

A PLANNING COMMISSION AGENDA
Wednesday, July 14, 2021
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 June 9, 2021 Planning Commission meeting.

4. NEW BUSINESS

- a) **Public Hearing Alley Vacation in the 600 Block of West 27th Street.** Property owner Judd Jager has submitted an alley vacation request to vacate the north south alley adjacent to Lots 1, 2, 3 and 4 and Lots 5, 6, 7 and 8 Block 24 Second Railway Addition.
- b) **Public Hearing River View Business Park Subdivision Final Plat -** The city has received a final plat for the River View Business Park Subdivision consisting of 6 lots totaling 23.65 acres more or less for residential and light commercial uses. This subdivision is part of the RoyDon mixed use development project. What is identified as lots 1 and 2 is the location of 8 multifamily dwelling buildings and a community center currently under construction. This subdivision is legally described as follows;

A tract of land located in the NW¼ of Section 22, T29N, R9E, to the City of South Sioux City, in Dakota County Nebraska being more particularly described as follows:

Commencing at the NW corner of Government Lot 1 in said Section 22; thence southerly on an assumed bearing of S01°05'23"E (with all subsequent bearings referenced therefrom) for a distance of 47.20 feet to the Point of Beginning; thence S46°26'49"E for a distance of 705.69 feet along the west right-of-way of River View Drive and to a non-tangent curve also being the southwesterly right-of-way line, an arc length of 166.22 feet (long chord bears S40°33'07"E, 165.93 feet); thence S46°25'27"E on said southwest right-of-way line of River View Drive for a distance of 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; S43°32'37"W for a distance of 122.65 feet to a point of curvature; on a 560.00 foot radius curve to the right, an arc length of 480.75 feet (long chord bears S68°19'08"W for a distance of 466.12 feet); thence N87°14'36"W for a distance of 186.86 feet to a point of curvature; on a 840.00 foot radius curve to the left, an arc length of 496.67 feet (long chord bears S75°48'49"W for a distance of 489.47 feet); thence S59°56'01"W for a distance of 27.93 feet; thence N01°05'23"W for a distance of 1,605.38 feet to the Point of Beginning.

Said described parcel contains 23.65 acres.

Said parcel being subject to all easements and right-of-ways of record.

- c) **2021 Nebraska Planning and Zoning Association Annual Conference September 15-17**

ADJOURNMENT

CITY OF SOUTH SIOUX CITY, NEBRASKA
PLANNING COMMISSION MINUTES
6/9/2021

A regular meeting of the Planning Commission of the City of South Sioux City, Nebraska was held at the City Hall Council Chambers on 6/9/2021.

CALL TO ORDER

Chairman Arlan Kuehn called the meeting to order at 4:00 o'clock P.M.

ROLL CALL	Present	Absent
Arlan Kuehn Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Robert Rapp	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Lounsbury	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Chance Bracht	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mike Wojcik	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Martin Hohenstein	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gary Ogden	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Bret Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tim Pickinpaugh	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lance Morgan Alternate	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Staff in attendance: Kent Zimmerman and Joe Conley

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

Chairman Arlan Kuehn 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.

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APPROVE MINUTES

Brett Gotch moved Robert Rapp seconded to approve the minutes of the May 26, 2021, Planning Commission meeting. Motion carried with Kuehn, Rapp, Bracht, Wojcik, Hohenstein, Gotch and Pickinpaugh voting aye.

◆ *Sign minute book*

AGENDA ITEM: 4a) Public Hearing Rezoning – A tract of Land to be rezoned and subdivided located on Atokad Drive between Gateway Drive and Elmway Avenue containing 1.19 acres more or less from R4 to C4 legally described as;

A TRACT OF LAND LOCATED IN PART OF THE NORTHEAST QUARTER (NE1/4) OF SECTION 32, TOWNSHIP 29 NORTH, RANGE 9 EAST OF THE 6TH P.M., CITY OF SOUTH SIOUX CITY, DAKOTA COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 32 AND ASSUMING THE SOUTH RIGHT-OF-WAY LINE OF ATOKAD DRIVE TO HAVE A BEARING OF N87°51'48"E; THENCE S89°27'58"W AND ON THE SOUTH LINE OF A PARCEL PREVIOUSLY SURVEYED BY J.J. ANDRIST, L.S. #630, APRIL 27, 2017, A DISTANCE OF 420.15 FEET TO A 3/4" REBAR W/PSC; THENCE N02°05'52"W AND PARALLEL WITH THE EAST LINE OF SAID PREVIOUSLY SURVEYED TRACT, A DISTANCE OF 117.96 FEET TO A 3/4" REBAR W/PSC, SAID POINT BEING ON SAID SOUTH RIGHT-OF-WAY LINE OF ATOKAD DRIVE; THENCE N87°51'48"E AND ON SAID SOUTH RIGHT-OF-WAY LINE OF ATOKAD DRIVE, A DISTANCE OF 420.00 FEET TO THE NORTHEAST CORNER OF SAID PREVIOUSLY SURVEYED TRACT, SAID POINT BEING A 5/8" REBAR; THENCE S02°05'52"E AND ON THE EAST LINE OF SAID PREVIOUSLY SURVEYED TRACT, A DISTANCE OF 129.71 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 52009.12 SQUARE FEET OR 1.19 ACRES, MORE OR LESS.

Chairman Kuehn opened the public hearing. Chris Krueger came forward to describe the project and said the property will be developed and subdivided into a 3 lot commercial subdivision. Hohenstein expressed concerns he has received with the temporary closing of the new trail as fill is brought in to raise the lots out of the flood plain. Krueger explained that with the approval of this subdivision, the fill project would be completed within 3 weeks.

Robert Rapp moved and Mike Wojcik seconded to send a favorable recommendation to the city council on the request to rezone this property from R4 to C4. Motion carried with Kuehn, Rapp, Bracht, Wojcik, Hohenstein, Gotch and Pickinpaugh voting aye.

AGENDA ITEM: 4b. Public Hearing Regeurk Estates Subdivision Final Plat - Property owner Cardinal Capital Group, LLC has submitted a final plat for the Regeurk Estates Subdivision consisting of 3 lots to be developed commercially legally described as;

A TRACT OF LAND LOCATED IN PART OF THE NORTHEAST QUARTER (NE1/4) OF SECTION 32, TOWNSHIP 29 NORTH, RANGE 9 EAST OF THE 6TH P.M., CITY OF SOUTH SIOUX CITY, DAKOTA COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 32 AND ASSUMING THE SOUTH RIGHT-OF-WAY LINE OF ATOKAD DRIVE TO HAVE A BEARING OF N87°51'48"E; THENCE S89°27'58"W AND ON THE SOUTH LINE OF A PARCEL PREVIOUSLY SURVEYED BY J.J. ANDRIST, L.S. #630, APRIL 27, 2017, A DISTANCE OF 420.15

FEET TO A 3/4" REBAR W/PSC; THENCE N02°05'52"W AND PARALLEL WITH THE EAST LINE OF SAID PREVIOUSLY SURVEYED TRACT, A DISTANCE OF 117.96 FEET TO A 3/4" REBAR W/PSC, SAID POINT BEING ON SAID SOUTH RIGHT-OF-WAY LINE OF ATOKAD DRIVE; THENCE N87°51'48"E AND ON SAID SOUTH RIGHT-OF-WAY LINE OF ATOKAD DRIVE, A DISTANCE OF 420.00 FEET TO THE NORTHEAST CORNER OF SAID PREVIOUSLY SURVEYED TRACT, SAID POINT BEING A 5/8" REBAR; THENCE S02°05'52"E AND ON THE EAST LINE OF SAID PREVIOUSLY SURVEYED TRACT, A DISTANCE OF 129.71 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 52009.12 SQUARE FEET OR 1.19 ACRES, MORE OR LESS.

Chairman Kuehn opened the public hearing. Chris Krueger was present and available to answer questions.

Robert Rapp moved and Martin Hohenstein seconded to send a favorable recommendation on the Regeurk Estates Subdivision Final Plat to the city council as submitted. Motion carried with Kuehn, Rapp, Bracht, Wojcik, Hohenstein, Gotch and Pickinpaugh voting aye.

AGENDA ITEM: 4c. Public Hearing Amendment to the General Redevelopment Plan for the Northeast Redevelopment Area (First Amendment to the Hovey Construction Redevelopment Project)

Chairman Kuehn opened the public hearing. Michael Sands and Andy Hovey were present to speak in favor of the amendment. Michael Sands gave a brief history of the original TIF and described the second of four phases of the project. The amendment reflects the increased valuation of the homes being constructed and rolls extra TIF generated dollars into subsequent TIF eligible project costs. Hovey said he anticipates phase 2 new home construction to begin in the fall of 2021.

Martin Hohenstein moved and Mike Wojcik seconded to send a favorable recommendation to the city council on the first amendment to the general redevelopment plan for the Northeast Redevelopment Area. Motion carried with Kuehn, Rapp, Bracht, Wojcik, Hohenstein, Gotch and Pickinpaugh voting aye.

ADJOURNMENT

There being no further business to come before the Commission Robert Rapp moved and Tim Pickinpaugh seconded to adjourn the meeting at 4:18 o'clock P.M. Motion carried with Kuehn, Rapp, Bracht, Wojcik, Hohenstein, Gotch and Pickinpaugh 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

\$560-

PETITION FOR ALLEY VACATION

We, the undersigned, being the owners of record of the abutting real estate, hereby respectfully petition the Mayor and City Council to vacate the following property:

Legal Description: Vacant Alley Between Property
220158584 and 220035148. see Attached

Reason for Alley Vacation: Expansion on Payment Drive to Property 220158584

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 alley vacation procedures attached to 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 \$ 560.00/.

Property Owner: Judd W Jager Phone: 712-253-2365
Address: 604 N 6th Street Dakota City 68731 / 616 W 27th Street
So. Sioux City NE 68776
Signature: Judd Jager

Property Owner: _____ Phone: _____

Address: _____

Signature: _____

Property Owner: _____ Phone: _____

Address: _____

Signature: _____

PLANNING COMMISSION RECOMMENDATION

Public Hearing Date: July 14, 2021 @

Time: 4:00 pm

Commission Recommendation Approve

Deny

No Recommendation

PUBLIC WORKS RECOMMENDATION

Public Hearing Date: July 19, 2021

Time: 5:00 pm

Commission Recommendation Approve

Deny

No Recommendation

CITY COUNCIL ACTION:

1st Reading Date: July 26, 2021 @ 5pm Action: Approve Deny Suspend

2nd Reading Date: Aug 9, 2021 @ 5pm Action: Approve Deny Suspend

3rd Reading Date: Aug 23, 2021 @ 5pm Action: Approve Deny

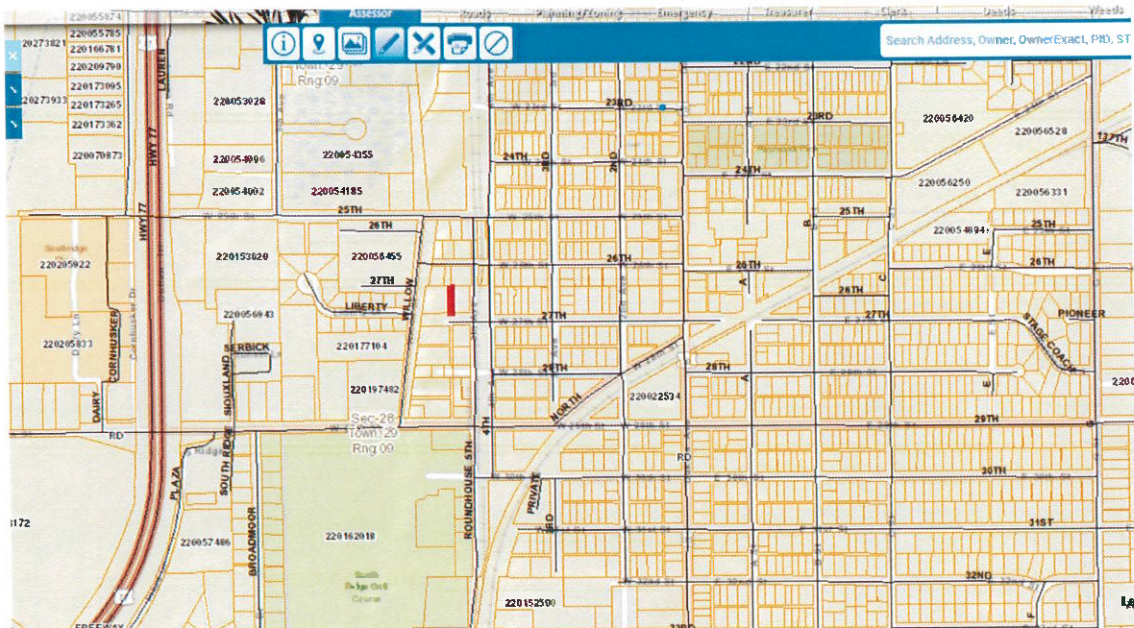
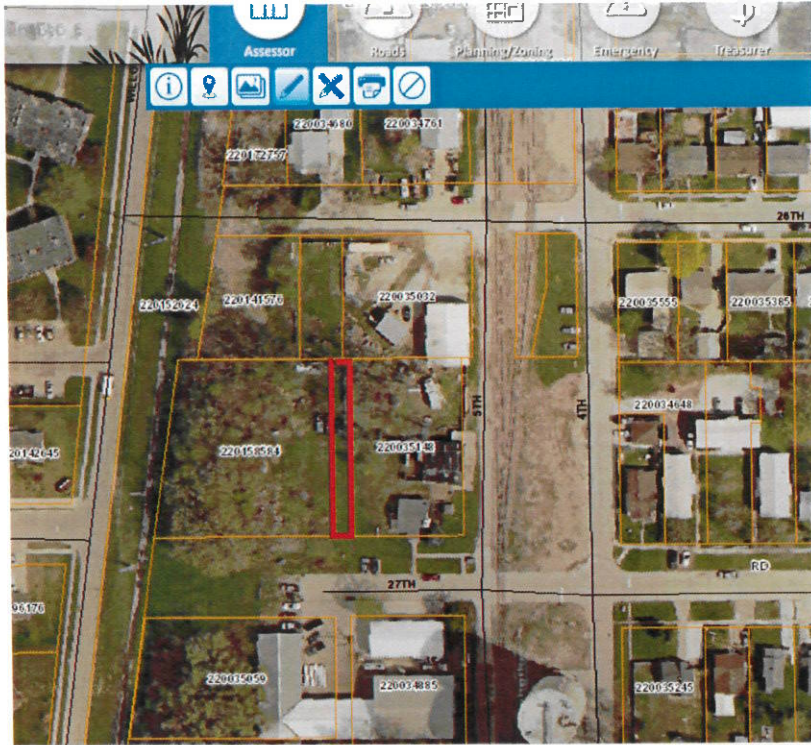
Ordinance # _____

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

June 10, 2021

Judd Jager Alley Vacation Request - located in the 600 Block of West 27th Street legally described as follows;

North South alley between and adjacent to Lots 1, 2, 3 and 4 Block 24 Second Railway Addition and Lots 5, 6, 7 and 8 Block 24 Second Railway Addition, South Sioux City, Dakota County, Nebraska.



**FINAL PLAT
OF
RIVER VIEW BUSINESS PARK SUBDIVISION
TO THE CITY OF SOUTH SIOUX CITY, DAKOTA COUNTY, NEBRASKA**

WAIVER

OWNER OF THE REAL ESTATE DESCRIBED IN THE ATTACHED LEGAL DESCRIPTION, HEREBY HOLD THE CITY OF SOUTH SIOUX CITY, NEBRASKA, HARMLESS FOR ANY DAMAGE OCCASIONED BY THE ESTABLISHMENT OF GRADES OR THE ALTERATION OF THE SURFACE OF ANY PORTION OF THE STREETS TO CONFIRM TO THE GRADES ESTABLISHED

BY:

_____(PRINT NAME)
_____(SIGNATURE) _____(TITLE)

STATE OF NEBRASKA
COUNTY OF DAKOTA

ON THIS ____ DAY OF _____, 2021, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY, PERSONALLY APPEARED _____(PRINT NAME) _____(TITLE), _____(OWNER), TO ME PERSONALLY KNOWN, HO BEING BY ME DULY SWORN.

MY COMMISSION EXPIRES _____
NOTARY PUBLIC

DEDICATION OF PLAT

KNOWIN ALL MEN BY THESE PRESENTS, THAT _____ BEING THE OWNER OF TEH LAND DESCRIBED HEREON, HAVE CAUSED SAME TO BE SURVEYED, SUBDIVIDED, PLATTED AND DESIGNATED AS "RIVER VIEW BUSINESS PARK SUBDIVISION" A TRACT OF LAND CONSISTING OF PART OF THE NORTH WEST ¼ OF SECTION 22, TOWNSHIP 29 NORTH, RANGE 8 EAST OF THE 6TH P.M., CITY OF SOUTH SIOUX CITY, DAKOTA COUNTY, NEBRASKA, AS SHOWN ON THE ON THE ACCOMPANYING PLAT THEREOF AND DO HEREBY DEDICATE THE ROAD RIGHT OF WAY, AS SHOWN THERON TO THE PUBLIC FOR THEIR USE FOREVER; AND HEREBY DEDICATE THE EASEMENTS, AS SHOWN THEREON TO THE PUBLIC SERVICE UTILITIES, TOGETHOR WITH THE RIGHTS OF INGRESS AND EGRESS HERETO, AND HEREBY PROHIBITING THE PLANTING OF TREES BUSHES AND SHRUBS, OR PLACING OTHER OBSTRUCTIONS UPON, OVER, ALONG OR UNDERNEATH THE SURFACE OF SUCH EASMENTS, AND THAT THE FOREGOING ADDITION AS MORE PARTICULARLY DESCRIBED IN THE DESCRIPTION HEREON AS APPEARS ON THE PLAT IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH DESIRES OF THE UNDERSIGNED OWNERS AND PROPRIETORS.

IN WITNESS WHEREOF, I HAVE AFFIXED MY SIGNATURE HERETO, AT _____, NEBRASKA, THIS ____ DAY OF _____, 2021.

_____(OWNER)

BY:

_____(PRINT NAME)
_____(SIGNATURE) _____(TITLE)

STATE OF NEBRASKA
COUNTY OF DAKOTA

ON THIS ____ DAY OF _____, 2021, BEFORE ME, OTARY PUBLIC WITHIN AND FOR SAID COUNTY, PERSONALLY APPEARED _____(PRINT NAME) _____(TITLE), _____(OWNER), TO ME PERSONALLY KNOWN TO BE IDENTICAL PERSON WHOSE SIGNATURE IS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME AN AFFIXED MY OFFICIAL SEAL AT _____, NEBRASKA, ON THE DATE LAST ABOVE WRITTEN.

MY COMMISSION EXPIRES _____
NOTARY PUBLIC

LAYOUT ACCEPTANCE

_____, HEREBY CERTIFIES THAT THE STREET ARE LAID OUT IN ACCORDANCE WITH THE GENERAL PLAN OF SAID CITY.
OSCAR GOMEZ, ASSISTANT CITY ADMINISTRATOR.

SCHOOL ACCEPTANCE

THIS PLAT LYING ENTIRELY WITHIN COMBINED SCHOOL DISTRICT NUMBER 11, IN THE CITY OF SOUTH SIOUX CITY, IN THE COUNTY OF DAKOTA COUNTY, IN THE STATE OF NEBRASKA, WAS SUBMITTED TO THE BOARD OF EDUCATION OF SAID SCHOOL DISTRICT.

TODD STROM, SUPERINTENDENT SCHOOLS
SOUTH SIOUX CITY, DAKOTA COUNTY NEBRASKA

CITY COUNCIL RESOLUTION

RESOLUTION NO. _____
RESOLUTION ACCEPTING AND APPROVING THE FINAL PLAT OF "RIVER VIEW BUSINESS PARK SUBDIVISION", TO SOUTH SIOUX CITY, DAKOTA COUNTY, NEBRASKA

WHEREAS, THE PLANNING COMMISSION OF SOUTH SIOUX CITY, NEBRASKA, HAS RECOMMENDED THE ACCEPTANCE AND APPROVAL OF SAID PLAT;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOUTH SIOUX CITY, NEBRASKA, THAT SAID PLAT OF "RIVER VIEW BUSINESS PARK SUBDIVISION", A PLANNED UNIT DEVELOPMENT TO SOUTH SIOUX CITY, DAKOTA COUNTY NEBRASKA, AS HERETO ATTACHED AND FORMING PART OF THIS RESOLUTION, BE AND THE SAME HEREBY IS ACCEPTED AND APPROVED THE MAYOR AND THE CITY CLERK ARE HEREBY DIRECTED TO FURNISH TO DAKOTA COUNTY REGISTER OF DEEDS A CERTIFIED COPY OF THE RESOLUTION, AS REQUIRED BY LAW.

PASSED AND APPROVED THIS ____ DAY OF _____, 2021

APPROVED: _____
ROD KOCH, MAYOR

ATTEST: _____
NANCI WALSH, CITY CLERK

PLANNING COMMISSION

THE PLANNING COMMISSION HAS REVIEWED THIS PLAT AND HEREBY RECOMMENDS ITS ACCEPTANCE BY THE CITY COUNCIL ON THIS ____ DAY OF _____, 2021.

ARLAN KUEHN, PLANNING COMMISSION CHAIRMAN
SOUTH SIOUX CITY, NEBRASKA

ASSESSOR'S CERTIFICATION

STATE ASSESSOR FOR DAKOTA COUNTY CERTIFICATION OF FILING, FILED IN MY OFFICE AND ENTERED OF RECORD IN ACCORDANCE WITH THE LOTS, COMPRISED IN THE SAID PLAT OF AND ADDITION TO SOUTH SIOUX CITY, DAKOTA COUNTY, NEBRASKA, LISTED FOR TAXATION AS PROVIDED BY LAW, ON THIS ____ DAY OF _____, 2021.

CHRISTY ABTS, STATE ASSESSOR FOR DAKOTA COUNTY
DAKOTA COUNTY, NEBRASKA

REGISTER OF DEEDS CERTIFICATE

THIS INSTRUMENT WAS FILED FOR RECORD ON THIS ____ DAY OF _____, 2021 AT _____ O'CLOCK, _____ M. IN
RECORDED AS INSTRUMENT NUMBER _____
BOOK _____ PAGE _____ AND A FEE OF \$ _____ WAS PAID

JOAN SPENCER, DAKOTA COUNTY, NEBRASKA, REGISTER OF DEEDS



River View Business Park Subdivision

Legal Description:

A tract of land located in the NW¼ of Section 22, T29N, R9E, to the City of South Sioux City, in Dakota County Nebraska being more particularly described as follows:

Commencing at the NW corner of Government Lot 1 in said Section 22; thence southerly on an assumed bearing of S01°05'33"E (with all subsequent bearings referenced therefrom) for a distance of 47.20 feet to the Point of Beginning; thence S46°26'49"E for a distance of 705.69 feet along the west right-of-way of River View Drive and to a non-tangent curve also being the southwesterly right-of-way line, an arc length of 166.22 feet (long chord bears S40°33'07"E, 165.93 feet); thence S46°25'27"E on said southwest right-of-way line of River View Drive for a distance of 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; S43°32'37"W for a distance of 122.65 feet to a point of curvature; on a 560.00 foot radius curve to the right, an arc length of 480.75 feet (long chord bears S68°19'08"W for a distance of 466.12 feet); thence N87°14'36"W for a distance of 186.86 feet to a point of curvature; on a 840.00 foot radius curve to the left, an arc length of 496.67 feet (long chord bears S75°48'49"W for a distance of 489.47 feet); thence S59°56'01"W for a distance of 27.93 feet; thence N01°05'32"W for a distance of 1,605.38 feet to the Point of Beginning.

Said described parcel contains 23.65 acres.

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