

PLANNING COMMISSION AGENDA

Wednesday, August 28, 2019

4:00 P.M. So Sioux City Council Chambers

1. ROLL CALL

2. OPEN MEETING ACT

A current copy of the Open Meetings Act is posted on the north wall in the rear of the Council Chambers and is available for review by all citizens in attendance.

A sign-in sheet is available at the entrance to the Council Chambers. We ask your assistance by signing in as this is a Federal Grant requirement. It is strictly voluntary to complete the sign-in sheet.

3. MINUTES

Approve the minutes of the July 31, 2019 Planning Commission meetings.

4. NEW BUSINESS

Public Hearing Rezoning AL-BO Limited Partnership - a parcel of land in the 1200 Block of Riverview Drive, containing 23.65 acres more or less, from R3b (multifamily) to M.U. (mixed use). Legally described as follows:

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 29 NORTH, RANGE 9 EAST, IN DAKOTA COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF GOVERNMENT LOT 1 IN SAID SECTION 22; THENCE SOUTHERLY ON AN ASSUMED BEARING OF S01°52'33"E, 47.20 FEET TO THE POINT OF BEGINNING; THENCE S46°26'49"E, 705.69 FEET TO A NON-TANGENT CURVE, SAID NON-TANGENT CURVE ALSO BEING THE SOUTHWEST RIGHT-OF-WAY LINE OF RIVER VIEW DRIVE; THENCE ON A 809.50 FOOT RADIUS CURVE TO THE LEFT ON SAID SOUTHWEST RIGHT-OF-WAY LINE, AN ARC LENGTH OF 166.22 FEET (LONG CHORD BEARS S40°33'07", 165.93 FEET); THENCE S46°25'27"E ON SAID SOUTHWEST RIGHT-OF-WAY LINE OF RIVER VIEW DRIVE, 877.53 FEET TO A POINT INTERSECTING SAID SOUTHWEST RIGHT-OF-WAY LINE OF RIVER VIEW DRIVE AND THE NORTH RIGHT-OF-WAY LINE OF ARBOR DRIVE; THENCE WESTERLY ON SAID NORTH RIGHT-OF-WAY LINE OF ARBOR DRIVE FOR THE FOLLOWING FIVE (5) COURSES; (1) S43°32'37"W, 122.65 FEET TO A POINT OF CURVATURE; (2) ON A 560.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC LENGTH OF 480.75 FEET (LONG CHORD BEARS S68°19'08"W, 466.12 FEET); (3) N87°14'36"W, 186.86 FEET TO A POINT OF CURVATURE; (4) ON A 840.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC LENGTH OF 496.67 FEET (LONG CHORD BEARS S75°48'49"W, 489.47 FEET); (5) S59°56'01"W, 27.93 FEET; THENCE N01°52'33"W, 1605.38 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS A CALCULATED AREA OF 1,029,990.65 SQ. FT. OR 23.65 ACRES MORE OR LESS.

5. ADJOURNMENT

CITY OF SOUTH SIOUX CITY, NEBRASKA
PLANNING COMMISSION MINUTES
7/31/2019

A regular meeting of the Planning Commission of the City of South Sioux City, Nebraska was held at the City Hall Council Chambers on 7/31/2019.

CALL TO ORDER

Chairman Bret Gotch called the meeting to order at 4:05 o'clock P.M.

ROLL CALL	Present	Absent
Arlan Kuehn Chairman	<input type="checkbox"/>	<input checked="" type="checkbox"/> arrived at 4:22
Martin Hohenstein	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Robert Rapp	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Brett Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tom Gesell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mike Wojcik	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Gail Curry	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Lyle Todd	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Arlyn Wilson	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Lance Morgan Alternate	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Staff in attendance: Kent Zimmerman, Joe Conley, Lance Hedquist, Alfonso Camarillo, Oscar Gomez

NOTICE OF PUBLICATION

Notice of the meeting was given in advance by advertising in the Dakota County Star as certified in the attached affidavit of printer. Notice of the meeting and agenda were simultaneously given to the Chairman and members of the Commission. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

OPEN MEETINGS ACT

Bret Gotch stated that a current copy of the Open Meetings Act is posted on the north wall in the rear of the Council Chambers and is available for review by all citizens in attendance.

A sign-in sheet is available at the entrance to the Council Chambers. We ask your assistance by signing in as this is a federal grant requirement. It is strictly voluntary to complete the sign-in sheet.

APPROVE MINUTES

Robert Rapp moved and Tom Gesell seconded to approve the minutes of the July 10, 2019, Planning Commission meeting, omitting the sentence "South Sioux City superintended Todd Strom represented the Board of Education during the meeting who is in favor of the redevelopment plan". Motion carried with Rapp, Gesell, Todd, Hohenstein and Gotch voting aye.

♦ *Sign minute book*

AGENDA ITEM: 4A. Public Hearing Northeast Redevelopment Area, General Redevelopment Plan Resolution 2019-1.

The general redevelopment plan was originally approved by the planning commission August 10, 2016.

Robert Rapp moved and Tom Gesell seconded to reaffirm approval of the plan with resolution 2019-1 determining the plan conforms to and meets the objectives of the Comprehensive Plan of the city. Motion carried with Rapp, Gesell and Todd voting aye. Hohenstein and Gotch abstaining.

AGENDA ITEM: 4B. Public Hearing Northeast Redevelopment Area, General Redevelopment Plan Amendment (Hovey Construction) Resolution 2019-2

Bret Gotch opened the public hearing to comment. Joe Johnson and Andy Hovey were present and provided information about the project to the commission. Johnson stated the project would move forward in phases, with the first phase consisting of 10 single family dwellings. A general discussion commenced regarding TIF developments, tax revenue and the impact on tax receiving entities. Superintendent of South Sioux City Schools, Todd Strom was present and spoke in a neutral position. He said the school board and district met July 30, 2019 and discussed the implications of TIF projects on the schools. He spoke about school capacity, new residential developments and state funding. Strom spoke about the strain on the schools if state funding were to be cut and TIF tax dollars being tied up for 15 years. Lance Hedquist spoke about state law as it pertains to TIF projects and current zoning and planned use of the property for residential use.

Tom Gesell moved and Brett Gotch seconded to approve Resolution 2019-2 as the planning commission has determined that the plan conforms to and meets the objectives of the Comprehensive Plan. Motion carried with Kuehn, Rapp, Gesell, Todd and Gotch voting aye. Hohenstein abstained.

AGENDA ITEM: 4C. Public Hearing Northeast Redevelopment Area, General Redevelopment Plan Amendment (RoyDon LLC) Resolution 2019-3

Arlan Kuehn opened the public hearing for comment. Lance Hedquist addressing the commission described the proposed project in detail. Staff stated the property is currently zoned R3b and would need to be changed due to dwelling unit density exceeding the current 12 units per acre, and due to the possibility of mixed use development with one building containing a 6000 sqft restaurant on 1st floor and 3 floors of residential dwelling above. Discussion continued with concerns about the impact on schools. The developer stated the development would contain 336 to 350 dwelling units with construction to start fall of 2019.

Robert Rapp moved and Arlan Kuehn seconded to approve Resolution 2019-3 as the planning commission has determined that the plan conforms to and meets the objectives of the Comprehensive Plan. Motion failed with Kuehn and Rapp voting aye. Gesell voted nay. Todd and Hohenstein abstaining and Gotch voting present.

ADJOURNMENT

There being no further business to come before the Commission, Robert Rapp moved and Brett Gotch seconded to adjourn the meeting at 4:54 o'clock P.M. Motion carried with Kuehn, Gesell, Todd, Rapp, Hohenstein and Gotch voting aye.

CHAIRMAN

VICE CHAIRMAN

I, the undersigned Secretary of the Planning Commission of the City of South Sioux City, Nebraska hereby certify that all of the subjects were contained in said agenda for at least twenty four (24) hours prior to said meeting, and that said minutes were in written form and available to the public for inspection within ten (10) working days and prior to the next convened meeting.

SECRETARY

PETITION FOR A CHANGE OF ZONING

We, the undersigned, being the owners of record of said real estate, hereby respectfully petition the Mayor and City Council to rezone the following property from the present zoning classification of

R3B to MU.

Legal Description: North west Quarter of Section 22,
Town Ship 29 North, Range 9 East, IN Dakota County, Nebraska

Reason for Zoning Change: change to mix use.

We, the undersigned, being the owners of the record of said real estate, hereby acknowledge that we have read and received a copy of the rezoning procedures and a copy of this application form concerning the filing and hearing of the request. That we have been advised of the fee requirements and they have been paid on _____ in the amount of \$ 225.00.

Property Owner: AL-Bo Limited Partnership Phone: 712-204-1929

Address: PO Box 494

Signature: BooGE EXTENSIVE INC
by Kirk M Ivener President

Property Owner: Kirk Ivener Phone: 712-204-1929

Address: PO Box 494

Signature: _____

PLANNING COMMISSION RECOMMENDATION

Public Hearing Date: 8/28/19 @ 4:00 PM

Commission Recommendation ☐ Approve ☐ Deny

PUBLIC WORKS

Meeting Date: 9/3/19 @ 5:00 PM

Recommendation ☐ Approve ☐ Deny ☐ No Recommendation

CITY COUNCIL ACTION

1st Reading Date: 9/9 @ 5 PM Action: ☐ Approve ☐ Deny ☐ Suspend

2nd Reading Date: 9/23 @ 5 PM Action: ☐ Approve ☐ Deny ☐ Suspend

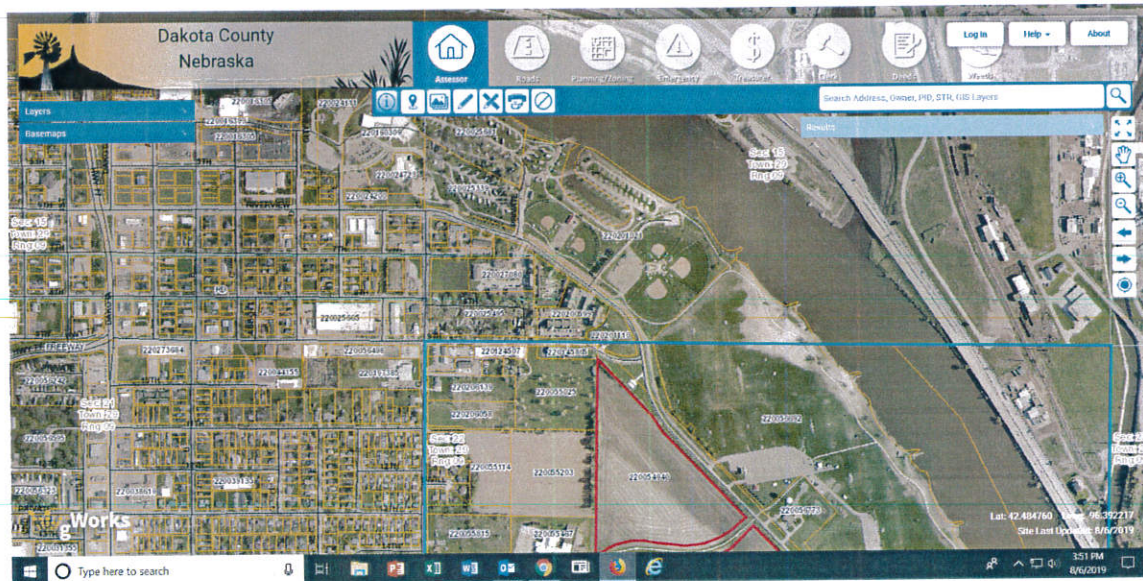
3rd Reading Date: 10/14 @ 5 PM Action: ☐ Approve ☐ Deny

Ordinance # _____

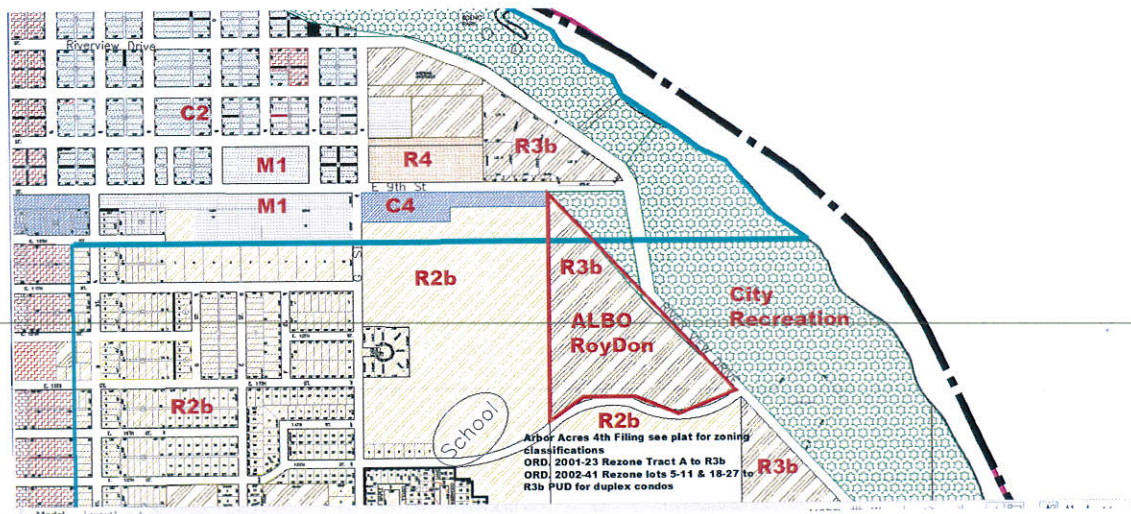
(NOTE: All meetings shall be held in the Council Chambers of City Hall unless otherwise noted.)

August 28, 2019 - ALBO rezoning request for RoyDon LLC mixed use development. Subject property is outlined in red below and located in the 1200 block of Riverview Drive.

Vicinity Map



Zoning Map



ALTA/ACSM LAND TITLE SURVEY
A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 22
TOWNSHIP 29 NORTH, RANGE 9 EAST, IN DAKOTA COUNTY, NEBRASKA

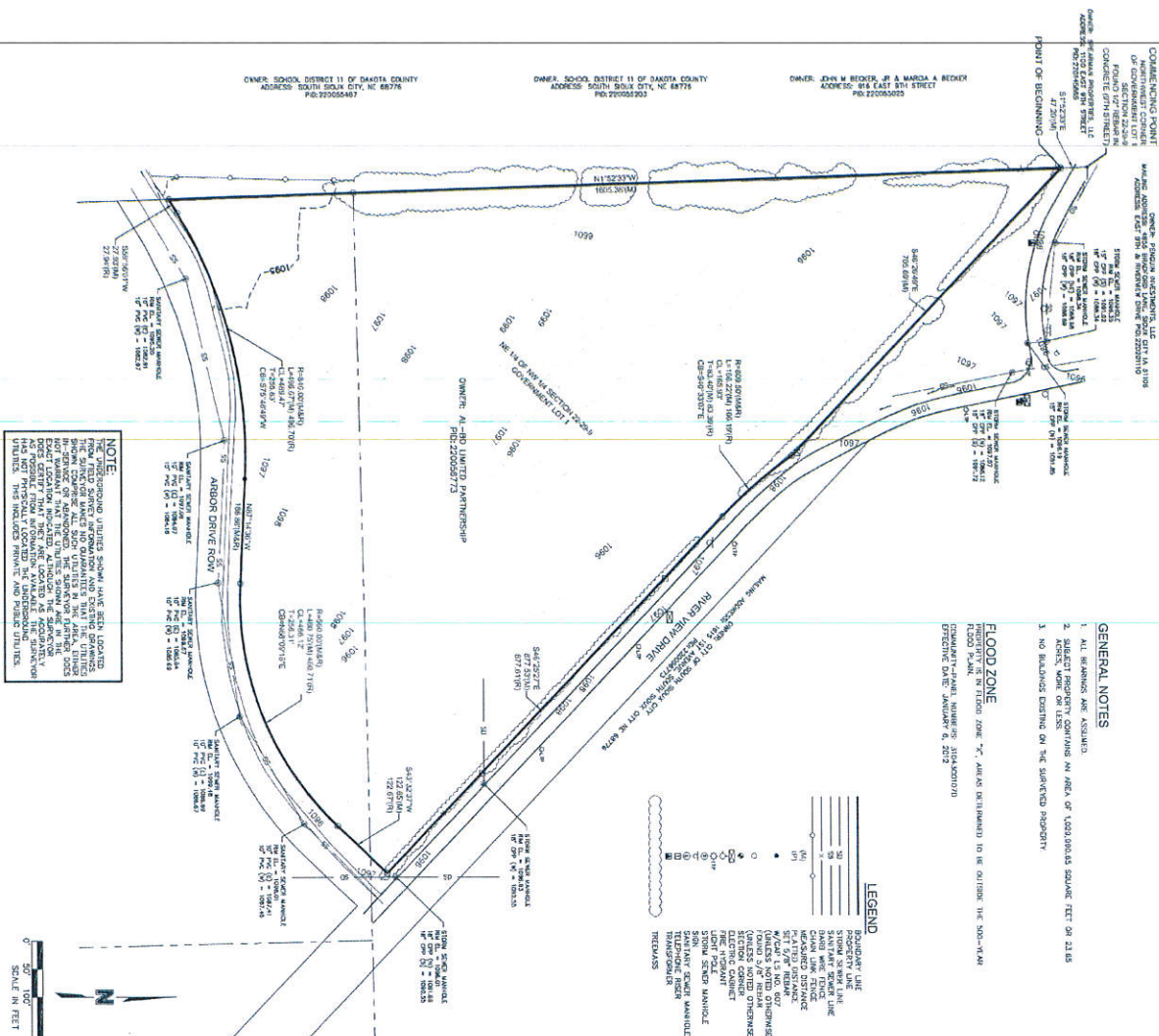
GENERAL NOTES

2. SUBJECT PROPERTY CONTAINS AN AREA OF 1,000,000.65 SQUARE FEET OR 23.85 ACRES, MORE OR LESS.

FLOOD ZONE
PROPERTY IS IN FIA

PROPERTY IS IN FLOOD ZONE "X", AREAS DEDICATED TO BE OUTSIDE THE 500-YEAR FLOOD PLAIN.
COMPLIANCE-PANEL NUMBER: 3104-K001070
EFFECTIVE DATE: JANUARY 6, 2012

LEGEND

[illegible]

NOTE: THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UTILITIES SHOWN COINCIDE WITH ALL SUCH UTILITIES. THE FIELD ENGINEER HAS BEEN ADVISED OF THE UTILITIES SHOWN AND IN THE EVENT OF ANY DISCREPANCY, THE UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. ALTHOUGH THE SURVEYOR DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE, THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. THIS INCLUDES PRIVATE AND PUBLIC UTILITIES.

0' 50' 100' 200'

SCALE IN FEET

VICINITY MAP
NOT TO SCALE



THIS ZONING INFORMATION IS TAKEN FROM THE SOUTH SLOPE CITY INSPECTORS AND ZONING SERVICES DEPARTMENT AS OF THE DATE OF FEBRUARY 12, 2016. CONTACT THE INSPECTOR FOR VERIFICATION OF THE CURRENT ZONING CLASSIFICATION AND BUILDING SETBACK REQUIREMENTS (SEE TABLE A, ITEM 6(c) AND (b) OF THE 2011 ALTA/ACSM STANDARD DETAIL REQUIREMENTS).

LOT SETBACKS

	(ZONE 18-30)
MINIMUM LOT AREA/acre (50% min. FEET)	16,000**
MINIMUM LOT AREA/acre (25% min. FEET)	12
MINIMUM LOT WIDTH	40
MINIMUM LOT DEPTH	105
MINIMUM FRONT YARD	50
MINIMUM SIDE YARD (MINOR STREET)	15/7.5
MINIMUM REAR YARD	25
MINIMUM LOT AREA/acre (25% min. FEET)	30/3

TITLE COMMITMENT LEGAL DESCRIPTION

CHI ILL & ESCHOM, AS AUTHORIZED AGENT OF
CHICAGO TITLE INSURANCE COMPANY
FILE NO. 1521760
EFFECTIVE DATE: JANUARY 11, 2014 AT 6:00 A.M.
TO BE DETERMINED BY SURVEY

AS SURVEYED LEGAL DESCRIPTION

IN DAKOTA COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AN ASSUMED BEARING OF $501^{\circ}52.5'$
FEET TO A NON-TANGENT CURVE,

[illegible]

**SCHEDULE B - SECTION 2
EXCEPTIONS**

EXCEPTIONS

③ THE EFFECT OF MATTERS DISCLOSED BY THE CERTIFICATE OF SURVEY, FILED JUNE 6, 2012 OR DATED JANUARY 19, 2011 AS DOCUMENT NO. 12-026088, (DOES NOT AFFECT SUBJECT PROPERTY)

SURVEYOR'S CERTIFICATION:

[illegible]

Try & Rank

ALTA/ACSM LAND TITLE SURVEY
AL-BO LIMITED PARTNERSHIP

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 22
TOWNSHIP 29 NORTH, RANGE 9 EAST, IN DAKOTA COUNTY, NEBRASKA.

SHEET

1

REVISIONS



MOLSSON
ASSOCIATES

2111 South 67th Street, Suite 200 TEL 402.341.1116
Omaha, NE 68106 FAX 402.341.5885 www.obscnassociates.com

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