

Sidney, Nebraska, November 19, 2012

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 November 19, 2012 in the City Council Chambers. Present were: Chairman: Spiker and Commissioners: Egging, Gull, Lawler, McCarville, Mueller, and Phillips. Absent: England and Leever. Others present: City Manager Person, Interim Chief Building Official Dayton, Public Services Director Hehnke, 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 October 15, 2012 meeting be approved as printed." Roll call vote: Yeas: Egging, Gull, Lawler, McCarville, Phillips, and Spiker. Abstain: Mueller. Absent: England and Leever.

Chairman Spiker stated that due to the large number of persons in attendance for item #4, the Planning Commission would consider this request prior to the item currently listed as #3.

Chairman Spiker announced that the Planning Commission would now hold a public hearing re: Conditional Use Permit of Tony Virgalitte to operate a Martial Arts School on Lot 8, Block 3, Wellner's Subdivision of Tract 3 of Wellner's Third Addition, more particularly described as 432 20th 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: Tony Virgalitte, Dennis Tomsick, Eric Fritzler, Sandra Virgalitte, and John Deer. A petition in favor of the request with 79 signatures was also presented.

Tony Virgalitte stated that the ATA Family Martial Arts School was started approximately a year ago and currently has 50 students. They currently operate the school in the basement of the Youth Center, which has cement floors and is quite cold in the winter months. He explained that the location at 432 20th Avenue is ideal as it is located 2 blocks from the elementary school and adjacent to the park, so there would be no parking issues. It also needs no major structural renovation to accommodate the school. He explained that in addition to teaching martial art skills to the students, they also teach behavioral responsibility and leadership skills. It is a very positive environment for the students and families.

Dennis Tomsick, owner of the property at 432 20th, stated that he and his wife, Mary,

fully support the school as a valuable asset for the community. They feel that this would be the best choice for use of the building. There would be no financial burden in relocating the school in this location.

Eric Fritzier stated that he and his family participate in the program at the ATA Family Martial Arts School, which promotes a structured environment that teaches martial art skills, as well as time management, respect, and integrity.

Sandra Virgalitte, assistant instructor at the school, stated that students that have been struggling in school, both socially and academically, have benefitted from leadership and confidence exercises. She noted that the proposed location would help them have a place to grow the school, allowing them to help more children and families.

John Deer stated that his son, Mitch, has been a student at the ATA School for approximately 11 months, which has been a very positive experience. He noted that he has observed other students with low self esteem and confidence issues, who may be victims of bullying in school, benefitting greatly from the programs provided at the school. He has gone as far as suggesting to the Probation Office that they use the school for diversionary programs for their clients.

Mr. Virgalitte was congratulated by the Commission on the positive aspects of the program and the overwhelming support shown for his relocation and continued operation of the School.

There being no further questions or comments, Chairman Spiker closed the public hearing and asked for a motion on the request.

Phillips moved, McCarville seconded "That the Conditional Use Permit of Tony Virgalitte to operate a Martial Arts School on Lot 8, Block 3, Wellner's Subdivision of Tract 3 of Wellner's Third Addition, more particularly described as 432 20th Avenue be approved as long as Mr. Virgalitte owns and operates the School." Roll call vote: Yeas: All Commissioners present. Absent: England and Leever.

Chairman Spiker announced "That the Planning Commission will now review and consider approval of a redevelopment plan referred by the City of Sidney Community Development Agency entitled ATax Increment Financing Redevelopment Plan of Cabela's@, and Resolution No. PC20121101 regarding same.

Commissioners Gull and Mueller declared their employment with Cabela's and involvement with this particular project as a possible conflict of interest, stating that they would join in the discussion of the item, but abstain from voting. The City Attorney will be consulted for a determination on this matter for future reference.

City Manager Person explained the Tax Increment Financing procedure in regards to the project. He noted that the Community Development Agency had passed the Plan on to the Planning Commission for their determination as to whether the proposed plan conforms to the Comprehensive Plan and meets all requirements for redevelopment plans. He noted that the Cost Benefit Analysis shows the positive impact of the project. He noted that the aging infrastructure

at this intersection will be replaced in conjunction with the redevelopment project.

Dennis Armstrong, corporate architect for Cabela's, Inc., presented drawings and details for the renovation of the building which was originally built in 1927 by John Deere. He explained that the project would entail replacement of windows, refurbishing of the original brick exterior, and interior construction of office space for up to 120 employees. He pointed out the areas that will be designated as parking for the facility and noted that all intersections and entrances to the complex will be renovated and ADA accessible.

Public Services Director John Hehnke gave details on upgrades to the traffic/pedestrian signals at 13th and Illinois, rebuilding the intersections at both 13th and 14th on Illinois Street, vacating of access road on east side of the building for conversion to green space, possibility of rebuilding 13th Avenue to the alley south of Illinois, and the Phase I electrical conversion of overhead power lines to underground in conjunction with this project. He explained that Interim Chief Building Official Ben Dayton had found a document where UPRR had deeded the ownership of Hickory Street to the City in 1915. This document has been forwarded to the railroad's legal department for corroboration, but staff does not feel there is an issue.

It was suggested that Cabela's staff try again to persuade the owner of the house west of the development to sell the property so it could be included in the parking area. This issue has not been successful in initial negotiations. Commissioner Gull stated that he would pass this request on to officials at Cabela's.

There being no further discussion on the item, Chairman Spiker asked for a motion on the item.

Egging moved, Phillips seconded "That the redevelopment plan referred by the City of Sidney Community Development Agency entitled ATax Increment Financing Redevelopment Plan of Cabela's, and Resolution No. PC20121101 regarding same be approved." Roll call vote: Yeas: McCarville, Lawler, Spiker, Phillips, and Egging. Abstain: Gull and Mueller. Absent: England and Leever.

RESOLUTION NO. PC20121101

BE IT RESOLVED by the Planning Commission of the City of Sidney, Nebraska, that the redevelopment plan entitled "Tax Increment Financing Redevelopment Plan of Cabela's" referred to the Planning Commission by the City of Sidney Community Development Agency has been reviewed by the Planning Commission and the Planning Commission hereby finds that such plan conforms with the general plan for the development of the City of Sidney as a whole and recommends that such plan be approved and adopted.

Chairman Spiker announced that the Planning Commission would now hold a public hearing re: Conditional Use Permit of The Kielian Family Trust for the operation of a Sand and Gravel Pit in an Agricultural Zone located in the Southwest Quarter of Section 3, Township 13, Range 49 West of the 6th P.M., outside the City Limits; 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: Jeff Kielian in favor of the request; Cindy and Brent Talich in opposition to the request.

Mr. Kielian stated that this was a renewal of a permit for a sand and gravel excavation pit which has been in operation for 37 years. He noted that the gravel has been used for a lot of projects in the area, including the building and maintenance of the interstate. He stated that the location is ideal as a close resource to Sidney for that type of material.

Cindy and Brent Talich presented pictures and testimony as to the problems caused by dust from the trucks coming and going from the site. They felt that the road should be watered down more often, a possible alternate route created for access to the site, and a lower speed limit imposed on this portion of road to help alleviate the dust problem.

City Manager Person explained that while this location is in the City jurisdiction in regards to the issuance of a conditional permit to operate the gravel pit, the other aspects of enforcement and maintenance fall under the County jurisdiction.

Chairman Spiker encouraged the commissioners and the Kielian family to talk with the County Commissioners to see if these issues can be dealt with to the satisfaction of all parties involved.

There being no further questions or comments, Chairman Spiker closed the public hearing and asked for a motion on the request.

McCarville moved, Lawler seconded "That the Conditional Use Permit of The Kielian Family Trust for the operation of a Sand and Gravel Pit in an Agricultural Zone located in the Southwest Quarter of Section 3, Township 13, Range 49 West of the 6th P.M., outside the City Limits for a period of two years, be approved." Roll call vote: Yeas: All commissioners present. Absent: England and Leever.

Chairman Spiker announced that the Planning Commission would now hold a public hearing re: Preliminary Plat for Replat of Lot 2, Dailey Subdivision, more particularly described as 1225 Greenwood Road, into 4 lots; 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: Nancy and Robert Dailey.

Mrs. Dailey stated that the purpose of the replat is to subdivide the lots for their children to build a home on the proposed Lot 2D. This lot contains an existing accessory building. She stated that the property is currently served by City water but has a septic system.

Public Services Director Hehnke stated that the replat requires that the sanitary sewer be extended approximately 100 feet to serve the lots, and will be placed in the road's right-of-way. The Dailey's existing house can remain on septic system, but will be allowed to connect to the new sewer line if needed or wanted in the future.

Interim Chief Building Official Dayton stated that a time stipulation will need to be placed on the construction of a house on Lot 2D, which contains the existing accessory building.

There being no further questions or comments, Chairman Spiker closed the public hearing and asked for a motion on the request.

Spiker moved, Mueller seconded "That the Planning Commission recommend to the City Council that the Preliminary Plat for Replat of Lot 2, Dailey Subdivision, more particularly described as 1225 Greenwood Road, into 4 lots, be approved with the stipulation that a home be built on Lot 2D, lot with existing accessory building, within a period of 18 months." Roll call vote: Yeas: All commissioners present. Absent: England and Leever.

Chairman Spiker announced that the Planning Commission would now hold a public hearing re: Preliminary Plat Application of Region 1 Office of Human Development for Lot 1, Reganis Subdivision, more particularly described as 427 Illinois Street, into three lots; 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: Bob Davis.

Mr. Davis, Director of the Office of Human Development, stated that there has been interest in the property behind their offices, either for rent or sale. He noted that the decision to sell the property was made, so as not to put their tax exemption status in jeopardy under a rental situation. He stated that the interest in the property has been of a commercial nature, which fits with the zoning designation of C-2 or C-3. He thought that the existing Quonset building would be a good place for the storage of machinery, as well as further development of storage units on the subdivided lots.

It was noted that there have been complaints regarding the Quonset building and it should be noted that it is unfit for use in its current condition.

Interim Chief Building Official Dayton stated that the water service stops just south of Ball Street, so the property owner would be required to extend the water line to serve the two new lots within one year of the recording of the plat. The sewer and electric services already serve the lots.

There being no further questions or comments, Chairman Spiker closed the public hearing

and asked for a motion on the request.

Phillips moved, Egging seconded “That the Planning Commission recommend to the City Council that the Preliminary Plat Application of Region 1 Office of Human Development for Lot 1, Reganis Subdivision, more particularly described as 427 Illinois Street, into three lots, be approved.” Roll call vote: Yeas: All commissioners present. Absent: England and Leever.

Chairman Spiker announced that the Planning Commission would now hold a public hearing re: Defining R-1 Single Family Residential Accessory Buildings; and any applicable language clarification or change to the Planning & Zoning Code.”

The following filed written objections: None. The following appeared in person or by agent or by attorney and were heard: Interim Chief Building Official Dayton.

Interim Chief Building Official Dayton presented Chapter 1266 Accessory Buildings, with suggested revisions from the October meeting.

It was suggested that the language “120 square feet or larger” be stricken from Section 1266.03 Detached Accessory Buildings (d) Building Height; and 650 square feet be changed to 700 square feet in Section 1266.05 Size of Accessory Buildings in Residential Zones.

There being no further questions or comments, Chairman Spiker closed the public hearing and asked for a motion on the proposed language clarification.

Phillips moved, Mueller seconded “That the Planning Commission recommend to the City Council that Chapter 1266 Accessory Buildings, be adopted with proposed changes as presented.” Roll call vote: Yeas: All commissioners present. Absent: England and Leever.

The meeting adjourned at 6:56 p.m.

CHAIRMAN

DEPUTY CITY CLERK