

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 August 19, 2024, in the City Council Chambers, located at 1115 13th Avenue. Present were: Chairman Loghry and Commissioners, Benzel, Glenn, Jones, Schmitt, Spiker. Others present: Chief Building Official Hall, Attorney Leef 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 Loghry announced that a current copy of the Nebraska Open Meetings Act was available for review at the rear of the room.

Loghry asked for approval of the July 15, 2024 minutes. Schmitt requested the minutes be amended to reflect that he abstained from the approval of previous minutes. Schmitt was recorded as both yea and abstaining. Borchert also removed Strommen as a yea, as she, too, was recorded as both a yea and abstaining and needed to be recorded as abstaining. Loghry asked if there were any other corrections. Glenn moved, Spiker seconded, "That the July 15, 2024 minutes be approved as amended." Roll call: Yeas: Benzel, Glenn, Jones, Loghry, Schmitt, Spiker. Nays: None. Absent: England, Sweetser, Strommen.

Loghry opened the public hearing at 5:32 pm, for consideration and recommendation to the City Council, for rezoning for Sidney Regional Medical Center(SRMC), for PID # 170001954, Legal Description: 33 14 49 PT SW/4 208.7' x 208.7', lands inside Sidney, NE, commonly known as 1955 Greenwood Road and PID #170180786, Legal Description: 33 14 49 PT SW ¼ 100' x 208.7', lands inside Sidney, NE commonly known as 550 Virginia Lane, are currently zoned as A, Agriculture, and are requesting to rezone the properties to C1, Central Business District. Jason Petik, CEO of SRMC, stated that the area requested was never rezoned for medical purposes, and was requesting the Planning Commission approve the rezoning to Agriculture to C1 (Medical) for the purpose of a future cancer center. Glenn asked if there were current plans in the making. Petik said this was the beginning stages. Marshall Hall, Chief Building Official, stated the zoning was appropriate for this request. There were no further comments. Loghry closed the hearing at 5:36 pm. Loghry asked for a motion. Glenn moved, Schmitt seconded, "That the zoning change from Agriculture to Central Business District be approved for Sidney Regional Medical Center for medical purposes, and recommend for approval to City Council." Roll call: Yeas: Glenn, Jones, Loghry, Schmitt, Spiker, Benzel. Nays: None. Absent: England, Sweetser, Strommen.

Loghry announced that the next item on the agenda for discussion was for cargo/storage containers that have not been permitted. Attorney Leef stated that according to Ordinance 1280.16, a cargo container is not permitted in any R zone, C1, C2, OP or PBC Zone. There are seven items on the list presented, that can not be granted a permit. Leef added, that a cargo container is permitted in a C-3, M-1, M-2 or A Zone which is not adjoining or adjacent to an R, C-1, C-2, OP or PBC Zone. Cargo containers are permitted only if a special use permit is approved by the City Planning Commission in a C-3, M-1, M-2 or A Zone which adjoins or is adjacent to an R, C-1, C-2, OP or PBC Zone. Leef stated, that the zoning map would have to be looked into on the properties surrounding the locations. The vast majority of the locations listed would have to be decided if they are adjacent or adjoining. Leef reiterated that a permit is not required if it is not adjacent or adjoining and if a M1, C3, M2 or A. Schmitt asked is AR is separate. Leef stated that AR is considered Agriculture and is not separated out, at least not in the ordinance. Leef stated that the Commissioners might want to get the ordinance changed so it is clear. Chief Aikens stated that the containers on the same lot need to be the same color as the other improvements on the lot. Benzel asked what the terms adjacent and adjoining mean. Leef stated that if it is divided by a street, stream, or alley it can still be considered adjacent, but Leef would have to research it. Areas that are not zoned could possibly be considered Agriculture, but Leef was not sure. Spiker stated that he thought some of the ordinances need updated. Leef stated as the Commissioners come across them, she could help with the verbiage in updating them. Schmitt asked what can I be done about the containers that are currently not allowed. Hall stated that he would need to see if the containers were placed prior to the establishment of the ordinance in 2011. The next step would be to send out letters. Aikens stated that he had a letter drafted that Hall could use as a template. Schmitt asked how it would be proven that containers were placed before 2011. Leef stated that the assessors would be a starting place. In the past, Leef continued, the city has allowed time for the people to remove the containers. Aikens stated that they had 30 days to remove the containers. It was determined by the Commissioners that conditional use permits would be required from the people who are currently not permitted and are not in the proper zoning for the container. This would not include the zones R, C1, C2, OP or PBC Zone, which are not allowed. Loghry brought up safety concerns of open cargo containers. Leef stated that this would have to be on the next agenda as this item was for discussion of the placement of containers as per zoning. The Commissioners asked for open cargo containers for security to be added to next month's agenda and an update on the status of cargo containers that have not been permitted.

There were no further comments.

Meeting adjourned at 6:07 p.m.

CHAIRMAN, Doug Loghry

LORI BORCHERT, CITY CLERK