

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 September 16, 2024, in the City Council Chambers, located at 1115 13th Avenue. Present were: Chairman Loghry and Commissioners, England, Schmitt, Spiker, Sweetser. Others present: Chief Building Official Hall, 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 August 19, 2024 minutes. Schmitt moved, Spiker seconded, "That the August 19, 2024 minutes be approved." Roll call: Yeas: England, Loghry, Schmitt, Spiker, Sweetser. Nays: None. Absent: Benzel, Glenn, Jones, Strommen. Motion approved.

Loghry opened the public hearing at 5:32 pm, for the application of a Conditional Use Permit by Industrial Tower West, LLC. Teresa Sweigart, employee of Industrial Tower West, stated that Industrial Tower wanted to construct a 100' monopole and related ground equipment for the purpose of wireless telecommunications to avoid dropping in coverage. Spiker asked if there were any Airforce concerns. Sweigart reported that there were none and they were moving because they were unable to keep the lease with Cabela's. Chief Building Inspector had no concerns. Hall made an amendment to his memo listing the request at 80' when the request was for 100'. There were no further comments. Loghry closed the hearing at 5:38 pm. Loghry asked for a motion to approve the conditional use permit. England moved, Schmitt seconded, "That the application of a Conditional Use Permit by Industrial Tower West, LLC., Approximately 1 acre of the NE ¼ of the NW ¼ of Section 8, Township 13 North, Range 49, West of the 6th PM, Cheyenne County Nebraska, part of Parcel ID: 170074218, to construct a wireless telecommunications facility be approved." Roll call: Yeas: Loghry, Schmitt, Spiker, Sweetser, England. Nays: None. Absent: Benzel, Glenn, Jones, Strommen. Motion approved.

Loghry opened the public hearing at 5:38 pm, for Travis J. Allen to subdivide a tract of land. Travis Allen stated that he was taking a piece of pasture ground in the agriculture zone and wants to divided it into three parcels, two staying agriculture, one will be potentially zoned Agriculture Residential for the purpose of a dwelling. Hall stated the minimum acreage has been met for the AR site. Kim Phillips, resident, stated that her concern was if additional dwellings were put out there, there should be additional road access as there is currently only Road 109 and a railroad access road. Hall stated that this would be a county issue. Jim Pelster, resident, stated that his concern was water and it needs to be watched how and where it is used, as they are on water wells. Pelster also had concerns with the one road. Schmitt asked if Adams had their own wells or if they were city maintained and if there was a city line that ran there. Hall stated that he was unsure but he could find out. Allen stated that there is a city water line that runs by the Huntsman school that runs east and west, where Road 128 intersects with Road 109, which is currently not accessible. Allen suggested that it is possible that the water line could be brought down at some point. Allen stated that his intention was to keep the ground after the subdivision in Agriculture. Nancy Tremain, resident, asked where the lots were located. Allen stated that lot one is north, lot two is in the center and lot 3 is south. Hall asked Allen what lot he was keeping. Allen stated lot 3. Kim Phillips asked how many houses were going out there. Allen replied, one. There were no further comments. Loghry closed the hearing at 5:54 pm. Loghry asked for a motion. Spiker moved, England seconded, "That the application by Travis Allen to subdivide a tract of land, more commonly known as Lot 1, Travis Allen subdivision, located in the Southwest 1/4 of Section 25, Township 14 North, Range 50, West of the 6th PM, Cheyenne County, Nebraska, to divide Lot 1 into 3 parcels, to be known as Lots 1, 2 & 3, Travis Allen subdivision, as shown in the plat, be approved and recommendation be made to the City Council." Roll call: Yeas: Schmitt, Spiker, Sweetser, England, Loghry. Nays: None. Absent: Benzel, Glenn, Jones, Strommen. Motion approved.

Loghry opened the public hearing at 5:55 pm, for Travis J. Allen to rezone parcel 170220415, 25 14 50 in SW ¼ from Agriculture (A) to Agricultural Residential (AR). Travis Allen stated that the land was subdivided into three lots and the middle lot is requested to be rezoned from A to AR for dwelling purposes. Loghry asked if the primary well would be for the residential. Allen stated, yes. There were no further comments. Loghry closed the hearing at 5:57 pm. Loghry asked for a motion to rezone. Schmitt moved, Spiker seconded, "That the application by Travis Allen to rezone of a parcel of land more particularly described as Lot 2, Travis Allen subdivision, located in part of the Southwest ¼ of Section 25, Township 14 North, Range 50 West of the 6th P.M., Cheyenne Co, Nebraska as shown on the Plat; from A (Agricultural) to AR (Agriculture Residential), be approved and recommendation be made to the City Council." Roll call: Yeas: Spiker, Sweetser, England, Loghry, Schmitt. Nays: None. Absent: Benzel, Glenn, Jones, Strommen. Motion approved.

Loghry stated that we would be discussing updates on cargo storage containers. Hall stated that he believes we have a full list of containers. There are 49 total addresses, 105 containers, 8 that cannot be permitted as they are not allowed, 7 that need Conditional Use Permits, 20 that are permissible as per ordinance, 7 that Hall has questions about and another 7 that are not zoned. Hall stated that he had concerns about the term adjacent and what distance the term adjacent allows. Hall will make an appointment with Attorney Leef to discuss the term adjacent and also to draft two letters, one for container removal and one for filing Conditional Use Permits that are needed in the zone.

Hall also stated that discussion needs to be held on amending the current Ordinance 1658, to properly state what permits are actually needed and if qualifications have been met. Hall stated that all cargo containers should require a permit, so the city knows they are approved. Schmitt suggested that containers in zone C3, M1, M2, or A that *are not* adjoining or adjacent to an R, C1, C2, OP, or PBC zone, and that are placed for more than 7 days should require a building permit. Schmitt continued that containers in zone C3, M1, M2, or A that *are* adjoining or adjacent to an R, C1, C2, OP, or PBC zone shall require both a Conditional Use Permit *and* a building permit before placing the container. It was general consensus that all containers being dropped need some sort of a permit. Loghry also stated that due to safety issues, containers should remain locked. Commissioners asked what the process was to amend an ordinance. Borchert stated that Hall could work with Leef on the amendment and bring it to the Planning Commission for approval and then recommendation to City Council to pass. The Commissioners gave Hall the approval to start the process of amending Ordinance 1658 and to bring it back to them for approval and recommendation to City Council. Hall will begin the process of drafting the letters that need to go out to the residents. Ernie Schmidt, resident, stated that he has a container that he is taxed on. Schmidt stated he is zoned Agriculture Residential. Hall stated that Schmidt is in compliance, so this would not affect him. John Phillips stated that he sat on the board when the original ordinance was drafted. Phillips continued, that when the ordinance was originally drafted, there were no storage containers to be allowed inside Sidney limits. Schmitt thought that if requirements are met, you should still have to have a Conditional Use Permit. If it is in a residential zone, there are no exceptions. Phillips stated that this came about because of lack of enforcement. There were no further comments.

In other business England asked about the shingles on the east end of Town. Hall stated that it was not shingles but scrap metal and they have been removed.

There were no further comments.

Meeting adjourned at 6:32 p.m.

Doug Loghry, Chairman

Lori Borchert, City Clerk