

**PLANNING COMMISSION AGENDA**  
**Wednesday, November 8, 2023**  
**4:00 P.M. So Sioux City Council Chambers**

1. CALL MEETING TO ORDER

2. ROLL CALL

3. 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.

4. MINUTES

Approve the minutes of the August 23, 2023 Planning Commission meeting.

5. UNFINISHED BUSINESS

6. NEW BUSINESS

- a) **Public Hearing East 5<sup>th</sup> Street Vacation Marina Inn.** That portion of 5<sup>th</sup> Street adjacent to Blocks Twelve (12) and Thirteen (13) in Stanton Addition and Blocks Fifty (50) and Seventy-five (75) in Covington Addition, including the area adjacent to vacated Abbott Street, said portion lying between the East line of "C" Street and the West line of "D" Street all in South Sioux City, Dakota County, Nebraska. Total area of vacation is 31,530 square feet.

7. ANNOUNCEMENTS

8. ADJOURNMENT

**CITY OF SOUTH SIOUX CITY, NEBRASKA  
PLANNING COMMISSION MINUTES  
8/23/2023**

A regular meeting of the Planning Commission of the City of South Sioux City, Nebraska was held at the City Hall Council Chambers on 8/23/2023.

**CALL TO ORDER**

Chairman Arlan Kuehn called the meeting to order at 4:09 o'clock P.M.

<b>ROLL CALL</b>	<b>Present</b>	<b>Absent</b>
Arlan Kuehn Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Robert Rapp	<input type="checkbox"/>	<input checked="" type="checkbox"/>
John Lounsbury	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mike Wojcik	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Martin Hohenstein	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Gary Ogden	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Brett Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tim Pickinpaugh	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jared Langel	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Staff in attendance: Kent Zimmerman and Paola Velazquez

**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.

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**

Tim Pickinpaugh moved Jared Langel seconded to approve the minutes of the 08.09.23, Planning Commission meeting. Motion carried with Kuehn, Wojcik, Ogden, Gotch, Pickinpaugh, and Langel voting aye.

◆ *Sign minute book*

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**AGENDA ITEM:** a) Public Hearing Rezoning Lux Brothers, Inc. This meeting will be open to the public in the matter of rezoning that part of the following described tract of land currently zoned AGT to C4, located in the 500 block of Old Sawmill Road, legally described as follows;

ALL THAT PART OF GOVERNMENT LOT 4 AND THAT PART OF GOVERNMENT LOT 13, ALL IN SECTION 12, TOWNSHIP 88 NORTH, RANGE 48 WEST OF THE FIFTH PRINCIPAL MERIDIAN, DAKOTA COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHEAST CORNER OF SAID GOVERNMENT LOT 13 OF SAID SECTION 12; THENCE SOUTH 89°49'03" WEST ALONG THE SOUTH LINE OF SAID GOVERNMENT LOT 13 AND THE SOUTH LINE OF SAID GOVERNMENT LOT 4 FOR 1809.57' FEET TO THE SOUTHERLY PROJECTION OF THE EAST LINE OF LOT 5, HUGHES COMMERCIAL PARK, AN ADDITION TO DAKOTA COUNTY, NEBRASKA; THENCE NORTH 1°30'27" WEST ALONG SAID SOUTHERLY PROJECTION AND SAID EASE LINE FOR 1037.58 FEET TO THE SOUTH RIGHT OF WAY LINE OF STATE HIGHWAY NO. 20; THENCE NORTH 89°47'45" EAST ALONG SAID SOUTH RIGHT OF WAY LINE FOR 1810.87 FEET TO THE EAST LINE OF SAID GOVERNMENT LOT 13 OF SAID SECTION 12; THENCE SOUTH 1°26'06" EAST ALONG SAID EAST LINE FOR 1038.26 FEET TO THE POINT OF BEGINNING. SAID DESCRIBED PARCEL CONTAINS 43.125 ACRES, MORE OR LESS, WHICH INCLUDES 1.371 ACRES IN ROADWAY EASEMENT.

Chairman Kuehn opened the public hearing to comment. The following individuals spoke in opposition to the rezoning; Gary Richards 102 Rottunda Way, Carrie Furley 149 Rottunda Way, Dale Rawson 146 Rottunda Way, Dave Heeney 526 Old Saw Mill Road, Rodney & Jo Ann Harris 107 Hanks Way, Timothy Varvais 148 Cardinal Court. Concerns raised included; Property value decline, increased heavy traffic, neighborhood safety, effect of the list of allowable uses in the C4 zoning district on the residential neighborhood, noise nuisance. Petitioner Andy Lux addressing the commission said he understands the concerns but stated the development would be a positive development for the community. With the development of the land Lux said he has no intent to negatively impact the residential area and asked individuals to contact him directly to discuss their concerns. Staff provided the C zoning district allowable uses list for reference. Kuehn closed the hearing. Commission members discussed the concerns and the possibilities of a C4 zoning change.

Gary Ogden moved and Brett Gotch seconded to send a favorable recommendation to the city council on the rezoning request. Motion carried with Ogden, Gotch, and Langel voting aye. Wojcik voting nay. Kuehn abstained.

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**ADJOURNMENT**

There being no further business to come before the Commission Brett Gotch moved and Mike Wojcik seconded to adjourn the meeting at 5:07 o'clock P.M. Motion carried with Kuehn, Wojcik, Ogden, Gotch, Pickinpaugh, and Langel voting aye.

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CHAIRMAN

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VICE CHAIRMAN

Last form update 1/14/21

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.

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SECRETARY

## PETITION FOR STREET 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:** That portion of 5th Street adjacent to Blocks Twelve (12) and Thirteen (13) in Stanton Addition and Blocks Fifty (50) and Seventy-five (75) in Covington Addition, including the area adjacent to vacated Abbott Street, said portion lying between the East line of "C" Street and the West line of "D" Street all in South Sioux City, Dakota County, Nebraska. Total area of vacation is 31,530 square feet.

**Reason for Street Vacation:** Expansion and renovation of the Marriott Event Center.

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 street 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 will be paid upon approval of the request.

Property Owner: Marina Inn, Inc. Phone: 712-253-3242

Address: 385 E. 4th St., South Sioux City, NE 68776

Signature: 

John W. Gleason, President

Property Owner: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Signature: \_\_\_\_\_

Property Owner: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Signature: \_\_\_\_\_

### PLANNING COMMISSION RECOMMENDATION

Public Hearing Date: 11/8/23

Time: 4:00 pm

Commission Recommendation  Approve

Deny

No Recommendation

### PUBLIC WORKS RECOMMENDATION

Public Hearing Date: 11/20/23

Time: 5:00 pm

Commission Recommendation  Approve

Deny

No Recommendation

### CITY COUNCIL ACTION

1<sup>st</sup> Reading Date: 11/27/23

Action:  Approve  Deny  Suspend

2<sup>nd</sup> Reading Date: 12/11/23

Action:  Approve  Deny  Suspend

3<sup>rd</sup> Reading Date: 12/20/23

Action:  Approve  Deny

Ordinance # \_\_\_\_\_

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

October 20, 2023

Marina Inn, Inc. East 5<sup>th</sup> Street Vacation Legal Description and Vicinity Map

That portion of 5<sup>th</sup> Street adjacent to Blocks Twelve (12) and Thirteen (13) in Stanton Addition and Blocks Fifty (50) and Seventy-five (75) in Covington Addition, including the area adjacent to vacated Abbott Street, said portion lying between the East line of "C" Street and the West line of "D" Street all in South Sioux City, Dakota County, Nebraska. Total area of vacation is 31,530 square feet.

