

City of Sidney Planning Commission Meeting, Monday, June 17, 2024, 5:30 pm

AGENDA

Call to Order  
Pledge of Allegiance  
Welcome  
Business and Report

1. Announcement of Public Meetings Act: The Open Meetings Law poster is posted at the rear of the room, please refer to the posted information if you have any questions regarding the open meetings law.
2. Approval of minutes for May 20, 2024
3. **PUBLIC HEARING:** The application for the City of Sidney for rezoning of the West ½ of the East ½ of Section 33, Township 14 North, Range 49 West of the 6<sup>th</sup> Principal Meridian except that portion of said West ½ lying within the boundary of Sidney Business Park Addition to Sidney, Nebraska. Also known as 1120 Commerce Court. Rezoning from M2 (Heavy Manufacturing) to C3 (Heavy Commercial).
4. **PUBLIC HEARING:** The application for a Conditional Use Permit for Worldwide Trophy Adventures, 0 14 49 Lots 1-5 And East 8' Lot 6, Block 24 Original Town, Sidney, Cheyenne County, Nebraska. Also known as 812 13<sup>th</sup> Avenue, Sidney Nebraska. Current zoning, C3, for placement of a storage container.
5. Comments by the public and action concerning other business by the commission.

ADJOURNMENT

## Planning Commission Meeting

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 20, 2024, in the City Council Chambers, located at 1115 13<sup>th</sup> Avenue. Present were: Chairman Schmitt and Commissioners, Glenn, Jones, Loghry, Smith Strommen, Sweetser. Others present: Financial Director Carwin, Chief Building Official Hall and City Clerk Borchert. 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 Schmitt announced that a current copy of the Nebraska Open Meetings Act was available for review at the rear of the room.

Schmitt asked for approval of the November 20, 2023 minutes. Glenn moved, Loghry seconded, "That the November 20, 2023 minutes be approved." Roll call: Yeas: Glenn, Jones, Loghry, Smith, Sweetser. Nays: None. Abstain: Schmitt, Strommen. Absent: Benzel, England. Motion passed.

Schmitt asked for approval of the March 18, 2024 minutes. Sweetser moved, Schmitt seconded, "That the March 24, 2024 minutes be approved." Roll call: Yeas: Jones, Loghry, Schmitt, Smith, Strommen, Sweetser. Nays: None. Abstain: Glenn. Absent: Benzel, England. Motion passed.

Schmitt announced that a public hearing would be held considering the application of a Conditional Use Permit for Sidney 1025, LLC, Jessica McKay, for placement of a shipping container, to be used for advertisement on a parcel of land, 9 13 49 Lot 2 Block 1 Arby's Addition, Sidney, Cheyenne County, Nebraska. Current zoning, C3. Schmitt opened the public hearing at 5:33 p.m.

Jessica McKay stated that the vacant lot sits behind Arbys, which she has plans to develop. McKay continued, that costs are expensive so she is looking to offset costs, by generating revenue, using the storage containers to advertise. McKay also reported that this would also be a benefit to local businesses with affordable advertising. McKay is requesting two 40-foot shipping containers in neutral colors be allowed on her property for a 24-month time span. Marshall Hall, Chief Building Inspector, stated that there would have to be setback requirements and the lot is zoned C3, which permits the containers. Schmitt asked what kind of signs would be on the containers. McKay stated that the signs would be hardback. Hall stated that the signs would fall under another permit that would not need to come before the Planning Commission. Schmitt stated that the signs have a limit of 90 days and that there are additional clearance requirements for the signage. Schmitt stated that banners are not permitted. Loghry expressed concerns with statute 1272.03, paragraph 7, "*Any sign nailed or otherwise attached to any tree, pole, building or structure advertising any business, commodity, service or facility sold or offered elsewhere than upon the same zoning lot where the sign is located.*" Loghry understood that this implies that the request should not be permitted. McKay stated that the containers are temporary, not a structure. Glenn questioned why McKay needed a conditional use permit as the containers are moveable. Hall stated that any container requires a conditional use permit. Loghry reported that the containers needed to be placed on a foundation of gravel or concrete according to City code. Hall stated he wasn't aware of this code and other containers are sitting on dirt. Schmitt reiterated that signage permits are separate from the shipping container permit. Loghry was also concerned about visibility. Glenn said that semi-trucks are parked in that lot routinely, with the same visibility. Hall stated that he would make sure that the site triangle is maintained. Strommen asked if McKay was asking for a two-year expiration date. McKay replied yes, 24 months. Gina Elsen, manager of Motel 6, was concerned about the condition of the lot and didn't want it to look worse than it already does. McKay stated that the lot gets mowed every two weeks and she does try to keep it clean. Strommen asked if there would be room for the truck parking or if they would be deterred, which might help the rough condition of the lot. McKay stated that if the lot became a problem, it could be gated off. There were no further comments. Schmitt closed the public hearing at 5:55 pm. Schmitt asked for a motion. Jones moved, Loghry seconded, "That the request for placement of two 40-foot shipping containers of neutral color, to be used for advertisement on a parcel of land, 9 13 49 Lot 2 Block 1 Arby's Addition, Sidney, for the term of 24 months, be approved." Roll call vote: Yeas: Schmitt, Smith, Strommen, Sweetser, Glenn, Jones. Nays: Loghry. Absent: Benzel, England. Motion Passed.

Borchert reported that Schmitt was reappointed for a term of three years by City Council, expiring June 2027. Tim Smith declined reappointment. Jerry Spiker was appointed by City Council for a term of three years, expiring June 2027. There will be an annual election for Chairman in June. Borchert thanked Smith for his 10 ½ years served on the Planning Commission board and presented him with a plaque of appreciation from the City.

There were no further comments.

Meeting adjourned at 5:58 p.m.

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CHAIRMAN, BEN SCHMITT

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LORI BORCHERT, CITY CLERK

**SMALL TOWN VALUES**

1115 13TH AVENUE PO Box 79  
SIDNEY NEBRASKA 69162

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**MEMORANDUM**

DATE: May 22, 2024

MEMO TO: Planning, Zoning Commission

FROM: Marshall Hall, Chief Building Official

RE: The rezoning of the West ½ of the East ½ of Section 33, Township 14 North, Range 49 West of the 6<sup>th</sup> Principal Meridian except that portion of said West ½ lying within the boundary of Sidney Business Park Addition to Sidney, Nebraska. Also known as 1120 Commerce Court.

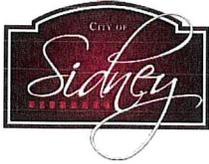
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**SUMMARY:** This portion of land has already been administratively subdivided. The new subdivision of land is proposed to be a landscaping supply store which would require the re-zoning from M2 (Heavy Manufacturing) to C3 (Heavy Commercial). This parcel will have proper access from both northbound and southbound traffic on HWY 385.

**BACKGROUND/DISCUSSION:** The City of Sidney intends to sell this subdivided parcel of land to a local business through an LB840 agreement like the one completed with NEXGEN Outfitters. The current zoning is not appropriate for the kind of business moving in. C3 is the zoning required for this type of business.

**RECOMMENDATION:** Staff's recommendation is to approve the rezoning from M2 (Heavy Manufacturing) to C3 (Heavy Commercial)

**CITY MANAGER COMMENTS:** I recommend the rezoning to allow a local business to expand into new space. The city Economic Development Department plans to do everything we can to provide assistance to Haupt Landscaping to help reach their goals.



# 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:

The West 1/2 of the East half of Section 33, Township 14 North, Range 49 West of  
the 6th principal meridian except that portion of said West 1/2 lying within the boundary of Sidney Business Park  
addition to Sidney, Nebraska  
and commonly known as \_\_\_\_\_

(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: M2, \_\_\_\_\_  
to: C3, \_\_\_\_\_

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

City of Sidney, 1115 13th Avenue, Sidney, NE 69162  
308-249-4870, 308-254-5300

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

Proposed use of the property: Lanscaping material sales and services

Dated this 16th day of May, 2024.

Signature(s): By [Signature]

Date Received: \_\_\_\_\_

Received by: \_\_\_\_\_



1.618 Acres

1.618 Acres

1.618 Acres

1.618 Acres

33  
14  
49W

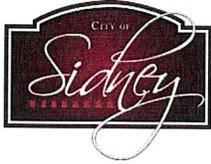


▲ PID	OwnerName	PropertyAddress	OwnerAddress	LegalDes
170001687	SANTERO FARMS LLC		2420 ROAD 115 SIDNEY NE 69162-3125	33-14-49 E/2 E/2 EXCEPT R/W & LES: TRACTS IN SE 1/4

▲ PID	OwnerName	PropertyAddress	OwnerAddress	LegalDes
170183548	TALICH, CYNTHIA J		11596 ROAD 20 SIDNEY NE 69162-3006	33-14-49 TRACT IN E/2SE/4

▲ PID	OwnerName	PropertyAddress	OwnerAddress	LegalDes
170220404	LONGHORN INVESTMENTS LLC		2109 WILDERNESS RIDGE DRIVE LINCOLN NE 68512-9291	33-14-49 LOT 1 BLOCK 1 SIDNEY BUSINESS PARK ADDITION SIDNEY

▲ PID	OwnerName	PropertyAddress	OwnerAddress	LegalDes
170221121	NEXGEN OUTFITTERS	100 COMMERCE COURT SIDNEY	100 COMMERCE COURT SIDNEY NE 69162-6401	0-0-0 LOT : BLOCK 1 SIDNEY BUSINESS PARK ADDITION



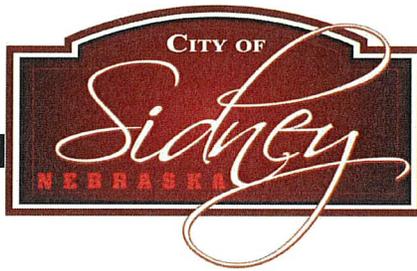
# City of Sidney, Nebraska

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". N/A

**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 ATTENDANCE MUST BE ARRANGED 24 HOURS IN ADVANCE OF THE MEETING.



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**MEMORANDUM**

DATE: May 31,2024

MEMO TO: Planning and Zoning Commission

FROM: Marshall Hall Chief Building Official

RE: Conditional Use Permit

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**SUMMARY:** WTA would like to have their existing shipping container moved from the new Police Department at 1200 Pole Creek Xing to the new WTA location at 812 13<sup>th</sup> Avenue.

**BACKGROUND/DISCUSSION:** WTA had left their shipping container at the old WTA location and was going to sell it to the Police Department. WTA's asking price of the container was much too high and the Police Department refused the sale, thus the need to relocate the container.

**RECOMMENDATION:** 812 13<sup>th</sup> Avenue is zoned C3. A shipping container is allowed on this property.





Red annotations: a box around a desk area and an arrow pointing to a specific spot on the wall.

170084671

170055280

170055272

170055264

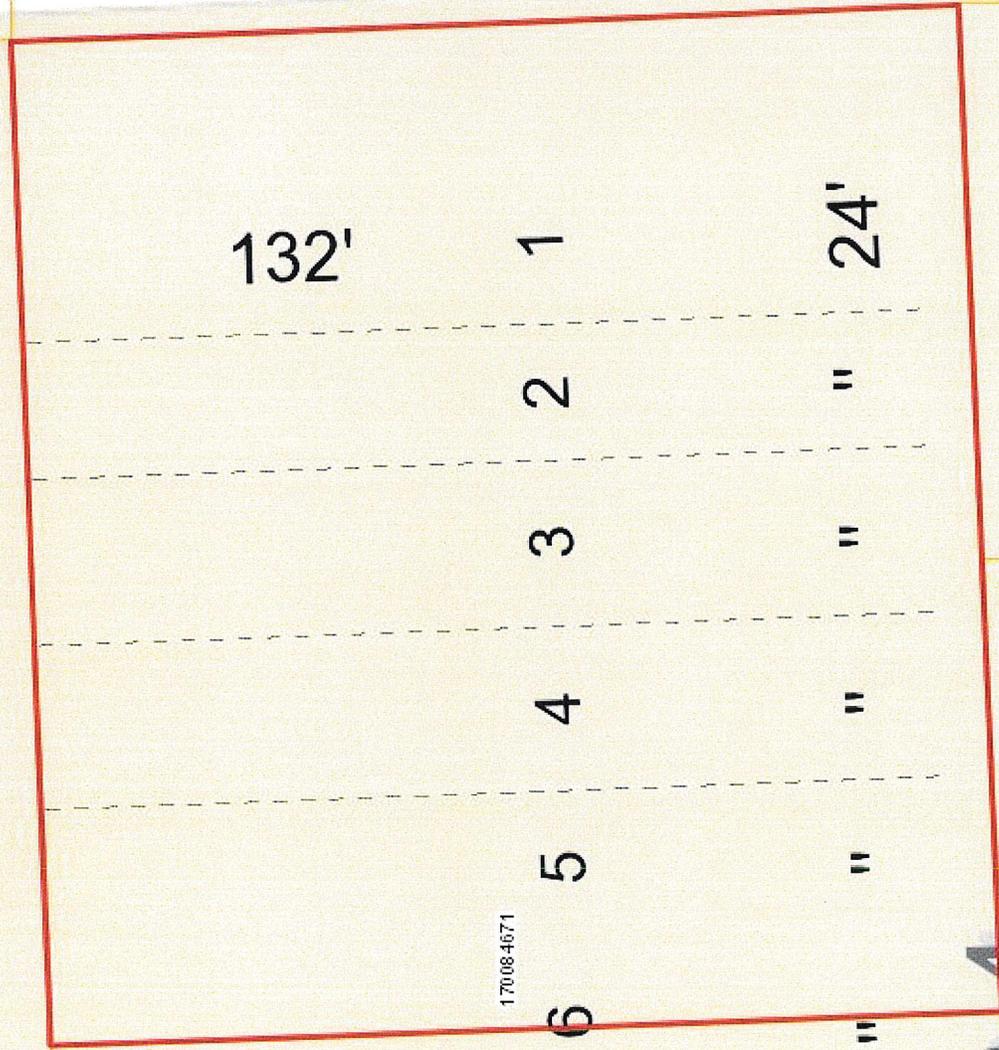
170055250

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1300

ory St



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170055272

132'

24

Results

Want To...

Show On Map

Export To PDF

Email Current PDF

### Cheyenne County Assessor Report

#### Parcel Information

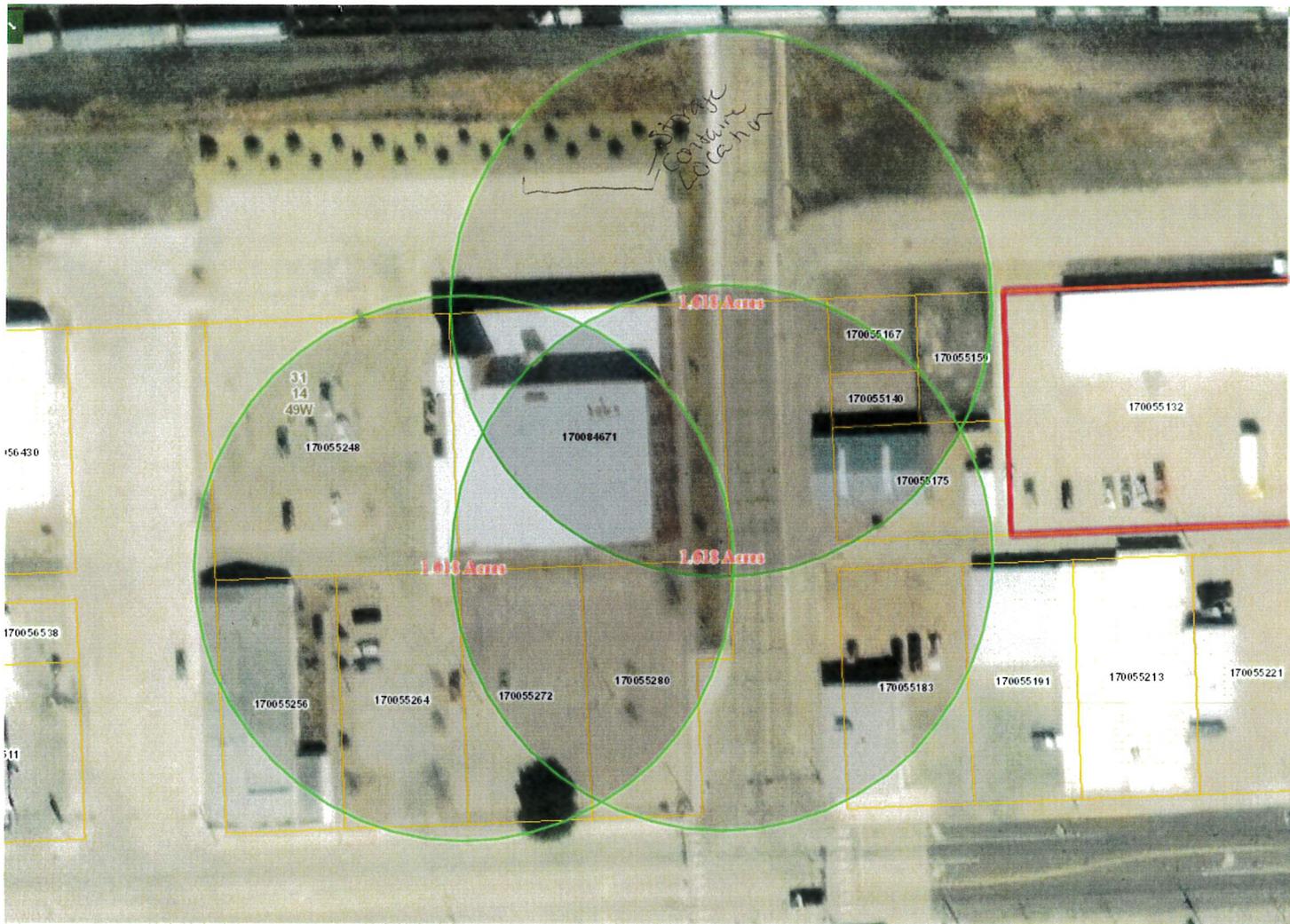
<u>Parcel ID:</u>	170084671
<u>Map Number</u>	138
<u>State Geo Code</u>	2839-00-0-10001-024-0006
<u>Cadastral #</u>	46-17-138
<u>Images</u>	Photo #1 Photo #2 Photo #3 Photo #4 Photo #5 Photo #6 Photo #7 Photo #8 Photo #9 Photo #10 Site Plan #1
<u>Current Owner:</u>	WTA LAND LLC PO BOX 335 SIDNEY, NE 69162-0335
<u>Situs Address:</u>	812 13TH AVENUE SIDNEY
<u>Tax District:</u>	4078
<u>School District:</u>	
<u>Account Type:</u>	Commercial
<u>Legal Description:</u>	0 14 49 LOTS 1-5 AND EAST 8' OF LOT 6 BLOCK 24 ORIGINAL TOWN SIDNEY
<u>Lot Width:</u>	150.00
<u>Lot Depth:</u>	140.00
<u>Total Lot Size:</u>	21000.00 sq ft

#### Assessed Values

Year	Total	Land	Outbuilding	Dwelling
2022	\$2,186,011	\$10,600	\$0	\$2,126,125

Lat: 41.145682 Long: -102.9820

Site Last Updated: 5/31/20



**Current**  
**Owner:**

FRERICHS/RANDALL E & PATRICIA A  
FRERICHS JT 317 DAKOTA ROAD  
SIDNEY, NE 69162-1040

**Current**  
**Owner:**

UNITED INVESTMENTS LLC 1655  
INDUSTRIAL AVENUE SIDNEY, NE  
69162-3239

**Current**  
**Owner:**

HAACK/EDWARD A & LAURIE E (JTWROS  
PO BOX 35 BROADWATER, NE 69125-  
0035

**Current**  
**Owner:**

FRERICHS/RANDALL E & PATRICIA A  
FRERICHS JT 317 DAKOTA ROAD  
SIDNEY, NE 69162-1040

**Current**  
**Owner:**

ANCAUX/JACK A & JULIA E ANCAUX  
JT 2664 VERDE LANE SIDNEY, NE 69162-  
2459



1115 13TH AVENUE PO Box 79  
SIDNEY, NEBRASKA 69162

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June 3, 2024

Mailed to these entities:

Assessor  
Board of Education  
Board of Governors  
ESU  
SPNRD

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

#### NOTICE OF PUBLIC HEARING

Notice is hereby given that the Planning Commission of the City of Sidney, NE, will on June 17, 2024, at 5:30 P.M. in the City Council Room, 1115 13<sup>th</sup> Avenue, hold a PUBLIC HEARING upon the following:

1. The application for the City of Sidney for rezoning of the West ½ of the East ½ of Section 33, Township 14 North, Range 49 West of the 6<sup>th</sup> Principal Meridian except that portion of said West ½ lying within the boundary of Sidney Business Park Addition to Sidney, Nebraska. Also known as 1120 Commerce Court. Rezoning from M2 (Heavy Manufacturing) to C3 (Heavy Commercial).
2. The application for a Conditional Use Permit for Worldwide Trophy Adventures, 0 14 49 Lots 1-5 And East 8' Lot 6, Block 24 Original Town, Sidney, Cheyenne County, Nebraska. Also known as 812 13<sup>th</sup> Avenue, Sidney Nebraska. Current zoning, C3, for placement of a storage container.

Copies of the proposed request are on file in the office of the City Clerk-Treasurer at 1115 13<sup>th</sup> 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. Any person with a disability desiring a reasonable accommodation to attend a public meeting must contact the City Clerk's office at City Hall, 1115 13<sup>th</sup> Avenue, Sidney, NE before the date of the meeting.

Sincerely,

Lori Borchert  
City Clerk | Treasurer