

March 24, 2015

ALLIANCE CITY COUNCIL

SPECIAL MEETING, TUESDAY, MARCH 24, 2015

STATE OF NEBRASKA)
)
 COUNTY OF BOX BUTTE) §
)
 CITY OF ALLIANCE)

The Alliance City Council met in a Special Meeting, March 24, 2015 at 7:00 a.m. in the Board of Education Meeting Room, 1604 Sweetwater Avenue. A notice of meeting was published in the Alliance Times Herald on March 17, 2015. The notice stated the date, hour and place of the meeting, that the meeting was open to the public, and that an agenda of the meeting, kept continuously current, was available for public inspection at the office of the City Clerk in City Hall; provided the Council could modify the agenda at the meeting if it determined an emergency so required. A similar notice, together with a copy of the agenda, also had been delivered to each of the City Council Members. An agenda, kept continuously current, was available for public inspection at the office of the City Clerk during regular business hours from the publication of the notice to the time of the meeting.

Mayor Yeager opened the March 24, 2015 Special Meeting of the Alliance, Nebraska City Council at 7:00 a.m. Present were Mayor Yeager, Council Members Feldges, Jones, Seiler, and Korber-Gonzalez. Also present were City Manager Cox and City Clerk Jines.

- Mayor Yeager read the Open Meetings Act Announcement.
- A Public Hearing and the first reading of Ordinance No. 2772, which will approve the rezoning request of Grocery Kart, Inc., to rezone Lots 16-18, Block 23, Original Town to the City of Alliance from C-3 (Highway Commercial) to C-2 (Central Business District) was before Council for consideration. Council was provided with the following information:

Proposal: The request is to rezone Lots 16 through 18, Block 23, Original Town, addressed 210 Sweetwater Avenue from C-3, Highway Commercial to C-2, Central Business District. The rezone is required before an Administrative Replat of Lots 16 through 18 and Lots 13 through 15, Block 23, Original Town, can be completed.

Current Legal Description: Lots 16 through 18, Block 23, Original Town, addressed 210 Sweetwater Avenue.

Rezone Location: The lot to be rezoned is on the northwest corner of the intersection of 2nd Street and Sweetwater Avenue.

Planning Analysis:
Zoning: The land is currently zoned C-3, Highway Commercial. The land is bordered to the north and east by C-3, Highway Commercial Zoning, to the west

March 24, 2015

by C-2 Central Business District Zoning, and to the south by R-1, Single Family Residential Zoning.

Land Use: Retail sales establishments are a Permitted use in the C-2 Zoning District.

Lot Size/Area: The size of the lot is 22500 ft². There is not a minimum lot size within the C-2 Zoning District. The rezone will not create any non-conforming lot sizes.

Setbacks: The proposed rezone will decrease the required front setback from 15' to 0', the rear and side setbacks will remain the same at 0', and the side street setbacks will be decreased to 0' from 15'. The rezone will not create any nonconforming structures.

Comprehensive Plan: The development that would stem from this rezone would support the Comprehensive Plan by making the South Side neighborhood a more formidable presence in the community. The Comprehensive Plan describes this neighborhood as "fair at best" and "requires the attention of the community in economic development."

Public Comments:

As required by Section 115-41 (4), Notification Petitions were sent to property owners within a 300' radius of the subject property. The City mailed 27 petitions and as of March 19, 2015, the City had received three of them back. All were in favor of the rezone.

Staff Comments:

Grocery Kart of Alliance is requesting the Administrative Replat in order to remove the lot line between their two lots which will allow them to expand their building to the east. The Administrative Replat will combine the two lots into one, creating a lot with two different zoning districts. This rezone will prevent that scenario from happening.

Staff Recommendation:

Staff has asked the Planning Commission to recommend to the Alliance City Council, the rezone of Lots 16 through 18, Block 23, Original Town, from C-3 Highway Commercial to C-2 Central Business District.]

Mayor Feldges stated "now is the date, time, and place to conduct a Public Hearing to hear support, opposition, criticism, suggestions, or observations of the taxpayers relating to the rezoning request of Grocery Kart, Inc., to rezone Lots 16-18, Block 23, Original Town to the City of Alliance from C-3 (Highway Commercial) to C-2 (Central Business District)" and opened the public hearing at 7:02 a.m.

Becky Maser, part Owner of Grocery Kart, Inc., 932 Black Hills Avenue, Alliance, representing Grocery Kart, Inc., was present to speak in favor of the rezoning. In order to

March 24, 2015

proceed with obtaining a building permit for the addition to their current building, the rezoning needs to be approved.

Community Development Director Kusek addressed Council and informed them that the Alliance Planning Commission met last night and unanimously recommended the approval of the rezoning request of Grocery Kart, Inc.

Hearing no further testimony, the Public Hearing closed at 7:03 a.m.

A motion was made by Councilman Jones, seconded by Councilman Seiler to approve the first reading of Ordinance No. 2772 which City Clerk Jines read by title and follows in its entirety.

ORDINANCE NO. 2772

AN ORDINANCE OF THE CITY OF ALLIANCE, NEBRASKA, DEALING WITH ZONING, AMENDING THE DISTRICT ZONING MAP TO SHOW THAT LOTS 16, 17 AND 18, BLOCK 23, ORIGINAL TOWN, BOX BUTTE COUNTY, NEBRASKA, IS NOW INCLUDED AS A C-2 (CENTRAL BUSINESS) DISTRICT FROM A C-3 (HIGHWAY COMMERCIAL) DISTRICT, AND REPEALING PRIOR SECTIONS.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF ALLIANCE, NEBRASKA:

SECTION 1. Section 115-76 of the Alliance Municipal Code is amended to provide as follows:

115-76. DISTRICT MAP ADOPTED

Boundaries of the districts, as enumerated in section 115-75 are hereby established as shown on a map prepared for that purpose, which map is hereby designated as the zoning district map; and said map, and all the notations, references and information shown thereon is hereby made as much a part of these regulations as if the same were set forth in full herein. The city planning commission shall keep on file in their offices an authentic copy of said map, and all changes, amendments, or additions thereto.

When definite distances in feet are not shown on the zoning district map, the district boundaries are intended to be along existing street, alley or platted lot lines, or extensions of the same, and if the exact location of such lines is not clear, it shall be determined by the building inspector, due consideration being given to location as indicated by the scale of the zoning district map. This is to certify that the Zoning District Map described in the Alliance Municipal Code, passed this 24th day of March, 2015, is now the official Zoning District Map.

SECTION 2. Previously existing Section 115-76, and all ordinances, parts of ordinances, resolutions, and policies of the City of Alliance in conflict with the revisions set forth herein are hereby repealed.

March 24, 2015

SECTION 3. This ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

A motion to waive three separate readings of Ordinance No. 2771 on three different dates be suspended was made by Councilman Feldges. The motion was seconded by Councilman Jones.

Roll call vote to suspend three readings of Ordinance No. 2772 with the following results:

Voting Aye: Jones, Korber-Gonzalez, Seiler, Feldges.

Voting Nay: None.

Abstaining: Yeager*.

Motion carried.

Roll call vote to pass and adopt Ordinance No. 2772 with the following results:

Voting Aye: Jones, Korber-Gonzalez, Seiler, Feldges.

Voting Nay: None.

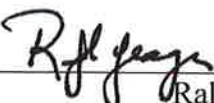
Abstaining: Yeager*.

Motion carried.

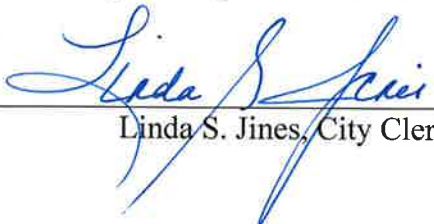
* Mayor Yeager abstained as he may be performing construction services for Grocery Kart, Inc. in the future.

- Mayor Yeager stated, "there being no further business to come before the Alliance City Council, the meeting is adjourned at 7:10 a.m."

(SEAL)



Ralph Yeager, Mayor



Linda S. Jines, City Clerk