

Sidney, Nebraska, July 16, 2012  
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A meeting of the Planning Commission of the City of Sidney, Nebraska, was convened in open and public session at 5:30 P.M. on July 16, 2012 in the City Council Chambers. Present were: Chairman: Spiker and Commissioners: Egging, Gull, Lawler, Leever, Mueller, and Phillips. Absent: England and McCarville. Others present: City Manager Person, Deputy Building Official Dayton, and Deputy Clerk Heilbrun. Notice of the meeting was given in advance thereof by publication in The Sidney Sun Telegraph, the designated method for giving notice, a copy of the proof of publication being attached to these minutes. Advance notice of the meeting was also given to the Chairman and all members of the commission, and a copy of their acknowledgment of receipt of notice is attached to these minutes. Availability of the agenda was communicated in the advance notice and in the notice to the Planning Commission of this meeting. All proceedings shown hereafter were taken while the convened meeting was open to the attendance of the public.

Chairman Spiker announced to all in attendance, that a current copy of the Nebraska Open Meetings Act was available for review.

Phillips moved, Egging seconded "That the minutes of the June 18, 2012 meeting be approved as printed." Roll call vote: Yeas: Egging, Lawler, Mueller, Phillips, and Spiker. Abstain: Gull and Leever. Absent: England and McCarville.

Chairman Spiker announced that the Planning Commission would now hold a public hearing on the Conditional Use Permit application of Harlan Sage to operate a Home-Based Business, consisting of a screen printing and woodworking shop, from a portion of Lot 98, Morrow Addition, more particularly described as 1208 6<sup>th</sup> Avenue; that the Board of Education of School District No. 1, Cheyenne County, Nebraska, and the Board of Education of Western Nebraska Community College have been properly notified in the time and manner prescribed by law and have not filed objections to the proposed request.

The following filed written objections: None. The following appeared in person or by agent or by attorney and were heard: Harlan and Tiffany Sage.

Mr. Sage explained that he had been operating his business from a commercial location at the Sioux Army Depot when a contract he had with Cabela's was cancelled. This forced him to downsize and move his operation to his home/shop in order to survive economically. He stated that he makes gun cleaning patches, muzzle loading supplies, and screen printed shirts. There is no outside noise, no traffic (other than a semi truck delivering supplies once or twice a year), and no equipment stored outside of the shop building. When materials are dropped off, they are immediately taken to the igloo for storage. Items are ordered from a website and shipped from their shop on a daily basis. The bulk of their inventory is stored at the igloo, with only the materials needed for daily operations on site. While gun cleaning solvents are handled in the shop, they are water based and do not require MSDS documentation. These materials do not include anything explosive or hazardous. He also has a full woodworking shop and necessary equipment.

City Manager Person explained that the Comprehensive Plan, which designates zoning areas throughout the City, is established to protect the integrity of uses in specific zones. However, the Planning & Zoning Code provides for exceptions, such as a home-based business, on a case-by-case basis by way of the Conditional Use Permit process. He informed the commissioners that this type of request is decided by the Planning Commission, not referred to the City Council for a final decision. If the Planning Commission decides that the use is compatible to the area, it can be approved under a Conditional Use Permit. He noted that this type of case is usually brought to the attention of the City when a complaint is made as to why one person is allowed to operate from their home, when others have the expense of securing a business location. He further explained that the Commission can put parameters on the permit, such as time allowed under the permit, hours of operation, type of activities allowed, etc., but they can be tough to monitor.

Commission Mueller suggested that Mr. Sage be instructed to provide a complete list of what his operation entails before authorizing the permit. This list should include materials used in the manufacture of products, list of products sold, a commitment of level of activity at this location so business does not overgrow the location, etc.

The Sages stated that they would be willing to provide such list and pictures of their operation as well.

Commissioner Leever suggested that the public hearing on this request be continued until the next meeting, until a defined list of operations could be provided and reviewed by the Commission.

Chairman Spiker asked for a motion to continue the public hearing on the Conditional Use Permit request of Harlan Sage.

Phillips moved, Mueller seconded "That the public hearing on the Conditional Use Permit application of Harlan Sage to operate a Home-Based Business, consisting of a screen printing and woodworking shop, from a portion of Lot 98, Morrow Addition, more particularly described as 1208 6<sup>th</sup> Avenue, be continued to the next meeting of the Planning Commission when a defined list of operations will be provided and reviewed." Roll call vote: Yeas: All commissioners present. Absent: England and McCarville.

Mr. Sage was instructed to provide the list to Cindy Heilbrun prior to the meeting on August 20th.

Commissioner Phillips noted that the fence at Bryan's Auto was in process, as well as the one at US Recycling.

The meeting adjourned at 5:54 p.m.

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CHAIRMAN

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DEPUTY CITY CLERK