parties in interest and citizens of Columbus, Nebraska have been duly notified of the hearings called for the purpose of rezoning and reclassifying the following described real estate:

Lots 12, 13 and 14, North Park Acres Addition to the City of Columbus, Platte County, Nebraska,

from the present R-1 Single Family Residence District to R-3C Multiple Dwelling District-Conditional zoning, and to amend the map which has been adopted by and made a part of Section 11-2-2 of Ordinance No. 2826, the same being the City Code of Columbus, Nebraska, by showing said rezoning and reclassification as provided by law; and

WHEREAS, the Planning and Zoning Commission and the Mayor and City Council have held separate public hearings. In consideration of the evidence and the premises, the Planning and Zoning Commission made no recommendation. Upon further review, the

Planning and Zoning Commission recommended approval of the rezoning. The Mayor and City Council, in consideration of the evidence and the premises, hereby find and determine that said rezoning will be for the public good and general welfare and will provide for the proper, appropriate and best use of said real estate;

WHEREAS, the Mayor and City Council have determined that Ordinance 94-46 be amended to allow Stuart Gerhold and Chris Gerhold to be permitted to sell or transfer said lots to an entity owned entirely or in part by them.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA:

Section 1 - That Section 11-2-2 of Chapter II of Title XI of Ordinance No. 2826, as amended, be and the same is hereby amended to show that the following described real estate, to wit:

> Lots 12, 13 and 14, North Park Acres Addition to the City of Columbus, Platte County, Nebraska,

has been rezoned and reclassified from the present R-1 Single Family Residence District to R-3C Multiple Dwelling District-Conditional zoning classification, to allow for the construction of townhouses, duplexes or single-family residences. Except for the sale or transfer of the individual residences and accompanying real estate, the sale or transfer of Lots 12, 13 or 14, North Park Acres, individually, together as a group or any part thereof, shall cause the zoning classification of Lots 12, 13 or 14 to revert immediately to the prior classification of R-1 Single Family Residence, provided, however, the sale or transfer restrictions immediately preceding this proviso shall not apply to the sale or transfer by Stuart Gerhold and Chris Gerhold to an entity solely owned by Stuart Gerhold and Chris Gerhold, or an entity of which they are co-owners with other third parties. The map which has been adopted by and made a part of said Section 11-2-2 of Ordinance No. 2826 shall be and the same is hereby amended to show such rezoning and reclassification.

Section 2 - All ordinances and resolutions or parts thereof in conflict herewith be and the same are hereby repealed.

Section 3 - This ordinance shall become effective immediately upon and be in full

force and effect after its passage and publication as provided by law.

Introduced by Councilperson: Jay Jurek

Passed and adopted on AUGUST 19, 1996

ATTEST:

Linda L. Walters

City Clerk

A. F. Wertz

Mayor

CERTIFICATION

I, Linda L. Walters, City Clerk of the City of Columbus, Nebraska, hereby certify that the above is a true, full and correct copy of an ordinance adopted by the Council of the City of Columbus at a meeting held according to law at Columbus, Nebraska on August 19, 1996 as the same appears on file and of record in this office.

IN TESTIMONY WHEREOF, I have set my hand and affixed the corporate seal of said City of Columbus this Aug 26, 1996.

Linda L. Walters

City Clerk of the City of Columbus, Nebraska

# REZONING APPLICATION

An application for a Rezoning may be filed with the Community Development Director's office. Any such application will not be deemed submitted until all of the stated information is included. It is the responsibility of the applicant to provide all of the requested information. Incomplete applications WILL NOT be placed on the Planning Commission agenda until all such missing information is provided. Such completed application shall be submitted to the Community Development Director's office at least 21 calendar days (including Holidays) before the Planning Commission meeting at which time the public hearing on the application will be held.

APPLICANT/PROPERTY OWNER NAME: **Providing Property Solutions, LLC**

APPLICANT MAILING ADDRESS: **31303 231 Avenue Platte Center NE 68653**

APPLICANT PHONE NUMBER: **402 / 741-2576**

APPLICANT EMAIL ADDRESS: **shae@kwelite.com**

ATTORNEY/FIRM: **Fehringer & Mielak, LLP**

ATTORNEY PHONE NUMBER: **402 / 942-9513**

ATTORNEY EMAIL ADDRESS: **thomas.fehringer@fmflaw.com**

ADDRESS OF PROPERTY TO BE REZONED: **3770 18 Avenue, Columbus NE 68601**

LEGAL DESCRIPTION OF PROPERTY:

**A tract of land located in the NE¼NE¼NE¼ of Section 18, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska, more particularly described as follows: Beginning at a point on the East Section line for Section 18, Township 17 North, Range 1 East of the 6th P.M., located 33.0 feet South of the Northeast corner of said Section; thence South along the East line of said Section 18 a distance of 384.42 feet; thence West and parallel to the North line of said Section 18, 260.91 feet; thence North and parallel to the East line of said Section 18, 384.42 feet; said point being 33.0 feet South of the North line of said Section 18, thence East 260.91 feet to the point of beginning; EXCEPT a tract of land located in the NE¼NE¼ of Section 18, Township 17 North, range 1 East of the 6th PM., Platte County, Nebraska, more particularly described as: Beginning at a point on the East Section line of Section 18, Township 17 North, Range 1 East of the 6th P.M, locate 33.0 feet South of the Northeast corner of said Section, thence South along the East line of said Section 18, a distance of 366.35 feet to a point; thence Northwesterly at an interior angle of 30°22'12" with the last described course a distance of 428.62 feet to a point 33.0 feet South of the North line of said Section 18; thence East parallel to the North line of said Section 18 a distance of 216.18 feet to the point of beginning.**

PRESENT ZONING CLASSIFICATION: **R-1**

REQUESTED ZONING CLASSIFICATION: **R-3**

DESCRIPTION OF THE REASON FOR THE REZONING APPLICATION:

**To allow Applicant to use the Property for Multiple-Family Residential housing**

**purposes and to apply simultaneously for a Special Use Permit for Lodging.**

NATURE AND OPERATING CHARACTERISTICS OF THE PROPOSED USE: (Include aerial image of proposed development on property and existing surrounding zoning classifications, any graphic information, including site plans, elevations or other drawings, necessary to describe the proposed use).

**To allow Applicant to use the Property to develop a multiple-family housing unit to rent to tenants or offer as a vacation rental.**

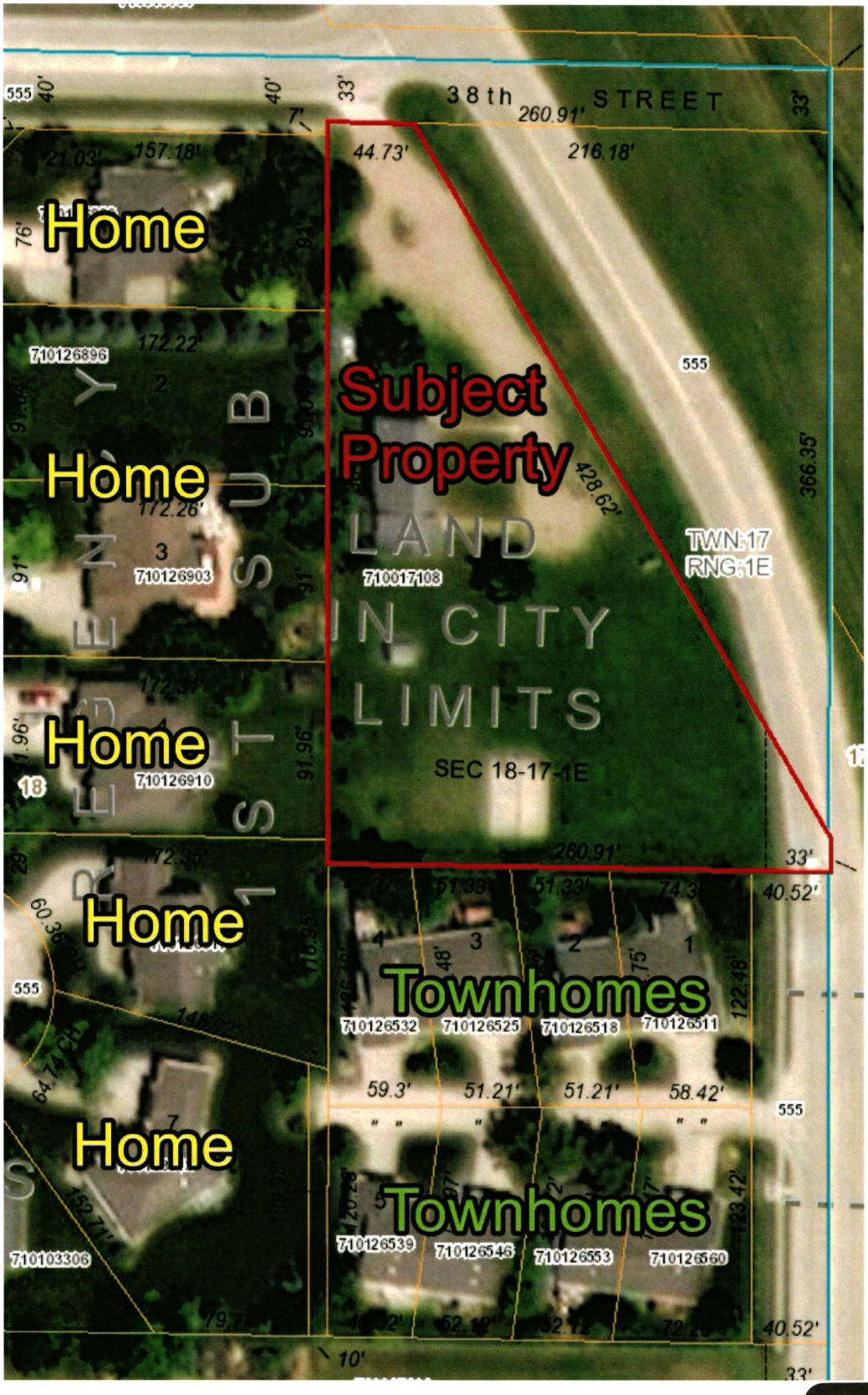
**See attached Exhibit "A" for a photo of the Property and Exhibit "B" for a depiction of the surrounding properties.**

DATED: May 21, 2021.

Shalynn J. Spitz, Authorized Member of
Providing Property Solutions, LLC, Owner

EXHIBIT

A


38th STREET
Home
Home
Home
Home
Home
Subject Property
LAND IN CITY LIMITS
SEC 18-17-1E
TWN:17
RNG:1E
Townhomes
Townhomes
710126896
710126903
710126910
710017108
710126532
710126525
710126518
710126511
710126539
710126546
710126553
710126560
710103306

EXHIBIT

B

6. **Public hearing - Application of Providing Property Solutions, LLC for special use permit to allow lodging in an "R-3" (Multiple-Family Residential District) zone located at 3770 18 Avenue.**

**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, June 14, 2021, at 7 p.m. in the Council Chambers, 1369 25 Avenue, Columbus, Nebraska, on the application for a Special Use Permit to allow lodging on the following described real estate in a "R-3" (Multiple-Family Residential District) zone: A tract of land located in the NE1/4 NE1/4 NE1/4 of Section 18, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska, more particularly described as follows: Beginning at a point on the East Section line of Section 18, Township 17 North, Range 1 East of the 6th P.M., located 33.0 feet South of the Northeast corner of said Section; thence South along the East line of said Section 18 a distance of 384.42 feet; thence West and parallel to the North line of said Section 18, 260.91 feet; thence North and parallel to the East line of said Section 18, 384.42 feet; said point being 33.0 feet South of the North line of said Section 18, thence East 260.91 feet to the point of beginning; EXCEPT a tract of land located in the NE1/4 NE1/4 of Section 18, Township 17 North, Range 1 East of the 6th PM., Platte County, Nebraska, more particularly described as: Beginning at a point on the East Section line of Section 18, Township 17 North, Range 1 East of the 6th P.M., located 33.0 feet South of the Northeast corner of said Section, thence South along the East line of said Section 18, a distance of 366.35 feet to a point; thence Northwesterly at an interior angle of 30°22'12" with the last described course a distance of 428.62 feet to a point 33.0 feet South of the North line of said Section 18; thence East parallel to the North line of said Section 18 a distance of 216.18 feet to the point of beginning (3770 18 Avenue) and at said time and place you may appear and be heard.

CITY OF COLUMBUS, NEBRASKA
By: Janelle Kline
City Clerk

Publish: 06:03:21
Two Affidavits of Publication

# CITY OF COLUMBUS
# MEMORANDUM

---

**DATE:** June 9, 2021

**FROM:** Daniel Curtis

**TO:** City Administrator Tara Vasicek

**RE:** Special Use Permit to allow Lodging in an R-3 zone at 3770 18 Ave

**RECOMMENDATION:**

I recommend approval of this Special Use Permit.

**DISCUSSION:**

We have received an application for a Special Use Permit to allow for Lodging in an R-3 zone. The applicant intends to use the property for short-term rental and possibly converting into duplex.

**FISCAL IMPACT:**

None

**ALTERNATIVE:**

Deny the Application

**SIGNATURE:**

By: Daniel Curtis

Approved By: Tara Vasicek

# SPECIAL USE PERMIT APPLICATION

An application for a Special Use Permit may be filed with the Community Development Director's office. Any such application will not be deemed submitted until all of the stated information is included. It is the responsibility of the applicant to provide all of the requested information. Incomplete applications WILL NOT be placed on the Planning Commission agenda until all such missing information is provided. Such completed application shall be submitted to the Community Development Director's office at least 21 calendar days (including Holidays) before the Planning Commission meeting at which time the public hearing on the application will be held.

APPLICANT/PROPERTY OWNER NAME: **Providing Property Solutions, LLC**

APPLICANT MAILING ADDRESS: **31303 231 Avenue Platte Center NE 68653**

APPLICANT PHONE NUMBER: **402 / 741-2576**

APPLICANT EMAIL ADDRESS: **shae@kwelite.com**

ATTORNEY/FIRM: **Fehringer & Mielak, LLP**

ATTORNEY PHONE NUMBER: **402 / 942-9513**

ATTORNEY EMAIL ADDRESS: **thomas.fehringer@fmflaw.com**

ADDRESS OF PROPERTY: **3770 18 Avenue Columbus NE 68601**

LEGAL DESCRIPTION OF PROPERTY:

**A tract of land located in the NE¼NE¼NE¼ of Section 18, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska, more particularly described as follows: Beginning at a point on the East Section line for Section 18, Township 17 North, Range 1 East of the 6th P.M., located 33.0 feet South of the Northeast corner of said Section; thence South along the East line of said Section 18 a distance of 384.42 feet; thence West and parallel to the North line of said Section 18, 260.91 feet; thence North and parallel to the East line of said Section 18, 384.42 feet; said point being 33.0 feet South of the North line of said Section 18, thence East 260.91 feet to the point of beginning; EXCEPT a tract of land located in the NE¼NE¼ of Section 18, Township 17 North, range 1 East of the 6th PM., Platte County, Nebraska, more particularly described as: Beginning at a point on the East Section line of Section 18, Township 17 North, Range 1 East of the 6th P.M, locate 33.0 feet South of the Northeast corner of said Section, thence South along the East line of said Section 18, a distance of 366.35 feet to a point; thence Northwesterly at an interior angle of 30°22'12" with the last described course a distance of 428.62 feet to a point 33.0 feet South of the North line of said Section 18; thence East parallel to the North line of said Section 18 a distance of 216.18 feet to the point of beginning.**

PRESENT ZONING CLASSIFICATION: **R-1, with Application to Re-zone to R-3.**

DESCRIPTION OF THE REASON FOR THE SPECIAL USE PERMIT APPLICATION:

**To allow Applicant to develop a multiple-family housing unit on the Property to offer the same for rent and vacation rentals, which requires a special use permit to allow for "Lodging. Applicant is simultaneously applying to Rezone to allow for Multiple-family housing (R-3).**

NATURE AND OPERATING CHARACTERISTICS OF THE PROPOSED USE: (Include aerial image of proposed development on property and existing surrounding zoning classifications, any graphic information, including site plans, elevations or other drawings, necessary to describe the proposed use).

**It is Applicant's intent to remodel the current building on the Property to develop a multiple-family housing unit to rent the same and allow to rent as a vacation rental, i.e. Airbnb ®.**

**See Attached Exhibit "A" for a photo of the Property and Exhibit "B" for a depiction of the surrounding properties.**

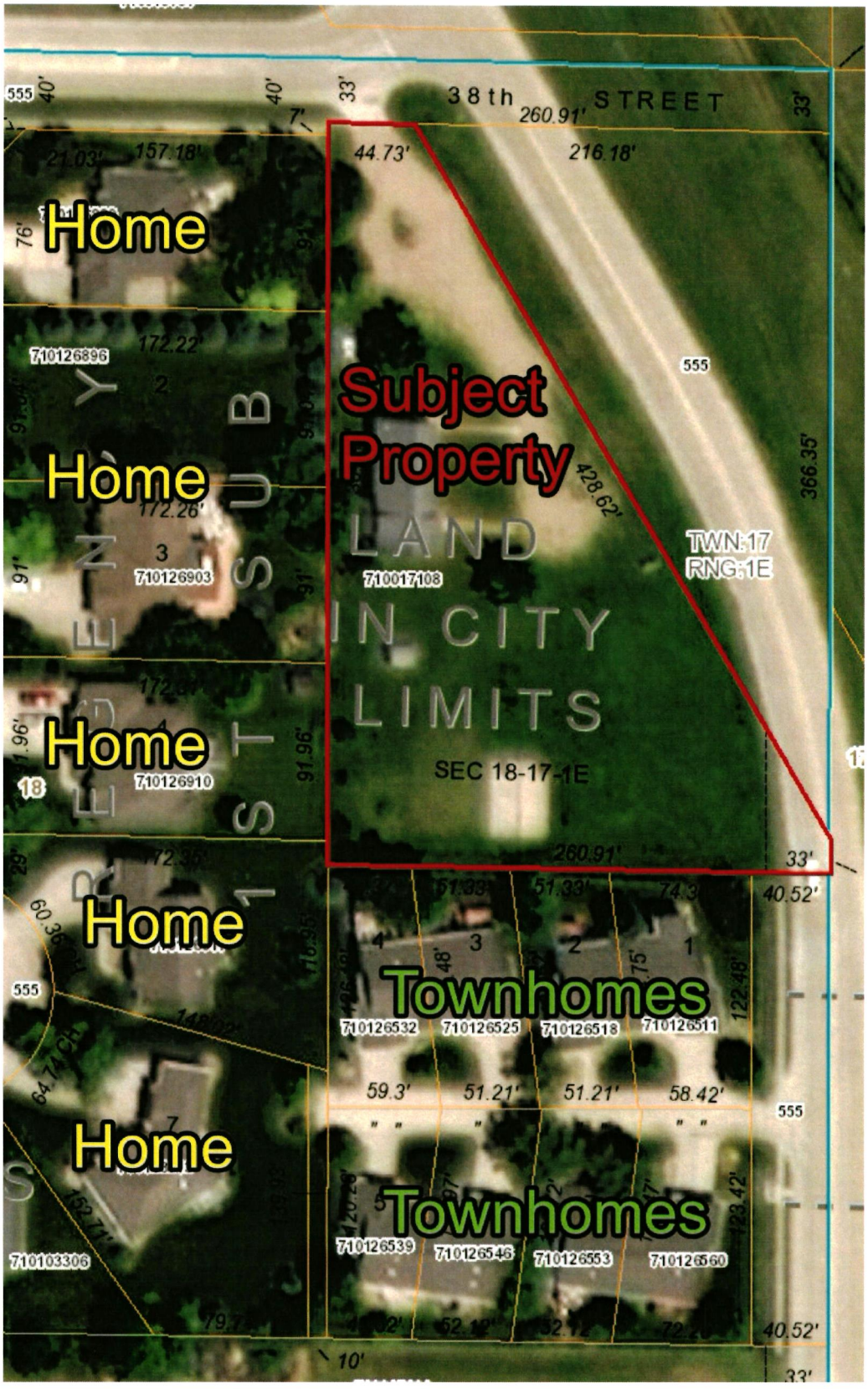
DATED: May 21, 2021.

Shalynn J. Spitz, Member

Shalynn J. Spitz, Authorized Member of
Providing Property Solutions, LLC, Owner

EXHIBIT

A


38th STREET
Home
Home
Home
Home
Home
Subject Property
LAND IN CITY LIMITS
SEC 18-17-1E
TWN:17
RNG:1E
Townhomes
Townhomes
710126896
710126903
710126910
710017108
710126532
710126525
710126518
710126511
710126539
710126546
710126553
710126560
710103306

EXHIBIT

B

7. **Public hearing - Application of Mark Lambert for preliminary plat of Lambert's Acres Second Addition (East Calle Colombo and South Calle Colombo).**

**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, June 14, 2021, at 7 p.m. in the Council Chambers, 1369 25th Avenue, Columbus, Nebraska, on the preliminary plat of Lambert's Acres Second Subdivision, a tract of land located in the SE 1/4 of the NW 1/4 and the NE 1/4 of the SW 1/4 of Section 21, T17N, R1E of the 6th P.M., Platte County, Nebraska, more particularly described as follows: Beginning at the southwest corner of Lot 14, Lambert's Acres First Addition to the City of Columbus, Platte County, Nebraska, and assuming the south line of the NW 1/4 of Section 21, to have a bearing of S 89°14'06" W, said point of beginning bears N 33°52'56" W, a distance of 775.24 feet, from the southeast corner of the NW 1/4 of Section 21; thence N 86°07'18" E, on the south line of said Lot 14, a distance of 180.00 feet, more or less, to the southeast corner of said Lot 14; thence S 03°50'13" E, on the west line of Lot 25, Lambert's Acres First Addition, a distance of 561.50 feet, more or less, to the southernmost corner of Lot 25; thence S 29°58'32" W, a distance of 21.41 feet; thence S 51°43'40" W, a distance of 166.28 feet; thence S 58°56'46" W, a distance of 57.60 feet, more or less, to the southeast corner of Lot 4, Lambert Acres Townhouse Addition; thence N 05°24'59" W, on the east line of Lot 4, a distance of 162.64 feet, more or less to the corner of Lot 4; thence N 56°23'49" W, a distance of 55.39 feet, more or less, to the northernmost corner of Lot 4, said point being on the southeasterly right-of-way line of East Calle Colombo Street; thence northeasterly on the arc of a 329.84-foot radius curve concave northwesterly, and on the southeasterly right-of-way line of East Calle Colombo Street, a distance of 220.76 feet, said curve having a long chord bearing of N 15°20'59" E, a distance of 216.66 feet; thence N 03°50'51" W, on the east right-of-way line of East Calle Colombo Street, a distance of 296.65 feet, more or less, to the southwest corner of Lot 14, Lambert's Acres First Addition and the point of beginning, said tract containing 2.84 acres, more or less (East Calle Colombo Street and Southeast Calle Colombo Street) and at said time and place you may appear and be heard.

CITY OF COLUMBUS, NEBRASKA
Janelle Kline, City Clerk

Publish: 06:03:21
Two Affidavits of Publication

The City of Columbus

# MEMORANDUM

**DATE:** June 9, 2021

**FROM :** Richard J. Bogus, City Engineer

**TO:** Tara Vasicek, City Administrator

**RE:** Lambert Acres Second Addition – Preliminary Plat

**RECOMMENDATION:**

I recommend the approval of the preliminary plat of Lambert Acres Second Addition. The plat is consistent with the master layout of Lambert Acres and Christopher Cove.

**DISCUSSION:**

The addition consists of 6 residential lots on the east side of and southern end of East Calle Colombo. A designated stormwater treatment area is provided adjacent and to the east. All street paving and public utilities are in place.

**FISCAL IMPACT:**

None

**ALTERNATIVE:**

Do not approve.

**CONCURRENCE:**

By: Dan Curtis

**SIGNATURE:**

By: Richard J. Bogus

Approved By: Tara Vasicek

# MAJOR APPLICATION
# FOR SUBDIVISION OR ADDITION
# PRELIMINARY PLAT / FINAL
**(CIRCLE ONE)**

DATE: May 24, 2021

NAME OF SUBDIVISION: Lambert's Acres Second Subdivision

NAME OF PROPERTY OWNER: Lambert Acres LLC.

**CONTACT INFORMATION:**

NAME OF REPRESENTATIVE OR PROPERTY OWNER: Mark Lambert

ADDRESS OF REPRESENTATIVE OR PROPERTY OWNER: 32226 190th Ave, Columbus, NE 68601

PHONE NUMBER: (402) 910-4430

REPRESENTATIVE OR PROPERTY OWNER E-MAIL: lambertmark13@gmail.com

NUMBER OF LOTS IN SUBDIVISION: 6

ADDRESS OF SUBDIVISION: East Calle Colombo

I hereby apply for a Major Subdivision / Addition and have paid $300.00 application fee plus additional lot review fees - Preliminary Plats will be $20 per lot and Final Plats will be $15 per lot.

_____
Owner or Owner's Representative

Clark Grant
Attorney / Legal Counsel for Applicant

Development Agreement submitted on:_____

City Attorney
Neal Valorz – nvalorz@1492law.com
Gene G. Schumacher – gschum@1492law.com

PRELIMINARY PLAT

# LAMBERT'S ACRES SECOND ADDITION

TO THE CITY OF COLUMBUS, LOCATED IN THE SE1/4 OF THE NW1/4
AND THE NE1/4 OF THE SW1/4, SECTION 21, T17N, R1E OF THE 6th P.M.,
PLATTE COUNTY, NEBRASKA

KEY MAP
1"=600'


OWNER/DEVELOPER:
Lambert Acres LLC
(402)-910-4430
32226 190th Avenue, Columbus, NE, 68601
lambertmark13@gmail.com

SURVEYOR/ENGINEER
Lynn D. Birkel, RLS #497
Gilmore & Associates
2670 33rd Avenue
PO Box 565, Columbus ,NE 68602
(402)-564-2807
lbirkel@gilmore-engineering.com


ZONING:
EXISTING: R-1
PROPOSED: R-1

DESIGNATED STORM WATER FILTRATION AREA

That portion of Lot 25, Lambert's Acres First Addition, City of Columbus, Platte County, Nebraska, lying south of the easterly extension of the south line of Lot 14 of said Lambert's Acres First Addition.

LEGEND

SPECIAL FLOOD HAZARD AREA - ZONE AE
FIRM MAP NO. 31141C0340E
EFFECTIVE DATE: APRIL 19, 2010

AREA TO BE DESIGNATED AS
STORM WATER FILTRATION AREA

N

0 25 50 100
SCALE IN FEET

R1E
T17N
21
SITUATION SKETCH

**LEGAL DESCRIPTION**

A tract of land located in the SE 1/4 of the NW 1/4 and the NE 1/4 of the SW 1/4 of Section 21, T17N, R1E of the 6th P.M., Platte County, Nebraska, more particularly described as follows:

Beginning at the southwest corner of Lot 14, Lambert's Acres First Addition to the City of Columbus, Platte County, Nebraska, and assuming the south line of the NW 1/4 of Section 21, to have a bearing of S 89°14'06" W, said point of beginning bears N 33°52'56" W, a distance of 775.24 feet, from the southeast corner of the NW 1/4 of Section 21; thence N 86°07'18" E, on the south line of said Lot 14, a distance of 180.00 feet, more or less, to the southeast corner of said Lot 14; thence S 03°50'13" E, on the west line of Lot 25, Lambert's Acres First Addition, a distance of 561.50 feet, more or less, to the southernmost corner of Lot 25; thence S 29°58'32" W, a distance of 21.41 feet; thence S 51°43'40" W, a distance of 166.28 feet; thence S 58°56'46" W, a distance of 57.60 feet, more or less, to the southeast corner of Lot 4, Lambert Acres Townhouse Addition; thence N 05°24'59" W, on the east line of Lot 4, a distance of 162.64 feet, more or less to the corner of Lot 4; thence N 56°23'49" W, a distance of 55.39 feet, more or less, to the northernmost corner of Lot 4, said point being on the southeasterly right-of-way line of East Calle Colombo Street; thence northeasterly on the arc of a 329.84-foot radius curve concave northwesterly, and on the southeasterly right-of-way line of East Calle Colombo Street, a distance of 220.76 feet, said curve having a long chord bearing of N 15°20'59" E, a distance of 216.66 feet; thence N 03°50'51" W, on the east right-of-way line of East Calle Colombo Street, a distance of 296.65 feet, more or less, to the southwest corner of Lot 14, Lambert's Acres First Addition and the point of beginning, said tract containing 2.84 acres, more or less.

CITY COUNCIL APPROVAL

This preliminary plat of LAMBERT'S ACRES SECOND ADDITION to the City of Columbus, Nebraska, approved by the City Council this _____ day of _____, 2021.

Mayor

City Clerk

PLANNING COMMISSION

This preliminary plat of LAMBERT'S ACRES SECOND ADDITION to the City of Columbus, Nebraska, approved by the Planning Commission this _____ day of _____, 2021.

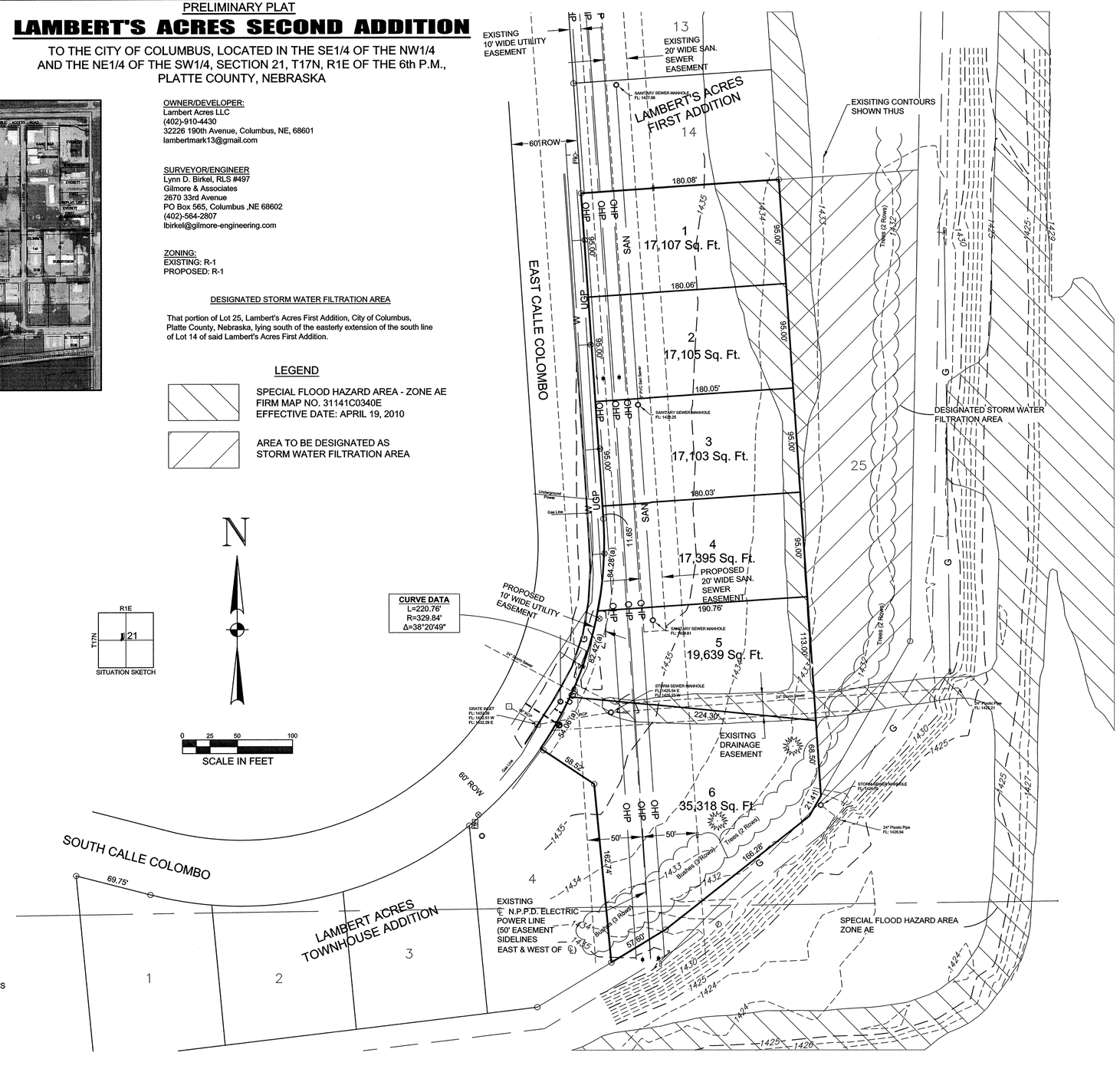
Chairman

SURVEYOR'S CERTFICATE

I, Lynn D. Birkel, a Registered Land Surveyor of the State of Nebraska, hereby certify that this Preliminary Plat of LAMBERT'S ACRES SECOND ADDITION was made under my direction.

NEBRASKA REGISTERED LS-497 LAND SURVEYOR LYNN D. BIRKEL

Lynn D. Birkel, Nebraska L.S. #497
Gilmore & Associates, Inc.




Diggers Hotline of Nebraska 1-800-331-5666

REVISIONS


GILMORE & ASSOCIATES INC.
Engineers · Surveyors
Phone (402) 564-2807
FAX (402) 564-2800
Box 565 2670 33rd Ave.
Columbus, Nebraska 68602-0565


LAMBERT'S ACRES SECOND ADDITION
PT. OF SEC. 21, T17N, R1E OF THE 6TH P.M.,
PLATTE COUNTY, NEBRASKA
PRELIMINARY PLAT

DRN BY QRK
DATE 5-18-2021
SCALE AS SHOWN
PROJ. 211.867
F.B. -

SHEET
1 of 1

8. **Public hearing - Application of Mark Lambert for final plat and development agreement of Lambert's Acres Second Addition (East Calle Colombo and South Calle Colombo).**

**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, June 14, 2021, at 7 p.m. in the Council Chambers, 1369 25th Avenue, Columbus, Nebraska, on the final plat and subdivision agreement of Lambert's Acres Second Subdivision, a tract of land located in the SE 1/4 of the NW 1/4 and the NE 1/4 of the SW 1/4 of Section 21, T17N, R1E of the 6th P.M., Platte County, Nebraska, more particularly described as follows: Beginning at the southwest corner of Lot 14, Lambert's Acres First Addition to the City of Columbus, Platte County, Nebraska, and assuming the south line of the NW 1/4 of Section 21, to have a bearing of S 89°14'06" W, said point of beginning bears N 33°52'56" W, a distance of 775.24 feet, from the southeast corner of the NW 1/4 of Section 21; thence N 86°07'18" E, on the south line of said Lot 14, a distance of 180.00 feet, more or less, to the southeast corner of said Lot 14; thence S 03°50'13" E, on the west line of Lot 25, Lambert's Acres First Addition, a distance of 561.50 feet, more or less, to the southernmost corner of Lot 25; thence S 29°58'32" W, a distance of 21.41 feet; thence S 51°43'40" W, a distance of 166.28 feet; thence S 58°56'46" W, a distance of 57.60 feet, more or less, to the southeast corner of Lot 4, Lambert Acres Townhouse Addition; thence N 05°24'59" W, on the east line of Lot 4, a distance of 162.64 feet, more or less to the corner of Lot 4; thence N 56°23'49" W, a distance of 55.39 feet, more or less, to the northernmost corner of Lot 4, said point being on the southeasterly right-of-way line of East Calle Colombo Street; thence northeasterly on the arc of a 329.84-foot radius curve concave northwesterly, and on the southeasterly right-of-way line of East Calle Colombo Street, a distance of 220.76 feet, said curve having a long chord bearing of N 15°20'59" E, a distance of 216.66 feet; thence N 03°50'51" W, on the east right-of-way line of East Calle Colombo Street, a distance of 296.65 feet, more or less, to the southwest corner of Lot 14, Lambert's Acres First Addition and the point of beginning, said tract containing 2.84 acres, more or less (East Calle Colombo Street and Southeast Calle Colombo Street) and at said time and place you may appear and be heard.

CITY OF COLUMBUS, NEBRASKA
Janelle Kline, City Clerk

Publish: 06:03:21
Two Affidavits of Publication

The City of Columbus

# MEMORANDUM

**DATE**: June 9, 2021

**FROM** : Richard J. Bogus, City Engineer

**TO:** Tara Vasicek, City Administrator

**RE:** Lambert Acres Second Addition – Final Plat

**RECOMMENDATION:**

I recommend the approval of the final plat of Lambert Acres Second Addition. The plat is consistent with the master layout of the region and the preliminary plat.

**DISCUSSION:**

The addition consists of 6 residential lots on the east side of and southern end of East Calle Colombo. A designated stormwater treatment area is provided adjacent and to the east. All street paving and public utilities are in place. The final plat is being done the same meeting as the preliminary plat.

**FISCAL IMPACT:**

None

**ALTERNATIVE:**

Do not approve.

**CONCURRENCE:**

By: Dan Curtis

**SIGNATURE:**

By: _____

Approved By: _____

# MAJOR APPLICATION
# FOR SUBDIVISION OR ADDITION
# PRELIMINARY PLAT / FINAL

**(CIRCLE ONE)**

DATE: May 24, 2021

NAME OF SUBDIVISION: Lambert's Acres Second Subdivision

NAME OF PROPERTY OWNER: Lambert Acres LLC.

**CONTACT INFORMATION:**

NAME OF REPRESENTATIVE OR PROPERTY OWNER: Mark Lambert

ADDRESS OF REPRESENTATIVE OR PROPERTY OWNER: 32226 190th Ave, Columbus, NE 68601

PHONE NUMBER: (402) 910-4430

REPRESENTATIVE OR PROPERTY OWNER E-MAIL: lambertmark13@gmail.com

NUMBER OF LOTS IN SUBDIVISION: 6

ADDRESS OF SUBDIVISION: East Calle Colombo

I hereby apply for a Major Subdivision / Addition and have paid $300.00 application fee plus additional lot review fees - Preliminary Plats will be $20 per lot and Final Plats will be $15 per lot.

_____
Owner or Owner's Representative

Clark Grant
Attorney / Legal Counsel for Applicant

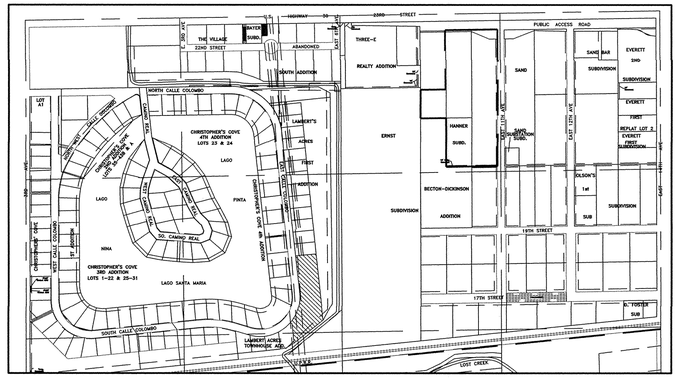
Development Agreement submitted on:_____

City Attorney
Neal Valorz – nvalorz@1492law.com
Gene G. Schumacher – gschum@1492law.com

FINAL PLAT

# LAMBERT'S ACRES SECOND ADDITION

TO THE CITY OF COLUMBUS, LOCATED IN THE SE1/4 OF THE NW1/4
AND THE NE1/4 OF THE SW1/4, SECTION 21, T17N, R1E OF THE 6th P.M.,
PLATTE COUNTY, NEBRASKA




KEY MAP
1"=600'

5/20/2021
211.867
LDB







SITUATION SKETCH

LEGEND
- ● - Monument Found
- ○ - Set 5/8" x 24" Rebar w/ Plastic Survey Cap
- M - Measured Distance
- JB - Berry, LS#535, Nov. 7, 2016
- BB - Benck LS#536, Oct. 8, 2012
- T - Tremel, LS#455, May 7, 2007
- A - Arc Distance

0 25 50 100
SCALE IN FEET


OWNER/DEVELOPER:
Lambert Acres LLC
(402)-910-4430
32226 190th Avenue, Columbus, NE, 68601
lambertmark13@gmail.com

SURVEYOR/ENGINEER
Lynn D. Birkel, RLS #497
Gilmore & Associates
2670 33rd Avenue,
PO Box 565, Columbus, NE 68602
(402)-564-2807
lbirkel@gilmore-engineering.com


DESIGNATED STORM WATER FILTRATION AREA

That portion of Lot 25, Lambert's Acres First Addition, City of Columbus, Platte County, Nebraska, lying south of the easterly extension of the south line of Lot 14 of said Lambert's Acres First Addition.

LEGEND

SPECIAL FLOOD HAZARD AREA - ZONE AE
FIRM MAP NO. 31141C0340E
EFFECTIVE DATE: APRIL 19, 2010

AREA TO BE DESIGNATED AS
STORM WATER FILTRATION AREA

## LEGAL DESCRIPTION

A tract of land located in the SE 1/4 of the NW 1/4 and the NE 1/4 of the SW 1/4 of Section 21, T17N, R1E of the 6th P.M., Platte County, Nebraska, more particularly described as follows:

Beginning at the southwest corner of Lot 14, Lambert's Acres First Addition to the City of Columbus, Platte County, Nebraska, and assuming the south line of the NW 1/4 of Section 21, to have a bearing of S 89°14'06" W, said point of beginning bears N 33°52'56" W, a distance of 775.24 feet, from the southeast corner of the NW 1/4 of Section 21; thence N 86°07'18" E, on the south line of said Lot 14, a distance of 180.00 feet, more or less, to the southeast corner of said Lot 14; thence S 03°50'13" E, on the west line of Lot 25, Lambert's Acres First Addition, a distance of 561.50 feet, more or less, to the southernmost corner of Lot 25; thence S 29°58'32" W, a distance of 21.41 feet; thence S 51°43'40" W, a distance of 166.28 feet; thence S 58°56'46" W, a distance of 57.60 feet, more or less, to the southeast corner of Lot 4, Lambert Acres Townhouse Addition; thence N 05°24'59" W, on the east line of Lot 4, a distance of 162.64 feet, more or less to the corner of Lot 4; thence N 56°23'49" W, a distance of 55.39 feet, more or less, to the northernmost corner of Lot 4, said point being on the southeasterly right-of-way line of East Calle Colombo Street; thence northeasterly on the arc of a 329.84-foot radius curve concave northwesterly, and on the southeasterly right-of-way line of East Calle Colombo Street, a distance of 220.76 feet, said curve having a long chord bearing of N 15°20'59" E, a distance of 216.66 feet; thence N 03°50'51" W, on the east right-of-way line of East Calle Colombo Street, a distance of 296.65 feet, more or less, to the southwest corner of Lot 14, Lambert's Acres First Addition and the point of beginning, said tract containing 2.84 acres, more or less.

## SURVEYOR'S CERTIFICATE

I, Lynn D. Birkel, a Registered Land Surveyor of Nebraska, hereby certify that I have accurately surveyed or caused to be surveyed, under my direct supervision, LAMBERT'S ACRES SECOND ADDITION, and that the above and foregoing is a true and correct survey thereof and that the lots, blocks, streets, avenues, easements, alleys, and commons and other grounds are well and accurately staked off and marked and correctly designated and shown on the above and foregoing survey. Dated this 20th day of MAY, 2021.

Lynn D. Birkel, Nebraska L.S. #497
GILMORE & ASSOCIATES, INC.

NEBRASKA REGISTERED LS-497 LAND SURVEYOR LYNN D. BIRKEL

CITY COUNCIL

STATE OF NEBRASKA )
COUNTY OF PLATTE ) ss
CITY OF COLUMBUS )

The foregoing plat approved by the City Council of Columbus, Nebraska, by Resolution No. _____ duly passed by the City Council on the ____ day of _____, 2021.

Attest:

City Clerk

Mayor, City of Columbus

PLANNING COMMISSION

STATE OF NEBRASKA )
COUNTY OF PLATTE ) ss
CITY OF COLUMBUS )

This plat of LAMBERT'S ACRES SECOND ADDITION to the City of Columbus, Nebraska, approved by the Planning Commission this_____ day of_____, 2021.

Chairman

SCHOOL DISTRICT

STATE OF NEBRASKA )
COUNTY OF PLATTE ) ss
CITY OF COLUMBUS)

The above plat approved by School District No. 001, Platte County, Nebraska

Attest:

Secretary

President

## FIELD NOTES - SECTION 21, T17N, R1E

"A" - Found 5/8" rebar with L.S. #455 plastic cap.

"B" and "J" - Found 1/2" iron pipe.

"C", "D", "E", and "G" - Found 5/8" rebar with plastic cap as recorded on Lambert Acres Townhouse Addition, surveyed by John V. Berry, L.S. #535, dated November 7, 2016.

"F" and "H" - Found 5/8" rebar as recorded on Lambert Acres Townhouse Addition, surveyed by John V. Berry, L.S. #535, dated November 7, 2016.

"I" - Found 5/8" rebar.

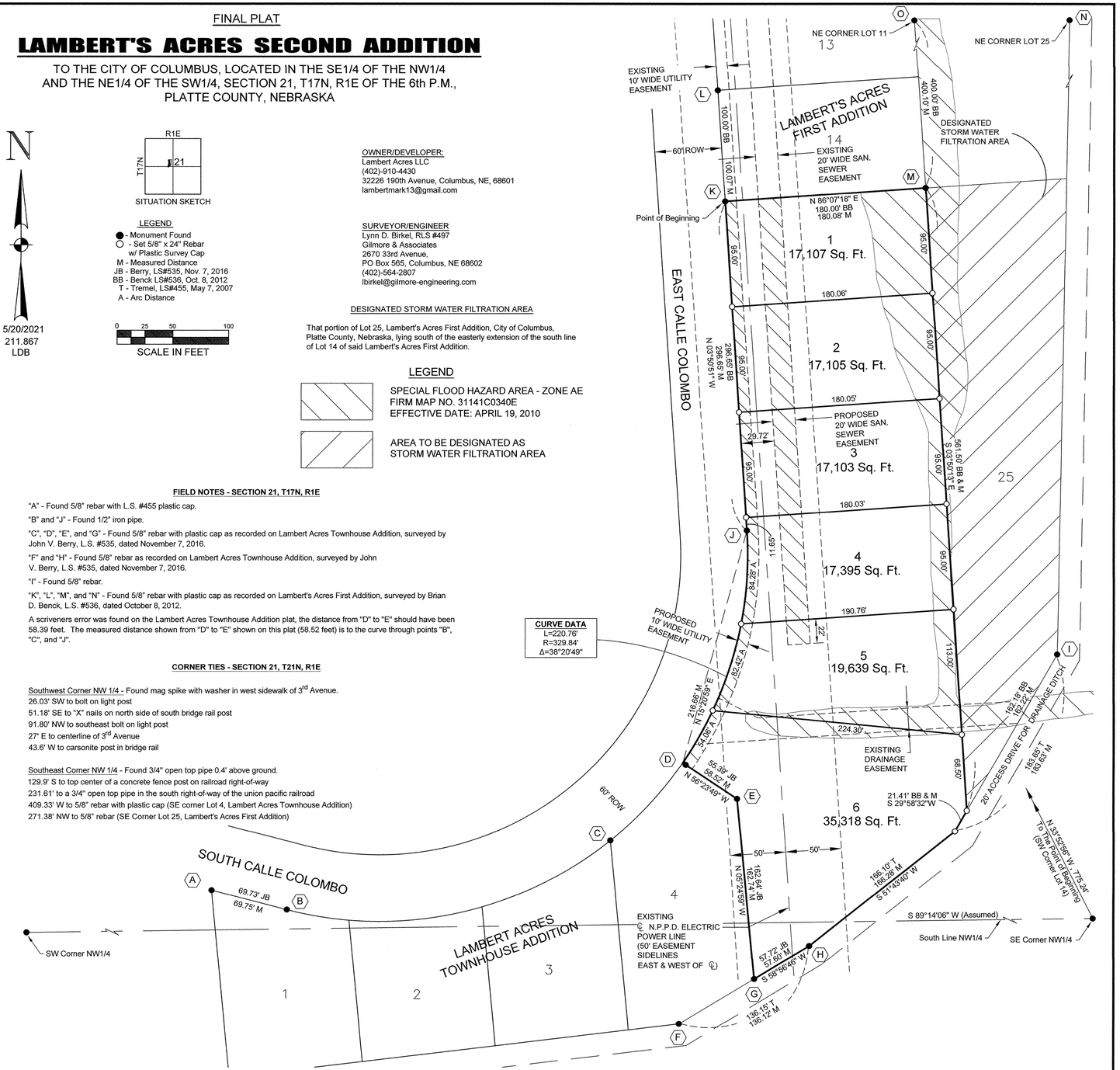
"K", "L", "M", and "N" - Found 5/8" rebar with plastic cap as recorded on Lambert's Acres First Addition, surveyed by Brian D. Benck, L.S. #536, dated October 8, 2012.

A scriveners error was found on the Lambert Acres Townhouse Addition plat, the distance from "D" to "E" should have been 58.39 feet. The measured distance shown from "D" to "E" shown on this plat (58.52 feet) is to the curve through points "B", "C", and "J".

## CORNER TIES - SECTION 21, T21N, R1E

Southwest Corner NW 1/4 - Found mag spike with washer in west sidewalk of 3rd Avenue.
26.03' SW to bolt on light post
51.18' SE to "X" nails on north side of south bridge rail post
91.80' NW to southeast bolt on light post
27' E to centerline of 3rd Avenue
43.6' W to carsonite post in bridge rail

Southeast Corner NW 1/4 - Found 3/4" open top pipe 0.4' above ground.
129.9' S to top center of a concrete fence post on railroad right-of-way
231.61' to a 3/4" open top pipe in the south right-of-way of the union pacific railroad
409.33' W to 5/8" rebar with plastic cap (SE corner Lot 4, Lambert Acres Townhouse Addition)
271.38' NW to 5/8" rebar (SE Corner Lot 25, Lambert's Acres First Addition)





GILMORE & ASSOCIATES INC.
Engineers · Surveyors
Phone (402) 564-2807
FAX (402) 564-2800
Box 565 2670 33rd Ave.
Columbus, Nebraska 68602-0565

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

# LAMBERT'S ACRES SECOND ADDITION
# DEVELOPMENT AGREEMENT

THIS AGREEMENT, made and entered into this ____ day of June, 2021, by and between LAMBERT ACRES, LLC, a Nebraska limited liability company (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 Lambert's Acres Second Addition 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 2.84 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 stormwater treatment and sidewalks 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. 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.

C. 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.

D. 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.

E. Subdivider will install the concrete sidewalk four feet wide and four inches thick in accordance with the Americans 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.

F. 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.

## 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, expect 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
Lambert Acres, LLC, a Nebraska limited liability company.

_____
By: Mark Lambert, Manager

Dated this 2nd day of June, 2021.

STATE OF NEBRASKA )
) ss.
COUNTY OF PLATTE )

On this 2nd day of June, 2021, before me a Notary Public, duly commissioned and qualified in and for said County, appeared Mark Lambert, 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.

GENERAL NOTARY - State of Nebraska
CLARK GRANT
My Comm. Exp. June 13, 2021

_____
Notary Public

9. **Building report for May 2021.**

# City of Columbus
# Building Department Monthly Report - May

| | May 2021 | | | May 2020 | | |
|---|---|---|---|---|---|---|
| | Count | Permit Fees | Value | Count | Permit Fees | Value |
| **Accessory Structure** | 7 | $902.51 | $167,800.00 | 3 | $1110.35 | $333,872.00 |
| **Com Addition** | 1 | $768.75 | $200,000.00 | 0 | $0.00 | $0.00 |
| **Com Alteration** | 2 | $221.25 | $30,000.00 | 0 | $0.00 | $0.00 |
| **Com New Construction** | 0 | $0.00 | $0.00 | 0 | $0.00 | $0.00 |
| **Com Plumbing** | 0 | $0.00 | $0.00 | 0 | $0.00 | $0.00 |
| **Commercial Construction** | 0 | $0.00 | $0.00 | 2 | $845.50 | $196,200.00 |
| **Deck** | 5 | $211.09 | $23,380.00 | 0 | $0.00 | $0.00 |
| **Demolition** | 1 | $25.00 | $8,000.00 | 1 | $50.00 | $500.00 |
| **Fence** | 20 | $500.00 | $54,472.00 | 0 | $0.00 | $0.00 |
| **Plumbing** | 0 | $0.00 | $0.00 | 31 | $140.00 | $142,800.00 |
| **Res Addition** | 3 | $406.42 | $71,093.00 | 0 | $0.00 | $0.00 |
| **Res Alteration** | 8 | $840.91 | $143,076.00 | 0 | $0.00 | $0.00 |
| **Res New Construction** | 11 | $9774.95 | $3,368,155.00 | 0 | $0.00 | $0.00 |
| **Res Plumbing** | 18 | $455.00 | $47,600.00 | 0 | $0.00 | $0.00 |
| **Res Pool** | 0 | $0.00 | $0.00 | 0 | $0.00 | $0.00 |
| **Residential Construction** | 0 | $0.00 | $0.00 | 41 | $5896.15 | $1,646,657.00 |
| **Signs** | 14 | $420.00 | $143,800.00 | 10 | $300.00 | $10,000.00 |
| YEAR TOTAL | **90** | **$14,525.88** | **$4,257,376.00** | **88** | **$8,342.00** | **$2,330,029.00** |

10. **Report of Nominating Committee.**

11. **Adjournment**