

CITY OF SIDNEY, NEBRASKA

PLANNING COMMISSION-

AGENDA FOR: MONDAY, JULY 19, 2021 5:30 P.M.

CITY COUNCIL CHAMBERS, 1115 13TH AVENUE, SIDNEY, NE 69162

1. Announcement of Public Meetings Act: The Open Meetings Law poster is posted at the rear of the room, please refer to posted information if you have any questions regarding the open meetings law.
2. Approval of minutes of February 16, 2021 as printed.
3. Election of:
 Chairman
 Vice Chairman
4. **PUBLIC HEARING** re: Application of Wamsley Construction to rezone 33 14 49 Part SW ¼ NW (191' x 258') 1.131 Acres, Lands inside Sidney, commonly known as 1109 Greenwood Road; from A (Agricultural) to M-1 (Light Manufacturing and Industrial) Zone.
5. Comments by the public and action concerning other business by the commission.

ADJOURNMENT

Sidney, Nebraska, February 16, 2021

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 February 16, 2021 in the City Council Chambers, located at 1115 13th Avenue. Present were: Chairman Smith and Commissioners: Benzel, England, Loghry, Long, Schmitt, and Sweetser. Absent: Glenn. Others present: Chief Building Official Kubo and City 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 Smith 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.

Schmitt moved, Benzel seconded "That the minutes of the September 21, 2020 meeting be approved." Roll call vote: Yeas: Benzel, Long, Schmitt, and Sweetser. Nays: None. Abstain: England and Loghry. Absent: Glenn.

Chairman Smith announced "That the Planning Commission would now hold a public hearing at 5:33 p.m. to consider the Conditional Use Permit of Wieser Properties/Sporer Land Development, Inc. to Process/Crush Concrete Pavement for the L17J Link Project on a 3-acre tract of land located in the Part of the South Half of Section 4, Township 13N, Range 49W, Sidney, Nebraska of; 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."

The following filed written objections: None. The following appeared in person or by agent or attorney and were heard: Mike Wieser, Ty Elias of Sporer Land Development, Inc., and Brian Engel of Paulsen Inc.

Chief Building Official Kevin Kubo noted that this property is zoned Agricultural which allows for this type of Conditional Use if approved by the Planning Commission.

Mike Wieser, property owner at 1865 Rd 117, stated that he had been approached by the two companies, Sporer Land Development, Inc. and Paulsen Inc., to lease a site on his property for the Link 17J project. He explained that the road access to this parcel of land is directly across from the Woodis property with limited visibility from the highway. This prompted him, as property owner, to request the Conditional Use Permits to aid in the project.

Ty Elias of Sporer Land Development stated that they will begin to strip the concrete sometime in March, crush the concrete at their site and use for the concrete road base in the resurfacing. His projected time frame for the total project was the end of November, pending delays for weather, followed by clean-up at the site. He noted that the batch plant would be the last piece of the project.

Chief Building Official advised that the Planning Commission could put an expiration date on the permit(s), such as a year from the start date, i.e., March 1, 2021 through March 1, 2022. If the project runs longer than that the applicant would have to come back to the Commission for an extension to the permit. He noted that the agreement the companies have with Mr. Wieser requires them to return the land as they found it.

There being no further questions or comments, Chairman Smith closed the public hearing at 5:38 p.m. and asked for a motion on the request.

Smith moved, England seconded "That the Conditional Use Permit of Wieser Properties/Sporer Land Development, Inc. to Process/Crush Concrete Pavement for the L17J Link Project on a 3- acre tract of land located in the Part of the South Half of Section 4, Township 13N, Range 49W, Sidney, Nebraska, be approved for a period of one year commencing on or about March 1, 2021 through March 1, 2022." Roll call vote: Yeas: All Commissioners present. Absent: Glenn.

Chairman Smith announced "That the Planning Commission would now hold a public hearing at 5:39 p.m. to consider the Conditional Use Permit of Wieser Properties/Paulsen Inc. for a Concrete Batch Plant, to store aggregate and other materials to produce concrete for NDOT Project #STP-L17J(107), Sidney Link, on a 5-acre tract of land located in the Part of the South Half of Section 4, Township 13N, Range 49W, Sidney, Nebraska; 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.

The following filed written objections: None. The following appeared in person or by agent or by attorney and were heard: Mike Wieser and Brian Engel, Paulsen Inc.

Mr. Engel stated that his company is the general contractor for the L17J project. He stated that the Nebraska Department of Roads requires a mobile office at the job site. There will also be stockpiling of material for a batch plant, as well as staging equipment. They will be replacing the concrete from a batch plant at the site once the demolition and preparations are finished. He could not predict an actual end date for the project due to weather, cleanup, etc., but noted that they should be out of the area 30 days after the end of construction.

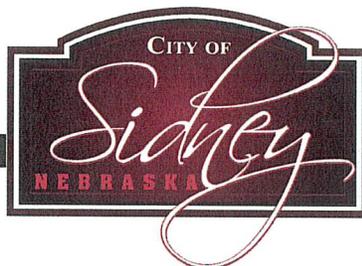
There being no further questions or comments, Chairman Smith closed the public hearing at 5:42 p.m. and asked for a motion on the request.

England moved, Long seconded "That the Conditional Use Permit of Wieser Properties/Paulsen Inc. for a Concrete Batch Plant, to store aggregate and other materials to produce concrete for NDOT Project #STP-L17J(107), Sidney Link, on a 5-acre tract of land located in the Part of the South Half of Section 4, Township 13N, Range 49W, Sidney, Nebraska, be approved for a period of one year commencing on or about March 1, 2021 through March 1, 2022 ." Roll call vote: Yeas: All Commissioners present. Absent: Glenn.

The meeting adjourned at 5:42 p.m.

CHAIRMAN

CITY CLERK



SMALL TOWN VALUES

1115 13TH AVENUE PO Box 79
SIDNEY NEBRASKA 69162

BIG TIME OPPORTUNITIES

PHONE (308) 254-5300 FAX (308) 254-3164
www.cityofsidney.org

MEMORANDUM

DATE: June 30, 2021

MEMO TO: Planning Commission

FROM: Kevin Kubo Chief Building Official

RE: Rezoning request for rezoning for Scott Wamsley 1109 Greenwood form Agriculture to M-1 (Light Manufacturing and Industrial Zone).

SUMMARY: Scott Wamsley has purchased the parcel of land at 1109 Greenwood and would like the parcel to be rezoned from Agriculture to M-1 (Light Manufacturing and Industrial).

BACKGROUND/DISCUSSION:

This parcel is located between a C-2 zoning to the north, C-3 zoning to the South and West, and a M-1 Zoning to the east of the property. This would allow for the redevelopment of this parcel for the allowed uses in a M-1 District.

RECOMMENDATION:

Staff recommends the rezoning of this property to allow for redevelopment of this parcel.

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Planning Commission of the City of Sidney, NE, will on July 19, 2021 at 5:30 P.M. in the City Council Room, 1115 13th Avenue, hold a PUBLIC HEARING upon the following:

Application of Wamsley Construction, to rezone 33 14 49 Part SW ¼ NW (191' x 258') 1.131 Acres, Lands inside Sidney, commonly known as 1109 Greenwood Road; from A (Agricultural) to M-1 (Light Manufacturing and Industrial) Zone.

Copies of the proposed request are on file in the office of the City Clerk-Treasurer at 1115 13th Avenue where they may be examined and copies may be made. At the above time and place all citizens and interested parties will have an opportunity to be heard.

Lori Borchert
City Clerk-Treasurer

PUBLISH ONE TIME: July 7, 2021
ONE PROOF PLEASE

NOTICE OF MEETING CITY OF SIDNEY, NEBRASKA

Notice is hereby given that a meeting of the Planning Commission of the City of Sidney, Nebraska, will be held at 5:30 o'clock P.M. on July 19, 2021 in the City Council Room, 1115 13th Avenue, which meeting will be open to the public. An agenda for such meeting, kept continually current, is available for public inspection at the office of the City Clerk-Treasurer in the Municipal Building.

Lori Borchert
City Clerk-Treasurer

PUBLISH ONE (1) TIME ON: July 14, 2021
ONE PROOF PLEASE



City of Sidney, Nebraska

1115 13th Avenue, P.O. Box 79, Sidney, NE 69162, (308-254-5300)

PETITION FOR REZONING

The undersigned owner(s) of the premises, situated within the corporate limits and within the zoning jurisdiction of the City of Sidney, Nebraska, legally described as:

33 14 49 Part SW 1/4 NW 1/4 (191' x 258') (1.131 Acres)

Lands inside Sidney

and commonly known as 1109 Greenwood Rd

(Street address or location)

do hereby petition and request the rezoning of the above described property in accordance with the following:

Petition to rezone from: Agricultural, A

to: _____, M1

Name(s), address, and phone number(s) of owner(s):

Uncertain Investments, LLC Wamsley Constellation

Matt Monheiser, Manager Scott Wamsley

Names(s) address, and phone number(s) of Developer(s) if different than the owner.

Proposed use of the property: commercial and storage

Dated this _____ day of _____, 2021.

Signature(s):

[Signature]
X 1 - Scott Wamsley

List of property owners within 300ft.

BH Energy - Source Gas Dist. LLC (925 Greenwood Rd)

Date Received: 6/7/2021

~~TRAVIS~~

RV Borchert - (PO Box 467)

Received by: [Signature]

PCBC Alliance LLC (1149 Greenwood Rd)

Victor/Luna Bello (1101 Greenwood Rd)

Dallas? Larry Langley TIC (2214 13th)



City of Sidney, Nebraska

1115 13th Avenue, P.O. Box 79, Sidney, NE 69162, (308-254-5300)

PETITION FOR REZONING

1. Complete all blanks on the application and return it to the City Inspectors Offices, City of Sidney, 1115 13th Avenue, P.O. Box 79, Sidney, NE 69162 a minimum of two (2) weeks prior to the meeting of the Planning Commission. The Commission meets on the 3rd Monday of each month at 5:30 PM.
2. Applicant(s) must submit with the application the names and addresses of all property owners within 300 ft. of the property being rezoned. These names and addresses must be the current owners as listed at the Cheyenne County Assessor's Office.
3. A non-refundable \$100.00 filing fee must be paid at the time the application is submitted. Make checks payable to "City of Sidney".

IMPORTANT NOTICE TO THE APPLICANT(s): THIS APPLICATION WILL BE TABLED IF THE APPLICANT OR THEIR REPRESENTATIVE IS NOT PRESENT AT THE PUBLIC HEARING. PHONE ATTANDANCE MUST BE ARRANGED 24 HOURS IN ADVANCE OF THE MEETING.

City Of Sidney

\$ 100⁰⁰ Sidney, Nebraska 6-10 20 21 35434

Received of Wamsley Const

One hundred + No/100 DOLLARS

For file fees zoning

405 LB City Cashier

PURCHASE AGREEMENT

THIS AGREEMENT, made and entered into this 26th day of May 2021, by and between Wamsley Construction, LLC, hereinafter referred to as "Buyers", and Uncertain Investments, LLC herein referred to as "Sellers";

WITNESSETH:

IN CONSIDERATION of the sum of \$48,000.00, to be paid as provided herein, and the performance of the terms and provisions of this Contract, Sellers do hereby agree to sell and convey unto the Purchasers, as hereinafter set forth by Warranty Deed, free and clear of all encumbrances, except as set forth hereinafter, and the Purchasers hereby agree to purchase for said sum upon the terms and conditions set forth in the Contract the following-described real estate, the property is sold "AS IS" the seller does not in anyway warrant the condition of property to-wit:

VACANT LOT 1109 Greenwood Road Sidney NE 69162

I. PURCHASE PRICE

Purchasers agree to pay unto Sellers for the purchase of the above properties; the sum of \$48,000.00,

II. APPRAISAL

This sale is not contingent and will not require the properties to be appraised.

III. PAYMENT OF REAL ESTATE TAXES

Sellers shall be responsible for and shall pay Real Estate Taxes on said real estate for the year 2020 and all prior years, and prorate 2021 Real Estate Taxes.

IV. WARRANTY DEED

At closing, Seller shall execute a Warranty Deed unto the Purchasers in accordance with the terms of this Contract, which Warranty Deed shall be subject to easements, rights-of-way, protective covenants, mineral reservations and mineral conveyances and restrictions of record, if any.

V. DATE OF CLOSING

The closing shall take place on or before June 30, 2021.

VI. INSURANCE

The risk of loss due to fire or other casualty in regard to the above-described premises shall be the responsibility of Sellers prior to the date of closing and shall be the responsibility of the Purchasers from and after the date of closing.

VII. TITLE INSURANCE AND CLOSING COSTS

Sellers shall provide unto the Purchasers a Title Insurance Commitment in the amount of the purchase price. The cost and expense of the title Insurance Commitment premium shall be divided equally between purchaser and seller, along with all other closing costs including filing fees and documentary stamps. Rents will be prorated as determined between buyer and seller along with any security deposits will be handled between buyer and seller outside of closing.

VIII. BINDING EFFECT

This Contract and the terms and provisions hereof are binding upon and shall inure to the benefit of the signatory parties hereto, together with their heirs, personal representatives, successors and assigns.

IX. ASSUMPTION OF LIABILITY

Purchasers shall not assume any liability from any tenant or tenant's actions that would have taken place prior to the date of closing.

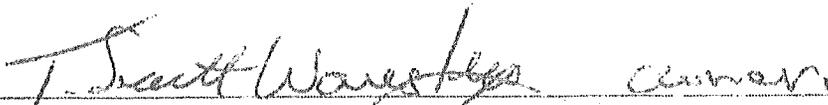
X. OTHER:

Rent proration and Rental Deposits will be handled outside of closing. They buyer may assign this contract to any other party.

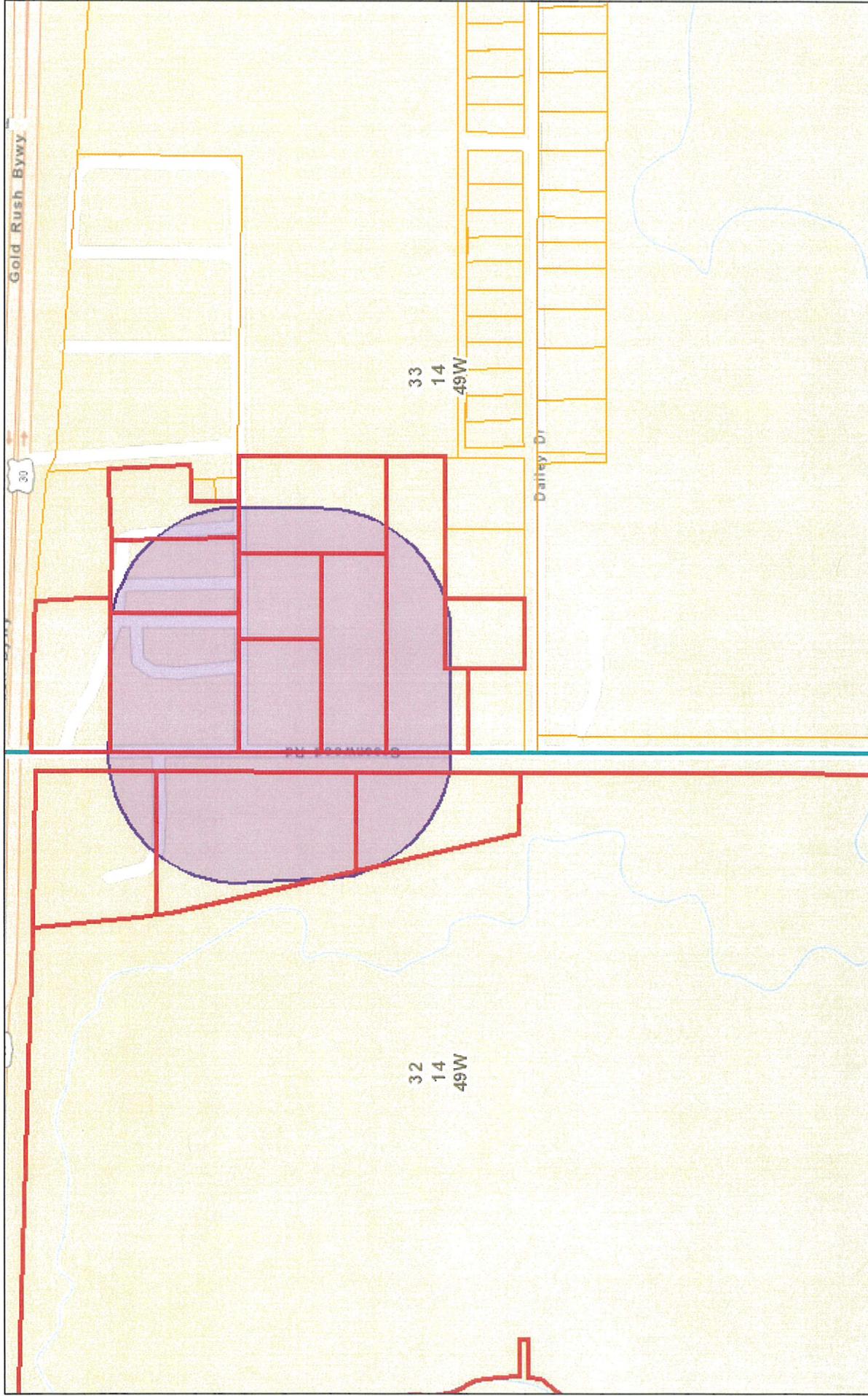
IN WITNESS WHEREOF, the parties have entered into this Contract this 14th day of July 2020.



Uncertain Investments, LLC. Seller



Wamsley Construction LLC. Purchasers



June 16, 2021
10:16 AM

DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

1:5,073
0 0.0425 0.085 0.17 mi
0 0.05 0.1 0.2 km

- Pr - Address Points
- Pr - Buildings
- Pr - Cemetery
- Pr - City Limits (County)
- Cities
- Pr - Contours
- Pr - Legal Lots
- Pr - Sites
- Pr - Subdivisions (County)
- Parcels
- Sections

Parcels

PID	OwnerName	PropertyAddress	OwnerAddress	LegalDesc
170175588	LANGLEY, DALLAS & LARRY (TIC)		2214 13TH AVENUE SIDNEY NE 69162-2345	32-14-49 TRACT 2 BORCHERT S/D SIDNEY
Null				
170175561	BORCHERT, R V		PO BOX 467 SIDNEY NE 69162- 0467	32-14-49 TRACT 3 BORCHERT S/D SIDNEY
170001865	MLJ RENTALS LLC	919 GREENWOOD ROAD SIDNEY	PO BOX 172 SIDNEY NE 69162- 0172	33-14-49 LOT 1 REPLAT OF BLOCK 1 CONESTOGA S/D SIDNEY
170035972	SOURCE GAS DISTRIBUTION LLC K WASSENBERG SR TAX DIRECTOR	925 GREENWOOD ROAD SIDNEY	600 12TH ST GOLDEN CO 80401- 6142	33-14-49 LOT A1 BLOCK 2 CONESTOGA SUBDIVISION, A REPLAT OF LOT A, A REPLAT OF LOT 2, A REPLAT OF BLOCK 1, CONESTOGA SUBDIVISION& LOT 1, A S/D~OF BLOCK 2, CONESTOGA S/F
170001857	UNCERTAIN INVESTMENTS, LLC	1109 GREENWOOD ROAD SIDNEY	C/O MATT MONHEISER PO BOX 522 SIDNEY NE 69162-0522	33-14-49 PART SW 1/4 NW 1/4 (191'X 258') (1.131 ACRES) LANDS INSIDE SIDNEY
170001849	PCBC ALLIANCE LLC	1149 GREENWOOD ROAD SIDNEY	ATTN:ACCOUNTS PAYABLE 1901 WINDHOEK DRIVE LINCOLN NE 68512-1269	33-14-49 PART NW 1/4 (1.531 ACRES) LANDS INSIDE SIDNEY
170127427	LUNA, VICTOR BELLO	1101 GREENWOOD ROAD SIDNEY	920 15TH AVENUE SIDNEY NE 69162-1510	33-14-49 PART SW 1/4 SW 1/4 NW 1/4 (.858 ACRE) LANDS INSIDE SIDNEY
170001830	KIELIAN, ROSALIE J	1105 GREENWOOD ROAD SIDNEY	11777 HIGHWAY 30 SIDNEY NE 69162-3013	33-14-49 PART SW 1/4 OF NW 1/4 (1.73 ACRES) LANDSINSIDE SIDNEY
170083578	SONNIE, RANDOLPH	1155 GREENWOOD ROAD SIDNEY	1155 GREENWOOD ROAD SIDNEY NE 69162-3000	33-14-49 LOT 1 DAILEY SUBDIVISION IN THE W 1/2 33- 14-49 (2.23 ACRES) SIDNEY
170178366	FORGET-ME-NOT STORAGE LLC	920 GREENWOOD ROAD SIDNEY	C/O CONNIE L PETERSON 18568 ROAD 82 OSHKOSH NE 69154- 6079	33-14-49 LOT 2 A S/D OF BLOCK 2 CONESTOGA S/D SIDNEY
170175596	WAMSLEY CONSTRUCTION LLC	930 GREENWOOD ROAD SIDNEY	1403 ILLINOIS STREET SIDNEY NE 69162-1532	32-14-49 TRACT 1 BORCHERT S/D SIDNEY
170213994	DAILEY, ROBERT E & NANCY A (JT)		1225 GREENWOOD ROAD SIDNEY NE 69162-3001	33-14-49 LOT 2B DAILEY S/D A REPLAT OF LOT 2 DAILEY S/D SIDNEY NE

PID	OwnerName	PropertyAddress	OwnerAddress	LegalDesc
170220076	BLACK HILLS NEBRASKA GAS LLC		PO BOX 1400 RAPID CITY SD 57709-1400	33-14-49 LOT A2 BLOCK 2, CONESTOGA SUBDIVISION, AREPLAT OF LOT A REPLAT OF LOT 2, A REPLAT OF BLOCK 1 CONESTOGA S/D AND LOT 1, A S/D OF BLOCK 2, CONESTOGA
170074102	FAESSLER FARMS LTD		10172 ROAD 82 BRIDGEPORT NE 69336-2684	32-14-49 PT S/2NE/4 & SE/4, EXCEPT RANCH S/D & TRACT, LANDS INSIDE SIDNEY

Sections

T	R	SEC	acres
14	49W	32	633.26467
14	49W	33	641.72339

Pr - City Limits (County)

NAME
Sidney



1115 13TH AVENUE PO Box 79
SIDNEY, NEBRASKA 69162

PHONE (308) 254-5300 FAX (308) 254-3164
www.cityofsidney.org

June 30, 2021

Coral Richards
Secretary of the Board of Education
Western NE Community College
1601 East 27th Street
Scottsbluff NE 69361

In compliance with Section 79-4. 151, R.S.N., 1943, The Planning commission of the City of Sidney herewith submits the following for the consideration of the Board of Education before the adoption of the final report of same:

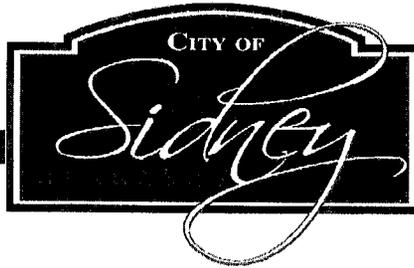
SEE ATTACHED NOTICE

Sincerely,

A handwritten signature in cursive script that reads "Lori Borchert".

Lori Borchert
City Clerk | Treasurer

Attachment



COPY

SMALL TOWN VALUES

1115 13TH AVENUE PO BOX 79
SIDNEY NEBRASKA 69162

BIG TIME OPPORTUNITIES

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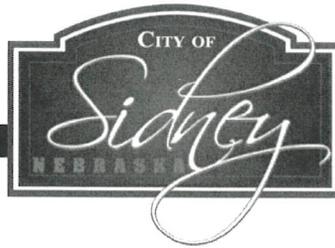
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Copies of the proposed request is on file in the office of the City Clerk-Treasurer at 1115 13th Avenue where they may be examined and copies may be made. At the above time and place all citizens and interested parties will have an opportunity to be heard.

Lori Borchert
City Clerk-Treasurer



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SIDNEY, NEBRASKA 69162

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June 30, 2021

Jay Ehler
Board of Education
School District No. 1
Cheyenne County
1101 21st Avenue
Sidney, NE 69162

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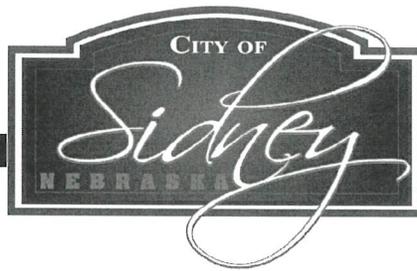
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