

Sidney, Nebraska, January 20, 2014

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 20, 2014 in the City Council Chambers, located at 1115 13<sup>th</sup> Avenue. Present were: Chairman: Spiker and Commissioners: Egging, England, Leever, Mueller, Phillips, Smith, and Volkmer. Absent: McCarville. Others present: City Manager Person, Zoning Administrator 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 at the rear of the room.

Phillips moved, Egging seconded "That the minutes of the December 16, 2013 meeting be approved as printed." Roll call vote: Yeas: Egging, Mueller, Phillips, Smith, Spiker, and Volkmer. Abstain: England and Leever. Absent: McCarville.

Chairman Spiker announced that the Planning Commission would now hold a public hearing re: Conditional Use Permit of Verizon Wireless (lessee) to construct a 184 foot monopole communication tower on a parcel of land located in the Southwest Quarter of Section 3, Township 13, Range 49 West of the 6<sup>th</sup> P.M., more particularly described as 11720 Road 18, Sidney, NE to improve Verizon service in the area; 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: Jeffrey Skinner, Verizon Wireless.

Jeffrey Skinner, representing Verizon, stated that Verizon Wireless has signed a lease with the Kielian Trust for the proposed location that is initially 5 years. The lease is renewable for another four-5 year terms, for a total of 25 years, unless cancelled by Verizon. It is their intention to construct a 184 foot monopole communications tower on the location, which will be self-supporting with no guide wires. The existing shelter next to the pole will house maintenance equipment, etc. The entire project will be fenced and lit as required. They have already obtained the FAA's approval. The tower will improve their service network to handle greater capacity. He noted that while there is already a Viaero tower in the area, Viaero is not interested in a co-load arrangement due to future expansion plans of their own.

Discussion was held as to the need for a conditional use permit on Ag property, which was set in place by a recent change to the Planning & Zoning Code; placing a time limit on the permit if granted, which has not been the practice for past permits of this nature; and what would

happen if the Kielians were to sell the land, which would either pass the lease to the new ownership or possibly the site would be “carved out”.

It was noted that all property owners in the area had been notified and there had been no comments filed with the City.

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 Conditional Use Permit of Verizon Wireless (lessee) to construct a 184 foot monopole communication tower on a parcel of land located in the Southwest Quarter of Section 3, Township 13, Range 49 West of the 6<sup>th</sup> P.M., more particularly described as 11720 Road 18, Sidney, NE; be approved for a period coinciding with the terms of their lease agreement.” Roll call vote: Yeas: All commissioners present. Absent: McCarville.

Chairman Spiker announced that the Planning Commission would now hold a public hearing re: Proposed amendment to Chapter 1226, Design Standards, Section 1226.02 Lots, Subsection (c) Dimensions; Sewage; Parking; to decrease the minimum width restriction for residential lots at the building lines; to remove provisions regarding decreasing minimum width restrictions for gifting land for public use; 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 of Cabelas, Gary Person, and Ben Dayton.

City Manager Person explained that the five proposed amendments, to the Planning & Zoning Code, items 4-8, all related to the new housing subdivision being proposed in East Sidney.

He noted that the current lot size in R-1 zones is a minimum of 70 feet, but sited examples of several subdivisions with single family homes where the lots are less than 70'. These areas are currently zoned R-2, which allows for the construction of multi-family housing but also single family residences. He also gave examples from other communities whose minimum lot size is 55' to 60', i.e. Gering and Scottsbluff. He also pointed out existing neighborhoods in Sidney where single family homes had been built in R-2 zones, i.e. Queen, Shelby, and Dawn Drive, using the smaller footprint in lot size.

Pat Maher presented a diagram of the proposed housing development which will include lots of various shapes, sizes and setbacks, as well as open space along the streets. He stated that the development will include an eight foot walking path that will allow residents to walk throughout the “community” without getting in a vehicle. Because of the design of the “Foot Friendly Neighborhood” some of the lots will not meet the minimum size and setback requirements.

Chairman Spiker questioned whether this proposed change would be specific to this development, stating that it would not be suitable everywhere in Sidney. City Manager Person stated that the setback requirements and minimum total square footage requirements would protect against problems arising in other areas of the community should this standard be adopted.

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 Proposed amendment to Chapter 1226, Design Standards, Section 1226.02 Lots, Subsection (c) Dimensions; Sewage; Parking; to decrease the minimum width restriction for residential lots at the building lines; to remove provisions regarding decreasing minimum width restrictions for gifting land for public use, be approved.” Roll call vote: Yeas: All commissioners present. Absent: McCarville.

Chairman Spiker announced that the Planning Commission would now hold a public hearing on Proposed amendments to Chapter 1264, Area and Height Restrictions, Section 1264.01 Graphical Display of Regulations, Subsection (b), to decrease the minimum width restriction for residential lots at the building lines; 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: Ben Dayton and Gary Person.

Zoning Administrator Dayton explained the proposed changes to this section including a 50 foot minimum on the road frontage/actual right-of-way and the reduction of lot size minimum from 70 feet to 60 feet.

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

Egging moved, England seconded “That the Planning Commission recommend to the City Council that the Proposed amendments to Chapter 1264, Area and Height Restrictions, Section 1264.01 Graphical Display of Regulations, Subsection (b), to decrease the minimum width restriction for residential lots at the building lines be approved.” Roll call vote: Yeas: All commissioners present. Absent: McCarville.

Chairman Spiker announced that the Planning Commission would now hold a public hearing on the Proposed amendments to Chapter 1264, Area and Height Restrictions, Section 1264.02 Special Requirement, Subsection (a) to remove the maximum front yard setback restriction; 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: Ben Dayton and Gary Person.

Zoning Administrator Dayton explained that the purpose of this amendment was to remove the maximum front setback of 100'. He noted that removing the maximum front setback does not affect the City, as the minimum 25' setback requirements still apply to all lots, no matter the size.

City Manager Person stated that the fire chief had met with Cabelas and City staff to determine if this would create a problem in the event of a fire. The fire chief indicated that they were more concerned with the width of streets and cul-de-sacs, not the depth, and would have no problem with this.

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 proposed amendments to Chapter 1264, Area and Height Restrictions, Section 1264.02 Special Requirement, Subsection (a) to remove the maximum front yard setback restriction be approved." Roll call vote: Yeas: All commissioners present. Absent: McCarville.

Spiker announced that the Planning Commission would now hold a public hearing on the Proposed amendments to Chapter 1264 Area and Height Restrictions, Section 1264.10 Setbacks on Recorded Plats to allow setbacks less than those required by the zoning code on a recorded plat approved by Council ; 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: Ben Dayton and Gary Person.

Discussion was held as to the purpose of this ordinance. It was determined that the language change would allow the Planning Commission and City Council to consider cases with special circumstances without having to come back with a language change to the ordinance.

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

England moved, Volkmer seconded "That the Planning Commission recommend to the City Council that on the Proposed amendments to Chapter 1264 Area and Height Restrictions, Section 1264.10 Setbacks on Recorded Plats to allow setbacks less than those required by the zoning code on a recorded plat approved by Council, be approved." Roll call vote: Yeas: All commissioners present. Absent: McCarville.

Chairman Spiker announced that the Planning Commission would now hold a public hearing on the Proposed changes to Chapter 1264 Area and Height Restrictions, Section 1264.16

Reduction of Lot Dimensions, to allow reduction of lot dimensions from those required by the zoning code if reviewed by the Planning Commission and approved by Council; 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: Ben Dayton and Gary Person.

Ben Dayton explained that a clause was added to this ordinance to allow review by Planning Commission and City Council, cleaning up the current language.

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

Smith moved, England seconded "That the Planning Commission recommend to the City Council that the Proposed changes to Chapter 1264 Area and Height Restrictions, Section 1264.16 Reduction of Lot Dimensions, to allow reduction of lot dimensions from those required by the zoning code if reviewed by the Planning Commission and approved by Council, be approved." Roll call vote: Yeas: All commissioners present. Absent: McCarville.

Discussion was held re: Annexation of properties adjacent to the current existing city limit boundaries. City Manager Person presented an aerial map of the current City limits, including 20 numbered parcels of land adjacent to the City limits that could be annexed. The parcels were labelled according to acreage, ownership, and current status. He stated that the parcels south by the interstate and east by the link road were the most logical to develop in the near future, as several landowners are considering project in those areas. He explained the Sanitary Improvement District process, without annexation, giving the Huck development south of Sidney as an example of this process.

Tom Kielian asked for clarification as to his access to the roads leading to their property should that area be annexed. It was determined that the roads would become part of the City road system and continue to be available for their use.

Commissioner Leever questioned whether the governing of the Airport would change if that property were to be annexed.

City Manager Person asked for time to confer with the City Attorney on these issues, and in order to weigh the pros and cons and come up with a timeline going forward.

The meeting adjourned at 6:38 p.m.

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CHAIRMAN

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DEPUTY CITY CLERK