

Sidney, Nebraska, May 18, 2015

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 May 18, 2015 in the City Council Chambers, located at 1115 13th Avenue. Present were: Chairman Spiker and Commissioners: Cortney, Egging, Smith and Volkmer. Absent: England, Mccarville, Phillips, and Sherlock. Others present: City Manager Person, 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.

Cortney moved, Smith seconded, "That the minutes of the April 20, 2015 meeting be approved." Roll call vote: Yeas: Smith, Spiker, Egging, and Cortney. Abstain: Volkmer. Absent: England, Mccarville, Phillips, and Sherlock.

Chairman Spiker announced that the Planning Commission would now consider the Preliminary Plat application of Pedro Peralta to subdivide a tract of land located within the Northeast Quarter of Section 23, Township 14 North, Range 50 West of the 6th P.M., more particularly described as 2468 Road 109, into two residential tracts; 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: Pedro Peralta and Mark Blanke.

Mr. Peralta stated that he had purchased this 20+ acre tract of land with the intention of subdividing it into two lots. He intends to sell the larger 17.55 acre lot, with an existing house, to his father-in-law. He intends to build a home for himself on the remaining 3.01 acre tract. He indicated that he would like to tap into the City's water for his new house, but will drill a well if it is not feasible.

City Manager Person stated that there is a process to request City water. Mr. Peralta stated that he had been speaking with Zoning Administrator Dayton regarding this process prior to filing the request for subdivision and rezoning, and will continue to follow required guidelines.

Mark Blanke had a concern regarding the access for the proposed subdivision. He stated that the current access to the existing homes in this area is on land he owns, and that he had granted an easement to each of the specific addresses currently located there, not the grounds. He noted that Mr. Peralta will need to establish his own access to his property, suggesting possibly a new access from the East rather than the north, or one that originates on Peralta's property near the current access road.

City Attorney Leef recognized that Mr. Blanke owns the land/easement. She stated that he has the right to grant an easement and/or require monetary compensation for use of this easement from Mr. Peralta, if he so chooses. This issue, however, does not affect the issue before the Planning Commission.

City Manager Person suggested that Mr. Peralta work with Cheyenne County on an access easement to his subdivision.

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

Volkmer moved, Cortney seconded "That the Planning Commission recommend to the City Council that the Preliminary Plat application of Pedro Peralta to subdivide a tract of land located within the Northeast Quarter of Section 23, Township 14 North, Range 50 West of the 6th P.M., more particularly described as 2468 Road 109, into two residential tracts, be approved." Roll call vote:

Yeas: All commissioners present. Absent: England, Mccarville, Phillips, and Sherlock.

Chairman Spiker announced that the Planning Commission would now consider the Rezoning application of Pedro Peralta to rezone Tract 1, Peralta's Paradise Subdivision, located within the Northeast Quarter of Section 23, Township 14 North, Range 50 West of the 6th P.M., more commonly known as 2468 Road 109, consisting of 17.55 acres, from A (Agricultural) to AR (Agricultural 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: Pedro Peralta and Ben Dayton.

Zoning Administrator Dayton stated that the rezoning of Tract 1 was necessary to comply with acreage requirements. The current A (Agricultural) zoning requires a parcel to be over 20 acres. The proposed tract would consist of 17.55 acres, which falls into the requirements of AR (Ag-Residential) zone which encompasses parcels from 5-20 acres in size. The uses in these two zones are basically the same.

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

Volkmer moved, Egging seconded "That the Planning Commission recommend to the City Council that the Rezoning application of Pedro Peralta to rezone Tract 1, Peralta's Paradise Subdivision, located within the Northeast Quarter of Section 23, Township 14 North, Range 50 West of the 6th P.M., more commonly known as 2468 Road 109, consisting of 17.55 acres, from A (Agricultural) to AR (Ag-Residential) Zone be approved." Roll call vote: Yeas: All commissioners present. Absent: England, Mccarville, Phillips, and Sherlock.

Chairman Spiker announced that the Planning Commission would now consider the Rezoning application of Pedro Peralta to rezone Tract 2, Peralta's Paradise Subdivision, located within the Northeast Quarter of Section 23, Township 14 North, Range 50 West of the 6th P.M., more commonly known as 2468 Road 109, consisting of 3.01 acres, from A (Agricultural) to R-1a (Rural Residential Estate) 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: Pedro Peralta and Ben Dayton.

Zoning Administrator Dayton stated that the rezoning of Tract 2 was necessary to comply with acreage requirements. The current A (Agricultural) zoning requires a parcel to be over 20 acres. The proposed tract would consist of 3.01 acres, which falls into the requirements of R-1a (Rural Residential Estate) zone which encompasses parcels from 1-5 acres in size. The uses in these two zones is similar, with the exception of traditional mobile homes not being allowed in an R-1a zone.

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

Spiker moved, Egging seconded "That the Planning Commission recommend to the City Council that the Rezoning application of Pedro Peralta to rezone Tract 2, Peralta's Paradise Subdivision, located within the Northeast Quarter of Section 23, Township 14 North, Range 50 West of the 6th P.M., more commonly known as 2468 Road 109, consisting of 3.01 acres, from A (Agricultural) to R-1a (Rural Residential Estate) Zone, be approved." Roll call vote: Yeas: All commissioners present. Absent: England, Mccarville, Phillips, and Sherlock.

Chairman Spiker announced that the Planning Commission would now consider the Conditional Use Permit of Longhorn Investments, LLC to operate a veterinary hospital and boarding facility on Lot

1, Block 1, Sidney Business Park Subdivision, more commonly known as 111 Commerce Court, consisting of 4.03 acres and currently zoned M-2 (Heavy Manufacturing & Industrial); 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: David Evertson of Longhorn Investments and Jennifer Elliott.

Mr. Evertson explained that they intend to operate a veterinary hospital and boarding facility with three or four outdoor pens. These pens will be more for treatment of cattle and horses rather than boarding, and hold three or four large animals. He indicated that he would prefer a limitation of up to ten head to handle unusual circumstances should they arise, i.e. a truck wreck on the interstate where the clinic is asked to take in additional animals for a short period of time.

The issue of point/source drainage and contamination due the close proximity of the facility to Lodgepole Creek was discussed. It was explained that the drainage from the facility will empty into a stormwater retention device and not directly into the water source. City Attorney Leef also noted that the Planning Commission can put a limitation on the number of livestock at the facility to control these types of issues. She cited the nuisance ordinance, which outlines controls on filthy accumulations, as a tool for measuring compliance on this type of operation.

Mr. Evertson introduced Jennifer Elliott, who will be the veterinarian for the new animal clinic. He speculated that the facility could be open in October, depending on construction.

City Manager Person noted that before the clinic can be built, the city must first deal with road access issues and utility infrastructure, but was hopeful that this can be accomplished with the October date in mind.

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

Smith moved, Spiker seconded "That the Conditional Use Permit of Longhorn Investments, LLC to operate a veterinary hospital and boarding facility on Lot 1, Block 1, Sidney Business Park Subdivision, more commonly known as 111 Commerce Court, consisting of 4.03 acres and currently zoned M-2 (Heavy Manufacturing & Industrial) be approved with the stipulation that no more than 10 large animals be boarded at one time." Roll call vote: Yeas: All commissioners present. Absent: England, Mccarville, Phillips, and Sherlock.

Discussion was held as to the possible rezoning of a portion of the Sidney Business Park Subdivision from Heavy Manufacturing & Industrial to Heavy Commercial Zone. City Manager Person gave the history of the Industrial Park, which has had only two heavy industrial clients interested in the site over the past 16 years. He cited the lack of existing infrastructure as a hindrance to development. He noted that the Economic Development Advisory Committee had discussed the matter and felt it would be a good idea to rezone a portion of the Industrial Site to Heavy Commercial, while leaving approximately 40 to 50 acres zoned Heavy Industrial.

Person stated that he was able to reveal the name of the commercial/retail business that has a strong interest in relocating to this site as Bomgaars. They are currently located in Sidney and wish to build a new, larger facility on the lot north of the veterinary clinic. They would have a similar client base as the other businesses there.

David Evertson of Longhorn Investments was pleased with the announcement, and thought it would be a good fit for their business as well, possibly attracting more foot traffic to the veterinary clinic.

Economic Development Director Megan McGown stated that Bomgaars had looked at multiple sites for their relocation and felt that this was the best fit for them, due in part to the fact that it is the closest to being site ready. She also noted that they are currently located next to a cement plant, so transitional zoning would not be an issue for them if they relocated to the Industrial Park.

City Manager Person stated that there has been some concern expressed regarding Bomgaars choice of relocation. in that a gap in connectivity on the Link Rd. would be further established.

It was the consensus of the Commissioners that the issue be brought forward as a public hearing for consideration on the next Planning Commission agenda.

The meeting adjourned at 6:20 P.M.

CHAIRMAN

DEPUTY CLERK

