

Sidney, Nebraska, July 20, 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 June 20, 2015 in the City Council Chambers, located at 1115 13<sup>th</sup> Avenue. Present were: Chairman Spiker and Commissioners: Cortney, Egging, SmithMccarville, Phillips,,Sherlock and Volkmer. Absent: England. 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.

Phillips moved, Egging seconded, "That the minutes of the June 15, 2015 meeting be approved." Roll call vote: Yeas: All commissioners present. Absent: England.

Chairman Spiker announced that the Planning Commission would now consider the Preliminary Plat application of Earl and Pamela Hauge to subdivide a tract of land located within the Northeast Quarter of Section 30, Township 14 North, Range 49 West of the 6<sup>th</sup> P.M., Cheyenne County, Nebraska, consisting of 10 acres more or less; 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: Earl and Pam Hauge, Dennis Carroll.

Mr. Hauge explained that they own approximately 100 acres 1 mile north of Boothill Cemetery on County Road 113. They are in the process of building a home in the center of this acreage. In order for them to get a better interest rate on a 30 year mortgage loan, they will have to subdivide the 10 acres upon which the residence sits. Anything more than 10 acres would have a higher interest rate and be eligible for only a 20 year loan. This will leave 45 acres on either side of their home site. He stated that they have no intention of developing the remaining acreage into commercial or residential sites.

Dennis Carroll, an adjoining property owner, wanted assurance that the remaining 45 acre plots would not be rezoned for commercial development. Zoning Administrator Dayton explained that if an acreage is over 40 acres it would be exempt from the subdivision regulations and could be subdivided by deed, which does not fall under the City's responsibility. City Manager Person further explained that if the remaining acreage were to be subdivided into smaller parcels, such as the one being considered, the owners would have to go through the same process as they were for the current request and the matter would be handled at that time.

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

McCarville moved, Volkmer seconded "That the Planning Commission recommend to the City Council that the Preliminary Plat application of Earl and Pamela Hauge to subdivide a tract of land located within the Northeast Quarter of Section 30, Township 14 North, Range 49 West of the 6<sup>th</sup> P.M., Cheyenne County, Nebraska, consisting of 10 acres more or less, be approved." Roll call vote: Yeas: All commissioners present. Absent: England.

Chairman Spiker announced that the Planning Commission would now consider the Rezoning application of Earl and Pamela Hauge to rezone Tract 1, Hauge Subdivision, located within the Northeast Quarter of Section 30, Township 14 North, Range 49 West of the 6<sup>th</sup> P.M., Cheyenne County, Nebraska, consisting of 10 acres more or less, 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: Ben Dayton.

Zoning Administrator Dayton stated that the rezoning was being sought to comply with acreage requirements for lot size. The current A (Agricultural) zoning requires a parcel to be over 20 acres. The proposed tract would consist of approximately 10 acres, which falls into the requirements of AR (Ag-Residential) Zone, encompassing 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.

Cortney moved, Smith seconded "That the Planning Commission recommend to the City Council that the Rezoning application of Earl and Pamela Hauge to rezone Tract 1, Hauge Subdivision, located within the Northeast Quarter of Section 30, Township 14 North, Range 49 West of the 6<sup>th</sup> P.M., Cheyenne County, Nebraska, consisting of 10 acres more or less, from A (Agricultural) to AR (Agricultural Residential) Zone, be approved." Roll call vote: Yeas: All commissioners present. Absent: England.

Chairman Spiker announced that the Planning Commission would now consider the Rezoning application of Longhorn Investments, LLC and The City of Sidney to rezone Lots 1-3, Block 1, Sidney Business Park Subdivision from M-2 (Heavy Manufacturing) 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: City Manager Gary Person, Mayor Mark Nienhueser, and Rick Penkeva, regional manager of Bomgaars.

City Manager Person gave a brief history of the site which was purchased by the City of Sidney and zoned as M-2 (Heavy Manufacturing) in 1998. It was originally purchased to accommodate an irrigation pivot company which ended up locating in McCook. The 2002 and 2012 City Comprehensive Plans identified the area as conducive to future industrial development because of its location on the outskirts of the community, abutting up against the Union Pacific Railroad and four lane highway access close to I-80.

Person attributed the lack of utilities at the site as the major deterrent to previous development of the area. He went on to explain that when 21<sup>st</sup> Century located at their current location, the City entered into a cooperative agreement on developing the water and sanitary sewer systems and was able to bring the dry utilities to the southwest corner of the business park property, making it more feasible for development in a more timely fashion. With the recent sale of the first parcel at the site to Longhorn Investments for the construction of a veterinarian clinic, it is imperative that infrastructure development goes forward. He reported that bids for the water and sewer extension districts were received on July 15<sup>th</sup> and will be considered by the city council on July 28<sup>th</sup>. He also noted that the City has entered into an agreement with Wheatbelt Public Power District to serve the Park's electrical needs as well.

Person explained that after an unsuccessful search for a commercial lot that was not Interstate related on which to locate their veterinarian clinic, Longhorn Investments approached the City regarding the industrial site. Because a veterinarian clinic must have a conditional use permit and can operate in any Industrial or Commercial zone, the City went forward with the platting and rezoning of three lots, and the conditional use permit process for the veterinarian clinic. Longhorn Investments is hoping to be fully operational by late fall 2015.

With the publicity about developing the Sidney Business Park, Bomgaars also came forward and indicated their desire to purchase the lot north and adjacent to where Longhorn Investments will

be building. He referred to their letter of intent to purchase as evidence of their commitment to the sale. However, the Bomgaars request cannot be considered until the lot is rezoned from M-2 Heavy Industrial to C-3 Heavy Commercial zone to accommodate "retail sales". Longhorn Investments is amenable to changing its zoning also to be in uniformity with the potential rezoning of the other two lots to C-3, and actually prefers to have C-3 neighboring businesses. They feel that having Bomgaars adjacent to their operation would be a good fit due to the agricultural and animal aspects of both businesses, possibly even generating additional "traffic" for both.

Regional Manager of Bomgaars, Rick Penkeva indicated that this is the preferred site for the company's new 27,000 square foot store, stating that it's location on the 385 corridor offers unlimited exposure and opportunity, as well as the ability to broaden the company's offering to the community. He noted that their current location offers no room for expansion and is basically "hidden" unless you know where it is. The business park site meets their time line for expanding their operation which he estimated could be up and running within 18 months or less. It was his opinion that the City consider rezoning all of the Business Park to Commercial as Industrial can be anywhere. He also felt the company's retail would significantly increase over their current operation.

City Manager Person noted that with the rapid development of Adams Industries at the former Sioux Army Depot, the pure heavy industrial needs of the community are now being accommodated to a greater extent than ever before, as most of those operations do not want to be inside the city limits because of the nature of their respective operations. He described TE Connectivity and Pennington Seed as industries that fit well within the confines of the city limits, while others may not be as well suited.

Person stated that it was not the intent to rezone the entire business park to commercial, but rather to reserve the north end of the site for heavy industrial development. Because of the highway access only having one entrance in and out, it makes the best sense for any retail operations to be restricted to the south end, with heavy industrial to the north end.

He noted that while there is some serious discussion now going forward on other commercial lots being developed along L-17J between this particular area and up towards the I-80, Exit 59 corridor, the process for getting the infrastructure, rezoning and annexation would take several months, if and when a developer decides to go forward.

Mayor Mark Nienhueser reiterated that the 2002 and 2012 Comprehensive Plan specifically designated this area for Heavy Industrial development. It was his opinion that although there has not been significant interest for this kind of development since the Park was designated as such, the time is coming now that the City has made the investment in the utilities and streets. He does not want to see commercial and industrial development co-mingled, siting heavy truck traffic in the industrial site mingling with retail traffic as one potential problem this would bring about. He questioned as to what area would replace this industrial property if it was not retained as such. It was his opinion that there was no place for this type of zoning to go but out of the City limits, which would cause a loss of valuation and property tax revenues for the City of Sidney. He stated that although the veterinary clinic has already received a conditional use permit for a lot on this site, he would like to see Bomgaars expand in another location, but that is ultimately their choice. He noted that neither scenario is wrong, but, to him, the long term solution is to leave the industrial site as it was originally designated.

Commissioner Cortney pointed out that with the construction of the new hospital and residential housing gravitating to the east area of the community, commercial zoning would be a better fit than heavy industrial. In her opinion more residential housing constitutes a need for more retail oriented businesses. She speculated that if this rezoning is granted, more interest would be generated for commercial development in this area, whether that be good or bad.

Commissioner Phillips pointed out that retail sales would also generate sales tax dollars for the City.

Commission Sherlock questioned whether this area is earmarked for federal or state tax dollars. City Manager Person stated that block grants were drying up and there were no other

incentives associated with the Business Park.

Commissioner McCarville felt that if other areas were available for commercial development, they should be looked at first, if at all feasible. He stood behind the reasoning for the industrial designation of this area in the Comprehensive Plan.

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

Phillips moved, Spiker seconded “That the Planning Commission recommend to the City Council that the rezoning request of Longhorn Investments, LLC and The City of Sidney to rezone Lots 1-3, Block 1, Sidney Business Park Subdivision from M-2 (Heavy Manufacturing) to C-3 (Heavy Commercial) Zone , be approved.” Roll call vote: Yeas: Cortney, Egging, Phillips, Smith, Spiker, and Volkmer. Nays: McCarville and Sherlock. Absent: England.

Chairman Spiker announced that the Planning Commission would now consider a Landscaping Ordinance for the City of 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 ordinance.

The following filed written objections: None. The following appeared in person or by agent or by attorney and were heard: Ben Dayton and J Leef.

Zoning Administrator Ben Dayton introduced the proposed ordinance stating that it pertained to new construction in commercial zones. He noted that the site plan for new construction will have to include a landscape plan and be approved by the City Inspector for the permit to proceed. He stressed that this ordinance does not pertain to residential areas. He explained that he had modeled the ordinance after one from another community he had worked in, with modifications specific to our area. He noted that the purpose of the ordinance was to provide a buffer between businesses and various zones in order to improve the overall appearance of the community.

Discussion was held as to the size and types of trees, the variance process if a site plan does not allow for landscaping on all four sides, and penalty provisions for non-compliance and unsightly landscaping. These items are described in specific sections of the ordinance. City Attorney Leef noted that enforcement of the ordinance would be the responsibility of the Code Enforcement Officer along with review by the Property Resolution Team.

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 the proposed Landscaping Ordinance for the City of Sidney, be approved.” Roll call vote: Yeas: All commissioners present. Absent: England.

Discussion items included: Follow-up on compliance of home-based businesses at specific addresses; Update to the Goals and Strategies section of the Comprehensive Plan, as recommended by former Economic Development Director Megan McGown.

The meeting adjourned at 6:40 P.M.

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CHAIRMAN

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DEPUTY CLERK

