

Sidney, Nebraska, January 21, 2013

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 January 21, 2013 in the City Council Chambers. Present were: Chairman: Spiker and Commissioners: Egging, England, Gull, Lawler, Leever, McCarville, and Phillips. Absent: Mueller. Others present: City Manager Person, Interim Chief Building Official Dayton, Public Services Director Hehnke, City Attorney J. Leef, 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.

McCarville moved, Lawler seconded "That the minutes of the November 19, 2012 meeting be approved as printed." Roll call vote: Yeas: Egging, England, Gull, Lawler, McCarville, Phillips, and Spiker. Abstain: Leever. Absent: Mueller.

Chairman Spiker announced that the Planning Commission would now hold a public hearing re: Preliminary Plat Application of Dinklage Feed Yard, Inc. to subdivide a single tract of land containing 2.72 acres in the NE1/4, of the NE1/4 of Section 34, Township 14 North, Range 50 West of the 6th P.M., Cheyenne County, Nebraska, which is located in the Southwest corner of the intersection of US Highway 30 and State Highway 19, to be known as Block 1, Dinklage Subdivision; 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: Kelly Beatty, M.C. Schaff & Associates, Bob Goodwin, and Paul Conrad, representing Dinklage Feed Yard, Inc.

Kelly Beatty, of M.C. Schaff & Associates, presented the preliminary plat for subdivision on behalf of Dinklage Feed Yard, Inc. He explained that the purpose of the subdivision was to remove two of the existing structures at the corner of State Highway 19 and US Hwy 30 so that a new 4,500 square foot corporate office building could be built on the site. Paul Conrad explained that there are currently three structures there, but the barn will remain. Mr. Beatty also noted that the applicant is requesting a zoning change from A (Agricultural) to C-3 (Heavy Commercial) which is conducive to the nature of the business already located there.

Commissioner Gull asked why C-3 was chosen, rather than C-2 or another Commercial Zone that was more restrictive as to the uses allowed.

Zoning Administrator Dayton explained that C-3 had been suggested because it allows

for agricultural uses as well as other commercial related uses, such as the sale of farm machinery, etc. He noted that the facility is approximately 1 3/4 miles from the City limits, but within the City's zoning jurisdiction.

Attorney Bob Goodwin stated that Dinklage Feed Yard, Inc. was currently asking for the C-3 rezoning expressly for the construction of a new corporate office facility, but also for future accommodation of a value-type industry there, if needed.

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

England moved, Gull seconded "That the Planning Commission recommend to the City Council that the Preliminary Plat Application of Dinklage Feed Yard, Inc. to subdivide a single tract of land containing 2.72 acres in the NE1/4, of the NE1/4 of Section 34, Township 14 North, Range 50 West of the 6th P.M., Cheyenne County, Nebraska, which is located in the Southwest corner of the intersection of US Highway 30 and State Highway 19, to be known as Block 1, Dinklage Subdivision, be approved." Roll call vote: Yeas: All Commissioners present. Absent: Mueller.

Chairman Spiker announced that the Planning Commission would now hold a public hearing re: Rezoning Application of Dinklage Feed Yard, Inc. to Rezone Block 1, Dinklage Subdivision from A (Agriculture) to C-3 (Commercial) Zone, for the purpose of constructing an office building on the site; 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: Kelly Beatty, M.C. Schaff & Associates, Bob Goodwin, and Paul Conrad, representing Dinklage Feed Yard, Inc.

There being no further discussion on the item, Chairman Spiker closed the public hearing and asked for a motion on the request.

Phillips moved, England seconded "That the Planning Commission recommend to the City Council that the Rezoning Application of Dinklage Feed Yard, Inc. to Rezone Block 1, Dinklage Subdivision from A (Agriculture) to C-3 (Commercial) Zone, for the purpose of constructing an office building on the site, be approved." Roll call vote: Yeas: All commissioners present. Absent: Mueller.

Chairman Spiker announced that the Planning Commission would now hold a public hearing re: the Preliminary Plat Application of Dennis & Linda Highby to subdivide a single tract of land in the East Half of the Southeast Quarter of Section 20, Town 14 North, Range 49 West of the 6th P.M., which is located on the West side of County Road 115, South of Highway 385, containing 8.10 acres, into two 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: Kelly Beatty, M.C. Schaff & Associates, representing the Highby family.

Mr. Beatty explained that the proposed subdivision lies across the road from the Highby residence and contains a metal building and acreage. He noted that the subdivision would create two new lots, with the metal building on lot and the acreage on another.

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

McCarville moved, Leever seconded “That the Planning Commission recommend to the City Council that the Preliminary Plat Application of Dennis & Linda Highby to subdivide a single tract of land in the East Half of the Southeast Quarter of Section 20, Town 14 North, Range 49 West of the 6th P.M., which is located on the West side of County Road 115, South of Highway 385, containing 8.10 acres, into two lots be approved.” Roll call vote: Yeas: All commissioners present. Absent: Mueller.

Chairman Spiker announced that the Planning Commission would now hold a public hearing re: Defining Accessory Buildings in R (Residential) Zones; 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: Joe Arterburn, Aaron Barnes, Roger Gallaway, Chris Gay, Jim Haddix, Bob Stegeman, and city staff members present.

City Manager Person explained that following in-depth discussion during the initial two readings of the Accessory Building Ordinance by the City Council, suggestions for changes were being submitted to the Planning Commission for additional input. He pointed out that the proposed changes were marked in red for review and discussion, representing two major areas of concern: 1) The size of the accessory building. The Planning Commission had recommended a 700 square foot limitation, while Council, after hearing public comments, is suggesting up to 1,200 square feet, but no more than 100 percent of the footprint of the foundation of the residence; and 2) Better defining the term “attached” by eliminating the breezeway definition, and instead inserting language such as “common wall” or “common foundation.” He explained that the City Attorney and three of the City Council members were present to answer any questions that the Commission may have.

To preface the discussion, Chairman Spiker explained that the issue had initially come to the Commission, several months ago, because of numerous requests from the public to place large “sheds” behind their homes or garages. In an effort to protect the integrity of residential neighborhoods, and to give staff help in clarifying these specific areas in the Planning and Zoning Code, the Planning Commission had taken on the task of revising this particular area of the Code.

Councilmen Arterburn, Gay, and Barnes relayed concerns from the public regarding the

proposed 700 square foot size limitation as proposed to Council from the Planning Commission. During hearings held before the City Council, several concerned citizens stated that this size was not large enough for storing items such as boats, campers, etc. After discussion by the Council they had come up with an alternate size of 1,200 square feet, as well as removing the language allowing a “breezeway” and inserting “common wall” in it’s place, and were resubmitting their suggestions to the Planning Commission for their feedback.

Roger Gallaway stated that while he felt it was good to have controls and definitions, the City may be better served to use a percentage of the house footprint in determining the size of accessory buildings allowed on a particular lot, as lot size and square footage of houses vary in different areas of the City. He further suggested that the City should consider that the type of materials used in the construction of an accessory building be consistent with the house construction and other buildings on a particular lot, so as not to detract from the appearance of the neighborhood.

Bob Stegeman, of 2332 Maple Street, stated that he would like to have an 20' x 27' garage built behind his residence, which would have horizontal steel siding. He gave examples of other garages and steel buildings between Illinois and Osage Street, and questioned whether he was going to be restricted from using metal in the construction of his garage. He presented the Commission with photo examples of the garage he proposes to build. Jim Haddix appeared with Mr. Stegeman to offer references regarding steel siding, noting that while vertical steel siding is commercial in appearance, horizontal siding resembles vinyl siding and is aesthetically compatible in residential neighborhoods.

Mr. Stegeman was reassured that this type of siding would be allowed once the ordinance was passed and new construction of this type was again permitted, and encouraged to contact the City regarding a building permit once this takes place.

City Attorney J. Leef noted that the revised proposed ordinance includes language regarding the calculation of the ground floor footprint of the principal building when determining the allowable square footage of an accessory building. This language excludes attached buildings or impervious surfaces in the calculation. She asked if this was the direction the Commission wanted to take with the ordinance.

Following discussion on this, Attorney Leef was instructed to revise Section 1266.05 **SIZE OF ACCESSORY BUILDINGS IN RESIDENTIAL ZONES**: to read: The aggregate ground floor square footage of an accessory building located within a Residential Zone, with the exception of R-1a and AR Zones shall not exceed **1200** square feet or the square footage equal to the ground floor footprint of the principal building, whichever is **smaller**. In calculating the ground floor footprint of the principal building for purposes of this section, no attached buildings or impervious surfaces attached thereto shall be included. All buildings must comply with the maximum lot coverage restriction set forth in Section 1264.01(b).

Discussion was held regarding the definition of “attached” in reference to the accessory building. It was the general consensus that “breezeway” was too liberal, as it could mean the buildings were joined by a single board, but common wall would require that the buildings be joined by an access point such as a doorway or entryway from one building to the other.

City Attorney Leef was instructed to eliminate the term “breezeway” and substitute it with “common wall” in Section 1266.04 ATTACHED ACCESSORY BUILDINGS.

These revisions will be presented to the Planning Commission at their next regular meeting for approval and referral to the City Council. The item was continued to the February meeting.

Doug Whitaker, Jeff King and Chuck Musgrave, representing Water Technologies, Inc. and its partners, appeared to present preliminary concepts for the new proposed swimming pool facility. Following a power point presentation on different options for pool facilities, the Commission and audience were asked to complete a brief survey ranking their top five priorities for such a facility in Sidney. They noted that several more meetings will be held with various interest groups and members of the community to come up with the best fit for Sidney.

The meeting adjourned at 7:15 p.m.

CHAIRMAN

DEPUTY CITY CLERK