

Administrative Use Only

Date Submitted 9-17-08

Case Number _____

Filing Fee \$100.00 rect #214917

Accepted By _____

Cert. Of Ownership _____

Date Advertised 9-20-08

Date Sign Posted _____

Date of Public Hearing _____

APPLICATION FOR REZONING

CITY OF LEXINGTON

*For an amendment to the zoning map, items 1 through 12 must be filled out completely before acceptance of this application for processing.

1. Property Owner's Name Don E. Price

2. Property Owner's Address 401 South Adams

3. Telephone Number (Home) 308-325-2354 (Work) 308-324-2353

4. Developer's Name Don E. Price

5. Developer's Address Don E. Price

6. Telephone Number (Home) 308-325-2354 (Work) 308-324-2353

7. Present Use of Subject Property Agriculture

8. Proposed Use of Subject Property Residential

9. Present Zoning R1 Requested Zoning R4

10. Legal Description of Property Requested to be Rezoned SE 1/4 of Section 6, Township 9N, Range 21 W, further described as attached

Approximate Street Address and Location West Maple Street

11. Area of Subject Property, Square Feet and/or Acres 4.19 Acres

12. Characteristics of Adjacent Properties (including zoning and actual use)

North: R4 - Agriculture

South: R1 - Agriculture

East: R4 - Residential (Timber Court)

West: R1 - Residential

The following information must be submitted at the time of application:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Application Fee | <input checked="" type="checkbox"/> Vicinity Map |
| <input checked="" type="checkbox"/> Justification of Rezoning | <input checked="" type="checkbox"/> Written Statement of Authorization from all Property Owners |
| <input checked="" type="checkbox"/> Blueline copies of site plan | |
| <input checked="" type="checkbox"/> Reduced copy of site plan | |

I/We, the undersigned, do hereby acknowledge that I/We do agree with the provisions and requirements for an application for rezoning as described above. I/We the undersigned do hereby agree to allow City of Lexington employees or agents working for the City of Lexington to enter the above referenced property as it pertains to this application.

Don Price
Signature of Owner

Don Price
Signature of Applicant

LEGAL DESCRIPTION

A tract of land located in the SE 1/4 of Section 6, T.9N., R.21W. of the 6th P.M., Dawson County, Nebraska, being more particularly described as follows:

Considering the south line of the SE 1/4 of said Section 6 as assumed bearing N89°58'33"E and with all bearings contained herein relative thereto:

Commencing at the S. 1/4 corner of said Section 6; thence N89°58'33"E on the south line of said SE 1/4, 932.94 feet; thence N00°02'40"E leaving said south line and on the east line of Lockhart's Subdivision to the City of Lexington, 358.24 feet to a point on the south right-of-way line of Maple Street, said point also being the Point of Beginning; thence N00°05'54"E continuing on the east line of said Lockhart's Subdivision, 380.17 feet to a point on the south right-of-way line of Spruce Street; thence S89°58'27"E leaving the east line of said Lockhart's Subdivision and on the south right-of-way line of said Spruce Street, 481.58 feet to the NW corner of Price's Second Addition to the City of Lexington; thence S00°26'20"W leaving the south right-of-way line of said Spruce Street and on the west line of Price's Second Addition, 380.22 feet to the SW corner of said addition, said point also being on the south right-of-way line of Maple Street; thence N89°58'07"W leaving said addition and on the south right-of-way line of said Maple Street, 479.33 feet to the Point of Beginning.

The above described tract contains 4.19 acres, more or less, and is subject to all easements and rights-of-way now on record or indicated on the attached plat.


Price's Third Addition to the City of Lexington, NE

Justification for Rezoning

The current zoning is R1 – Single Family Residential District and the proposed subdivision is a continuation of the mobile home park, therefore rezoning as R4 – Mobile Home Dwelling District is necessary.

Written Statement of Authorization from all Property Owners

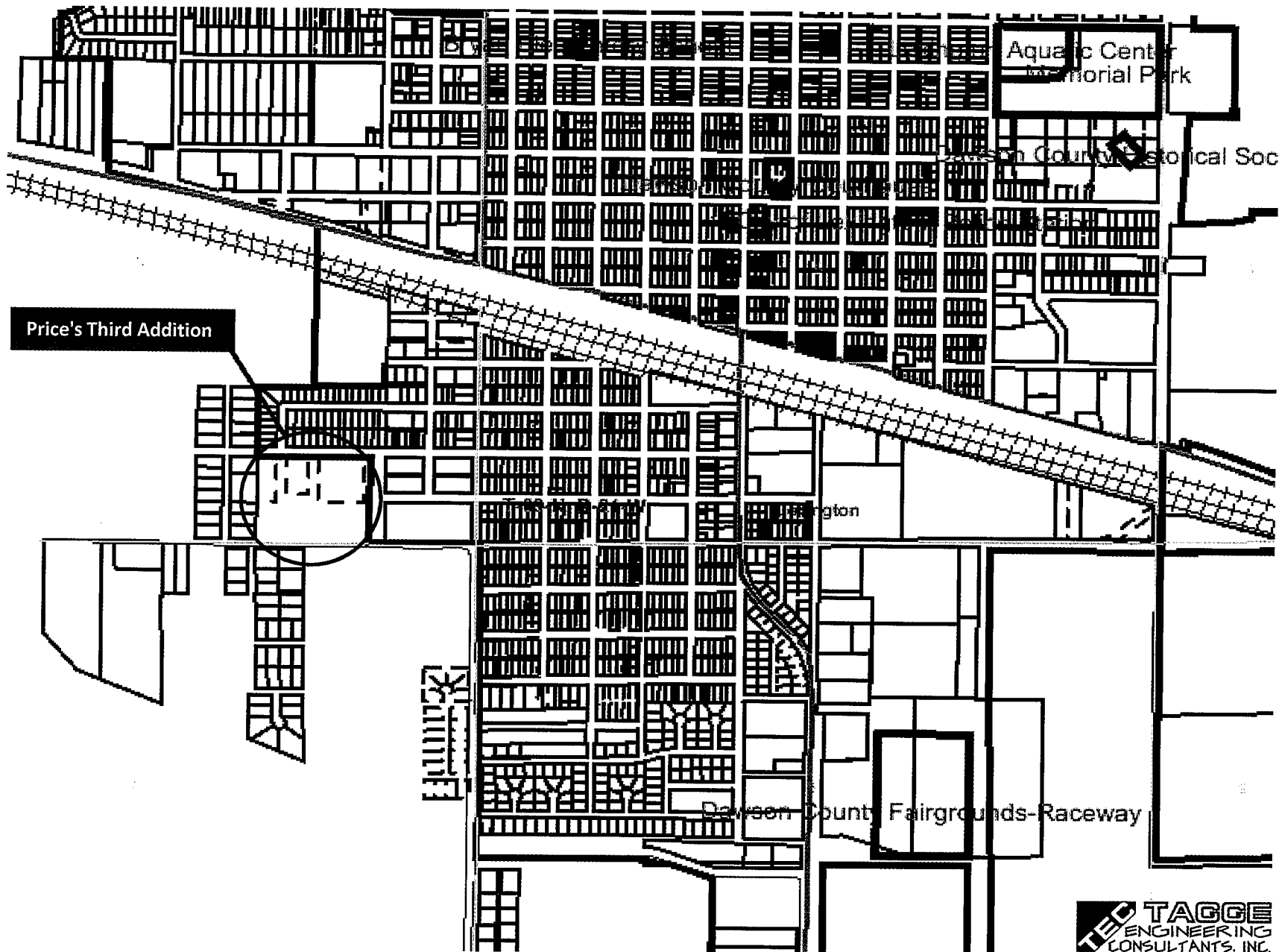
I, Don E. Price, am the only owner of the property proposed for rezoning and I authorize the rezoning as proposed.


Don E. Price, Owner, Applicant

Vicinity Map

Price's Third Addition to the City of Lexington, NE

September 2008



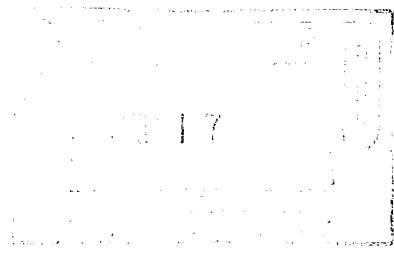
Administrative Use Only

Date Submitted 9-17-08 Case Number _____
Filing Fee \$100.00 rec # 214917 Accepted By _____
Date Advertised 9-20-08 Date Property Posted _____

SUBDIVISION PLAT APPLICATION

CITY OF FLEXINGTON

1. Applicant's Name Don E. Price
2. Applicant's Address 401 South Adams
3. Applicant's Telephone Number 308-324-2353
4. Within City Limits No Within Zoning Jurisdiction Yes



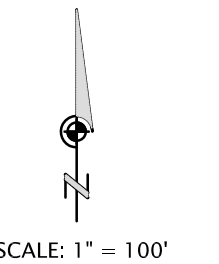
9-17-08
Date Paid

Don Price
Signature Of Applicant

PRICE'S THIRD ADDITION

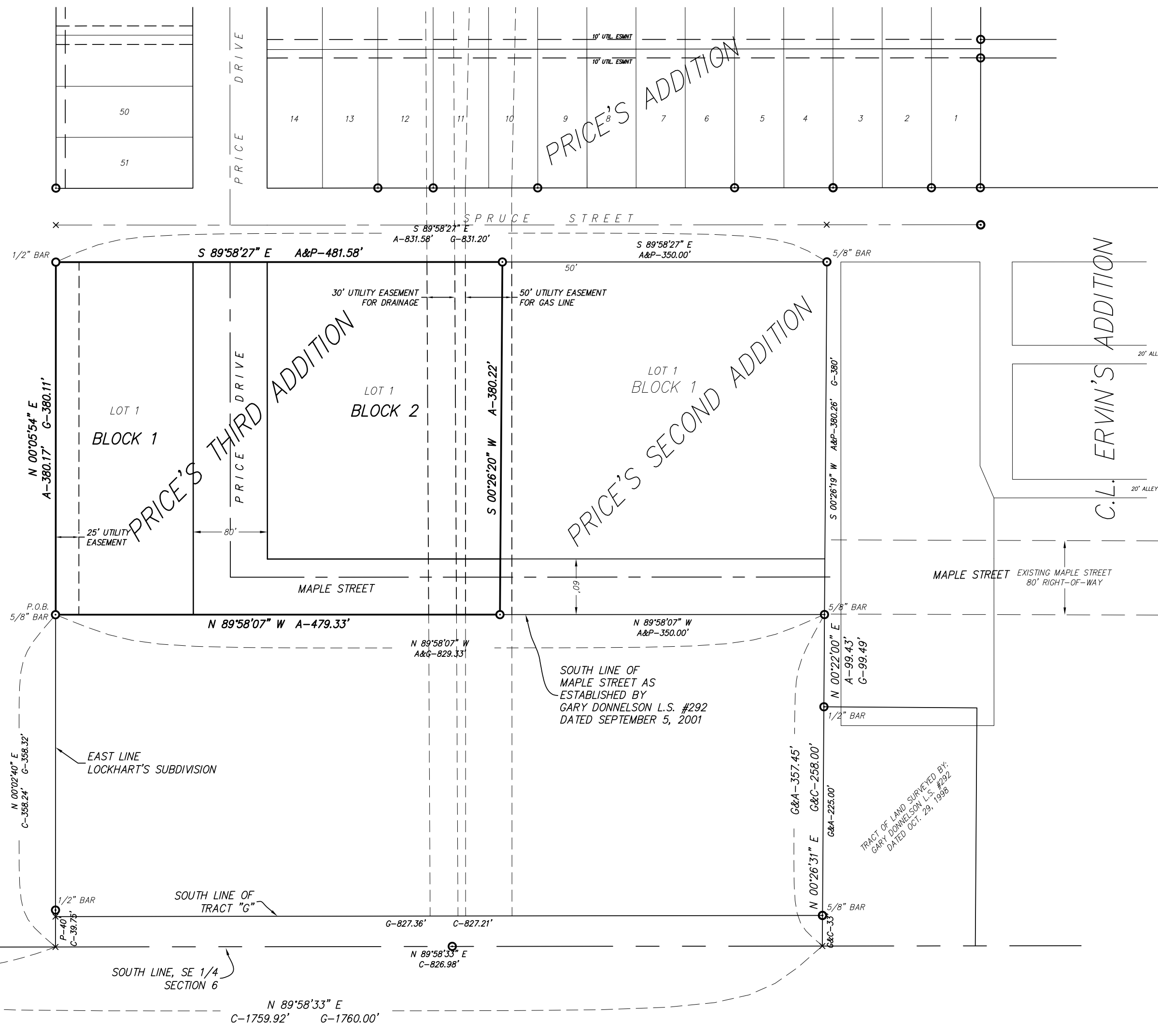
FINAL PLAT

A SUBDIVISION TO THE CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA



LEGEND

- FOUND R.L.S. CAP 546 UNLESS OTHERWISE NOTED
- × CALCULATED POINT
- A ACTUAL DISTANCE
- P DISTANCE FROM CITY PLAT
- G GARY DONNELSON SURVEY
- C CALCULATED DISTANCE



PRESENT ZONING---R1
PROPOSED ZONING---R4

DEDICATION

I, Don E. Price, being the owner of the land shown in the accompanying plat, and having caused an accurate plat of the described area to be made, describing the lots, streets and utility easements of such addition and designating the lots by number and the streets by name, do hereby dedicate the streets and utility easement therein to the use and benefit of the public and do state and make known that said addition is made in accordance with our desires, and we request that said addition be annexed to and become part of the City of Lexington, Nebraska.

by: _____
Don E. Price

State of Nebraska }
County of Dawson }SS

Be it remembered that on this _____ day of _____, 2008, before me, a notary public, in and for said county and state came Don E. Price to me personally known to be the same person who executed the foregoing certificate and duly acknowledged the execution thereof as his or her voluntary act and deed in testimony whereof I have hereunto set my hand and affixed my notary seal the date and year above written.

Notary Public

My commission expires: _____

CITY COUNCIL APPROVAL

RESOLUTION No. _____
Be it resolved by the President of the Council and the Council of the City of Lexington, Dawson County, Nebraska, as follows:
The plat of PRICE'S THIRD ADDITION to the City of Lexington, Dawson County, Nebraska duly made out, acknowledged and certified be and the same hereby is approved, accepted and ordered filed and recorded in the office of the Register of Deeds of Dawson County, Nebraska, and hereafter the Addition shall be and remain a part of the City of Lexington, Nebraska and shall be included within the corporate limits of the City and be and become a part of the City for all purposes whatsoever and the inhabitants of the Addition shall be entitled to all the rights and privileges and be subject to all the laws, ordinances, rules and regulations of the City.

Passed and Approved this _____ day of _____, 2008.

Attest

City Clerk

President of the Council

PLANNING COMMISSION APPROVAL

This is to certify that the above plat was presented to the Planning Commission of the City of Lexington, Nebraska, at a regular meeting on the _____ day of _____, 2008, and was approved and accepted by the Planning Commission on said date.

Dated: _____
President of the Planning Commission

State of Nebraska }
County of Dawson }SS

This plat was approved and accepted for filing and recording on the _____ day of _____, 2008 at _____ O'clock _____m. and appears in Plat Cabinet No. _____, at index No. _____, in the records of the Register of Deeds of Dawson County, Nebraska.

REFERENCE PLATS:

THE EAST 165' OF TRACT "G"
GARY DONNELSON L.S. #292, DATED AUG. 3, 1998

SOUTH 258' OF EAST 165' OF TRACT "G"
GARY DONNELSON L.S. #292, DATED OCT. 29, 1998

SOUTH RIGHT-OF-WAY LINE OF MAPLE STREET
GARY DONNELSON L.S. #292, DATED SEPT. 5, 2001

LEGAL DESCRIPTION-PRICE'S THIRD ADDITION

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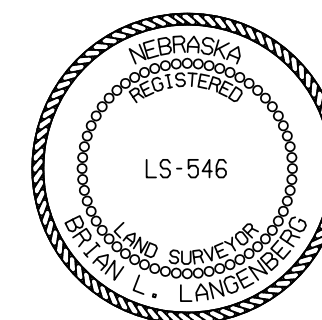
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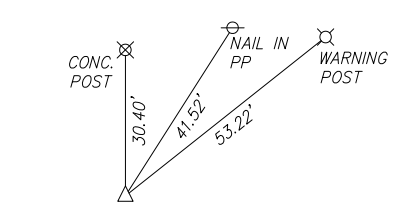
SURVEYOR'S CERTIFICATE

I do hereby certify that, under my personal supervision, this plat and legal description were prepared from an actual survey completed this 16th day of September, 2008, and is correct to the best of my knowledge.



Brian L. Langenberg
Brian L. Langenberg, Registered Land Surveyor
Nebraska Reg. No. 546

TIES TO THE S 1/4 COR.
SEC. 6-9-21
FD. RAILROAD SPIKE



TEC TAGGE
ENGINEERING CONSULTANTS, INC.
515 WEST AVENUE, HOLLOMAN, NEBRASKA 68949
PHONE (308) 945-6677 FAX (308) 945-6164

PLANNING COMMISSION CITY OF LEXINGTON

DETERMINATION FORM

On October 1, 2008, the Lexington, Nebraska Planning Commission at its regular meeting, recommended Approval of a Rezoning Request and Subdivision Request (Rezoning, Special Use, Subdivision, Variance, Zoning, Zone Appeal, Etc.) Request located at SE ¼ Section 6, Township 9 N, Range 21 W for Don E Price. (Name).

The Lexington Planning Commission made the following motion:

Motion by: Steve Smith

Seconded by: Toby Owens

Motion:

Following discussion, moved by Yung, seconded by Fagot, to recommend to City council approval of the rezoning application by Don E. Price to change from R-1 Single Family Residence to R-4 Mobile Home Dwelling District. Roll call. Voting "aye" were Sutton, Smith, Owens, Vazquez, Fagot, Yung, Bennett. Vivas was absent from the vote. Motion carried.

Following discussion, moved by Smith, seconded by Owens, to recommend to the City Council approval of the preliminary plat with an additional 15 feet, for a total of 25 feet, be added to the easement on the west edge of Block 1 for utilities and the existing tree line. Yung expressed his desire for the concerns of the citizens regarding paving, drainage, and recreational space voiced at this meeting to be passed along to the City Council. Following discussion, Smith amended the motion to recommend to the City council approval of the subdivision as a final plat with the concerns of the citizens also be passed to the council for consideration. Owens seconded. Roll call. Voting "aye" were Yung, Sutton, Vazquez, Fagot, Owens, Smith, Bennett. Vivas was absent from the vote. Motion carried.

(See attached)

Pamela Berke
Planning Secretary

Excerpt of Planning Commission Minutes – October 1, 2008

PUBLIC HEARING: Bennett opened the public hearing for the Commission to consider a rezoning application by Don E. Price for property located at SE ¼ Section 6, Township 9 N, Range 21 W, from R-1 Single Family Residence to R-4 Mobile Home Dwelling District. Dana Petersen, Tagge Engineering, presented a slide show outlining Price's plans to expand the mobile home park, which requires a rezoning of the area. Price noted that three of the 20 lots from Price's Second Addition are still open. He has sold the mobile home park with an option to sell Block 3 of Price's Second. An update of the drainage work that is currently being done was also given by Petersen.

John Knapple, 508 Jamel Road, expressed several concerns regarding the expansion of a mobile home park in that area. He gave a brief summary of the development of the area over the past 10 years, noting that a paving and drainage plan was to be completed in phases as the area grew. He stated no paving has been completed and questioned whether any drainage plan has been completed. He expressed concerns regarding narrow streets, traffic, fire and tornado danger, lack of safe area for children, and graffiti and gang activity. He referred to the adopted comprehensive plan completed by Hanna:Keelan which suggests the area be zoned as multi-family. He reiterated that he believes the mobile home park has grown too big.

Sharon Andersen agreed with Knapple regarding the size of the mobile home park, traffic safety issues, the safety of the children in the area, and the need for parks in that area of the town.

Linda Mins, 405 Jamel Road, expressed her disappointment in the growth of the mobile home park.

Mick Weaver, 500 Jamel Road, had questions regarding the ownership of land between the proposed subdivision and Walnut Street and plans for the area. The public hearing was closed.

Commission members requested clarifications on drainage issues, the comprehensive plan, code requirements on recreational space in a mobile home park, police and fire access, and other issues. Pepplitsch explained how the drainage in this area ties in with the drainage to the south of the area. Yung commented that he heard and understood the concerns of the neighbors regarding trash, children safety, etc, but he felt the decision to rezone should be based on the comprehensive plan and that the best place for a mobile home park expansion is near a mobile home park. Some specific items regarding these issues may be stipulated in the subdivision agreement, if approved. Pepplitsch noted that Price's Second Addition was annexed into the city limits and Price's Third Addition, if approved, could be annexed upon request.

Following discussion, moved by Yung, seconded by Fagot, to recommend to City council approval of the rezoning application by Don E. Price to change from R-1 Single Family

Residence to R-4 Mobile Home Dwelling District. Roll call. Voting “aye” were Sutton, Smith, Owens, Vazquez, Fagot, Yung, Bennett. Vivas was absent from the vote. Motion carried.

SUBDIVISION: Discussion regarding the subdivision was held in conjunction with the rezoning application. Yung and Fagot expressed a desire to see specific items regarding paving, drainage issues, and recreational space be incorporated in the subdivision agreement if approved. Petersen continued with his presentation regarding optional layouts of the subdivision. He noted that no set number has been decided regarding trailer spaces but that it would most likely be 19. Price indicated that he intends to begin construction of utility improvements as soon as possible. Pepplitsch reported that he was not aware of any issues regarding access to the trailers by the police or fire departments. Weinhold requested clarification of the utility easement on the west edge of Price’s Third Addition. After reviewing the plat of the adjoining Lockhart Subdivision, it was noted that there is a 20 foot utility easement on the east edge of that subdivision, which abuts the proposed Price’s Third Addition. It was also noted that there is no dedicated drainage easement in this area. Regarding green space, Burnside noted that the Lexington City Code requires 300 square feet for each trailer space in the subdivision. Following discussion, moved by Smith, seconded by Owens, to recommend to the City Council approval of the preliminary plat with an additional 15 feet, for a total of 25 feet, be added to the easement on the west edge of Block 1 for utilities and the existing tree line. Yung expressed his desire for the concerns of the citizens regarding paving, drainage, and recreational space voiced at this meeting to be passed along to the City Council. Following discussion, Smith amended the motion to recommend to the City council approval of the subdivision as a final plat with the concerns of the citizens also be passed to the council for consideration. Owens seconded. Roll call. Voting “aye” were Yung, Sutton, Vazquez, Fagot, Owens, Smith, Bennett. Vivas was absent from the vote. Motion carried.