

Sidney, Nebraska, April 18, 2016

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 April 18, 2016 in the City Council Chambers, located at 1115 13th Avenue. Present were: Chairman Spiker and Commissioners: Cortney, Egging, McCarville, Phillips, Sherlock, Smith and Volkmer. Absent: England. Others present: Zoning Administrator Dayton, Deputy Clerk Heilbrun and City Attorney Leef. 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.

Volkmer moved, Cortney seconded, "That the minutes of the March 21, 2016 meeting be approved as printed." Roll call vote: Yeas: Volkmer, Cortney, Spiker, Phillips, Egging, and Sherlock. Abstain: Smith and McCarville. Absent: England.

Chairman Spiker announced that the Planning Commission would now hold a public hearing to consider the Rezoning request of Cheyenne County to rezone a 38.543 acre tract of land located within the North Half and Southeast Quarter of Section 36, Township 14N, Range 50W of the 6th P.M., more particularly described as the Cheyenne County Fairgrounds, from R-1 (Single Family Residential) to A (Agricultural) 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. This item was carried over from the March 21st meeting.

The following filed written objections: None. The following appeared in person or by agent or by attorney and were heard: Zoning Administrator Ben Dayton, City Attorney J Leef, and County Attorney Paul Schaub.

Zoning Administrator Dayton stated that the City was requiring this rezoning to bring the fairground property into compliance. He explained that the property is currently zoned Single Family Residential, which does not allow for livestock or the number and/or type of buildings currently located on the property. Because of the current use, it appears that Agricultural would be the most appropriate zoning category.

County Attorney Schaub noted that he had received an opinion from the attorney general's office stating that the County, as a sovereign entity, did not have to come before the Planning Commission to build/make changes on the fairgrounds property. However, the County decided not to take that road and respect the zoning regulations of the City, as the property lies within the City's 2-mile jurisdiction. He acknowledged that construction has already begun based on the Attorney General's opinion.

Answers to the Questions from the March meeting are as follows:

Q: Currently there is a residence on the property which is occupied by a person who may or may not be employed by Cheyenne County as a caretaker of the property. If he is not an employee of the County, can he still live on the property?

A: *Dayton stated that a residence is allowed in A (Agricultural) Zone and the County can rent it to whomever they please. County Attorney Schaub stated that a Cheyenne County Deputy currently occupies the residence and, along with Roger Conley, acts as*

the caretaker and assists with maintenance of the grounds.

Q: Is the RV park site still operational, and if so can use continue in Agricultural Zone?

A: *Dayton stated that the RV campsite is only used by employees during the Fair and Oktoberfest. It is not rented out to outside parties. If the County wanted to rent it out, it would require a conditional use permit with a limit on occupancy. Mr. Schaub stated that while there is not a limit on RV sites and where they may be located within the fairgrounds, the County's insurance carrier advised, due to liability issues, limiting the use of the RV sites to workers at the major County events. It was the Planning Commission's opinion that this site not be opened up to conditional use permit.*

Q: Septic system/sewage dump-how is use of this controlled?

A: *The use of a septic system is allowed at the fairgrounds due to the location, which is determined by the distance of the property from the nearest sanitary sewer district. The tank is in compliance with the State and maintained by the grounds maintenance superintendent. He monitors the system 2-3 times/month in the summer. The State Statutes do not mandate pumping of the tanks.*

Chairman Spiker closed the public hearing and asked for a motion on the request.

McCarville moved, Phillips seconded "That the Planning Commission recommend to the City Council that

the Rezoning request of Cheyenne County to rezone a 38.543 acre tract of land located within the North Half and Southeast Quarter of Section 36, Township 14N, Range 50W of the 6th P.M., more particularly described as the Cheyenne County Fairgrounds, from R-1 (Single Family Residential) to A (Agricultural) Zone be approved." Roll call vote: Yeas: All commissioners present. Absent: England.

Chairman Spiker announced that the Planning Commission would now hold a public hearing to consider the Rezoning request of The Ranch at Sidney, LLC to rezone an unplatted tract of land located within the Southwest Quarter of Section 33, Township 14 North, Range 49 West of the 6th P.M., located directly north of the new hospital, from A (Agricultural) to C-1 (Light 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: Dan Garneau.

Mr. Garneau explained that The Ranch at Sidney, LLC is executing a "land swap" with the hospital for a parcel of land located directly north of the hospital. Because the land is currently zoned Agricultural, they are asking to rezone the property to C-1 (Light Commercial) Zone, which is the same zoning as the current hospital and will be in harmony with the area.

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 Planning Commission recommend to the City Council that the Rezoning request of The Ranch at Sidney, LLC to rezone an unplatted tract of land located within the Southwest Quarter of Section 33, Township 14 North, Range 49 West of the 6th P.M., located directly north of the new hospital, from A (Agricultural) to C-1 (Light Commercial) Zone be approved." Roll call vote: Yeas: All commissioners present. Absent: England.

Chairman Spiker announced that the Planning Commission would now hold a public hearing to consider the Preliminary Plat application of The Ranch at Sidney, LLC to subdivide Tract 3, Sidney Regional Medical Center Subdivision, located within the Southwest Quarter of Section 33, Township 14 North, Range 49 West of the 6th P.M., located directly north of the new hospital; 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: Dan Garneau.

There being no questions or comments, Chairman Spiker closed the public hearing and asked for a motion on the request. Egging moved, Volkmer seconded "That the Planning Commission recommend to the City Council that the Preliminary Plat application of The Ranch at Sidney, LLC to subdivide Tract 3, Sidney Regional Medical Center Subdivision, located within the Southwest Quarter of Section 33, Township 14 North, Range 49 West of the 6th P.M., located directly north of the new hospital be approved." Roll call vote: Yeas: All commissioners present. Absent: England.

The Commissioners discussed various locations in the City limits which may or may not be in compliance with zoning regulations. Zoning Administrator Dayton and City Attorney Leef will investigate and report back to the Commission.

The meeting adjourned at 5:55 P.M.

CHAIRMAN

DEPUTY CLERK

