

**CITY OF SIDNEY, NEBRASKA**

**PLANNING COMMISSION-**

**AGENDA FOR: MONDAY OCTOBER 15, 2018, 5:30 P.M.**

**CITY COUNCIL CHAMBERS, 1115 13<sup>TH</sup> 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 September 17, 2018, as printed.
3. PUBLIC HEARING: Conditional Use Permit application of Bernard Fehringer to operate an Indoor Shooting Range for Cowboy Fast Draw and BB Gun Instruction and Shooting at 817 12<sup>th</sup> Street.
4. Comments by the public and action concerning other business by the commission.

ADJOURNMENT

Sidney, Nebraska, September 17, 2018

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 17, 2018 in the City Council Chambers, located at 1115 13<sup>th</sup> Avenue. Present were: Chairman Smith and Commissioners: Glenn, Loghry, Long, Phillips, Schmitt, Sweetser, and Volkmer. Absent: England. Others present: Chief Building Official Kubo, City Attorney Leef and Deputy 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.

Phillips moved, Loghry seconded "That the minutes of the August 20, 2018 meeting be approved." Roll call vote: Yeas: Schmitt, Volkmer, Loghry, Smith, Phillips, and Sweetser. Abstain: Long and Glenn. Absent: England.

Chairman Smith announced that the Planning Commission would now hold a public hearing to consider the Application of Bruce G. Stitt for Gehrig-Stitt Chapel & Cremation Service, to add a crematory to his establishment at 1140 10<sup>th</sup> Avenue; 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: John and Sandy White. The following appeared in person or by agent or by attorney and were heard: Bruce G. Stitt, Larry Nelson and William Raeger,

Bruce G. Stitt stated that his main purpose for wanting to install a crematory at his existing location was to help alleviate viable financial concerns, as well as being able to reassure families that "these are their loved one's ashes they are getting back" once cremated. Being able to keep loved ones in their care will reassure them. He noted that eliminating trips to Sterling, where cremations are currently performed will be a savings to both the family and Gehrig's. Currently cremations run \$280 and will be \$80 in the local facility. He estimated that he has 50 cremations per year, amounting to 200 hours.

Larry Nelson of 841 10<sup>th</sup> Avenue spoke in favor of the request, stating that this would keep business/dollars in Sidney rather than in Sterling, CO. He also noted that having such an operation in Sidney could bring outside business in from Kimball and other places. With the care that Gordy and staff gives it is a good idea.

William Raeger, of Chaney Raeger Funeral home in Sterling, CO, gave statistics on the percentage of cremations versus traditional burials currently performed on the Front Range as 85%, and more specifically 55% in Sterling. He explained that due to economics direct cremation is the trend. He estimated approximately four hours for each cremation, which can be performed in off-hours of business or during business hours, as the equipment is very efficient with no noise, smoke or heat. He noted that official inspections are not required but they have inspections once/year by the manufacturer. The manufacturer monitors the machine over the internet at all times, which gives peace of mind in that they will notice anything before the operator will and notify them. They will do hands-on training with the operators after installation of equipment. He encouraged the Commission to move forward in granting Gehrig-Stitt's request as it is much needed in the area.

Commissioner Phillips asked whether it was a good idea to set a time period on the permit with an automatic renewal if there were no complaints. It was agreed that this was the proper procedure to follow.

There being no further questions or comments, Chairman Smith closed the public hearing at 5:45 p.m. and asked for a motion on the request.

Phillips moved, Sweetser seconded "That the Application of Bruce G. Stitt for Gehrig-Stitt Chapel & Cremation Service, to add a crematory to his establishment at 1140 10<sup>th</sup> Avenue be approved for a period of five years with an automatic renewal if there are no complaints." Roll call vote: Yeas: All Commissioners present. Absent: England.

Chairman Smith announced that the Planning Commission would now hold a public hearing to consider the Rezoning Application of Darin VanNatter and Susan Hiatt to rezone Lot 6, Block 13, Section 49 Part of the SE/4 East of Highway Lands Inside Sidney, more particularly described as 2525 11<sup>th</sup> Avenue, from R-1 (Residential) Zone to R-1a (Rural Residential Estate) 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.

The following filed written objections: John and Sandy White and Jason Petik/SRMC. The following appeared in person or by agent or by attorney and were heard: Susan Hiatt, Ron Gusman, and Don Ogle.

Susan Hiatt explained that she purchased the property with the understanding that it was already zoned R-1a, but later found out that it had reverted back to R-1 when animals were not there for a period of one year. Her intentions are to restore the integrity of the barns and corrals to their original use. She would like to have a "pet" livestock and understands that she can have up to three (3) total on the property. She noted that Dr. Platz, the previous owner, had horses, goats, peacocks, etc. on the property. She has spoken to the adjoining neighbors, the closest being 50 feet away, and did not hear any opposition.

Ron Gusman, 2457 Canterbury Lane stated that his property is 250 feet from Ms. Hiatt's. He is opposed to the rezoning which would allow "livestock", noting that with "livestock" comes manure, smell, and flies. With the feed for the livestock comes rodents/rats.

Don Ogle has controlling interest in the property at 1132 Pasadena Place which is approximately 100 feet from this property and currently uninhabited. He asked if the barn is being redone because of animals, which it is. He also noted that he had not received a notice of the proposed rezoning but read the sign which was posted. This was determined to be an oversight and he was assured that he would be notified as the process goes forward.

City Attorney Leef read the definitions of R-1 Zone (does not allow livestock) and R-1a zoning (allows livestock). In answer to questions relating to the control of noxious odors, unsightliness, etc. she stated that this is a rezoning request not a conditional use request. If the property is rezoned to R-1a they are allowed to have animals. Neighbors can file a complaint and the nuisance ordinance can be applied if any of these items become an issue. She gave the process for complaints, review, etc. should the issue arise.

Ms. Hiatt stated that she understood the mice/rodent issue with storage of feed, but that many places already have these types of problems. Being someone that can't stand rodents, she assured that there will be proper care and cleaning, **emphasizing** that she is proposing one (1) horse not a herd. She had animals

in Peetz and took care of issues that arose. She noted that the barn is in very good condition, with the exception of a couple of windows and paint.

There being no further questions or comments, Chairman Smith closed the public hearing at 6:02 p.m. and asked for a motion on the request.

Phillips moved, Long seconded "That the Planning Commission recommend to the City Council that the Rezoning Application of Darin VanNatter and Susan Hiatt to rezone Lot 6, Block 13, Section 49 Part of the SE/4 East of Highway Lands Inside Sidney, more particularly described as 2525 11<sup>th</sup> Avenue, from R-1 (Residential) Zone to R-1a (Rural Residential Estate) Zone be approved." Roll call vote: Yeas: All Commissioners present. Absent: England.

The meeting adjourned at 6:05 p.m.

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CHAIRMAN

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DEPUTY CLERK



# City of Sidney, Nebraska

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

## APPLICATION FOR CONDITIONAL USE PERMIT

DATE: 9-16-2018

Filing Fee: \$200.00

Receipt No.: \_\_\_\_\_

NAME OF OWNER(s): Bernard Fehringer

ADDRESS OF OWNER(s): 631 Road 115, Sidney, NE 69162-4108

ADDRESS OF CONDITIONAL USE PERMIT: 817 12th Avenue, Sidney, NE 69162

LOT: 12 & 13 BLOCK: 22 ADDITION: Original Town of Sidney

CURRENT ZONING: Commercial ZONE THE USE IS PERMITTED: C-1, C-2, C-3, M-1, M-2, AR, & A

DESCRIPTION OF USE: Indoor shooting range for Cowboy Fast Draw and BB Gun instruction and shooting. 817 12TH STREET

### STATE REASON OR REASONS WHY THE PERMIT SHOULD ISSUED:

This facility will be used by two organizations. The Cowboy Fast Draw Club known as the Fort Sidney Renegades provides instruction in firearm safety and public entertainment. Only ammunition loaded with wax bullets will be discharged by the club. Certified 4H Firearm instructors will provide instruction in firearm safety, skill and competition. This space will be used for BB Gun instruction. The .22 Rimfire instruction is held elsewhere.

Phone number of Applicant/Owner: 308-254-2028, \_\_\_\_\_ Signature of Owner/Owners  
308-249-3116

### Official Use Only

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

APPROVED: \_\_\_\_\_ DISAPPROVED: \_\_\_\_\_ DATE: \_\_\_\_\_

\_\_\_\_\_  
CHAIRPERSON, PLANNING COMMISSION

\_\_\_\_\_  
SECRETARY, PLANNING COMMISSION

PERMIT No. ISSUED: \_\_\_\_\_

DATE PERMIT EXPIRES: \_\_\_\_\_

1246 -  
12162.03.  
Cond. use permit -

CHAPTER 672  
Weapons and Explosives

- 672.01 Carrying concealed weapons.
- 672.02 Discharging firearms and use of other weapons.
- 672.99 Penalty.

CROSS REFERENCES

- Authority to regulate carrying concealed weapons - see R.S.N. § 16-227
- Authority to regulate and prohibit use of fireworks - see R.S.N. § 16-227
- Authority to regulate discharge of firearms - see R.S.N. § 16-227
- Weapons and explosives - see R.S.N. §§ 28-1001 et seq.
- Storage of flammable liquids, explosives, blasting agents, etc. - see F.P. 1610.05 et seq.

672.01 CARRYING CONCEALED WEAPONS.

No person shall carry about his person any concealed pistol, revolver, dirk, Bowie knife, billy, slingshot, metal knuckles or other dangerous or deadly weapon of any kind, excepting only officers of the law in the discharge of their duties. (1958 Code § 17.36)

672.02 DISCHARGING FIREARMS AND USE OF OTHER WEAPONS.

No person, except an officer of the law in the discharge of his duty, shall fire or discharge any rifle, shot gun, air gun, pistol, paint ball gun (marker), or other firearm, launch or shoot any projectile or object from a slingshot, bow or crossbow, including any arrow, or launch, shoot or fire any other potentially hazardous or dangerous object within the City without first making written application and receiving written authorization from the City Manager or his designee. This section shall not apply to licensed shooting galleries or to private shooting ranges within buildings approved by Council. The application for a permit shall be directed to the Clerk-Treasurer and must specify the time, place, date, purpose and such other information which the City Manager may require. (1958 Code §§ 17.37, 17.38; Ord. 1551. Passed 5-24-05; Ord. 1742. Passed 8-12-14.)

672.99 PENALTY.

(EDITOR'S NOTE: See Section 606. 99 for general Code penalty if no specific penalty is provided.)

Property Owner Within 300 Feet of 817 12th Avenue

Parcel ID	Property Address	Owners	c/o	Address	City	State	Zip
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Block 21/S	170054969 1044 Illinois St.	Ruth Mae Barnett - Life Estate	Victor M & Mary M. Barnett	1044 Illinois St.	Sidney	NE	69162-1646
	170054977 1038 Illinois St.	Timothy P & Pamela D Anderson		519 Dewey St.	North Platte	NE	69101-5518
	170054942 1034 Illinois St.	Richard G & Diana E. Larson, JT		1621 Maple St.	Sidney	NE	69162-1955
	170054950 1026 Illinois St.	Spartan Four LLC	Ronald Spath	P.O. Box 242	Sidney	NE	69162-0242

Block 21/N	170054926	City of Sidney		P.O. Box 79	Sidney	NE	69162-0079
	170054918	City of Sidney		P.O. Box 79	Sidney	NE	69162-0079
	170054896	City of Sidney		P.O. Box 79	Sidney	NE	69162-0079

Block 22/S	170055094 817 12th Avenue	Gary and Sue Stevenson, JT		P.O. Box 7306	Sheridan	WV	82801-7306
	170055108 1120 Illinois St.	Popkorn Theaters, Inc.	John Phillips	P.O. Box 311	Sidney	NE	69162-0322
	170055116 1112 Illinois St.	John & Jolene Deer, JT		1112 Illinois St.	Sidney	NE	69162-1648
	170055124 832 11th Ave.	Jerry & Diann Steffens, JT		P.O. Box 94	Sidney	NE	69162-0094
	170171361 None	Jerry & Diann Steffens, JT		P.O. Box 94	Sidney	NE	69162-0094
	170171353 840 11th Ave.	Jerry & Diann Steffens, JT		P.O. Box 94	Sidney	NE	69162-0094
	170171388 831 11th Ave.	Brandon & Elizabeth Draper		211 West Drive	Sidney	NE	69162-1151

Block 22/N	170055086	City of Sidney		P.O. Box 79	Sidney	NE	69162-0079
	170055051	City of Sidney		P.O. Box 79	Sidney	NE	69162-0079
	170055078	Qwest Corp/NW Bell Tele/ Century Link	Property Tax Department	P.O. Box 7909	Overland Park	KS	66207-0909

Block 23/N

170055132	804 12th Ave.	ABC Properties	David Mowery	P.O. Box 237	Sidney	NE	69162-0237
170055175	817 13th Ave.	Edward & Laurie Haack		P.O. Box 35	Broadwater	NE	69125-0035
170055140		Randall & Patricia Frerichs, JT		317 Dakota Rd.	Sidney	NE	69162-1040
170055159		ABC Properties	David Mowery	P.O. Box 237	Sidney	NE	69162-0237
170055167		Randall & Patricia Frerichs, JT		317 Dakota Rd.	Sidney	NE	69162-1040

Block 23/S

170055211	1200 Illinois St.	Daniel Havorka		10153 Highway 30	Sidney	NE	69162-3209
170055213	1212 Illinois St.	Edward & Laurie Haack		P.O. Box 35	Broadwater	NE	69125-0035
170055191	Parking	Edward & Laurie Haack		P.O. Box 35	Broadwater	NE	69125-0035
170055183	1244 Illinois St.	Randall & Patricia Frerichs, JT		317 Dakota Rd.	Sidney	NE	69162-1040

Block 26/N

170055396	1229 Illinois St	Dennis & Sharon Denoveliss, JT		P.O. Box 313	Sidney	NE	69162-0313
170055426	913 13th Ave,	Dennis & Sharon Denoveliss, JT		P.O. Box 313	Sidney	NE	69162-0313

Block 26/S

170055477	1200 Jackson St.	ABC Properties	David Mowery	P.O. Box 237	Sidney	NE	69162-0237
170055450	1212 Jackson St.	Robert & Diana Goodwin, Co-trustees		2115 15th St.	Sidney	NE	69162-2800
170054422	Polygon	No Owner Shown - Probably Goodwin					
170055434	1240 Jackson St	Robert & Diana Goodwin, Co-trustees		2115 15th St.	Sidney	NE	69162-2800

Block 27/N

170055507	1145 Illinois St.	Larry W. Coffey		P.O. Box 81463	Lincoln	NE	68501-1463
170055493	1129 Illinois St.	Westside Investments LLC		P.O. Box 468	Sidney	NE	69162-0468
170055485	1119 Illinois St.	NE Colorado Cellular Inc.		1224 W. Platte Ave Ft. Morgan		CO	80701-2949
170085643	1103 Illinois St.	Hoekema Engineering Inc.		P.O. Box 101	Sidney	NE	69162-0101

Block 27/S

170055515 12th & Jackson American National Bank  
170055523 1136 Jackson Dream Land Estates LLC  
170055531 Telephone Qwest Corp

Travis Arellano  
Prop. Tax Department

P.O. Box 19 Sidney NE 69162-0019  
1401 Quince St. Sidney NE 69162-2153  
P.O. Box 7909 Overland Park KS 66207-0909

Block 28/N

170084728 1035 Illinois St. Patricia Finney  
170084701 1035 Illinois St. Patricia Finney

1035 Illinois St. Sidney NE 69162-1645  
1035 Illinois St. Sidney NE 69162-1645

Block 28/S

170055590 1040 Jackson St. Sidney Elks Lodge #1894  
170055647 1024 Jackson St. Valerie Nienhueser  
170055604 Jackson St. City of Sidney  
170054896 Jackson St. City of Sidney  
170054918 Jackson St. City of Sidney

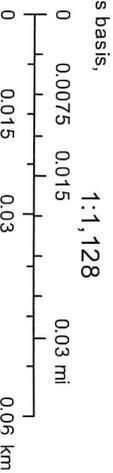
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1024 Jackson St. Sidney NE 69162-1656  
P.O. Box 79 Sidney NE 69162-0079  
P.O. Box 79 Sidney NE 69162-0079  
P.O. Box 79 Sidney NE 69162-0079





September 16, 2018 DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, 22:11 PM and should not be relied upon for making financial, survey, legal or other commitments.

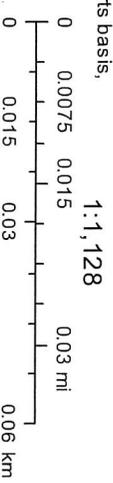
-  Sidney City Limits
-  Sections
-  Lot Line
-  Parcels





September 16, 2018  
 22:12 PM  
 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.

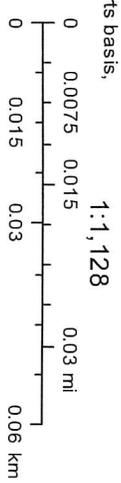
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-  Sections
-  Lot Line
-  Parcels

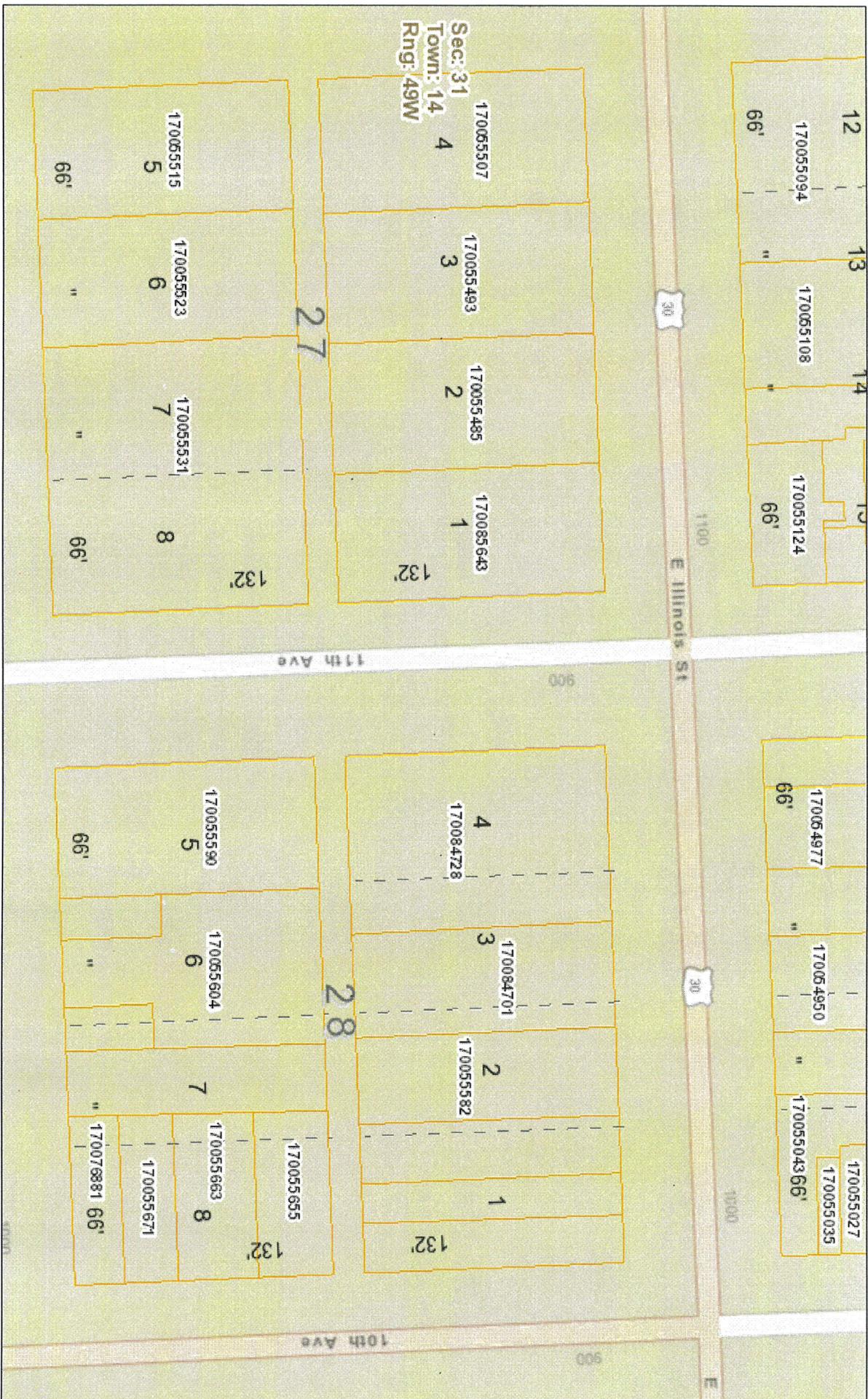




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- 22:14 PM
- Sidney City Limits
- Lot Line
- Parcels
- Sections





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- Lot Line
- Sidney City Limits
- Sections
- Parcels

