

PLANNING COMMISSION CITY OF LEXINGTON

DETERMINATION FORM

On **October 3, 2012**, the Lexington, Nebraska Planning Commission, at its regular meeting, recommended **Disapproval** (Approval/Disapproval) of a **Rezoning Application** (Rezoning, Special Use, Subdivision, Variance, Zoning, Zone Appeal, Etc.) Request located at **Lot 1, Block 4, Indian Heights Third Addition** (Location) for **Philip and Betty Pebley and Kent Schroeder** (Name).

The Lexington Planning Commission made the following motion:

Motion by: **Cathy Fagot**

Seconded by: **Nancy Evans**

Motion: **Recommend denial of the rezoning application.**

Roll Call. **Voting "aye" were Bennett, Sutton, Smith, Vivas, Vazquez, Evans, Fagot, McFarland. Motion carried.**

Pamela Berke
Planning Secretary

Administrative Use Only

Date Submitted 7-27-12
Filing Fee \$100.00
Cert. Of Ownership _____
Date Sign Posted _____

Case Number _____
Accepted By my
Date Advertised _____
Date of Public Hearing 9/5/2012

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 Philip R. Pebley & Betty Bernice Pebley
2. Property Owner's Address 42720 Road 763, Cozad Ne
3. Telephone Number (Home) 308-784-3029 (Work) _____
4. Developer's Name Kent Schroeder
5. Developer's Address 3003 Country Club Lane, Kearney, NE 68845
6. Telephone Number (Home) 237-9688 (Work) 308-236-5150
7. Present Use of Subject Property Vacant Zoned R-1
8. Proposed Use of Subject Property Rezoned to R-2
9. Present Zoning R-1 Requested Zoning R-2
10. Legal Description of Property Requested to be Rezoned Lot Ten (10), Block Four (4), Indian Heights Third Addition to the City of Lexington, Dawson County, Nebraska
Approximate Street Address and Location Corner of Cherokee & Polk
11. Area of Subject Property, Square Feet and/or Acres 15,600 sq. ft.
12. Characteristics of Adjacent Properties (including zoning and actual use)
North: R-1 South: R-1
East: R-1 West: R-1

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

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

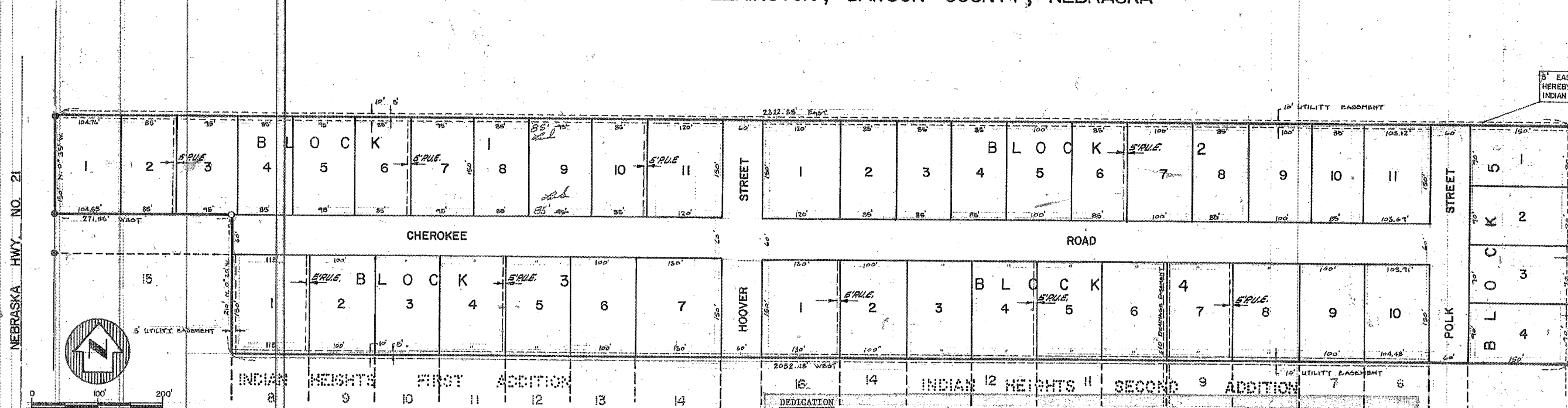
Philip R. Pebley
Signature of Owner

Kent Schroeder
Signature of Applicant

INDIAN HEIGHTS THIRD ADDITION

TO THE CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA

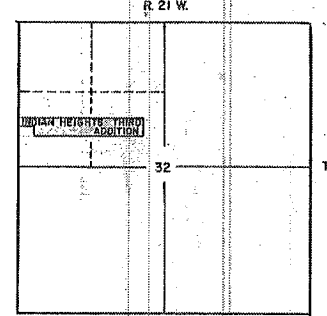
EASEMENT AS SHOWN IS HEREBY DEDICATED WITH INDIAN HEIGHTS THIRD ADDITION



NEBRASKA HWY. NO. 21



● Corners Found
○ Corners Set



LEGAL DESCRIPTION

A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 10 NORTH, RANGE 21 WEST OF THE 6TH PRINCIPAL MERIDIAN, DAWSON COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER OF SECTION 32, THENCE WEST (BEARING ASSUMED) A DISTANCE OF 266.79 FEET ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER, THENCE NORTH 0° 45' WEST A DISTANCE OF 520.02 FEET ALONG THE EAST LINE OF INDIAN HEIGHTS SECOND ADDITION TO THE TRUE POINT OF BEGINNING, THENCE WEST A DISTANCE OF 2052.48 FEET ALONG THE NORTH LINE OF INDIAN HEIGHTS FIRST AND SECOND ADDITION TO A POINT ON THE EAST LINE OF LOT 15 IN SAID INDIAN HEIGHTS FIRST ADDITION, THENCE NORTH 0° 30' WEST A DISTANCE OF 210.0 FEET ALONG THE EAST LINE OF SAID LOT 15 TO A POINT ON THE NORTH LINE OF CHEROKEE ROAD, THENCE WEST A DISTANCE OF 271.55 FEET ALONG THE NORTH LINE OF SAID CHEROKEE ROAD TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF NEBRASKA HIGHWAY NUMBER 21, THENCE NORTH 0° 35' WEST A DISTANCE OF 150 FEET ALONG THE EAST RIGHT-OF-WAY LINE OF SAID HIGHWAY, THENCE EAST A DISTANCE OF 2322.88 FEET, THENCE SOUTH 0° 45' EAST TO THE NORTHEAST CORNER OF SAID INDIAN HEIGHTS SECOND ADDITION AND THE TRUE POINT OF BEGINNING, CONTAINING 17.89 ACRES MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, LAWRENCE W. SORENSEN, DO HEREBY CERTIFY THAT ON JULY 29, 1976, I SURVEYED THE ABOVE DESCRIBED TRACT AND THAT THE INFORMATION SHOWN ON THE ABOVE PLAT ARE TRUE AND CORRECT AND THAT 5/8 INCH RODS WILL BE SET AT ALL LOT CORNERS PRIOR TO FILING OF THE ABOVE PLAT.

Lawrence W. Sorensen
LAWRENCE W. SORENSEN LS-524

STATE OF NEBRASKA }
DAWSON COUNTY }
Filed for Record the 4 day of Nov
1976 at 9:30 AM and recorded
in Plat Record No. 1 Page 99
Ruth A. Meyer
Register of Deeds

DEDICATION

WE, JOHN C. STUCKEY AND JOAN STUCKEY, HUSBAND AND WIFE, BEING THE OWNERS AND PROPRIETORS OF THE LAND SHOWN ON THE ACCOMPANYING PLAT, AND HAVING CAUSED AN ACCURATE PLAT OF THE DESCRIBED AREA TO BE MADE, DESCRIBING THE LOTS, BLOCKS, STREETS AND EASEMENTS OF SUCH ADDITION AND DESIGNATING THE BLOCKS AND LOTS BY NUMBERS AND THE STREETS BY NAME, DO HEREBY DEDICATE THE STREETS AND EASEMENTS 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 A PART OF THE CITY OF LEXINGTON, NEBRASKA.

John C. Stuckey
JOHN C. STUCKEY
Joan E. Stuckey
JOAN STUCKEY

STATE OF NEBRASKA)
) SS.
COUNTY OF DAWSON)

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY CAME JOHN C. STUCKEY AND JOAN STUCKEY, HUSBAND AND WIFE, KNOWN TO ME TO BE THE IDENTICAL PERSONS WHOSE NAMES ARE AScribed TO THE FOREGOING INSTRUMENT AND DID ACKNOWLEDGE THE EXECUTION THEREOF TO BE THEIR VOLUNTARY ACT AND DEED.

WITNESS MY HAND AND SEAL THIS 23rd DAY OF SEPTEMBER, 1976.

MY COMMISSION EXPIRES _____
W. Wesley Lumbersted
NOTARY PUBLIC

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 6th DAY OF October, 1976, AND WAS APPROVED AND ACCEPTED BY THE PLANNING COMMISSION ON SAID DATE.

DATED 10/6/76
Lowell Zetterman
PRESIDENT OF THE PLANNING COMMISSION

CITY COUNCIL APPROVAL

THIS IS TO CERTIFY THAT THE ABOVE PLAT WAS ACCEPTED AND APPROVED BY THE COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, AT A REGULAR MEETING ON THE 26th DAY OF October, 1976, BY A RESOLUTION DULY PASSED AT SAID MEETING.

THE PLAT OF INDIAN HEIGHTS THIRD ADDITION TO THE CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA, DULY MADE OUT, ACKNOWLEDGED, AND CERTIFIED BY 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.

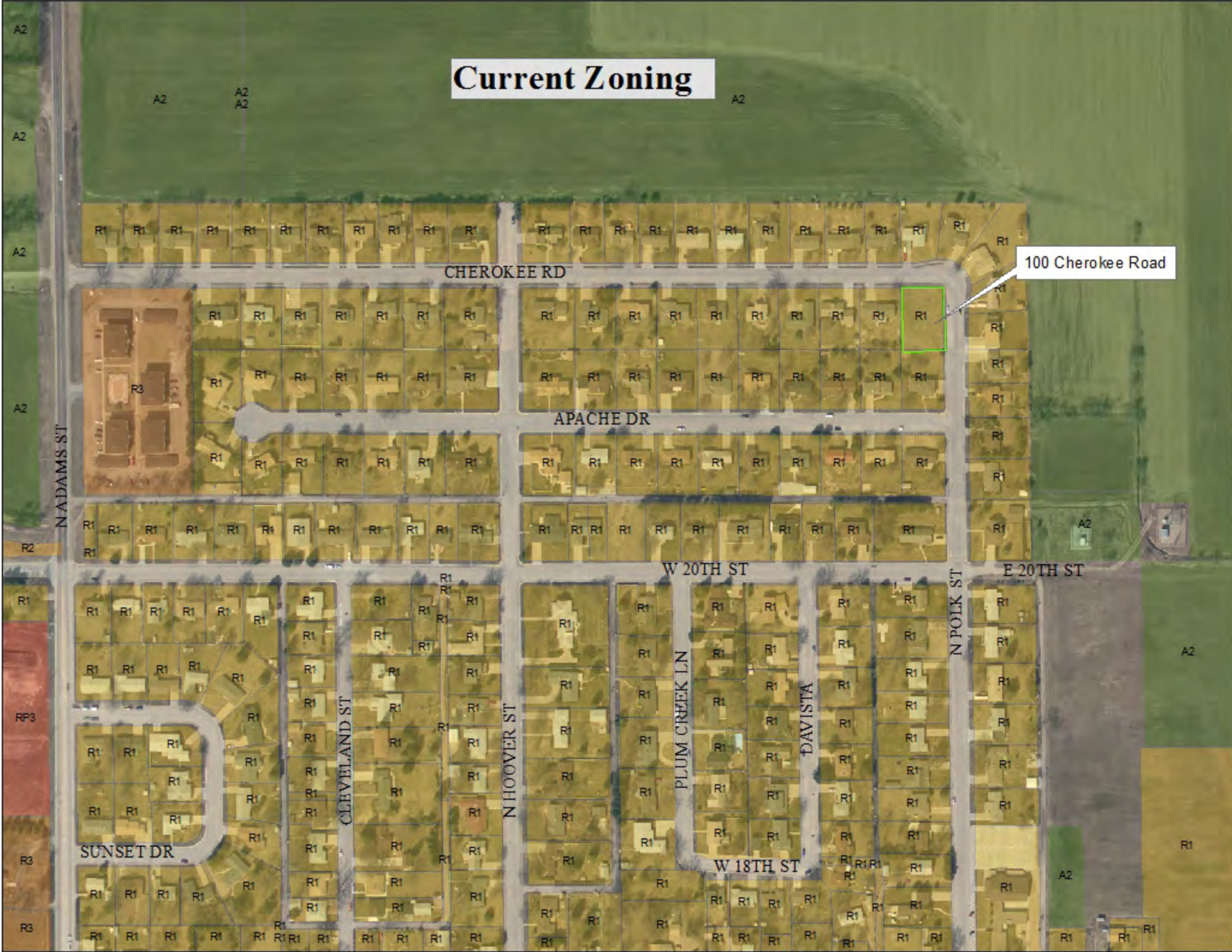
Chas. C. Zetterman
PRESIDENT OF THE CITY COUNCIL

GREAT PLAINS ENGINEERING & ARCHITECTURE, INC.
ENGINEERS • ARCHITECTS • SURVEYORS

| | |
|----------|-----------|
| DRAWN BY | APPROVED |
| JOB | SCALE |
| | 1" = 100' |
| | SHEET |
| | 1 OF 1 |

PLS. 76-15

Current Zoning



Proposed Zoning



100 Cherokee Road

A2
A2
A2
A2
R2
R1
RP3
R3
R3

N ADAMS ST

CHEROKEE RD

APACHE DR

W 20TH ST

E 20TH ST

CLEVELAND ST

N HOOVER ST

PLUM CREEK LN

DAVISTA

N POLK ST

SUNSET DR

W 18TH ST

A2

R1

A2

R1

R1

R1

August 13, 2012

Neighbors, Lexington Zoning Committee,
City Council:

Re: Proposed zoning change at Polk St. & Cherokee Rd.

Dear Friends:

We believe that a change from single-family residential zoning to multi-family zoning would be a big mistake in this location. It is a heavily traveled route used in entering and leaving a four-block area with only intersection.

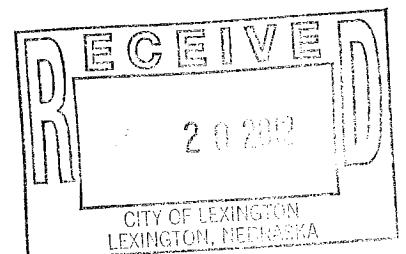
The houses curve around the corner in such a way that the proposed duplex would make it an even more congested corner resulting in reduced visibility.

Please keep this a single-family zoned corner.

Very truly yours,

Jack A. Lhotak
Kay Lhotak

Jack and Kay Lhotak
308 Cherokee Road
Lexington, NE 68850



Charlie & Sandy Clark,
402 Apache Drive,
Lexington. Ne 68850

August 16, 2012

Dear City Council Members,

In the matter of re-zoning our neighborhood:

We would ask that you leave the zoning as it currently is:
"Single Family Residential".

We reside at the above address and have lived here
since August 3, 1986, and it seems like this is changing the
rules, in the middle of the game.

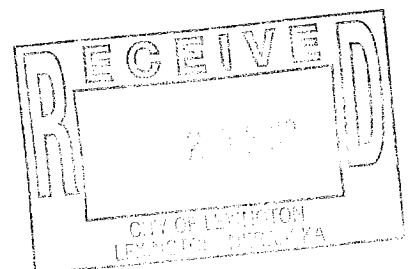
Please honor our request and leave the zoning as it is,
duplexes, apartments, buildings or condos can be built elsewhere.

Thank you for considering our request and taking the time
to listen to us, and our neighbors.

Sincerely,

Charles H. Clark
Sandra K. Clark

Charles H. Clark & Sandra K. Clark.



Members of the zoning committee:

I am writing concerning the request for a zoning change on the corner of Polk and Cherokee. I am of the opinion that a multi family home/dwelling at that location is a poor idea. That corner is already congested with cars and other vehicles parked on the street.

Adding more parked cars would add to what I believe to be an already congested and dangerous area.

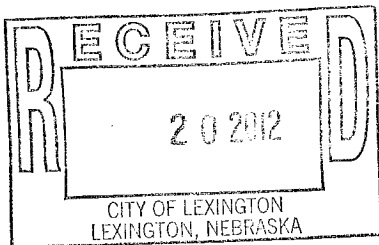
The number of small children playing in that area could be a safety concern at this time, and I feel the possibility of adding more traffic and more children to the area could add to that concern.

There are other areas in town that would be better suited to multi family dwellings. We don't need one in that area of town.

Sincerely

D. Berke

DAVE BERKE
1909 POLK ST.



Bill Brecks

From: Kory Cetak <kcetak@cccneb.edu>
Sent: Wednesday, August 01, 2012 1:10 PM
To: Bill Brecks
Cc: Joe Peplitsch
Subject: Rezoning Concern (Polk & Cherokee)

Importance: High

To Whom It May Concern:

I am writing to express my fear of rezoning the corner of Cherokee & Polk from a single to a multi-family zone. We have recently moved to Cherokee and have loved every minute of it. My children get to play in their yards and streets without fear of heavy traffic which they had not had before. Since we have been on Cherokee, I have realized that there are many younger children in this area and for the most part, I feel comfortable allowing them to go out and play in the streets. I feel that rezoning this corner would cause many issues with two of the major ones being parking issues and traffic issues. That corner is difficult to deal with as is because of the current traffic and parking of vehicles on streets and fear rezoning would be a huge safety risk. I would hope our city wouldn't take good things away from the current residents that live in this area by allowing the rezoning of this corner which just provides someone an easy buck (\$) Items like this is what causes people to move away from Lexington or to the out skirts of Lexington. Why ruin a great neighborhood by allowing the rezoning of this corner from a single to a multi-family zoning?

Please do not recommend rezoning this corner of Cherokee & Polk from a single-family residential zone to a multi-family zone!

Sincerely a Concerned Resident,

Kory Cetak

KORY CETAK

PROFESSIONAL DEV CORD TRAINER

kcetak@cccneb.edu | +1 308 398 7391



www.cccneb.edu

1501 PLUM CREEK PARKWAY | PO BOX 827 | LEXINGTON, NE 68850
TOLL FREE 1.877.222.0780



September 5th, 2012

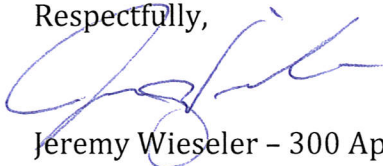
To Whom It May Concern:

I am writing this letter on behalf of my household and several others living in the Apache Drive, Cherokee Road, and North Polk Street areas of Lexington.

It was brought to our attention that the open lot on the corner of Cherokee Road and Polk Street is being considered for rezoning from that of a single-family dwelling to that of a multi-family dwelling. Many of the residents of this neighborhood, including myself have some serious reservations about this rezoning. First and foremost, the traffic is a huge concern. One of the primary reasons my family chose this neighborhood is because of the lack of traffic, which in turn, keeps our children out of danger. Many of the neighbors echo that feeling. Another area of concern is that of the parking. With that lot being on the corner, vehicles would most certainly be parked on the street, if at no other time, when the residents of this proposed multi-family dwelling would have company. This would heighten the risk of accidents around that corner, reducing visibility dramatically. The final concern of many residents of this area is that of the overall feel of the neighborhood. Having only moved in just over a year ago, a major draw of the location of our home was that of the residential and small town feel. It is comforting to know your neighbors and have your neighbors truly invested in the neighborhood, through owning a home. That same pride in one's home is not always as evident in apartment buildings or other multi-family dwellings.

The residents of this area are greatly in support of leaving this lot zoned as the rest of the neighborhood is zoned, a single-family dwelling. Hopefully one day, a family will build a home on this location to experience the great sense of neighborhood and safety the residents of this neighborhood already enjoy and greatly appreciate.

Respectfully,



Jeremy Wieseler - 300 Apache Drive

Judy Monee 303 Apache Dr.
Mary Maloley 301 Apache.

Lisa Buescher 208 Apache Drive

Jenna Schaff 204 Apache

Kristen Ritz 304 Apache

Carl Saut 305 Apache

Bob Young
200 Apache Drive

Mike Maguire
108 Apache

Rick & Lise Malina
104 Apache