

**ALLIANCE, NEBRASKA
PLANNING COMMISSION MEETING
Alliance Learning Center- Meeting Room C
1750 Sweetwater Avenue
March 11, 2025- 5:30 p.m.
AGENDA**

- **Call to Order**
 - **Roll Call**
 - **Open Meetings Act Announcement**
For the public's reference a copy of the Open Meetings Act has been posted on the north wall of this room in the audience area. This posting complies with the requirements of the Nebraska Legislature.
 - **Pledge of Allegiance**
- A. Approval of Meeting Minutes- February 11, 2025**
- B. Annexation – Public Hearing
Westco**
- Now is the date, time, and place to conduct a public hearing for the proposed annexation of A Tract of Land in the Southwest Quarter of Section 26, Township 25 North, Range 48 West of the 6th Principal Meridian, Box Butte County, Nebraska otherwise known as tax parcel number 070223807.
- Now is the date, time, and place to act on the proposed annexation of A Tract of Land in the Southwest Quarter of Section 26, Township 25 North, Range 48 West of the 6th Principal Meridian, Box Butte County, Nebraska otherwise known as tax parcel number 070223807.
- C. Planning Commission Training**
The Planning Commission will receive training on Conditional Use Permits and Zoning.
- **Adjournment.**

Respectfully submitted,



Katherine Conrad

Planning Commission Administrative Secretary

Item A

Approval of Meeting Minutes

February 11, 2025

ALLIANCE PLANNING COMMISSION

REGULAR MEETING, TUESDAY FEBRUARY 11, 2025

The Alliance Planning Commission met at their Regular Meeting Tuesday, February 11, 2025 at 5:30 p.m. at the Alliance Learning Center: Meeting Room C, 1750 Sweetwater Avenue. A notice of meeting was published in the Alliance Times Herald on January 29, 2025. The notice stated the date, time, 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 in the Community Development Office at City Hall; provided the Commissioners could modify the agenda at the meeting if it determined an emergency so required. A copy of the agenda had been delivered to each of the Planning Commission Members. An agenda, kept continuously current, was available for public inspection at the Community Development Office during regular business hours from the publication of the notice to the time of the meeting.

Chairman Davis opened the February 11, 2025 Regular Meeting of the Alliance, Nebraska Planning Commission at 5:30 p.m. Present were Board Members Vickie Mattox, Nancy Reiber, Richard Arndt, Ray Hielscher, Evan Mehne, and Wayne Davis. Also present were Community Development Director Brent Kusek and Administrative Secretary Katherine Conrad. Absent was Board Member Rick Turman.

- The first item on the agenda was the review and approval of the December 10, 2024 Planning Commission Meeting minutes.

A motion was made by Board Member Mattox, which was seconded by Board Member Hielscher to approve the June 11, 2024 Meeting Minutes as presented.

Roll call vote with the following results:

Voting Aye: Arndt, Hielscher, Mattox, Reiber, Mehne and Davis.

Voting Nay: None.

Motion Carried.

- The second item on the agenda was the proposed Final Plat for the Karell Addition, a 9.14 acre tract of land described as Part of the Southeast Quarter of the Northeast Quarter of Section 34 and Part of the Southwest Quarter of the Northwest Quarter of Section 35, Township 25 North, Range 48 West of the 6th Principal Meridian, Alliance, Box Butte County, Nebraska.

[The City of Alliance is in receipt of an application for the proposed Final Plat for the Karell Addition, a 9.14 acre tract of land described as Part of the Southeast Quarter of the Northeast Quarter of Section 34 and Part of the Southwest Quarter of the Northwest Quarter of Section 35, Township 25 North, Range 48 West of the 6th Principal Meridian, Alliance, Box

Butte County, Nebraska. Staff has provided the following exhibits for the Planning Commissions review:

1. Application for Final Plat;
2. Notification Letter to Alliance Public Schools;
3. Karell Final Plat;
4. Staff Report.]

Chairman Davis opened the Public Hearing at 5:32 p.m., asking anyone in favor or not in favor of the Final Plat to come forward and comment.

With no further testimony offered, Chairman Davis closed the Public Hearing at 5:33 p.m.

Community Development Director Kusek informed Board Members that the changes regarding the cul-de-sac had been made but the Public Works Elements had not been provided to staff.

A motion was made by Board Member Mehne, which was seconded by Board Member Mattox to recommend approval of the proposed Final Plat for the Karell Addition, a 9.14 acre tract of land described as Part of the Southeast Quarter of the Northeast Quarter of Section 34 and Part of the Southwest Quarter of the Northwest Quarter of Section 35, Township 25 North, Range 48 West of the 6th Principal Meridian, Alliance, Box Butte County, Nebraska contingent on staff receiving and reviewing public works elements finding that:

1. The subdivision would permit additional commercial development along Ramblin Road and Nebraska Highway 2.
2. The commercial subdivision is consistent with the neighborhood identification in page LU 9 as commercial.
3. The Final Plat contains all components required by Section 107-82 of the Alliance Municipal Code.
4. Transportation routes along the west and east lot line would provide sufficient access to the proposed lots.
5. The subdivision meets the minimum requirements of Section 109-51 C-3, Heavy Commercial District (zoning) of the Alliance Municipal Code.

Roll call vote with the following results:

Voting Aye: Arndt, Hielscher, Mattox, Reiber, Mehne, and Davis.

Voting Nay: None.

Motion Carried.

- The third item on the agenda was proposed annexation of A Tract of Land in the Southwest Quarter of Section 26, Township 25 North, Range 48 West of the 6th Principal Meridian, Box Butte County, Nebraska otherwise known as tax parcel number 070223807.

A motion was made by Board Member Mehne, which was seconded by Board Member Hielscher to table this item until the next Planning Commission meeting due to no representation being present.

Roll call vote with the following results:

Voting Aye: Arndt, Hielscher, Mattox, Reiber, Mehne, and Davis.

Voting Nay: None.

Motion Carried.

Chairman Davis stated, "There being no further business to come before the Alliance Planning Commission, the meeting is adjourned at 5:36 p.m."

Wayne Davis,
Planning Commission Chairman

Katherine Conrad
Administrative Secretary

Item B

Public Hearing

Westco/Jirdon Annexation

Western Cooperative Corporation
P.O. Box H
Alliance, Nebraska 69301

December 13, 2024

City of Alliance
Community Development Department
P.O. Box D
Alliance, NE 69301

RE: Annexation Request

Dear Mr. Kusek,

Please consider this letter as a Request by Petition that the City of Alliance ("City") include property owned Jirdon Agri-Chemicals to be annexed in to the corporate limits of the City. This request is made pursuant to §16-117 of the Nebraska Revised Statutes.

The property for which annexation is requested is described in the survey attached hereto as Exhibit A.

In making this request, Petitioner does not waive the requirements of §16-120 of the Nebraska Revised Statutes, as these services are being provided to the property subject to annexation.

The undersigned represents that he is authorized by the owners of the above-described property with authority to act in all matters concerning the requested annexation.

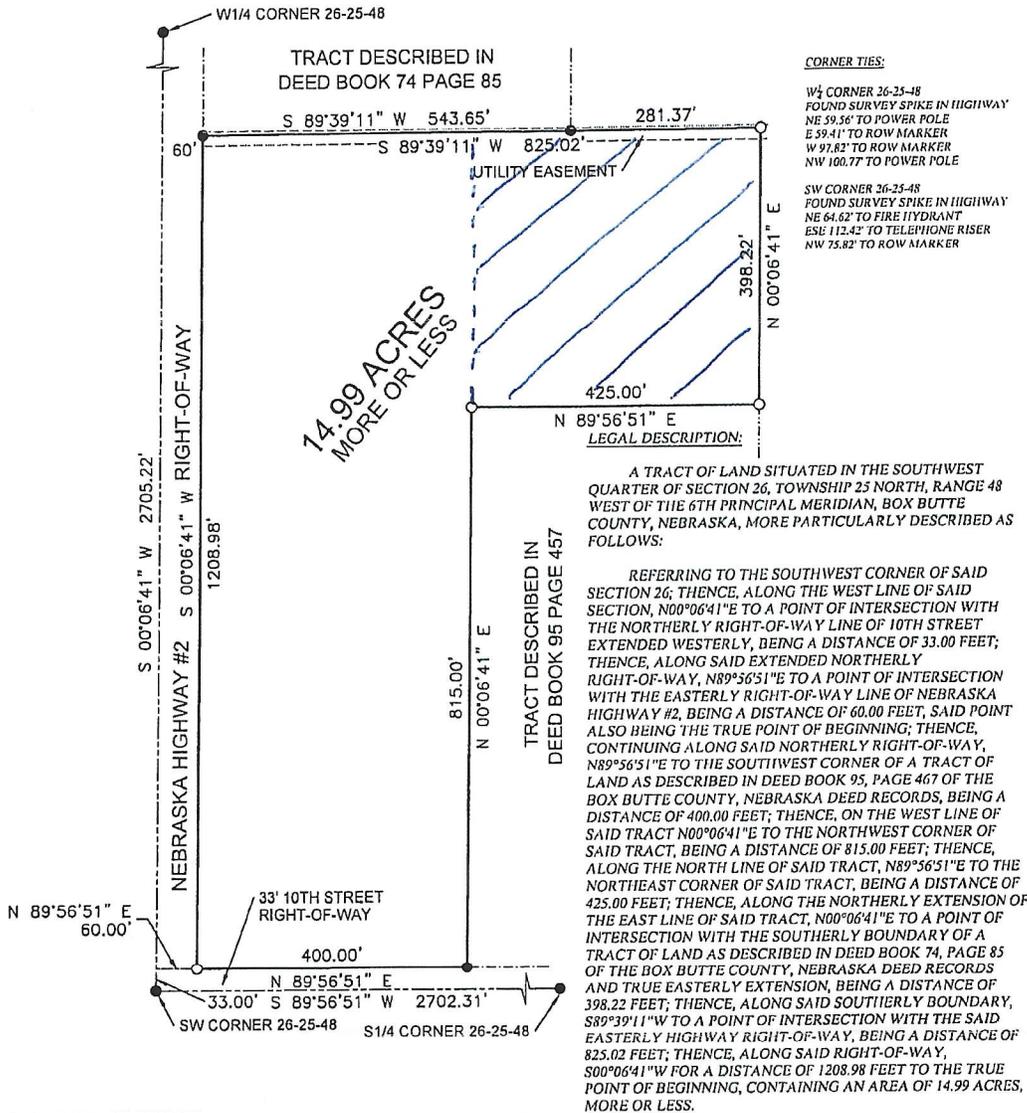
Sincerely,



David Briggs – President
Jirdon Agri-Chemicals, Inc.

RECORD OF SURVEY

TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 25 NORTH, RANGE 48 WEST OF THE 6TH P.M., BOX BUTTE COUNTY, NEBRASKA.



CORNER TIES:

W¹/₄ CORNER 26-25-48
 FOUND SURVEY SPIKE IN HIGHWAY
 NE 59.56' TO POWER POLE
 E 59.41' TO ROW MARKER
 W 97.82' TO ROW MARKER
 NW 100.77' TO POWER POLE

SW CORNER 26-25-48
 FOUND SURVEY SPIKE IN HIGHWAY
 NE 64.62' TO FIRE HYDRANT
 ESE 112.42' TO TELEPHONE RISER
 NW 75.82' TO ROW MARKER

LEGAL DESCRIPTION:

A TRACT OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 25 NORTH, RANGE 48 WEST OF THE 6TH PRINCIPAL MERIDIAN, BOX BUTTE COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

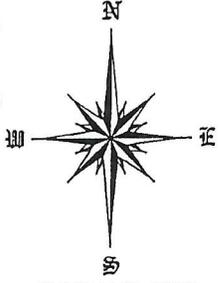
REFERRING TO THE SOUTHWEST CORNER OF SAID SECTION 26; THENCE, ALONG THE WEST LINE OF SAID SECTION, N00°06'41\"E TO A POINT OF INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF 10TH STREET EXTENDED WESTERLY, BEING A DISTANCE OF 33.00 FEET; THENCE, ALONG SAID EXTENDED NORTHERLY RIGHT-OF-WAY, N89°56'51\"E TO A POINT OF INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF NEBRASKA HIGHWAY #2, BEING A DISTANCE OF 60.00 FEET, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING; THENCE, CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY, N89°56'51\"E TO THE SOUTHWEST CORNER OF A TRACT OF LAND AS DESCRIBED IN DEED BOOK 95, PAGE 467 OF THE BOX BUTTE COUNTY, NEBRASKA DEED RECORDS, BEING A DISTANCE OF 400.00 FEET; THENCE, ON THE WEST LINE OF SAID TRACT N00°06'41\"E TO THE NORTHWEST CORNER OF SAID TRACT, BEING A DISTANCE OF 815.00 FEET; THENCE, ALONG THE NORTH LINE OF SAID TRACT, N89°56'51\"E TO THE NORTHEAST CORNER OF SAID TRACT, BEING A DISTANCE OF 425.00 FEET; THENCE, ALONG THE NORTHERLY EXTENSION OF THE EAST LINE OF SAID TRACT, N00°06'41\"E TO A POINT OF INTERSECTION WITH THE SOUTHERLY BOUNDARY OF A TRACT OF LAND AS DESCRIBED IN DEED BOOK 74, PAGE 85 OF THE BOX BUTTE COUNTY, NEBRASKA DEED RECORDS AND TRUE EASTERLY EXTENSION, BEING A DISTANCE OF 398.22 FEET; THENCE, ALONG SAID SOUTHERLY BOUNDARY, S89°39'11\"W TO A POINT OF INTERSECTION WITH THE SAID EASTERLY HIGHWAY RIGHT-OF-WAY, BEING A DISTANCE OF 825.02 FEET; THENCE, ALONG SAID RIGHT-OF-WAY, S00°06'41\"W FOR A DISTANCE OF 1208.98 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING AN AREA OF 14.99 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE:

I, SCOTT M. BOSSE, NEBRASKA REGISTERED LAND SURVEYOR NUMBER 603, DO HEREBY CERTIFY THAT I HAVE SURVEYED THE TRACT OF LAND DESCRIBED IN THE LEGAL DESCRIPTION AND SHOWN ON THE ACCOMPANYING DRAWING; THAT THE ACCOMPANYING DRAWING IS A CORRECT DELINEATION OF SAID SURVEY DRAWN TO A SCALE OF 200 FEET TO THE INCH; THAT SAID SURVEY AND DRAWING WAS CONDUCTED BY ME OR UNDER MY DIRECT SUPERVISION; THAT THE DISTANCES ARE GROUND DISTANCES GIVEN IN FEET AND DECIMALS OF A FOOT; AND THE MONUMENTS WERE FOUND OR SET AS INDICATED AND THE BOUNDARY IS DEPICTED BY A THICKENED SOLID LINE.

WITNESS MY HAND AND SEAL this 13th day of November, 2022.

Scott M. Bosse
 NEBRASKA REGISTERED LAND SURVEYOR NUMBER 603



SCALE 1"=200'
 ● = CORNER FOUND
 ○ = CORNER SET
 5/8"x24" REBAR PVC CAP

SURVEYOR NOTES:

- 1) THIS TRACT MAY BE SUBJECT TO EASEMENTS AND RIGHT-OF-WAYS OF RECORD OR APPARENT.
- 2) ONLY THE RECORD DOCUMENTS NOTED HEREON WERE PROVIDED TO OR DISCOVERED BY SURVEYOR. NO ABSTRACT, CURRENT TITLE COMMITMENT NOR OTHER RECORD TITLE DOCUMENTATION WAS PROVIDED FOR THIS SURVEY.

<p>SHEET 1 OF 1</p>	<p>PROJECT: WESTCO ALLIANCE 26-25-48 PAUL REED CONSTRUCTION & SUPPLY ALLIANCE, NEBRASKA</p>	<p>ACCUSTAR SURVEYING 30601 COUNTY ROAD 17 PHONE: (308) 623-0197 MITCHELL, NE 69357 CELL: (308) 631-0737</p>	<p>Scale 1"=200' Date: OCTOBER 5, 2022 Drawn By: SJB REVISION: NOVEMBER 13, 2023</p>
--------------------------------	---	---	---

Community Development Memorandum

To: City of Alliance Planning Commission
From: Brent Kusek – Development Director
Subject: Westco Annexation
Date: February 11, 2025

For the Planning Commissions consideration is a petition to annex from Westco doing business as Jirdon Agri-Chemicals Inc. The petition is to annex a 14.99 acre parcel of land located in The Southwest Quarter Of Section 26, Township 25 North, Range 48 West Of The 6th P.M., Box Butte County, Nebraska, as shown on Exhibit A of the petition. The annexation petition was required as a condition of a rezone of the same parcel of land from A-Agriculture to C-3, Heavy Commercial. This rezone occurred November 15, 2022, by the approval of Ordinance 2949. Staff recommends the annexation of the referenced tract of land making the following findings of fact:

1. The tract of land is urban and not rural in character;
2. The tract of land is adjacent to the corporate limits of the City of Alliance;
3. The tract of land is serviced by City utilities;
4. The tract of land is developed;
5. The tract of land is zoned C-3, Heavy Commercial;
6. The tract of land has access to public rights of way.
7. The annexation meets the requirements of Nebraska Revised Statutes 16-117.

16-117. Annexation; powers; procedure; hearing.

(1) Except as provided in sections 13-1111 to 13-1120 and 16-130 and subject to this section, the mayor and city council of a city of the first class may by ordinance at any time include within the corporate limits of such city any contiguous or adjacent lands, lots, tracts, streets, or highways as are urban or suburban in character and in such direction as may be deemed proper. Such grant of power shall not be construed as conferring power upon the mayor and city council to extend the limits of a city of the first class over any agricultural lands which are rural in character.

(2) The invalidity of the annexation of any tract of land in one ordinance shall not affect the validity of the remaining tracts of land which are annexed by the ordinance and which otherwise conform to state law.

(3) The city council proposing to annex land under the authority of this section shall first adopt both a resolution stating that the city is proposing the annexation of the land and a plan for extending city services to the land. The resolution shall state:

(a) The time, date, and location of the public hearing required by subsection (5) of this section;

(b) A description of the boundaries of the land proposed for annexation; and

(c) That the plan of the city for the extension of city services to the land proposed for annexation is available for inspection during regular business hours in the office of the city clerk.

(4) The plan adopted by the city council shall contain sufficient detail to provide a reasonable person with a full and complete understanding of the proposal for extending city services to the land proposed for annexation. The plan shall (a) state the estimated cost impact of providing the services to such land, (b) state the method by which the city plans to finance the extension of services to the land and how any services already provided to the land will be maintained, (c) include a timetable for extending services to the land proposed for annexation, and (d) include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after the annexation, and the general land-use pattern in the land proposed for annexation.

(5) A public hearing on the proposed annexation shall be held within sixty days following the adoption of the resolution proposing to annex land to allow the city council to receive testimony from interested persons. The city council may recess the hearing, for good cause, to a time and date specified at the hearing.

(6) A copy of the resolution providing for the public hearing shall be published in a legal newspaper in or of general circulation in the city at least once not less than ten days preceding the date of the public hearing. A map drawn to scale delineating the land proposed for annexation shall be published with the resolution. A copy of the resolution providing for the public hearing shall be sent by first-class mail following its passage to the school board of any school district in the land proposed for annexation.

(7) Any owner of property contiguous or adjacent to a city of the first class may by petition request that such property be included within the corporate limits of such city. The mayor and city council may include such property within the corporate limits of the city without complying with subsections (3) through (6) of this section.

(8) Notwithstanding the requirements of this section, the mayor and city council are not required to approve any petition requesting annexation or any resolution or ordinance proposing to annex land pursuant to this section.

Source: Laws 1967, c. 64, § 1, p. 213; Laws 1989, LB 421, § 1; Laws 2007, LB11, § 1; Laws 2009, LB495, § 3; Laws 2016, LB704, § 7.

Annotations

1. Character of land

2. Statute of limitations

3. Miscellaneous

1. Character of land

The use of land for agricultural purposes is not dispositive of the character of the land, nor does it mean it is rural in character. It is the nature of its location as well as its use which determines whether it is rural or urban in character. *Swedlund v. City of Hastings*, 243 Neb. 607, 501 N.W.2d 302 (1993).

A city of the first class may annex land contiguous to its corporate limits which is urban or suburban, including segments of highway, as determined by the characteristic of the land adjacent to that being annexed. *Piester v. City of North Platte*, 198 Neb. 220, 252 N.W.2d 159 (1977).

Under this section, a city of the first class may annex contiguous urban or suburban lands which are not agricultural lands rural in character. *Webber v. City of Scottsbluff*, 187 Neb. 282, 188 N.W.2d 814 (1971).

Agricultural lands which are urban not rural in character may be annexed. *Voss v. City of Grand Island*, 186 Neb. 232, 182 N.W.2d 427 (1970).

Section does not require legislative body to conduct trial-type evidentiary hearing or make express finding on character of land. *Meyer v. City of Grand Island*, 184 Neb. 657, 171 N.W.2d 242 (1969).

Words "as are urban or suburban in character" used in this section are not so vague and indefinite as to violate due process clause of the Constitution. *Plumfield Nurseries, Inc. v. Dodge County*, 184 Neb. 346, 167 N.W.2d 560 (1969).

The character of a segment of an interstate highway sought to be annexed by a city of the first class is determined by the characteristic of the land immediately adjacent to the segment sought to be annexed. *Adam v. City of Hastings*, 12 Neb. App. 98, 668 N.W.2d 272 (2003).

2. Statute of limitations

An action to enjoin a school district or part thereof, consequent upon annexation of territory by a city of the first class, is barred by the statute of limitations unless brought within one year from effective date of annexation ordinance. *School Dist. No. 127 of Lincoln County v. Simpson*, 191 Neb. 164, 214 N.W.2d 251 (1974).

3. Miscellaneous

So long as a substantial part of the connecting boundary touches the corporate limits, an annexation will not be void simply because parts of the connecting side do not touch the city or because portions of the annexed territory are narrower than the rest. *County of Sarpy v. City of Papillion*, 277 Neb. 829, 765 N.W.2d 456 (2009).

The valid part of an annexation ordinance may be carried into effect if what remains after the invalid part is eliminated contains the essential elements of a complete ordinance. *County of Sarpy v. City of Papillion*, 277 Neb. 829, 765 N.W.2d 456 (2009).

A city of the first class must adopt a specified annexation resolution and plan for extending services before annexing land. *City of Elkhorn v. City of Omaha*, 272 Neb. 867, 725 N.W.2d 792 (2007).

A city of the first class has no power to annex territory which is not contiguous or adjacent. *Doolittle v. County of Lincoln*, 191 Neb. 159, 214 N.W.2d 248 (1974).

City could not annex strategic air command base where its sole purpose was to increase city's revenue. *United States v. City of Bellevue*, 474 F.2d 473 (8th Cir. 1973).

United States had no standing to contest validity of city's annexation of alleged agricultural lands not owned and in which it had no interest, though but for such annexation lands of United States would not be lands contiguous to city, subject to annexation as such. *United States v. City of Bellevue*, 334 F.Supp. 881 (D. Neb. 1971).

Item C

Training

Rezone/Conditional Use
Permits