

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 November 16, 2015 in the City Council Chambers, located at 1115 13th Avenue. Present were: Vice-Chairman Phillips and Commissioners: Cortney, Egging, England, McCarville, Sherlock and Volkmer. Absent: Smith and Spiker. Others present: Interim City Manager Anthony, 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.

Vice-Chairman Phillips 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, Egging seconded, "That the minutes of the July 20, 2015 meeting be approved as amended." Roll call vote: Yeas: Cortney, Volkmer, Egging, Phillips, Sherlock and McCarville. Abstain: England. Absent: Smith and Spiker.

City Attorney Leef outlined the criteria on subdivisions as per the Codified Ordinances of the City of Sidney and the Planning Commission's role in deciding if a request fits within the criteria of the ordinance. She stated that she and Zoning Administrator Dayton have reviewed the zoning ordinance and found that it is not being adhered to as currently stated. They will review and revise the zoning ordinance to reflect what is currently being done, and present it to the Planning Commission for review.

Vice-Chairman Phillips announced that the Planning Commission would now consider the Preliminary Plat application of Michael R. Nelson and Brad Harper to subdivide a tract of land located in the Southwest Quarter of Section 26, Township 14 North, Range 49 West of the 6th P.M., located 1 ½ miles east on Highway 30, into 10 lots for residential construction; 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: Brad Harper, Randy Faessler, and Tim Peetz.

Brad Harper described Phase 1 of the Coly Estates Subdivision which consists of nine, 4 to 5 acres lots. All lots will have a southern view located close to Hwy 30 for paved road accessibility, and gravel driveways to the individual homes. The homes will have 25 foot front and side setbacks and individual septic systems. Approximately four properties will be serviced by each water well. He explained that M & S Drilling is working on testing for water wells, and that the lower wells will pull from the same aquifer as the Faessler property across the road. Electrical service will be provided by Wheatbelt, FVC will provide propane, and Century Link will provide phone service and future internet service to the area. Mr. Harper stated that he had just received a road access permit from the State of Nebraska which will be located between Lot 1 and 2.

He stated that they are currently working on covenants for the Home Owners Association which will require that all homes meet the IRC codes, have a minimum 1,500 square foot footprint, have 10% front stone masonry on each home, no vinyl siding will be allowed, 50 year shingles, and an address sign at the beginning of each driveway. Barrow ditches and culverts will be located as needed. The HOA will be responsible for maintaining the roads within the development, shared water wells, and garbage fees. He explained that \$15,000 of each homeowners lot sale purchase price of \$50,000 will be used for HOA maintenance fees. Of the remaining portion, \$25,000 will be disbursed to the property owner for lot purchase, and \$10,000 will be a down payment to start construction.

He described the homes as "ranchettes" with capability of having four large animals. The homes will cater to those that want a country atmosphere without being "golf course" type homes.

Randy Faessler, adjoining property owner to the south, appeared to protest the rezoning of the

property from agricultural to residential. He stated that he has a sizeable livestock operation, with a feedlot permit for 2,000 head of cattle, just across the highway from the proposed subdivision, and felt this would create problems further down the road. He noted that he also runs cattle and buffalo on pasture ground in the section just east of the proposed development. Because of the size and nature of his operation, he felt that this was not a good location for a residential development.

Tim Peetz, who lives south across the road from the proposed development and west of Faessler's, also protested the rezoning. He stated that he also has a feedlot permit for 2,000 head. He speculated that complaints would be inevitable with the smells, flies and environment conducive to feedlots in such a close proximity to a housing development. He also stated that with residential housing comes dogs, and bad things could happen when they came across the road to chase the cattle. He asked what would happen to his, and his neighbor's, livelihood when the complaints started coming in? He stated that there has to be a better place to build a housing development than across the road from two feedlots.

Brad Harper offered that prospective buyers could be made aware, in writing, of the existing feedlots prior to purchasing, and be required to sign an acknowledgment to that affect.

Zoning Administrator Dayton stated that the proposed plat, with a note that the streets and roads will be maintained by the HOA, meets the ordinance requirements for final plats.

Commissioner Cortney asked if the Planning Commission could table the requests on the proposed subdivision until further clarification on pertinent information could be obtained. City Attorney Leef stated that the Planning Commission could table the items pending further review and reschedule the public hearing at a later date.

Cortney moved, Volkmer seconded "That the Preliminary Plat application of Michael R. Nelson and Brad Harper to subdivide a tract of land located in the Southwest Quarter of Section 26, Township 14 North, Range 49 West of the 6th P.M., located 1 ½ miles east on Highway 30, into 10 lots for residential construction be tabled until the December meeting of the Planning Commission." Roll call vote: Yeas: All commissioners present. Absent: Smith and Spiker.

Cortney moved, Egging seconded "That the Rezoning request of Michael R. Nelson and Brad Harper to rezone Lots 1-9, Block 2 Coly Estates Subdivision, from A (Agricultural) to R1-a (Rural Residential Estate) Zone be tabled until the December meeting of the Planning Commission." Roll call vote: Yeas: All commissioners present. Absent: Smith and Spiker.

The meeting adjourned at 5:54 P.M.

VICE-CHAIRMAN

DEPUTY CLERK

