

Planning Commission
Monday, October 11, 2021 7:00 PM
Council Chambers
1369 25 Avenue
Columbus, NE 68601

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

Open Meetings Act

Neb. Rev. Stat. § 84-1407. Act, how cited.

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

Neb. Rev. Stat. § 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.

Neb. Rev. Stat. § 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.

Neb. Rev. Stat. § 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.

Neb. Rev. Stat. § 84-1411. Meetings of public body; notice; method; contents; when available; right to modify; duties concerning notice; virtual meetings 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
Open Meetings Act

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.

Neb. Rev. Stat. § 84-1412. Meetings of public body; rights of public; public body; powers and duties.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Neb. Rev. Stat. § 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.

Neb. Rev. Stat. § 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.

Neb. Rev. Stat. § 84-1415. Open Meetings Act; requirements; waiver; validity of action.

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 September 13, 2021, meeting.

PLANNING COMMISSION
September 13, 2021

A meeting of the Planning Commission of the City of Columbus, Nebraska, was convened in open and public session on September 13, 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 on September 1, 2021, 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:** Vice Chair Mueller announced that a copy of the Open Meetings Act is available at this meeting. Present were Members Steve Anderson, Colleen Bray, Bob Elsasser, Tom Lange, Kim Hoefer, Josh Mueller, and Tom Pillen. Members Melissa Goc and Fernando Lopez, Jr. were absent and excused. City staff members included City Attorney Gene Schumacher, City Engineer Rick Bogus, and Assistant City Clerk Robin Efta. Also present was Mayor James Bulkley.
2. **Minutes of August 9, 2021, meeting:** The minutes were approved as presented with a motion by Elsasser and a second by Anderson. Anderson, Bray, Elsasser, Hoefer, Lange, Mueller, and Pillen voted "Aye" and none voted "Nay". Goc and Lopez were absent.
3. **Public hearing - Application of West Wood Addition, LLC for preliminary plat of Riverside Third Addition (west of intersection of 17 Street and 49 Avenue):** Leanne Ritter, Advanced Consulting Engineering Services, on behalf of the applicant, stated that this plat is an extension west of Riverside Second Addition with eleven lots and the water, sewer, paving, and storm sewer will be extended. No public testimony was heard. The public hearing closed with a motion by Elsasser and a second by Bray. Anderson, Bray, Elsasser, Hoefer, Lange, Mueller, and Pillen voted "Aye" and none voted "Nay". Goc and Lopez were absent. A recommendation was made with a motion by Anderson and a second by Elsasser to approve the preliminary plat of Riverside Third Addition as it is amenable with the adjacent land use and is in accordance with the Unified Land Development Ordinance. Anderson, Bray, Elsasser, Hoefer, Lange, Mueller, and Pillen voted "Aye" and none voted "Nay". Goc and Lopez were absent.
4. **Public hearing - Application of West Wood Addition, LLC to rezone property west of Riverside 2nd Addition on 17 Street west of 49 Avenue from "RR" (Rural Residential District) to "R-1" (Single-Family Residential District):** Leanne Ritter, Advanced Consulting Engineering Services, on behalf of the applicant, stated that this request for "R-1" zoning will allow the property to be consistent with Riverside First and Second Additions. No public testimony was heard. The public hearing closed with a motion by Anderson and a second by Elsasser. Anderson, Bray, Elsasser, Hoefer, Lange, Mueller, and Pillen voted "Aye" and none voted "Nay". Goc and Lopez were absent. A recommendation was made with a motion by Elsasser and a second by Anderson to approve the rezoning application of West Wood Addition, LLC as it is

compatible with the area and a good use of the property. Anderson, Bray, Elsasser, Hoefler, Lange, Mueller, and Pillen voted "Aye" and none voted "Nay". Goc and Lopez were absent.

5. **Public hearing - Application of Kenneth Armstrong to rezone the north side of three lots located at 28 Avenue and 35 Street from "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District) and amend the Future Land Use Map of the Comprehensive Plan accordingly:** Clark Grant, attorney on behalf of the applicant, explained that this request is to allow construction of townhomes and that it would also allow the lots to be in one district. No public testimony was heard. The public hearing closed with a motion by Anderson and a second by Lange. Anderson, Bray, Elsasser, Hoefler, Lange, Mueller, and Pillen voted "Aye" and none voted "Nay". Goc and Lopez were absent. A recommendation was made with a motion by Elsasser and a second by Pillen to approve the rezoning application of Kenneth Armstrong and amend the Future Land Use Map as it would be a good fit for the area. Anderson, Bray, Elsasser, Hoefler, Lange, Mueller, and Pillen voted "Aye" and none voted "Nay". Goc and Lopez were absent.
6. **Public hearing - Application of Rockey Aldredge and Kurtis Perry for final plat and development agreement of Frontier 3rd Addition (east of intersection of 8 Street and 7 Avenue):** Merlin Lindahl, Lindahl Engineering, LLC, on behalf of the applicant, explained two changes from the preliminary plat to the final plat were numbering of the lots and the increase to an eight foot easement. No public testimony was heard. The public hearing closed with a motion by Anderson and a second by Pillen. Anderson, Bray, Elsasser, Hoefler, Lange, Mueller, and Pillen voted "Aye" and none voted "Nay". Goc and Lopez were absent. A recommendation was made with a motion by Elsasser and a second by Lange to approve the final plat and development agreement of Frontier 3rd Addition as it is consistent with the preliminary plat. Anderson, Bray, Elsasser, Hoefler, Lange, Mueller, and Pillen voted "Aye" and none voted "Nay". Goc and Lopez were absent.
7. **Public hearing - Application of CMR Holdings, LLC for final plat and development agreement of Eagleview 2nd Subdivision (north of 53 Street approximately 1/2 mile east of 33 Avenue):** Lynn Birkel, Gilmore & Associates, on behalf of the applicant, stated the final plat is consistent with the preliminary plat and noted the lots will have individual septic systems. No public testimony was heard. The public hearing closed with a motion by Elsasser and a second by Pillen. Anderson, Bray, Elsasser, Hoefler, Lange, Mueller, and Pillen voted "Aye" and none voted "Nay". Goc and Lopez were absent. A recommendation was made with a motion by Bray and a second by Hoefler to approve the final plat and development agreement of Eagleview 2nd Subdivision as it is consistent with the preliminary plat. Anderson, Bray, Elsasser, Hoefler, Lange, Mueller, and Pillen voted "Aye" and none voted "Nay". Goc and Lopez were absent.
8. **Public hearing - Application of Meadow Ridge Properties, LLC for final plat and development agreement of Meadow Ridge Ninth Addition (west of intersection of 42 Street and 54 Avenue):** Leanne Ritter, Advanced Consulting Engineering Services, on behalf of the applicant, stated the final plat is consistent with the preliminary plat except for a street number change requested by the city. No public testimony was heard. The public hearing closed with a motion by Anderson and a second by Pillen. Anderson, Bray, Elsasser, Hoefler, Lange, Mueller, and Pillen voted "Aye" and none voted "Nay". Goc and Lopez were absent. A recommendation was made with a motion

by Elsasser and a second by Lange to approve the final plat and development agreement of Meadow Ridge Ninth Addition as it is consistent with the preliminary plat. Anderson, Bray, Elsasser, Hoefler, Lange, Mueller, and Pillen voted "Aye" and none voted "Nay". Goc and Lopez were absent.

- 8.A. Public hearing - Determine whether Meadow Ridge Ninth Addition should be included within corporate city limits:** Leanne Ritter, Advanced Consulting Engineering Services, on behalf of the applicant, noted the owner, Meadow Ridge Properties, LLC, approves of the annexation into the city limits. No public testimony was heard. The public hearing closed with a motion by Elsasser and a second by Lange. Anderson, Bray, Elsasser, Hoefler, Lange, Mueller, and Pillen voted "Aye" and none voted "Nay". Goc and Lopez were absent. A recommendation was made with a motion by Elsasser and a second by Anderson to include Meadow Ridge Ninth Addition within the corporate city limits. Anderson, Bray, Elsasser, Hoefler, Lange, Mueller, and Pillen voted "Aye" and none voted "Nay". Goc and Lopez were absent.
- 9. Public hearing - Application of Meadow Ridge Properties, LLC for final plat and development agreement of Meadow Ridge Tenth Addition (west of intersection of 37 Street and 50 Avenue):** Leanne Ritter, Advanced Consulting Engineering Services, on behalf of the applicant, stated the final plat is consistent with the preliminary plat and the city utilities will be extended. No public testimony was heard. The public hearing closed with a motion by Elsasser and a second by Bray. Anderson, Bray, Elsasser, Hoefler, Lange, Mueller, and Pillen voted "Aye" and none voted "Nay". Goc and Lopez were absent. A recommendation was made with a motion by Elsasser and a second by Anderson to approve the final plat and development agreement of Meadow Ridge Tenth Addition as it is consistent with the preliminary plat. Anderson, Bray, Elsasser, Hoefler, Lange, Mueller, and Pillen voted "Aye" and none voted "Nay". Goc and Lopez were absent.
- 9.A. Public hearing - Determine whether Meadow Ridge Tenth Addition should be included within corporate city limits:** Leanne Ritter, Advanced Consulting Engineering Services, on behalf of the applicant, noted the owner, Meadow Ridge Properties, LLC, approves of the annexation into the city limits. No public testimony was heard. The public hearing closed with a motion by Elsasser and a second by Lange. Anderson, Bray, Elsasser, Hoefler, Lange, Mueller, and Pillen voted "Aye" and none voted "Nay". Goc and Lopez were absent. A recommendation was made with a motion by Bray and a second by Elsasser to include Meadow Ridge Tenth Addition within the corporate city limits. Anderson, Bray, Elsasser, Hoefler, Lange, Mueller, and Pillen voted "Aye" and none voted "Nay". Goc and Lopez were absent.
- 10. Building report for August 2021:** The building report was approved as presented with a motion by Anderson and a second by Lange. Anderson, Bray, Elsasser, Hoefler, Lange, Mueller, and Pillen voted "Aye" and none voted "Nay". Goc and Lopez were absent.
- 11. Adjournment:** The meeting adjourned at 7:29 p.m.

OFFICE OF THE CITY CLERK
: Robin Efta

- 3. Public hearing - Application of West Wood Addition, LLC for final plat and development agreement of Riverside Third Addition (west of intersection of 17 Street and 49 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, October 11, 2021, at 7 p.m. in the Council Chambers, 1369 25 Avenue, Columbus, Nebraska, on the final plat and development agreement of Riverside Third Addition, a tract of land located in the SE1/4NE1/4 of Section 23, 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 SE1/4NE1/4 of said Section 23; thence S 01°47'14" E on the West line of the SE1/4NE1/4, 448.08 feet to the Point of Beginning; thence S 01°47'14" E on said West line, 384.00 feet; thence N 88°08'31" E and parallel to the South line of said Northeast 1/4, 160.00 feet; thence N 01°47'14" W and parallel to said West line, 15.00 feet; thence N 88°08'31" E and parallel to said South line, 412.00 feet to the Southwest corner of Riverside Second Addition to the City of Columbus, Platte County, Nebraska; thence N 01°47'14" W on the West line of said Riverside Second Addition, 354.00 feet to the Northwest corner of said Riverside Second Addition; thence S 88°08'31" W and parallel to said South line, 412.00 feet; thence N 01°47'14" W and parallel to the West line of the SE1/4NE1/4, 15.00 feet; thence S 88°08'31" W and parallel to said South line, 160.00 feet to the Point of Beginning, containing 4.76 acres, more or less (west of intersection of 17 Street and 49 Avenue) and at said time and place you may appear and be heard.

In addition, you are hereby notified that at the same time and place, the Planning Commission will hold a separate public hearing as to whether said Addition as above described should be included within the corporate limits of the City of Columbus and become a part of said municipality for all purposes whatsoever, and at said time and place you may appear and be heard.

CITY OF COLUMBUS, NEBRASKA
Janelle Kline, City Clerk

Publish: 09:30:21
Two Affidavits of Publication

The City of **Columbus**

MEMORANDUM

DATE: October 7, 2021
FROM : Richard J. Bogus, City Engineer
TO: Tara Vasicek, City Administrator
RE: Riverside Third Addition - Final Plat

RECOMMENDATION:

I recommend the approval of the final plat of Riverside Third Addition as it is consistent with the Preliminary Plat. The Preliminary Plat was approved by the Planning Commission on September 13, 2021, and City Council on September 20, 2021.

DISCUSSION:

The addition consists of 11 residential lots, paving and utility extensions, and stormwater treatment. The addition will be annexed as part of the major plat process.

FISCAL IMPACT:

Minor costs for street and utility maintenance.

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: August 23, 2021

NAME OF SUBDIVISION: Riverside Third Addition

NAME OF PROPERTY OWNER: West Wood, LLC

CONTACT INFORMATION:

NAME OF REPRESENTATIVE OR PROPERTY OWNER: Craig Foreman

ADDRESS OF REPRESENTATIVE OR PROPERTY OWNER: 3920 23rd St, Columbus, NE 68601

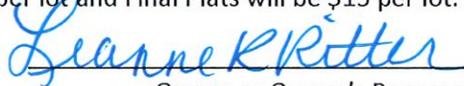
PHONE NUMBER: 402-910-1615

REPRESENTATIVE OR PROPERTY OWNER E-MAIL: craig@foremanlumber.com

NUMBER OF LOTS IN SUBDIVISION: 11

ADDRESS OF SUBDIVISION: West of River Second Addition, Columbus, NE

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

Attorney / Legal Counsel for Applicant

Development Agreement submitted on: _____

City Attorney

Neal Valorz – nvalorz@1492law.com

Gene G. Schumacher – gschum@1492law.com

Final Plat
Riverside Third Addition
 Part of the Southeast 1/4 of the Northeast 1/4 of Section 23,
 T17N, R1W of the 6th P.M., Platte County, Nebraska

- 20' Front and Street Side Setbacks.
- 25' Rear Setbacks.
- 5' Side Yard Setbacks.

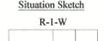


Drawn By: LRR
 Date: August 23, 2021
 Project Number: S-071-122
 Scale: 1" = 30'



SCALE IN FEET

- LEGEND
- Section Corner Found
 - Property Corner Found
 - Property Corner Set (5/8" x 24" I.B. w/Cap)
 - M Measured Distance
 - R Recorded Distance (TLS) Terry L. Schulz, LS#550



Situation Sketch
 R-1-W
 T-17-N

SECTION 23
 Platte County, Nebraska

DEVELOPER:
 West Wood Addition, LLC
 5109 Howard Boulevard
 P.O. Box 1276
 Columbus, NE 68602-1276

ENGINEER:
 John A. Zwingman, PE
 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

FIELD NOTES
 A) Northwest Corner, Southeast 1/4, Northeast 1/4, Section 23, T17N, R1W: Found 1" Iron Pipe, One Foot Deep.
 3.65' SW to "X" Nails in Railroad Tie Corner Fence Post.
 12.65' SSW to Nail and Disc in Fence Post.
 12.40' North to Centerline of East-West Gravel Drive.
 Corner Falls 21.80' South of Range of Power Poles East-West.

B) Southwest Corner, Southeast 1/4, Northeast 1/4, Section 23, T17N, R1W: Found 1-1/4" Iron Pipe.
 3.77' NNW to Nail & Disc in Fence Post.
 11.64' SSW to Nail & Disc in Fence Post.

LEGAL DESCRIPTION
 A tract of land located in the Southeast 1/4 of the Northeast 1/4 of Section 23, T17N, R1W of the 6th P.M., Platte County, Nebraska, more particularly described as follows:

Commencing at the Northwest Corner of the Southeast 1/4 of the Northeast 1/4 of Section 23, T17N, R1W of the 6th P.M., Platte County, Nebraska; thence S 01°47'14" E on the West line of the Southeast 1/4 of said Northeast 1/4, 448.08 feet to the Point of Beginning; thence S 01°47'14" E on said West line, 384.00 feet; thence N 88°08'31" E and parallel to the South line of said Northeast 1/4, 160.00 feet; thence N 01°47'14" W and parallel to said West line, 15.00 feet; thence N 88°08'31" E and parallel to said South line, 412.00 feet to the Southwest corner of Riverside Second Addition to the City of Columbus, Platte County, Nebraska; thence N 01°47'14" W on the West line of said Riverside Second Addition, 354.00 feet to the Northwest corner of said Riverside Second Addition; thence S 88°08'31" W and parallel to said South line, 412.00 feet; thence N 01°47'14" W and parallel to the West line of the Southeast 1/4 of said Northeast 1/4, 15.00 feet; thence S 88°08'31" W and parallel to said South line, 160.00 feet to the Point of Beginning, containing 4.76 acres, more or less.

SURVEYOR'S CERTIFICATE
 I, Terry L. Schulz, a Registered Land Surveyor of the State of Nebraska, do hereby certify that the survey described above was made by me or under my direct supervision on March 29, 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: 9-7-2021

COLUMBUS, NEBRASKA SCHOOL BOARD
 This Final Plat of RIVERSIDE THIRD ADDITION to the City of Columbus, Nebraska, is approved by the Columbus Public Schools on this _____ day of _____, 2021.

School Superintendent _____

DEDICATION
 We, West Wood Addition, LLC, owners of the described property, RIVERSIDE THIRD ADDITION, hereby dedicate the streets, avenues, roads and public grounds designated upon and referred to in this Plat to the use and benefit of the public and provide all easements shown on this Plat for drainage facilities, public utilities, signs and right-of-way. We hereby make said tract of land, so shown on the above Plat, a part of the City of Columbus, Platte County, Nebraska. Said tract of land shall hereinafter be known as RIVERSIDE THIRD ADDITION, of part of the Southeast 1/4 of the Northeast 1/4 of Section 23, T17N, R1W of the 6th P.M., Platte County, Nebraska.

West Wood Addition, LLC _____

STATE OF NEBRASKA ss
 COUNTY OF PLATTE)

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

Witness my hand and official seal on the date last written.
 My Commission expires: _____

Notary Public _____

COLUMBUS NEBRASKA PLANNING COMMISSION
 This Final Plat of RIVERSIDE THIRD ADDITION to the City of Columbus, Nebraska, approved by the Planning Commission this _____ day of _____, 2021.

Chairman _____

COLUMBUS NEBRASKA CITY COUNCIL
 This Final Plat of RIVERSIDE THIRD ADDITION to the City of Columbus, Nebraska, approved by Resolution _____ by the City Council this _____ day of _____, 2021.

Mayor _____ City Clerk _____



RETURN TO: Thomas M. Fehring, Fehring & Mielak, LLP, PO Box 400, Columbus, NE 68602-0400
402/563-9617 (phone), 402.563.9618 (fax), thomas.fehring@fmflaw.com

DEVELOPMENT AGREEMENT

THIS AGREEMENT, made and entered on _____, 2021, by and between **WEST WOOD ADDITION, 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 RIVERSIDE THIRD 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 systems 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 4.76 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 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 shall install water, sanitary and storm sewer systems and street improvements, including sidewalks and trails in accordance with City standards. The Subdivider shall be responsible for the design, financing and construction of said public infrastructure improvements as detailed herein.

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

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

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

E. The water distribution system, including, but not limited to: mains, hydrants and valves shall be constructed according to City standards within dedicated

right-of-way and easements per plat (**Exhibit "A"**) on water plan prepared by a Nebraska Licensed Civil Engineer. The Subdivider will be responsible for the design, financing and construction of said water distribution improvements. The entire cost of the water distribution improvements shall be paid by the Subdivider, with exception of water mains located in a dedicated right-of-way or easement area that are greater than six (6) inches. In such case, the cost over 6-inches shall be paid for by the City subject to the final approval of plans and specifications by the City.

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

G. Subdivider shall arrange for underground electrical service to each buildable lot within the Area to be Developed to be provided by Loup Power District at no cost to the City. If any relocation or adjusting of existing electrical mains are required, the costs shall be borne by the Subdivider.

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

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

J. Grading for the Area to be Developed shall be completed by the Subdivider at Subdivider's expense pursuant to the drainage 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 and 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 to the City as part of the City's Municipal Storm Sewer Separation System requirements.

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

WEST WOOD ADDITION, LLC
By: Craig Foreman, Authorized Member
Dated: _____, 2021.

STATE OF NEBRASKA)
) ss:
COUNTY OF PLATTE)

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

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

Notary Public

3.A. Public hearing - Determine whether Riverside Third Addition should be included within corporate city limits.

4. **Public hearing - Application of Steven Ramaekers, Granville Custom Homes, Inc., for preliminary plat of Shadylake Meadows 2nd Subdivision (vicinity of 23 Street and 57 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, October 11, 2021, at 7 p.m. in the Council Chambers, 1369 25th Avenue, Columbus, Nebraska, on the preliminary plat of Shadylake Meadows 2nd Subdivision, Lots 1 and 2, Block A and Lots 3 - 14, Block B and Lots 1 - 5 and 7 - 9, Block C and Parts of 56th Avenue, 57th Avenue and 24th Street of Shadylake Meadows Subdivision to the City of Columbus, Platte County, Nebraska, more particularly described as follows: Beginning at the Southeast corner of Lot 10, Block C, Shadylake Meadows Subdivision to the City of Columbus, Platte County, Nebraska; thence S 01°38'33" E on the East line of said Shadylake Meadows Subdivision, 300.00 feet to the Northeast corner of Lot 6, Block C of said Shadylake Meadows Subdivision; thence S 88°21'27" W on the North line of said Lot 6, 156.00 feet to the Northwest corner of said Lot 6; thence S 01°38'33" E on the West line of said Lot 6, 100.00 feet to the Southwest corner of said Lot 6; thence N 88°21'27" E on the South line of said Lot 6, 156.00 feet to the Southeast corner of said Lot 6; thence S 01°38'33" E on the East line of said Shadylake Meadows Subdivision, 469.87 feet to the Southeast corner of Lot 2, Block C of said Shadylake Meadows Subdivision; thence S 88°39'32" W on the North Right-of-Way line of Shady Lake Road, 545.94 feet to the Southwest corner of Lot 1, Block A of said Shadylake Meadows Subdivision; thence N 01°21'52" W on the West line of said Shadylake Meadows Subdivision, 207.00 feet; thence N 88°21'27" E on the North Right-of-Way line of 24th Street, 328.91 feet to the Southeast corner of Lot 16, Block B; thence N 01°38'33" W on the West Right-of-Way line of 56th Avenue, 200.00 feet to the Northeast corner of Lot 15 of said Block B; thence S 88°21'27" W on the Westerly extension of the North line of said Lot 15, 328.23 feet to a point on the West line of said Shadylake Meadows Subdivision; thence N 01°38'33" W on said West line, 600.00 feet to a point on the Westerly extension of the South Right-of-Way line of 26th Street; thence N 88°21'27" E on said South Right-of-Way line, 328.23 feet to the Northeast corner of Lot 9 of said Block B; thence S 01°38'33" E on the West Right-of-Way line of 56th Avenue, 140.00 feet to a point on the Westerly extension of South line of said Lot 10, Block C; thence N 88°21'27" E on the Westerly extension of the South line of said Lot 10, 216.00 feet to the Point of Beginning, containing 10.05 acres, more or less (vicinity of 23 Street and 57 Avenue) and at said time and place you may appear and be heard.

CITY OF COLUMBUS, NEBRASKA
Janelle Kline, City Clerk

Publish: 09:30:21
Two Affidavits of Publication

The City of **Columbus**

MEMORANDUM

DATE: October 7, 2021
FROM : Richard J. Bogus, City Engineer
TO: Tara Vasicek, City Administrator
RE: Shadylake Meadows 2nd Subdivision – Preliminary and Final Plat

RECOMMENDATION:

I recommend the approval of the preliminary and final plat of Shadylake Meadows 2nd Subdivision as it is amenable with the adjacent land use, consistent with the planning of Shadylake Meadows Addition, and is in accordance with the Unified Land Development Ordinance.

DISCUSSION:

The addition consists of 31 residential lots which revises the 29 residential lots of Shadylake Meadows Addition. The subdivision is within the corporate limits.

All utility and paving, except sidewalks, are constructed as part of Shadylake Meadows Addition. Relocation of a fire hydrant, Loup Power facilities, and the additional of water and sanitary sewer service lines are part of this project.

FISCAL IMPACT:

None

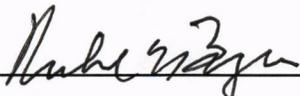
ALTERNATIVE:

Do not approve.

CONCURRENCE:

By: _____ Dan Curtis _____

SIGNATURE:

By: _____  _____

Approved By: _____ Tara Vasicek _____

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

DATE: September 16, 2021

NAME OF SUBDIVISION: Shadylake Meadows 2nd Subdivision

NAME OF PROPERTY OWNER: Steven Ramaekers - Granville Custom Homes, Inc.

CONTACT INFORMATION:

NAME OF REPRESENTATIVE OR PROPERTY OWNER: Steven Ramaekers

ADDRESS OF REPRESENTATIVE OR PROPERTY OWNER: 4514 Howard Blvd, Columbus, NE 68601

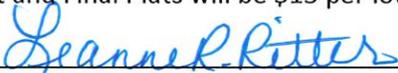
PHONE NUMBER: 402-276-3476

REPRESENTATIVE OR PROPERTY OWNER E-MAIL: steven@granville-homes.com

NUMBER OF LOTS IN SUBDIVISION: 29

ADDRESS OF SUBDIVISION: 2367 57th Ave, Columbus, NE 68601

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

Attorney / Legal Counsel for Applicant

Development Agreement submitted on: _____

City Attorney

Neal Valorz – nvalorz@1492law.com

Gene G. Schumacher – gschum@1492law.com

Preliminary Plat
SHADYLAKE MEADOWS 2ND SUBDIVISION

A Subdivision of Lots 1-2, Block A & Lots 3-14, Block B & Lots 1-5 & 7-9, Block C of Shadylake Meadows Subdivision to the City of Columbus, Platte County, Nebraska

B) Northeast Corner,
Southwest 1/4,
Section 14, T17N, R1W

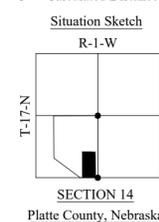


Drawn By: LRR
Date: August 27, 2021
Project Number: S-071-134
Scale: 1" = 60'



LEGEND

- Section Corner Found
- Property Corner Found
- Property Corner Set (5/8" x 24" I.B. w/Cap)
- Calculated Point
- M Measured Distance
- R Recorded Distance (CCH) Christopher C. Hays RLS#673 Dated September 11, 2012 (TLS) Terry L. Schulz, RLS #550 Dated April 23, 2018
- C Calculated Distance



ZONING
Existing Zone: R-1 & R-2

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

Curve Details
A Radius= 66.50'
Arc Length= 65.74'
Chord Length= 63.10'
Chord Bearing= N 60°02'08" E

B Radius= 66.50'
Arc Length= 38.71'
Chord Length= 38.17'
Chord Bearing= N 15°02'08" E

C Radius= 66.50'
Arc Length= 4.83'
Chord Length= 4.83'
Chord Bearing= N 33°47'41" E

OWNER/DEVELOPER:
Granville Custom Homes, Inc.
4514 Howard Blvd.
Columbus, NE 68601

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

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

This survey was prepared at the request of Steven Ramackers, Columbus, Nebraska.

FIELD NOTES

- A) Southeast Corner, Southwest 1/4, Section 14, T17N, R1W: Found Steel Survey Marker. On Centerline of Asphalt East-West. On Range of Fence North. 44.83' NE to "X" Nails in Power Pole. 34.40' NNE to "X" Nails in Power Pole. 25.20' South to Centerline of Manhole. 35.89' North to Nail & Disc in Top of Corner Fence Post.
- B) Northeast Corner, Southwest 1/4, Section 14, T17N, R1W: Found 1" Iron Pipe. 0.7' West to Range of Fence South. On Range of Fence West. On Range of Power Poles South. 5.26' North to PK Nail & Plastic Washer in Power Pole. 1.42' SW to PK Nail & Plastic Washer in Corner Fence Post. 7.85' South to "X" Nails in Fence Post.

LEGAL DESCRIPTION

Lots 1 and 2, Block A and Lots 3 - 14, Block B and Lots 1 - 5 and 7 - 9, Block C and Parts of 56th Avenue, 57th Avenue and 24th Street of Shadylake Meadows Subdivision to the City of Columbus, Platte County, Nebraska, more particularly described as follows:

Beginning at the Southeast corner of Lot 10, Block C, Shadylake Meadows Subdivision to the City of Columbus, Platte County, Nebraska; thence S 01°38'33" E on the East line of said Shadylake Meadows Subdivision, 300.00 feet to the Northeast corner of Lot 6, Block C of said Shadylake Meadows Subdivision; thence S 88°21'27" W on the North line of said Lot 6, 156.00 feet to the Northwest corner of said Lot 6; thence S 01°38'33" E on the West line of said Lot 6, 100.00 feet to the Southwest corner of said Lot 6; thence N 88°21'27" E on the South line of said Lot 6, 156.00 feet to the Southeast corner of said Lot 6; thence S 01°38'33" E on the East line of said Shadylake Meadows Subdivision, 469.87 feet to the Southeast corner of Lot 2, Block C of said Shadylake Meadows Subdivision; thence S 88°39'32" W on the North Right-of-Way line of Shady Lake Road, 545.94 feet to the Southwest corner of Lot 1, Block A of said Shadylake Meadows Subdivision; thence N 01°21'52" W on the West line of said Shadylake Meadows Subdivision, 207.00 feet; thence N 88°21'27" E on the North Right-of-Way line of 24th Street, 328.91 feet to the Southeast corner of Lot 16, Block B; thence N 01°38'33" W on the West Right-of-Way line of 56th Avenue, 200.00 feet to the Northeast corner of Lot 15 of said Block B; thence S 88°21'27" W on the Westerly extension of the North line of said Lot 15, 328.23 feet to a point on the West line of said Shadylake Meadows Subdivision; thence N 01°38'33" W on said West line, 600.00 feet to a point on the Westerly extension of the South Right-of-Way line of 26th Street; thence N 88°21'27" E on said South Right-of-Way line, 328.23 feet to the Northeast corner of Lot 9 of said Block B; thence S 01°38'33" E on the West Right-of-Way line of 56th Avenue, 140.00 feet to a point on the Westerly extension of South line of said Lot 10, Block C; thence N 88°21'27" E on the Westerly extension of the South line of said Lot 10, 216.00 feet to the Point of Beginning, containing 10.05 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 August 27, 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 _____



COLUMBUS NEBRASKA PLANNING COMMISSION
This Preliminary Plat of SHADYLAKE MEADOWS 2ND SUBDIVISION to the City of Columbus, Nebraska approved by the Planning Commission this _____ day of _____, 2021.

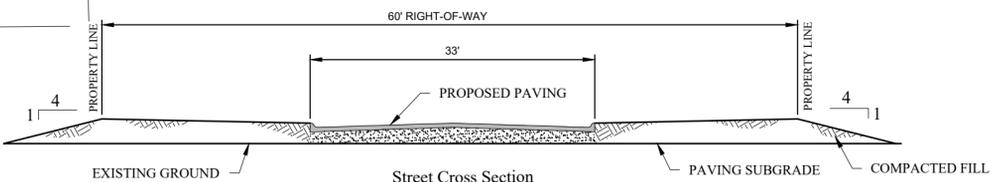
Chairman _____

COLUMBUS NEBRASKA CITY COUNCIL
This Preliminary Plat of SHADYLAKE MEADOWS 2ND SUBDIVISION to the City of Columbus, Nebraska approved by the City Council this _____ day of _____, 2021.

Mayor _____

City Clerk _____

A) Southeast Corner,
Southwest 1/4,
Section 14, T17N, R1W



5. **Public hearing - Application of Steven Ramaekers, Granville Custom Homes, Inc., for final plat and development agreement of Shadylake Meadows 2nd Subdivision (vicinity of 23 Street and 57 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, October 11, 2021, at 7 p.m. in the Council Chambers, 1369 25 Avenue, Columbus, Nebraska, on the final plat and development agreement of Shadylake Meadows 2nd Subdivision, Lots 1 and 2, Block A and Lots 3 - 14, Block B and Lots 1 - 5 and 7 - 9, Block C and Parts of 56th Avenue, 57th Avenue and 24th Street of Shadylake Meadows Subdivision to the City of Columbus, Platte County, Nebraska, more particularly described as follows: Beginning at the Southeast corner of Lot 10, Block C, Shadylake Meadows Subdivision to the City of Columbus, Platte County, Nebraska; thence S 01°38'33" E on the East line of said Shadylake Meadows Subdivision, 300.00 feet to the Northeast corner of Lot 6, Block C of said Shadylake Meadows Subdivision; thence S 88°21'27" W on the North line of said Lot 6, 156.00 feet to the Northwest corner of said Lot 6; thence S 01°38'33" E on the West line of said Lot 6, 100.00 feet to the Southwest corner of said Lot 6; thence N 88°21'27" E on the South line of said Lot 6, 156.00 feet to the Southeast corner of said Lot 6; thence S 01°38'33" E on the East line of said Shadylake Meadows Subdivision, 469.87 feet to the Southeast corner of Lot 2, Block C of said Shadylake Meadows Subdivision; thence S 88°39'32" W on the North Right-of-Way line of Shady Lake Road, 545.94 feet to the Southwest corner of Lot 1, Block A of said Shadylake Meadows Subdivision; thence N 01°21'52" W on the West line of said Shadylake Meadows Subdivision, 207.00 feet; thence N 88°21'27" E on the North Right-of-Way line of 24th Street, 328.91 feet to the Southeast corner of Lot 16, Block B; thence N 01°38'33" W on the West Right-of-Way line of 56th Avenue, 200.00 feet to the Northeast corner of Lot 15 of said Block B; thence S 88°21'27" W on the Westerly extension of the North line of said Lot 15, 328.23 feet to a point on the West line of said Shadylake Meadows Subdivision; thence N 01°38'33" W on said West line, 600.00 feet to a point on the Westerly extension of the South Right-of-Way line of 26th Street; thence N 88°21'27" E on said South Right-of-Way line, 328.23 feet to the Northeast corner of Lot 9 of said Block B; thence S 01°38'33" E on the West Right-of-Way line of 56th Avenue, 140.00 feet to a point on the Westerly extension of South line of said Lot 10, Block C; thence N 88°21'27" E on the Westerly extension of the South line of said Lot 10, 216.00 feet to the Point of Beginning, containing 10.05 acres, more or less (vicinity of 23 Street and 57 Avenue) and at said time and place you may appear and be heard.

CITY OF COLUMBUS, NEBRASKA
Janelle Kline, City Clerk

Publish: 09:30:21
Two Affidavits of Publication

The City of **Columbus**

MEMORANDUM

DATE: October 7, 2021
FROM : Richard J. Bogus, City Engineer
TO: Tara Vasicek, City Administrator
RE: Shadylake Meadows 2nd Subdivision – Preliminary and Final Plat

RECOMMENDATION:

I recommend the approval of the preliminary and final plat of Shadylake Meadows 2nd Subdivision as it is amenable with the adjacent land use, consistent with the planning of Shadylake Meadows Addition, and is in accordance with the Unified Land Development Ordinance.

DISCUSSION:

The addition consists of 31 residential lots which revises the 29 residential lots of Shadylake Meadows Addition. The subdivision is within the corporate limits.

All utility and paving, except sidewalks, are constructed as part of Shadylake Meadows Addition. Relocation of a fire hydrant, Loup Power facilities, and the additional of water and sanitary sewer service lines are part of this project.

FISCAL IMPACT:

None

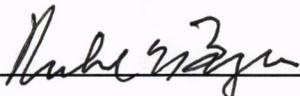
ALTERNATIVE:

Do not approve.

CONCURRENCE:

By: _____ Dan Curtis

SIGNATURE:

By: _____ 

Approved By: _____ Tara Vasicek

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

DATE: September 16, 2021

NAME OF SUBDIVISION: Shadylake Meadows 2nd Subdivision

NAME OF PROPERTY OWNER: Steven Ramaekers

CONTACT INFORMATION:

NAME OF REPRESENTATIVE OR PROPERTY OWNER: Steven Ramaekers - Granville Custom Homes, Inc.

ADDRESS OF REPRESENTATIVE OR PROPERTY OWNER: 4514 Howard Blvd, Columbus, NE 68601

PHONE NUMBER: 402-276-3476

REPRESENTATIVE OR PROPERTY OWNER E-MAIL: steven@granville-homes.com

NUMBER OF LOTS IN SUBDIVISION: 29

ADDRESS OF SUBDIVISION: 2367 57th Ave, Columbus, NE 68601

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

Attorney / Legal Counsel for Applicant

Development Agreement submitted on: _____

City Attorney

Neal Valorz – nvalorz@1492law.com

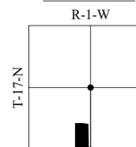
Gene G. Schumacher – gschum@1492law.com

Final Plat SHADYLAKE MEADOWS 2ND SUBDIVISION

A Subdivision of Lots 1-2, Block A & Lots 3-14, Block B & Lots 1-5 & 7-9, Block C of Shadylake Meadows Subdivision to the City of Columbus, Platte County, Nebraska

B) Northeast Corner,
Southwest 1/4,
Section 14, T17N, R1W

Situation Sketch



SECTION 14
Platte County, Nebraska



Drawn By: LRR
Date: August 27, 2021
Project Number: S-071-134
Scale: 1" = 60'



LEGEND

- Section Corner Found
- Property Corner Found
- Property Corner Set (5/8" x 24" I.B. w/Cap)
- Calculated Point
- M Measured Distance
- R Recorded Distance (CCH) Christopher C. Hays RLS#673
(TLS) Terry L. Schulz, RLS #550
Dated April 23, 2018
- C Calculated Distance

Curve Details	
A	Radius= 66.50' Arc Length= 65.74' Chord Length= 63.10' Chord Bearing= N 60°02'08" E
B	Radius= 66.50' Arc Length= 38.71' Chord Length= 38.17' Chord Bearing= N 15°02'08" E
C	Radius= 66.50' Arc Length= 4.83' Chord Length= 4.83' Chord Bearing= N 33°47'41" E

OWNER/DEVELOPER:
Granville Custom Homes, Inc.
4514 Howard Blvd.
Columbus, NE 68601

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

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

This survey was prepared at the request of Steven Ramaekers, Columbus, Nebraska.

FIELD NOTES

A) Southeast Corner, Southwest 1/4, Section 14, T17N, R1W: Found Steel Survey Marker. On Centerline of Asphalt East-West. On Range of Fence North. 44.83' NE to "X" Nails in Power Pole. 34.40' NNE to "X" Nails in Power Pole. 25.20' South to Centerline of Manhole. 35.89' North to Nail & Disc in Top of Corner Fence Post.

B) Northeast Corner, Southwest 1/4, Section 14, T17N, R1W: Found 1" Iron Pipe. 0.7' West to Range of Fence South. On Range of Fence West. On Range of Power Poles South. 5.26' North to PK Nail & Plastic Washer in Power Pole. 1.42' SW to PK Nail & Plastic Washer in Corner Fence Post. 7.85' South to "X" Nails in Fence Post.

LEGAL DESCRIPTION

Lots 1 and 2, Block A and Lots 3 - 14, Block B and Lots 1 - 5 and 7 - 9, Block C and Parts of 56th Avenue, 57th Avenue and 24th Street of Shadylake Meadows Subdivision to the City of Columbus, Nebraska, more particularly described as follows:

Beginning at the Southeast corner of Lot 10, Block C, Shadylake Meadows Subdivision to the City of Columbus, Platte County, Nebraska; thence S 01°38'33" E on the East line of said Shadylake Meadows Subdivision, 300.00 feet to the Northeast corner of Lot 6, Block C of said Shadylake Meadows Subdivision; thence S 88°21'27" W on the North line of said Lot 6, 156.00 feet to the Northwest corner of said Lot 6; thence S 01°38'33" E on the West line of said Lot 6, 100.00 feet to the Southwest corner of said Lot 6; thence N 88°21'27" E on the South line of said Lot 6, 156.00 feet to the Southeast corner of said Lot 6; thence S 01°38'33" E on the East line of said Shadylake Meadows Subdivision, 469.87 feet to the Southeast corner of Lot 2, Block C of said Shadylake Meadows Subdivision; thence S 88°39'32" W on the North Right-of-Way line of Shady Lake Road, 545.94 feet to the Southwest corner of Lot 1, Block A of said Shadylake Meadows Subdivision; thence N 01°21'52" W on the West line of said Shadylake Meadows Subdivision, 207.00 feet; thence N 88°21'27" E on the North Right-of-Way line of 24th Street, 328.91 feet to the Southeast corner of Lot 16, Block B; thence N 01°38'33" W on the West Right-of-Way line of 56th Avenue, 200.00 feet to the Northeast corner of Lot 15 of said Block B; thence S 88°21'27" W on the Westerly extension of the North line of said Lot 15, 328.23 feet to a point on the West line of said Shadylake Meadows Subdivision; thence N 01°38'33" W on said West line, 600.00 feet to a point on the Westerly extension of the South Right-of-Way line of 26th Street; thence N 88°21'27" E on said South Right-of-Way line, 328.23 feet to the Northeast corner of Lot 9 of said Block B; thence S 01°38'33" E on the West Right-of-Way line of 56th Avenue, 140.00 feet to a point on the Westerly extension of South line of said Lot 10, Block C; thence N 88°21'27" E on the Westerly extension of the South line of said Lot 10, 216.00 feet to the Point of Beginning, containing 10.05 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 August 27, 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 _____



COLUMBUS, NEBRASKA SCHOOL BOARD
This Final Plat of MEADOW RIDGE TENTH ADDITION to the City of Columbus, Nebraska, is approved by the Columbus Public Schools on this _____ day of _____, 2021.

School Superintendent _____

DEDICATION

We, Granville Custom Homes, Inc., owners of the described property, SHADYLAKE MEADOWS 2ND SUBDIVISION, hereby dedicate the streets, avenues, roads and public grounds designated upon and referred to in this Plat to the use and benefit of the public and provide all easements shown on this Plat for drainage facilities, public utilities, signs and right-of-way. We hereby make said tract of land, so shown on the above Plat, a part of the City of Columbus, Platte County, Nebraska. Said tract of land shall hereinafter be known as SHADYLAKE MEADOWS 2ND SUBDIVISION, of Lots 1-2, Block A & Lots 3-14, Block B & Lots 1-5 & 7-9, Block C of Shadylake Meadows Subdivision to the City of Columbus, Platte County, Nebraska.

Granville Custom Homes, Inc. _____

STATE OF NEBRASKA) ss
COUNTY OF PLATTE)

On this _____ day of _____, 2021, before me, the undersigned, a Notary Public, duly commissioned and qualified in and for said County and State,

appeared _____, member of Granville Custom Homes, Inc., to be personally known to be the identical persons who executed the foregoing instrument and acknowledged the signing thereof to be their voluntary act and deed.

Witness my hand and official seal on the date last written.
My Commission expires: _____

Notary Public _____

COLUMBUS NEBRASKA PLANNING COMMISSION
This Final Plat of SHADYLAKE MEADOWS 2ND SUBDIVISION to the City of Columbus, Nebraska, approved by the Planning Commission this _____ day of _____, 2021.

Chairman _____

COLUMBUS NEBRASKA CITY COUNCIL
This Final Plat of SHADYLAKE MEADOWS 2ND SUBDIVISION to the City of Columbus, Nebraska, approved by Resolution _____ by the City Council this _____ day of _____, 2021.

Mayor _____

City Clerk _____

A) Southeast Corner,
Southwest 1/4,
Section 14, T17N, R1W



Please return to:
Steven Ramaekers
Granville Custom Homes, Inc.
4514 Howard Blvd
Columbus, NE 68601
steven@granville-homes.com
402-276-3476

**SHADYLAKE MEADOWS 2ND SUBDIVISION
DEVELOPMENT AGREEMENT**

THIS AGREEMENT, made and entered into this ____ day of _____, 2021, by and between GRANVILLE CUSTOM HOMES, INC, (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 SHADYLAKE MEADOWS 2ND SUBDIVISION of 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 10.05 acres of property more or less.

“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 individual water and sewer service lines to any buildable lot that does not already have an individual water or sewer service. The subdivider will move the fire hydrant on the east lot line of Block B, Lot 14 to the north or south lot line of said lot. The Subdivider will be responsible for the design, financing and construction of said public infrastructure improvements as detailed herein.

B. 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.

C. Subdivider will install the concrete sidewalk four feet wide and four inches thick in accordance with the American's with Disability Act and per City Code on each lot within the Area to be Developed or shall contract with the builder to construct the same at the time each lot is developed. If Subdivider fails to do so, the lot owner along with the Subdivider shall be responsible for installing the sidewalk. If any lot remains a common area lot, Subdivider shall install the sidewalk for said lot(s) as part of the initial construction. Subdivider may delay construction of the sidewalk along 23rd Street as it would be part of the 23rd Street/Shadylake Road paving district.

D. Subdivider agrees to not object to the creation of a paving district to widen 23rd Street/Shady Lake Road.

E. The only lot with driveway access directly onto 23rd Street will be Lot 3, Block C.

F. Driveways for Block A, Lot 4 and Block C, Lot 1 shall be on the north end.

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

SECTION VI

The Subdivider shall install all public improvements within a time period of two (2) years after the signing of this Development Agreement, except that sidewalks directly in front of houses 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 shall be made by favorable recommendation of Planning Commission and approval 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

GRANVILLE CUSTOM HOMES, INC.

By _____
Steven Ramaekers, President

Dated this ____ day of _____, 2021.

STATE OF NEBRASKA)
) ss.
COUNTY OF PLATTE)

On this ____ day of _____, 20____, before me a Notary Public, duly commissioned and qualified in and for said County, appeared _____, who is personally known by me to be the identical person whose name is affixed to the Development Agreement, and acknowledged the execution thereof to be his voluntary act and deed as such officer of said corporation.

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

Notary Public

(My commission expires: _____)

6. **Public hearing - Application of NE Columbus PropCo, LLC to rezone property located at 1112 15 Street from "R-3" (Multiple-Family Residential District) to "B-2" (General Commercial 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, October 11, 2021, at 7 p.m. in the Council Chambers, 1369 25 Avenue, Columbus, Nebraska, on the application to rezone Lot 6, except the West 8 feet of the North 56 feet, Block 1, Liss Addition to the City of Columbus, Platte County, Nebraska; and all that part of Block 7, Columbus Industrial Site Subdivision, City of Columbus, Platte County, lying West of the Union Pacific Railroad right-of-way line, containing 3.315 acres more or less and bounded by a line described as follows: Commencing at the center of Section 20, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska, thence Westerly on the one-fourth section line and the North property line of 15th Street, a distance of 111.9 feet to the intersection of the West right-of-way line of the Union Pacific Railroad with said North property line of 15th Street, to the point of beginning; thence Northwesterly along a straight line located 10.0 feet West of and parallel to the center line of the Union Pacific Railroad a distance of 387.26 feet; thence Northwesterly along a circular arc with a radius of 754.49 feet 10 feet from and parallel to the center line of the Union Pacific Railroad track, a distance of 398.34 feet; thence Northwesterly on a straight line 10 feet from and parallel to the center line of the Union Pacific Railroad track a distance of 26.49 feet to the intersection of said line with the east property line of 12th Avenue; thence Southerly along the East property line of 12th Avenue a distance of 308.5 feet; thence Easterly along a straight line a distance of 136.1 feet; thence Southerly along a straight line a distance of 320.00 feet to the intersection of said line; with the North property line of 15th Street; thence Easterly along the North property line of 15th Street a distance of 364.66 feet, to the point of beginning. EXCEPT ALL THAT LAND DESCRIBED AS FOLLOWS: Commencing at a point where the center line of 16th Street extended Easterly would intersect the East line of 12th Avenue, thence North along the East line of 12th Avenue for a distance of 308.5 feet; thence in a Southeasterly direction along the West line of the Union Pacific Railroad Co. switch track right-of-way to where said West line of Union Pacific Railroad Co. right- of-way intersects the center line of 16th Street extended; thence West 323.95 feet along the center line of 16th Street extended to the point of beginning; all being in Block 7 of the Columbus Industrial Site Subdivision in the S1/2 SE1/4 NW1/4 of Section 20, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska. AND; Commencing at a point where the South line of the 40 foot street platted and dedicated in Simpsons Addition to the City of Columbus, Nebraska, intersects the West line of the Union Pacific R.R. Co. switch track right of way, being the point of beginning, thence West 187.85 feet along the South line of said 40 foot street, thence North 20 feet on a line parallel with the West line of said Simpsons Addition to the center line of said 40 foot street, thence East parallel with the South line of said 40 foot street, to the West line of said Union Pacific R.R. Co. switch track right of way, thence Southeasterly along the west line of the Union Pacific R.R. switch track right of way, to the point of beginning, all being in Simpsons Addition to the City of Columbus, located in Block 7 of the Columbus Industrial Site Subdivision in the S1/2 SE1/4 NW1/4 of Section 20, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska. AND; A tract of land in Block 7, Columbus Industrial Site Subdivision in the S1/2 SE1/4 NW1/4 of Section 20, 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 center line of 16th Street said point being the Northeast corner of Liss Addition, thence South on the East line of Liss Addition, a distance of 40 feet, thence Northeasterly on a curve to the left of 60 foot radius to the Southwest corner of Lot 6 of Simpson's Addition, thence West 52.7 feet to the point of beginning, containing 0.03 acres for the use and benefit of the public for the establishment of a part of the public street thereon. AND; The North 10 feet of that part of Block 7, Columbus Industrial Site Subdivision, lying West of the railroad tracks, remaining after Simpsons Addition to the City of Columbus was created, all located in the SE1/4 NW1/4 of Section 20, Township 17, north, Range 1, East of the 6th P.M., the City of Columbus, Platte County Nebraska, more particularly described as follows: Commencing at the Northeast Corner of the said part of Block 7 which is also the Southeast Corner of Lot 6 of said Simpson Addition; thence 125.15 feet West along the North line of the said part of Block 7 which is also the South line of Lot 6 of said Simpson Addition to the Southwest Corner of Lot 6 of said Simpson Addition; thence 10.97 feet Southwesterly around a 60 foot radius curve which is the street right-of-way line of a cul-de-sac on 16th Street; thence 135.25 feet East, 10.0 feet South of and parallel to the North line of the said part of Block 7 which is also the South line of Lot 6 of said Simpson Addition; thence 11.2 feet Northwesterly along the railroad tracks to the place of beginning (1112 15 Street) from "R-3" (Multiple-Family Residential District) to "B-2" (General Commercial District) and at said time and place you may appear and be heard.

City of Columbus, Nebraska
Janelle Kline, City Clerk

Publish: 09:30:21
Two Affidavits of Publication

**CITY OF COLUMBUS
MEMORANDUM**

DATE: October 7, 2021

FROM: Daniel Curtis, Community Development Director

TO: Tara Vasicek, City Administrator

RE: NE Columbus PropCo, LLC request for a rezoning at 1112 15 Street from R-3 to B-2 and a Special Use Permit to allow a non-commercial shelter in a B-2 zone.

RECOMMENDATION:

If after the public hearings have been held and the Planning Commission and City Council believe a B-2 zoning and a non-commercial shelter is the best use of the property, then the rezoning and special use permit requests should be approved.

DISCUSSION:

NE Columbus PropCo, LLC has requested a rezoning at 1112 15 Street from R-3 to B-2 and a Special Use Permit to allow a non-commercial shelter in a B-2 zone. The property to the east is M-H, to the north and west is R-2, and to the south is the St. Bonaventure cemetery. If the rezoning and special use permit are approved, the applicant will need to install a rear elevation screen per the City of Columbus Unified Land Development Ordinance.

FISCAL IMPACT:

None

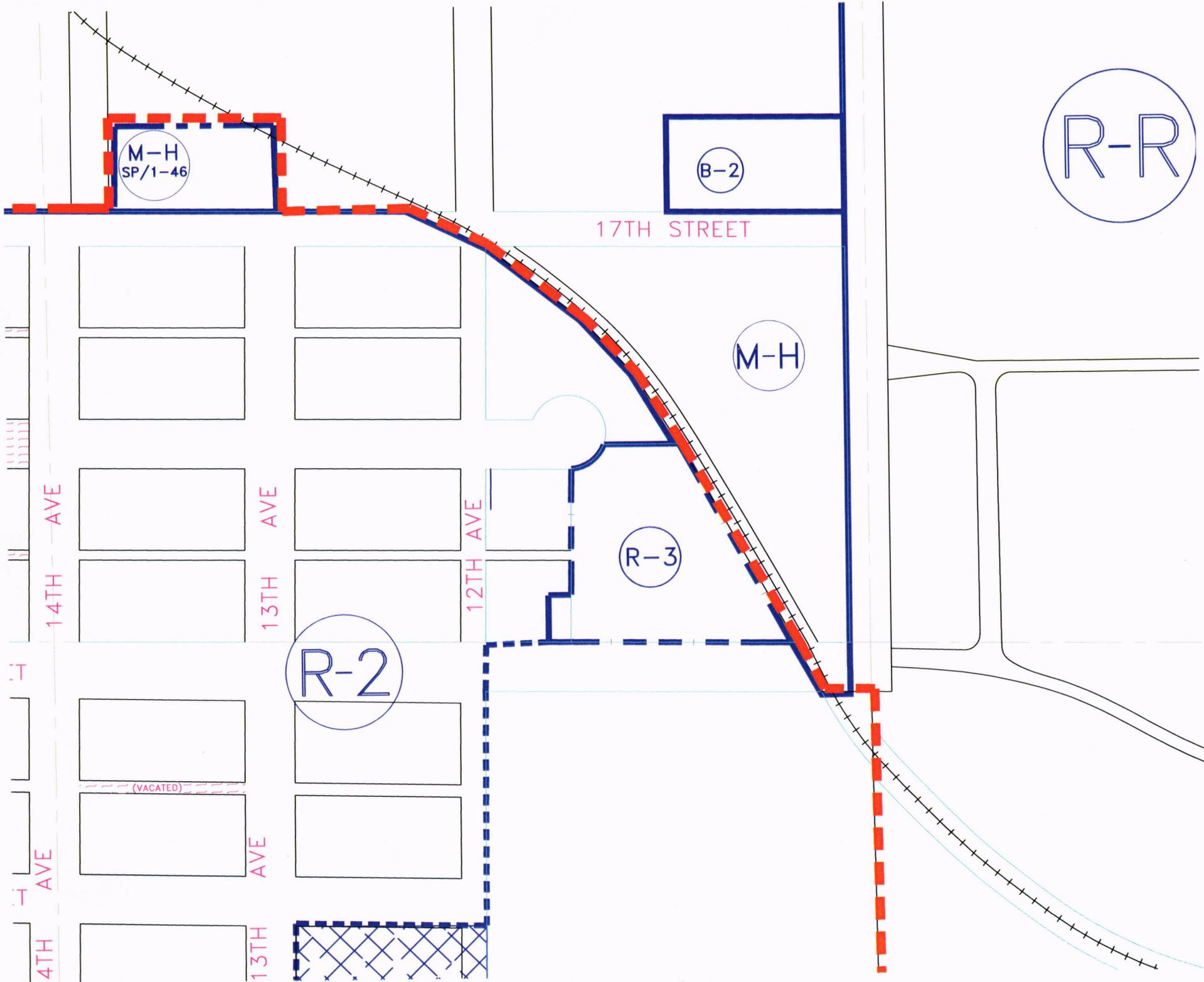
ALTERNATIVE:

Deny the Rezoning

SIGNATURE:

By: Daniel Curtis

Approved By: 



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: _____

APPLICANT MAILING ADDRESS: _____

APPLICANT PHONE NUMBER: _____

APPLICANT EMAIL ADDRESS: _____

ATTORNEY/FIRM: _____

ATTORNEY PHONE NUMBER: _____

ATTORNEY E-MAIL ADDRESS: _____

ADDRESS OF PROPERTY TO BE REZONED: _____

LEGAL DESCRIPTION OF PROPERTY:

PRESENT ZONING CLASSIFICATION: _____

REQUESTED ZONING CLASSIFICATION: _____

DESCRIPTION OF THE REASON FOR THE REZONING APPLICATION:

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)

I hereby apply for a Rezoning Application and have paid the \$500 application fee.

DATED THIS _____ DAY OF _____, _____.

Owner or Owner's Representative

REZONING PROCEDURES - UNIFIED LAND DEVELOPMENT ORDINANCE

12-4 Amendment Procedure

a. Purpose

The Amendment Procedures describe the methods by which changes may be made in the text of the Unified Land Development Ordinance (text amendment) and/or the official boundaries of zoning districts (rezoning).

b. Initiation of Amendments

1. Text amendments may be initiated by the Planning Commission or City Council.
2. Rezoning may be initiated by a property owner or authorized agent; the Planning Commission; or the City Council.

c. Rezoning Application Requirements

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. The application shall include the following information and shall be submitted on a form approved by the Community Development Director's Office:

1. Name, email, mailing address and phone number of the property owner who is making application or said property owner's authorized agent.
2. Legal Representation: Name of Firm, attorney, phone number, email and mailing address
3. Owner, address, email address and legal description of the property.
4. A description of the reason for the rezoning application and the nature and operating characteristics of the proposed use.
5. An aerial image depicting the proposed development on the property and the existing surrounding zoning classifications. A site plan, when requested by the building official, which includes all information as described in 12-2 (d)(4.)
6. The current zoning and the requested zoning.
7. Be signed by the property owner or the property owner's duly authorized agent.

REZONING PROCEDURES - UNIFIED LAND DEVELOPMENT ORDINANCE

d. Amendment Process

1. The Planning Commission, following ten days notice as required by Paragraph 12-4 (e), shall hold a public hearing on each proposed text amendment or rezoning amendment and, following such public hearing, shall recommend action to the City Council. The Planning Commission may recommend as part of its recommended approval of a rezoning any conditions reasonably related to the interest of public health, safety, morals and the general welfare.
2. The City Council, after ten days notice as required by Paragraph 12-4 (e) and after public hearing, shall act on the proposed amendment. The City Council may impose any reasonable conditions on the approval of the rezoning, provided said conditions are reasonably related to the interest of public health, safety, morals and the general welfare. In furtherance thereof, the City Council may condition rezoning on the adoption of an agreement between the developer and the City.
3. The applicant shall be responsible for preparing and furnishing in proper form a "draft" ordinance including any reasonable conditions recommended by the Planning Commission sufficiently in advance of the City Council Meeting for review by City staff and for distribution to the Mayor and members of the City Council. A "final" ordinance for said re-zoning shall be thereafter submitted by applicant for action by the City Council.

e. Required Notice and Publication

Prior to consideration of amending, supplementing, changing, modifying, or repealing this ordinance by the Planning Commission and by the City Council, notice of public hearing before the Planning Commission and before the City Council shall be provided as follows:

1. **Posted Notice:** In the case of rezonings, a notice shall be posted by the applicant in a conspicuous place on or near the property upon which action is pending. Such notice shall be not less than 18 inches in height and 24 inches in width with a white or yellow background and black letters not less than one and one-half inches in height. Such posted notice shall be so placed on or near such premises that is easily visible from the street and shall be so posted at least ten days before the date of such hearing. It shall be the duty of the applicant to make sure the signs are laminated or otherwise protected from the weather so that they remain visible and legible for said ten-day period. It shall be unlawful for any person to remove, mutilate, destroy or change such posted notice prior to such hearing. It shall be the responsibility of the applicant to make sure the signs remain posted for said ten-day period and in the event any sign is removed, mutilated, destroyed or changed, it shall be the duty of the applicant to promptly post a new sign for the remainder of the ten-day period.
2. **Notice of Publication:** In the case of text amendments and rezonings, at least ten days before the date of hearing the City Clerk shall have published in a daily newspaper having a general circulation in the City of Columbus a Notice of the time, place and subject matter of such hearing.

REZONING PROCEDURES - UNIFIED LAND DEVELOPMENT ORDINANCE

3. Notice by Personal Service or Mail: In the case of rezonings, at least 10 days prior to the date of the hearing, the applicant shall either:

- a) personally serve, or
- b) mail to the last known address,

written notice of such hearing to each of the following:

- i) the owners of the real estate to be zoned or rezoned;
- ii) the owners of all real estate located within 300' of the real estate to be zoned or rezoned; and
- iii) the Board of Education of each school district in which the real estate to be zoned or rezoned is located.

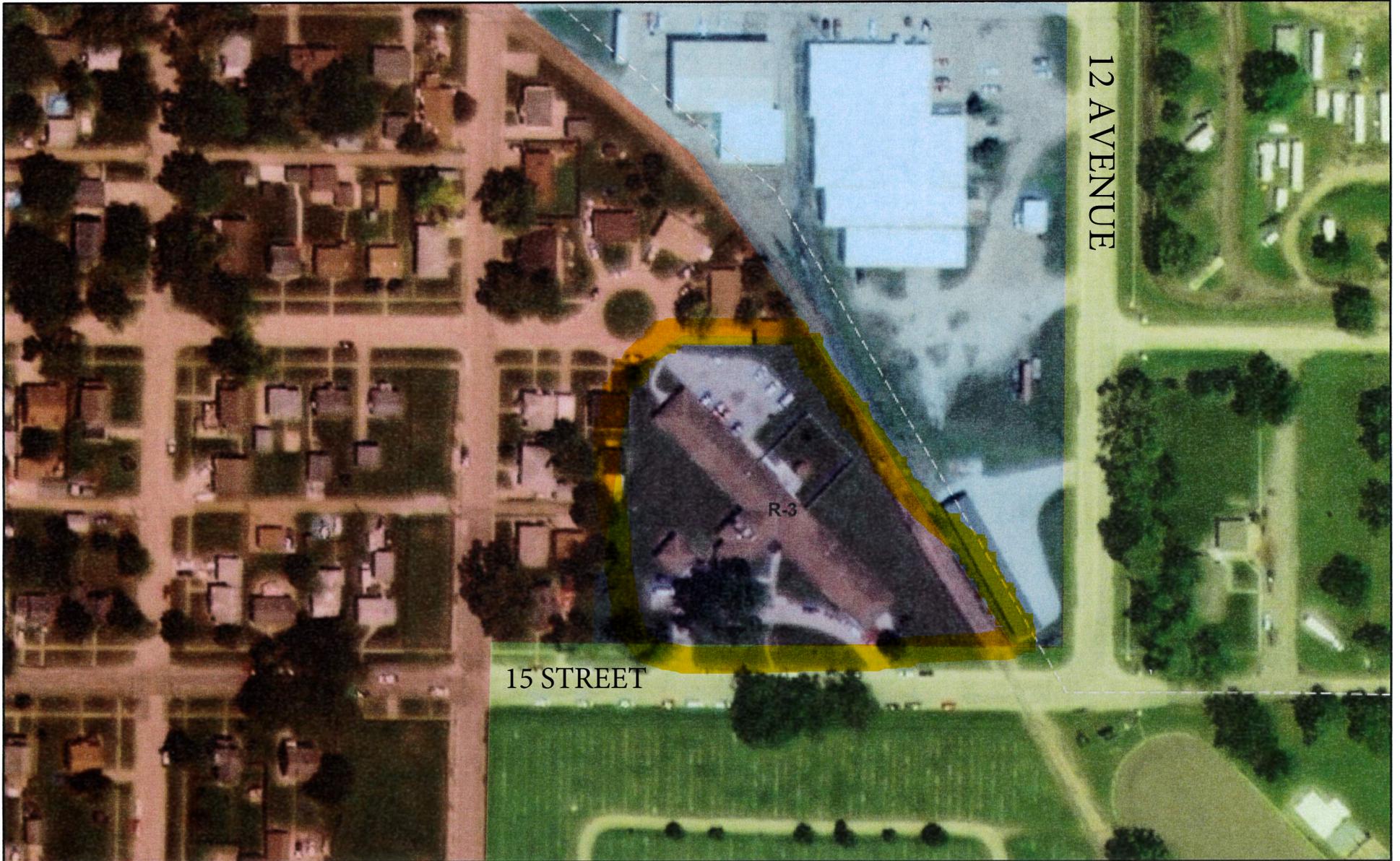
If the record title owners of any real estate included in such proposed change be non-residents of the municipality, a written notice of such hearing shall be mailed by certified mail to their last-known address at least ten days prior to the date of such hearing.

4. Exception: The provisions of Subsection 1 "Posted Notice" and Subsection 3 "Notice by Personal Service or Mail" shall not apply (1) in the event of a proposed change in such regulations, restrictions, districts, or boundaries throughout the entire areas of an existing zoning district or of the City, or (2) in the event additional or different types of zoning districts are proposed, whether or not such additional or different districts are made applicable to areas, or parts of areas, already within a zoning district of the City, or (3) text amendments; in such instances only the requirements heretofore set forth in Subsection 2. "Notice of Publication" above shall be applicable.
5. Affidavit of Notice Compliance: The applicant shall be responsible for filing with the City Clerk on the date of the hearing an Affidavit of Notice Compliance. Said Affidavit shall verify that the "Posted Notice" requirements set forth in Subsection 1 above and that the "Notice by Personal Service or Mail" requirements set forth in Subsection 3 above were both complied with. Said Affidavit shall be submitted on a form approved by the City Clerk's office.

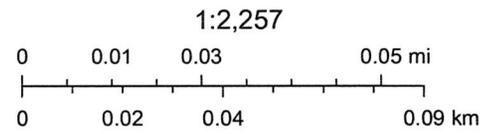
f. Denial of Proposed Amendment; Waiting Period

In the event that a proposed amendment or change as provided in this Article is denied by the City Council, no new request shall be made for the same or substantially similar amendment or change within six (6) months of said denial thereof.

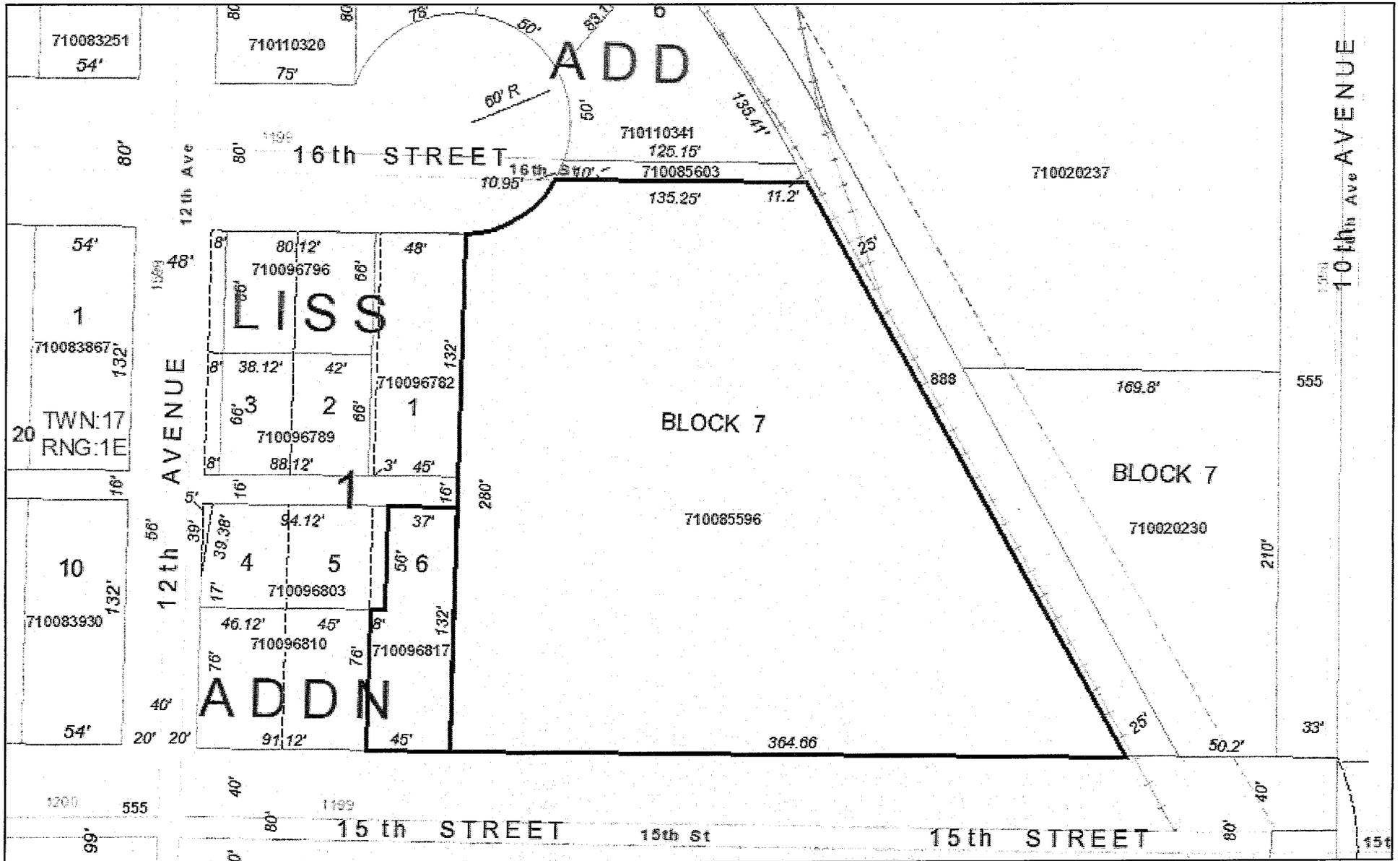
Columbus Rescue Mission



October 7, 2021



Maxar, Microsoft, Esri, HERE, Garmin, iPC

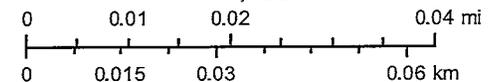


September 9, 2021

DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

1:1,195

- Lot Lines
- Sections
- Parcels
- Townships



7. **Public hearing - Application of NE Columbus PropCo, LLC for special use permit to allow a non-commercial shelter in a "B-2" (General Commercial District) zone at 1112 15 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, October 11, 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 non-commercial shelter on the following described real estate in a "B-2" (General Commercial District) zone: Lot 6, except the West 8 feet of the North 56 feet, Block 1, Liss Addition to the City of Columbus, Platte County, Nebraska; and all that part of Block 7, Columbus Industrial Site Subdivision, City of Columbus, Platte County, lying West of the Union Pacific Railroad right-of-way line, containing 3.315 acres more or less and bounded by a line described as follows: Commencing at the center of Section 20, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska, thence Westerly on the one-fourth section line and the North property line of 15th Street, a distance of 111.9 feet to the intersection of the West right-of-way line of the Union Pacific Railroad with said North property line of 15th Street, to the point of beginning; thence Northwesterly along a straight line located 10.0 feet West of and parallel to the center line of the Union Pacific Railroad a distance of 387.26 feet; thence Northwesterly along a circular arc with a radius of 754.49 feet 10 feet from and parallel to the center line of the Union Pacific Railroad track, a distance of 398.34 feet; thence Northwesterly on a straight line 10 feet from and parallel to the center line of the Union Pacific Railroad track a distance of 26.49 feet to the intersection of said line with the east property line of 12th Avenue; thence Southerly along the East property line of 12th Avenue a distance of 308.5 feet; thence Easterly along a straight line a distance of 136.1 feet; thence Southerly along a straight line a distance of 320.00 feet to the intersection of said line; with the North property line of 15th Street; thence Easterly along the North property line of 15th Street a distance of 364.66 feet, to the point of beginning. EXCEPT ALL THAT LAND DESCRIBED AS FOLLOWS: Commencing at a point where the center line of 16th Street extended Easterly would intersect the East line of 12th Avenue, thence North along the East line of 12th Avenue for a distance of 308.5 feet; thence in a Southeasterly direction along the West line of the Union Pacific Railroad Co. switch track right-of-way to where said West line of Union Pacific Railroad Co. right-of-way intersects the center line of 16th Street extended; thence West 323.95 feet along the center line of 16th Street extended to the point of beginning; all being in Block 7 of the Columbus Industrial Site Subdivision in the S1/2 SE1/4 NW1/4 of Section 20, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska. AND; Commencing at a point where the South line of the 40 foot street platted and dedicated in Simpsons Addition to the City of Columbus, Nebraska, intersects the West line of the Union Pacific R.R. Co. switch track right of way, being the point of beginning, thence West 187.85 feet along the South line of said 40 foot street, thence North 20 feet on a line parallel with the West line of said Simpsons Addition to the center line of said 40 foot street, thence East parallel with the South line of said 40 foot street, to the West line of said Union Pacific R.R. Co. switch track right of way, thence Southeasterly along the west line of the Union Pacific R.R. switch track right of way, to the point of beginning, all being in Simpsons Addition to the City of Columbus, located in Block 7 of the Columbus Industrial Site Subdivision in the S1/2 SE1/4 NW1/4 of Section 20, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska. AND;

A tract of land in Block 7, Columbus Industrial Site Subdivision in the S1/2 SE1/4 NW1/4 of Section 20, 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 center line of 16th Street said point being the Northeast corner of Liss Addition, thence South on the East line of Liss Addition, a distance of 40 feet, thence Northeasterly on a curve to the left of 60 foot radius to the Southwest corner of Lot 6 of Simpson's Addition, thence West 52.7 feet to the point of beginning, containing 0.03 acres for the use and benefit of the public for the establishment of a part of the public street thereon. AND; The North 10 feet of that part of Block 7, Columbus Industrial Site Subdivision, lying West of the railroad tracks, remaining after Simpsons Addition to the City of Columbus was created, all located in the SE1/4 NW1/4 of Section 20, Township 17, north, Range 1, East of the 6th P.M., the City of Columbus, Platte County Nebraska, more particularly described as follows: Commencing at the Northeast Corner of the said part of Block 7 which is also the Southeast Corner of Lot 6 of said Simpson Addition; thence 125.15 feet West along the North line of the said part of Block 7 which is also the South line of Lot 6 of said Simpson Addition to the Southwest Corner of Lot 6 of said Simpson Addition; thence 10.97 feet Southwesterly around a 60 foot radius curve which is the street right-of-way line of a cul-de-sac on 16th Street; thence 135.25 feet East, 10.0 feet South of and parallel to the North line of the said part of Block 7 which is also the South line of Lot 6 of said Simpson Addition; thence 11.2 feet Northwesterly along the railroad tracks to the place of beginning (1112 15 Street) and at said time and place you may appear and be heard.

CITY OF COLUMBUS, NEBRASKA
By: Janelle Kline
City Clerk

Publish: 09:30:21
Two Affidavits of Publication

**CITY OF COLUMBUS
MEMORANDUM**

DATE: October 7, 2021
FROM: Daniel Curtis, Community Development Director
TO: Tara Vasicek, City Administrator
RE: NE Columbus PropCo, LLC request for a rezoning at 1112 15 Street from R-3 to B-2 and a Special Use Permit to allow a non-commercial shelter in a B-2 zone.

RECOMMENDATION:

If after the public hearings have been held and the Planning Commission and City Council believe a B-2 zoning and a non-commercial shelter is the best use of the property, then the rezoning and special use permit requests should be approved.

DISCUSSION:

NE Columbus PropCo, LLC has requested a rezoning at 1112 15 Street from R-3 to B-2 and a Special Use Permit to allow a non-commercial shelter in a B-2 zone. The property to the east is M-H, to the north and west is R-2, and to the south is the St. Bonaventure cemetery. If the rezoning and special use permit are approved, the applicant will need to install a rear elevation screen per the City of Columbus Unified Land Development Ordinance.

FISCAL IMPACT:

None

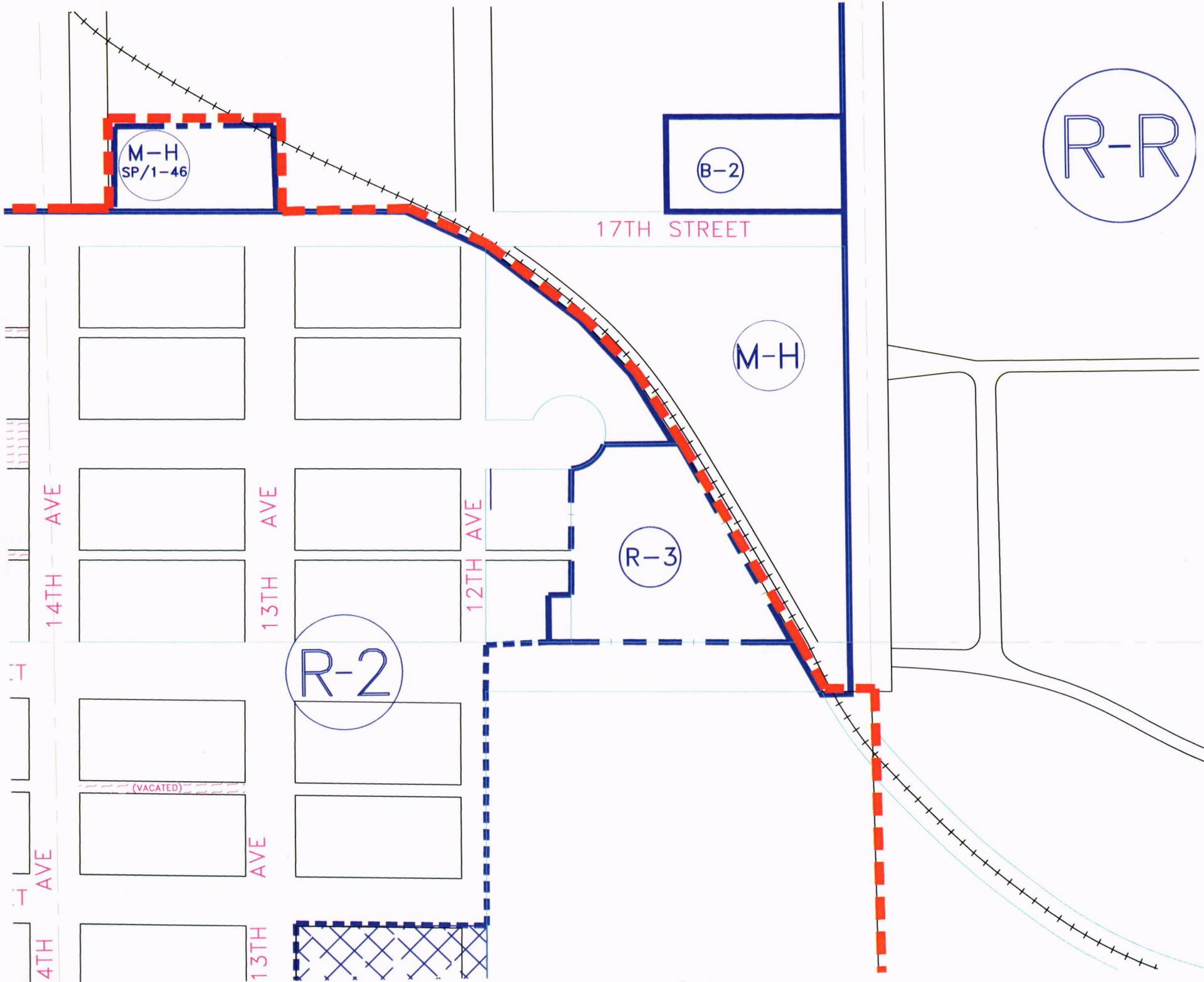
ALTERNATIVE:

Deny the Rezoning

SIGNATURE:

By: Daniel Curtis

Approved By: 



M-H
SP/1-46

B-2

R-R

17TH STREET

M-H

R-3

R-2

(VACATED)

14TH AVE

13TH AVE

12TH AVE

4TH AVE

13TH AVE

4TH AVE

13TH AVE

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: _____

APPLICANT MAILING ADDRESS: _____

APPLICANT PHONE NUMBER: _____

APPLICANT EMAIL ADDRESS: _____

LEGAL REPRESENTATION FIRM/ATTORNEY: _____

ATTORNEY PHONE NUMBER: _____

ATTORNEY E-MAIL ADDRESS: _____

ADDRESS OF PROPERTY: _____

LEGAL DESCRIPTION OF PROPERTY:

PRESENT ZONING CLASSIFICATION: _____

DESCRIPTION OF THE REASON FOR THE SPECIAL USE PERMIT APPLICATION:

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)

I hereby apply for a Special Use Permit and have paid the \$500 application fee.

DATED THIS _____ DAY OF _____, _____

Owner or Owner's Representative

SPECIAL USE PERMIT – UNIFIED LAND DEVELOPMENT ORDINANCE

12-3 Special Use Permit Procedure

a. Purpose

The Special Use Permit Procedure provides for public review and discretionary City Council approval for uses within zoning districts which have unusual site development or operating characteristics that could adversely affect surrounding properties.

b. Administration

The Planning Commission shall review and evaluate each application and transmit its recommendation to the City Council. The City Council shall review, evaluate, and act upon all applications submitted pursuant to this procedure.

c. Application Requirements

An application for a Special Use Permit may be filed by the owner(s) of a property or by the property owner's authorized agent with the Community Development Director's Office. Any such application will not be deemed submitted until all of the information set forth below 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 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 the public hearing on the application will be held. The application shall include the following information and be submitted on a form approved by the Community Development Director's Office:

1. Name, email and mailing address and phone number of the property owner who is making application or said property owner's authorized agent.
2. Legal Representation: Name of Firm, attorney, phone number, email and mailing address
2. Owner, address and legal description of the property.
3. A description of the nature and operating characteristics of the proposed use.
4. A site plan, when requested by the building official, which includes all information as described in 12-2 (d)(4.)
5. Excavation Special Use Permits applications must include a proposed post development site plan.

SPECIAL USE PERMIT – UNIFIED LAND DEVELOPMENT ORDINANCE

5. The special use requested and the current zoning.
6. Be signed by the property owner or the property owner's duly authorized agent.

TABLE 12-1: CRITERIA FOR SITE PLAN REVIEW AND SPECIAL USE PERMITS

	CRITERIA	APPLICATION TO	
		Site Plan Review	Special Use Permit
Land Use Compatibility			
Development Density	Site area per unit or floor area ratio should be similar to surrounding uses if not separated by major natural or artificial features.		X
Height and Scale			
Height and Bulk	Development should minimize differences in height and building size from surrounding structures. Differences should be justified by urban design considerations.	X	X
Setbacks	Development should respect pre-existing setbacks in surrounding areas. Variations should be justified by site or operating characteristics.	X	X
Building Coverage	Building coverage should be similar to that of surrounding development if possible. Higher coverage should be mitigated by landscaping or site amenities.	X	X
Site Development			
Frontage	Project frontage along a street should be similar to lot width.	X	X
Parking and Internal Circulation	Parking should serve all structures with minimal conflicts between pedestrians and vehicles.	X	X
	All structures must be accessible to public safety vehicles.	X	X
	Development must have access to adjacent public streets and ways. Internal circulation should minimize conflicts and congestion at public access points.	X	X
Landscaping	Landscaping should be integral to the development, providing street landscaping, breaks in uninterrupted paved areas, and buffering where required by surrounding land uses. Parts of site with sensitive environmental features or natural drainage-ways should be preserved to the extent possible.	X	X
Building Design	Architectural design and building materials should be compatible with surrounding areas or highly visible locations.		X

SPECIAL USE PERMIT – UNIFIED LAND DEVELOPMENT ORDINANCE

Operating Characteristics			
Traffic Capacity	Project should not reduce the existing level of traffic service on adjacent streets. Compensating improvements will be required to mitigate impact on street system operations.	X	X
External Traffic Effects	Project design should direct non-residential traffic away from residential areas.	X	X
Operating Hours	Projects with long operating hours must minimize effects on surrounding residential areas.	X	X

TABLE 12-1: CRITERIA FOR SITE PLAN REVIEW AND SPECIAL USE PERMITS

	CRITERIA	APPLICATION TO	
Operating Characteristics		Site Plan Review	Special Use Permit
Outside Storage	Outside storage areas must be screened from surrounding streets and less intensive land uses.	X	X
Public Facilities			
Sanitary Waste Disposal	Developments within 300 feet of a public sanitary sewer must connect to sewer system. Individual disposal systems, if permitted, shall not adversely affect public health, safety, or welfare.	X	X
	Sanitary sewer must have adequate capacity to serve development.	X	X
Storm Water Management	Development should handle storm water adequately to prevent overloading of public storm water management system.	X	X
	Development should not inhibit development of other properties.	X	X
	Development should not increase probability of erosion, flooding, landslides, or other run-off related effects.	X	X
Utilities	Project must be served by utilities if the property is located within 300 ft of said utility.	X	X

SPECIAL USE PERMIT – UNIFIED LAND DEVELOPMENT ORDINANCE

Comprehensive Plan	Projects shall be consistent with the comprehensive development plan of Columbus.		X
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d. Approval Process

1. The Planning Commission, following ten days notice as required by Paragraph 12-3 (e), shall hold a public hearing on each proposed Special Use Permit and following such public hearing, shall recommend action to the City Council.
2. The City Council, after the ten days notice as required by Paragraph 12-3 (e) and after public hearing, shall act on the Special Use Permit. The City Council may apply any reasonable conditions to the approval of the permit.
3. The applicant shall be responsible for preparing and furnishing in proper form a “draft” Ordinance including any reasonable conditions recommended by the Planning Commission sufficiently in advance of the City Council Meeting for review by City staff and for distribution to the Mayor and members of the City Council. A “final” ordinance for said special use permit shall be thereafter submitted by applicant for action by the City Council.

e. Required Notice and Publication

Prior to consideration of and/or approval of a Special Use Permit by the Planning Commission and by the City Council, notice of public hearing before the Planning Commission and before the City Council shall be provided as follows:

1. **Posted Notice:** A notice shall be posted by the applicant in a conspicuous place on or near the property upon which action is pending. Such notice shall be not less than 18 inches in height and 24 inches in width with a white or yellow background and black letters not less than one and one-half inches in height. Such posted notice shall be placed on or near such premises that it is easily visible from the street and shall be posted at least ten days before the date of such hearing. It shall be the duty of the applicant to make sure the signs are laminated or otherwise protected from the weather so that they remain visible and legible for said ten-day period. It shall be unlawful for any person to remove, mutilate, destroy or change such posted notice prior to such hearing. It shall be the responsibility of the applicant to make sure the signs remain posted for said ten-day period and in the event any sign is removed, mutilated, destroyed or changed, it shall be the duty of the applicant to promptly post a new sign for the remainder of the ten-day period.
2. **Notice by Publication:** At least ten days before the date of hearing the City Clerk shall have published in a newspaper having a general circulation in the City of Columbus a Notice of the time, place and subject matter of such hearing.

SPECIAL USE PERMIT – UNIFIED LAND DEVELOPMENT ORDINANCE

3. Notice by Personal Service or Mail: At least 10 days prior to the date of the hearing the applicant shall either:
 - a) personally serve, or
 - b) mail to the last known address,

written notice of such hearing to each of the following:

- i) the owners of the real estate which is the subject of the Special Use Permit;
- ii) all properties whether in whole or in part which are located within 300 feet of the real estate which is the subject of the Special Use Permit; and
- iii) the Board of Education of each school district in which the real estate which is the subject of the Special Use Permit is located.

If the record title owners of any real estate included in such proposed change be non-residents of the municipality, a written notice of such hearing shall be mailed by certified mail to their last-known address at least ten days prior to the date of such hearing.

4. Exception: The provisions of Subsection 1 “Posted Notice” and Subsection 3 “Notice by Personal Service or Mail” shall not apply in the event of a proposed change in the application of Special Use Permits throughout entire areas of an existing zoning district or of the City or parts thereof, or in the event of a proposed change in such regulations, restrictions or districts governing said Special Use Permits.
5. Affidavit of Notice Compliance: The applicant shall be responsible for filing with the City Clerk prior to 3:00 PM on the date of the hearing an Affidavit of Notice Compliance. Said Affidavit shall verify that the “Posted Notice” requirements set forth in Subsection 1 above and that the “Notice by Personal Service or Mail” requirements set forth in Subsection 3 above were both complied with. Said Affidavit shall be submitted on a form approved by the City Clerk’s office.

f. Scope of Approval

1. The City Council may, at its discretion, apply a Special Use Permit to a specific owner or applicant. The City Council may establish special site development or operational regulations as a condition for approval of a Special Use Permit.

g. Lapse, Revocation or Completion of Permit

SPECIAL USE PERMIT – UNIFIED LAND DEVELOPMENT ORDINANCE

1. A Special Use Permit shall become void two years after its effective date if the applicant has not carried out development or occupancy during that period.
2. The City Council may revoke a Special Use Permit should the operation of the use subject to such permit violate the conditions under which the permit was granted.
3. Completion of a Special Use Permit for resource extraction and excavation shall include a final record drawing site plan.

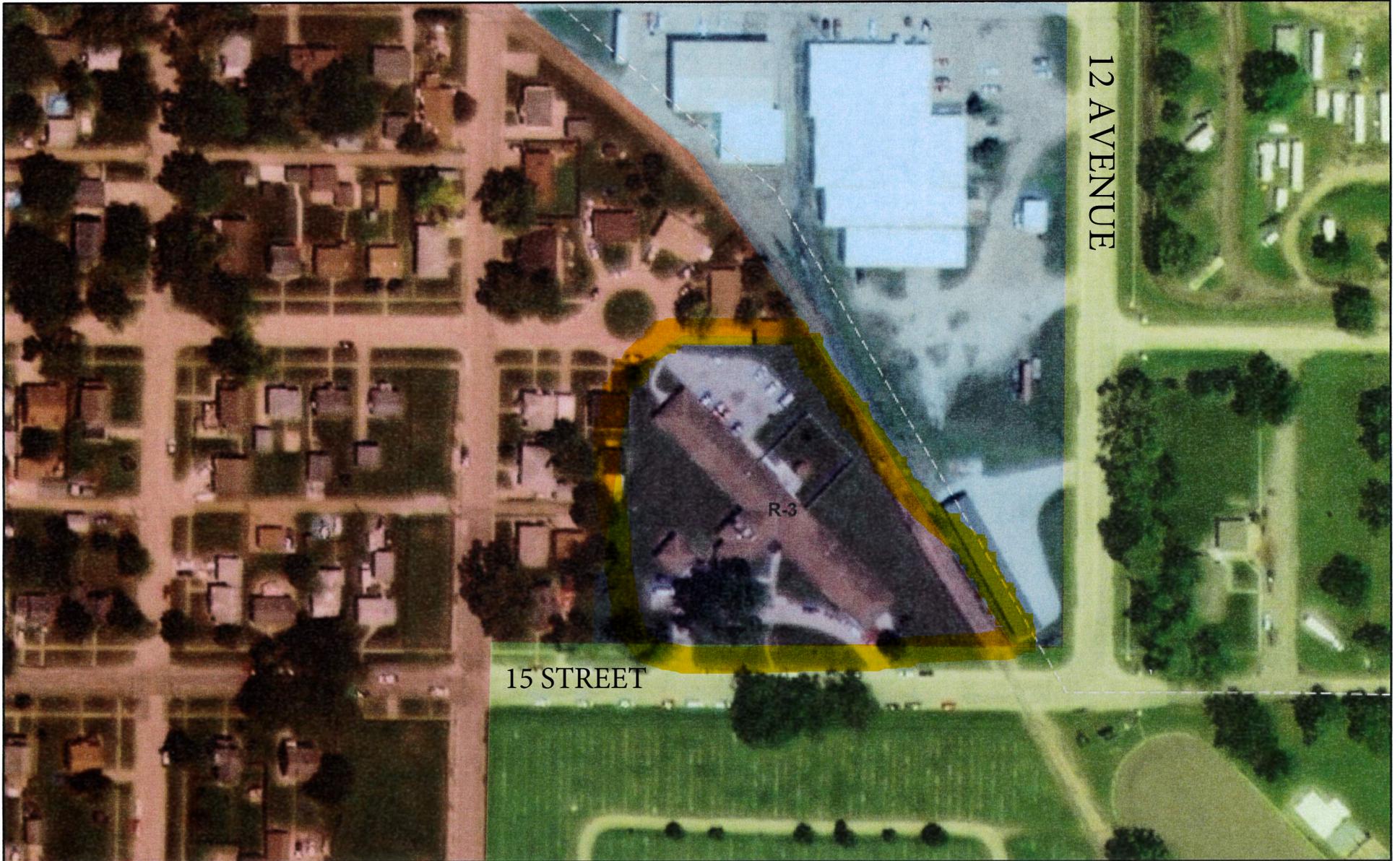
h. Previously Approved Permits

Any special use approved under regulations in effect before the effective date of this Ordinance shall be considered to have a valid Special Use Permit, subject to requirements imposed at the time of its approval.

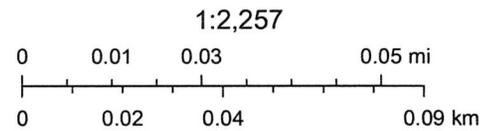
i. Denial of Special Use Permit; Waiting Period

In the event that a Special Use permit as provided in this Article is denied by the City Council, no new request shall be made for the same or a substantially similar Special Use Permit within six months of said denial.

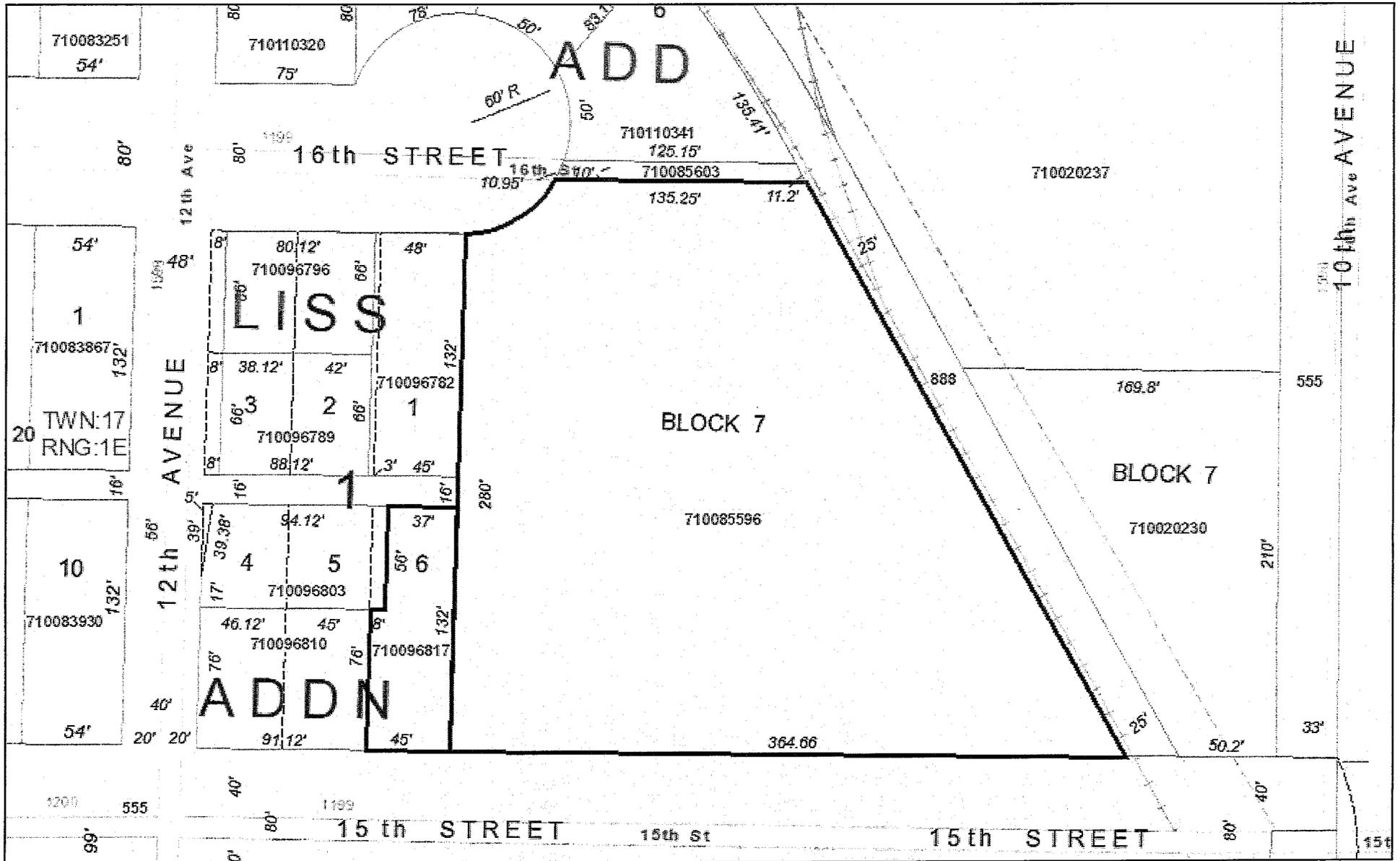
Columbus Rescue Mission



October 7, 2021



Maxar, Microsoft, Esri, HERE, Garmin, iPC

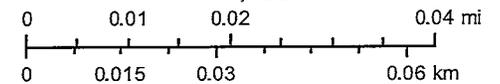


September 9, 2021

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1:1,195

- Lot Lines
- Sections
- Parcels
- Townships



8. Building report for September 2021.

City of Columbus Building Department Monthly Report

	September 2021		September 2020			
	Count	Permit Fees	Value	Count	Permit Fees	Value
Accessory Structure Com	5	\$415.90	\$65300.00	7	\$1544.66	\$312090.00
Addition	2	\$815.63	\$174500.00	0	\$0.00	\$0.00
Com Alteration	0	\$0.00	\$0.00	0	\$0.00	\$0.00
Com New Construction	1	\$2400.00	\$970000.00	0	\$0.00	\$0.00
Com Plumbing	3	\$818.00	\$722000.00	0	\$0.00	\$0.00
Commercial Construction	0	\$0.00	\$0.00	2	\$26131.79	\$13316955.00
Deck	9	\$476.39	\$59570.00	0	\$0.00	\$0.00
Demolition	3	\$75.00	\$18000.00	1	\$25.00	\$500.00
Fence	18	\$425.00	\$66461.00	0	\$0.00	\$0.00
Plumbing	0	\$0.00	\$0.00	29	\$17.00	\$5392400.00
Res Addition	3	\$678.46	\$132320.00	0	\$0.00	\$0.00
Res Alteration	6	\$637.01	\$100874.86	0	\$0.00	\$0.00
Res New Construction Res	13	\$14059.58	\$5035721.00	0	\$0.00	\$0.00
Plumbing	21	\$910.00	\$170000.00	0	\$0.00	\$0.00
Res Pool	0	\$0.00	\$0.00	0	\$0.00	\$0.00
Residential Construction	0	\$0.00	\$0.00	62	\$11589.99	\$3358821.00
Signs	9	\$270.00	\$26215.00	3	\$90.00	\$27172.00
Sprinklers	0	\$0.00	\$0.00	0	\$0.00	\$0.00
Water Softner/RO System	5	\$80.00	\$0.00	0	\$0.00	\$0.00
YEAR TOTAL	98	\$22060.97	\$7540961.86	104	\$39398.44	\$22407938.00

Population: All Records
 Permit.DateIssued Between 9/1/2020 12:00:00 AM
 AND 9/30/2021 12:00:00 AM

9. Adjournment.