

Sidney, Nebraska, December 16, 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 December 16, 2013 in the City Council Chambers, located at 1115 13th Avenue. Present were: Chairman: Spiker and Commissioners: Egging, McCarville, Mueller, Phillips, Smith and Volkmer. Absent: England and Leever. Others present: City Manager Person, Public Services Director Hehnke, Zoning Administrator Dayton, City Attorney 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 at the rear of the room.

Deanna Volkmer and Tim Smith were welcomed to the Planning Commission.

McCarville moved, Phillips seconded "That the minutes of the November 18, 2013 meeting be approved as printed." Roll call vote: Yeas: Egging, McCarville, Mueller, Phillips, and Spiker. Abstain: Smith and Volkmer. Absent: England and Leever.

Chairman Spiker announced that the Planning Commission would now hold a public hearing re: Rezoning application of Cabela's Ventures, LLC to rezone Tracts 1 and 2, Sidney Regional Hospital Center in Sidney, Nebraska, situated in the SW/4 of Section 33, Township 14 North, Range 49 West, and Pt NW/4 of Section 4, Township 13 North, Range 49 West of the 6th P.M., in the City of Sidney, Cheyenne County, Nebraska, more commonly known as the northeast corner of intersection of Greenwood Road and Virginia Lane, from A, AR & C-3 (Agriculture, Ag-Residential, Heavy Commercial) Districts to C-1 (Central Business District); 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: Jason Petik and Gary Person.

Jason Petik, CEO of Sidney Regional Medical Center spoke on behalf of the proposed hospital development on this site. He stated that Cabela's and SRMC had made a deal to "swap" property in order to provide a better flow for both Cabela's housing development and the new hospital. He noted that moving to the northeast of the property, instead of the original location, would prevent the hospital from being landlocked within the housing development. He noted that it would also allow SRMC to control the use of the unused portion of the site, earmarking it as a medical corridor for future development by other medical professional offices and/or uses.

City Manager Person gave a timeline for the extension and development of streets, i.e. Toledo and Greenwood Road, into the area which should be ready to service the development by 2014. He noted that the zoning change will accommodate light commercial development in relation to the new hospital.

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

McCarville moved, Egging seconded "That the Planning Commission recommend to the City Council that the rezoning application of Cabela's Ventures, LLC to rezone Tracts 1 and 2, Sidney Regional Hospital Center in Sidney, Nebraska, situated in the SW/4 of Section 33, Township 14 North, Range 49 West, and Pt NW/4 of Section 4, Township 13 North, Range 49 West of the 6th P.M., in the City of Sidney, Cheyenne County, Nebraska, more commonly known as the northeast corner of intersection of Greenwood Road and Virginia Lane, from A, AR & C-3 (Agriculture, Ag-Residential, Heavy Commercial) Districts to C-1 (Central Business

District) , 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 application of Cabela’s Ventures, Inc. for Tracts 1 & 2, Sidney Regional Hospital Center, located on the North and South side of Virginia Lane, 33 feet east of Greenwood Road, consisting of 30.15 acres, to allow for development and construction of a hospital center; 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: Jason Petik and John Hehnke

Public Service Director Hehnke presented a review of the preliminary plat which included comments re: storm drainage, location of water main and fire hydrants, utility easements, and the drive location on Greenwood Road. All of these concerns have been discussed with the architects and engineers and will be addressed in the final plat. Hehnke stated that none of these issues is large enough to hold up the development.

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

Mueller moved, Egging seconded “That the Planning Commission recommend to the City Council that the Preliminary Plat application of Cabela’s Ventures, Inc. for Tracts 1 & 2, Sidney Regional Hospital Center, located on the North and South side of Virginia Lane, 33 feet east of Greenwood Road, consisting of 30.15 acres, to allow for development and construction of a hospital center, 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 on the Rezoning Application of Cabela’s Ventures, Inc. and Cheyenne County Hospital for a parcel of land situated in the East Half of Section 32, Township 14 North, Range 49 West of the 6th P.M., City of Sidney, Cheyenne County, Nebraska, containing 184.115 acres more or less, from A (Agricultural) to R-1 (Single Family Residential) Zone; 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: Pat Maher and Gary Person.

Pat Maher, project manager at Cabela’s stated that, while advertised as 184.115 acres, Cabela’s is only requesting that 87.531 acres be rezoned at this time. City Manager Person noted that because the 87 acres is within the boundaries of the publicized acreage as advertised, the Planning Commission could consider the revised rezoning legal as presented at this time.

Mr. Maher gave an overview of the project which will include 750 single family lots with an affordable component, situated on curved streets with areas of green space. The project will include lakes that will offer both aesthetic value, as well as bringing the property out of the floodplain.

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

Mueller moved, Smith seconded “That the Planning Commission recommend to the City Council that the Rezoning Application of Cabela’s Ventures, Inc. and Cheyenne County Hospital for a parcel of land situated in the East Half of Section 32, Township 14 North, Range 49 West of the 6th P.M., City of Sidney, Cheyenne County, Nebraska, containing 87.531 acres more or less, from A (Agricultural) to R-1 (Single Family Residential) Zone, 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 on the Preliminary Plat application of Cabela's Ventures, Inc. and Cheyenne County Hospital for a parcel of land situated in the East Half of Section 32, Township 14 North, Range 49 West of the 6th P.M., City of Sidney, Cheyenne County, Nebraska, containing 87.531 acres more or less, for the purpose of constructing a high quality master planned community development to provide additional housing in Sidney; 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: Gary Person.

City Manager Person advised the Commission that this item could not be considered at this time because it does not conform to the City of Sidney Zoning Regulations as presented. The preliminary plat depicts 60 foot lots, while the current code requires a minimum lot size of 70 feet in an R-1 Zone. He gave an example of a comparable subdivision within Sidney, that being Dawn Drive, which consists of 30 single-family homes situated on 60 foot lots. However, this area is zoned R-2 instead of R-1. He noted that staff had checked with both Scottsbluff and Kearney and the minimum standard in an R-1 Zone is 55' and 60' respectively. He proposed that a change to the Planning & Zoning Code Use & Regulations Chart, to change the minimum lot size in an R-1 Zone to 60 feet, be proposed and considered at the January meeting. Front setbacks would also need to be considered, as the pie-shaped lots in the proposed plat exceed the maximum setback of 50 feet, some being 60 feet due to the shape of the lots. If these changes are implemented, the plat would be in compliance with the Code and could be considered at that time.

City Attorney Leef was instructed to work with staff to prepare revisions to the Planning and Zoning Code for these items.

Chairman Spiker announced that the Planning Commission would now hold a public hearing on the Preliminary Plat application of Timothy Reganis for a Tract of land situated in the NW/4 of Section 8, Township 13 North, Range 49 West of the 6th P.M., Cheyenne County, Nebraska, which is located on the South side of Old Post Road, 170 feet North of Interstate 80, consisting of 14.05 acres and 8 commercial 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: Clayton Nelson and John Hehnke.

Clayton Nelson, of M.C. Schaff & Associates, engineer for the project, stated that they had received John Hehnke's project review and would be working with City staff on the concerns outlined in the review. Hehnke's concerns included utility easements, sanitary sewer, and the roundabout in relation to traffic patterns entering Old Post Road. He noted that the intersection will be redone to accommodate a 4-signal corner.

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

McCarville moved, Spiker seconded "That the Planning Commission recommend to the City Council that on the Preliminary Plat application of Timothy Reganis for a Tract of land situated in the NW/4 of Section 8, Township 13 North, Range 49 West of the 6th P.M., Cheyenne County, Nebraska, which is located on the South side of Old Post Road, 170 feet North of Interstate 80, consisting of 14.05 acres and 8 commercial 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 on the Preliminary Plat application of Cabela's Ventures LLC for a parcel of land situated in the NW/4 of Section 8, Township 13 North, Range 49 West of the 6th P.M., Cheyenne

County, Nebraska, consisting of 27 acres more or less along East Old Post Road, for Cabela's Corporate Headquarters campus expansion; 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: Dennis Armstrong, Gary Person and John Henke.

Dennis Armstrong, corporate architect of Cabela's, presented the West Campus Subdivision Master Plan for Cabela's Corporate Expansion. He noted that while the full 27 acres was rezoned, and the grading, utility relocation, water supply, and traffic accommodation issues are being addressed on the total acreage at this time, only a portion of the acreage will be developed during the first phase to accommodate the first additional office building. Development should begin in early 2014.

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

Mueller moved, Phillips seconded "That the Planning Commission recommend to the City Council that the Preliminary Plat application of Cabela's Ventures LLC for a parcel of land situated in the NW/4 of Section 8, Township 13 North, Range 49 West of the 6th P.M., Cheyenne County, Nebraska, consisting of 27 acres more or less along East Old Post Road, for Cabela's Corporate Headquarters campus expansion, 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 on the Rezoning Application of Aaron Deaver for Lot A1, Block 2, Conestoga Subdivision, a Replat of Lot A, Replat of Lot 2, a Replat of Block 1, Conestoga Subdivision and Lot 1, a subdivision of Block 2, Conestoga Subdivision of the City of Sidney, Nebraska, more commonly known as 921 Greenwood Road, from R-4 (Multi-Family Residential) to C-3 (Heavy Commercial) Zone ; 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, Alan Wilkinson, and Aaron and Sarah Deaver.

Kelly Beatty of M.C. Schaff & Associates, engineer for the project, stated that this property was being rezoned to accommodate a commercial relocation of Source Gas for both a retail and service center.

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

Volkmer moved, Smith seconded "That the Planning Commission recommend to the City Council that the Rezoning Application of Aaron Deaver for Lot A1, Block 2, Conestoga Subdivision, a Replat of Lot A, Replat of Lot 2, a Replat of Block 1, Conestoga Subdivision and Lot 1, a subdivision of Block 2, Conestoga Subdivision of the City of Sidney, Nebraska, more commonly known as 921 Greenwood Road, from R-4 (Multi-Family Residential) to C-3 (Heavy Commercial) Zone, 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 on the Preliminary Plat application of Aaron Deaver for Lots A1 and A2, Block 2, Conestoga Subdivision, located on the East side of Greenwood Road, approximately 300 feet South of US Hwy 30, containing 2.9 acres more or less, to allow for commercial development by Source Gas on Lot A1; 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, Alan Wilkinson, and Aaron and Sarah Deaver.

Alan Wilkinson of Source Gas stated that all services currently provided by his company at various locations throughout the city will be relocated to this site. The building will face west. Their existing properties will be sold.

Kelly Beatty stated that items of concern submitted in the public works review will be addressed on the final plat.

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 Planning Commission recommend to the City Council that the Preliminary Plat application of Aaron Deaver for Lots A1 and A2, Block 2, Conestoga Subdivision, located on the East side of Greenwood Road, approximately 300 feet South of US Hwy 30, containing 2.9 acres more or less, to allow for commercial development by Source Gas on Lot A1, be approved.” Roll call vote: Yeas: All commissioners present. Absent: England and Leever.

Discussion was held re: Annexation of properties adjacent to the current existing city limit boundaries. City Manager Person explained the annexation process in the State of Nebraska, including the financial considerations and timeline of the process. He pointed out areas that could be annexed and stated that several landowners are receptive to the idea of annexation into the city limits. City Attorney Leef stated that the timeline for the annexation process could be several months.

Chairman Spiker asked that staff prepare a layover of new proposed City limits for the Planning Commission to consider.

The meeting adjourned at 6:55 p.m.

CHAIRMAN

DEPUTY CITY CLERK