

City of Scottsbluff, Nebraska
Monday, February 1, 2016
Regular Meeting

Item Pub. Hear.1

Council to conduct a public hearing at 6:05 p.m. to consider an Ordinance creating requirements for the placement of shipping containers.

Staff Contact: Annie Folck, City Planner

Agenda Statement

Item No.

For meeting of: January 19, 2016

AGENDA TITLE: Council to set a public hearing for February 1, 2016 at 6:05 p.m. to consider an Ordinance creating requirements for the placement of shipping containers

SUBMITTED BY DEPARTMENT/ORGANIZATION: Planning and Zoning

PRESENTATION BY:

SUMMARY EXPLANATION: The City has recently received several inquiries about requirements for placing shipping containers on private property. Currently this issue is not addressed in our zoning code. The proposed ordinance limits the placement of shipping containers in Residential and Commercial zones by allowing it only temporarily (up to 30 days) for moving, with one 30 day extension available if more time is needed. In Ag or Manufacturing zones, shipping containers can be placed permanently if a building permit is obtained. The container must be kept in good repair and painted and must be used for storage of material that is incidental to the permitted or accessory use of the lot.

BOARD/COMMISSION RECOMMENDATION: Planning Commission recommends approval of this ordinance (see attached minutes).

STAFF RECOMMENDATION: Recommend approval of the ordinance

EXHIBITS

Resolution Ordinance Contract Minutes Plan/Map

Other (specify) _____

NOTIFICATION LIST: Yes No Further Instructions

APPROVAL FOR SUBMITTAL: _____
City Manager

Rev 3/1/99CClerk

AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA AMENDING CHAPTER 25, ARTICLE 3, SECTION 25 OF THE SCOTTSBLUFF MUNICIPAL CODE IN DEALING WITH ZONING AND MISCELLANEOUS REGULATIONS BY INCLUDING REGULATIONS CONCERNING SHIPPING CONTAINERS USED FOR STORAGE, ADDING §25-3-25(16) RESTRICTING THE USE OF SHIPPING CONTAINERS AS STORAGE, REPEALING ALL PRIOR SECTIONS, PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.

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

Section 1. Chapter 25, Article 3, Section 25 of the Scottsbluff Municipal Code is amended by repealing the existing language and adding subsection (16) with the following language:

“Section 25-3-25. Miscellaneous regulations.

No provisions of this section, except sections 25-3-22 (1) and 25-3-22 (2) are applicable to a PBC Zone. Any provisions in the aforementioned sections which conflict with any of the provisions of Article 13 shall, to the extent of the conflict, constitute exceptions to and modify the conflicting provisions of such Article.

(1) Basement garages; grade. No basement garage may be constructed with a front entrance below the established grade nor may such an entrance be constructed in an existing building or structure, unless proper drainage, as determined by the development Services Director, is provided.

(2) Buildings, structure; design; construction. No building or structure may be erected or structurally altered unless its architectural design and construction conforms to applicable provisions of this Chapter insofar as such conformity may be accomplished without unreasonable hardship or substantial interference with the lawful intended use of such building or structure.

(3) Dwelling unit; inside entrance. Rooms within a dwelling unit must have their principal entrance from inside the dwelling unit.

(4) Grades; flood requirements. No building may be built, rented, or occupied which is located on a lot or other tract of land that does not comply with all lawful grade requirements for flood purposes.

(5) Ground cover, surfacing. Front yard and side yard setback areas may be landscaped and maintained with low ground cover, except in the case of an approved off-street parking area. Asphaltic concrete, masonry, rock, gravel or other forms of artificial surfacing may not be used as a principal ground cover.

(6) Manufactured Homes.

- a. A manufactured home shall be located and installed according to the same standards for foundation system, permanent utility connections, setback, and minimum square footage which would apply to a site-built, single-family dwelling on the same lot.
- b. Manufactured homes shall meet the following standards:
 1. The home shall have no less than nine hundred square feet of floor area;
 2. The home shall have no less than an eighteen-foot exterior width;
 3. The roof shall be pitched with a minimum vertical rise of two and one-half inches for each twelve inches of horizontal run;
 4. The exterior material shall be of a color, material, and scale comparable with those existing in residential site-built, single-family construction.
 5. The home shall have a nonreflective roof material which is or simulates asphalt or wood shingles, tile, or rock; and
 6. The home shall have wheels, axles, transporting lights, and removable towing apparatus removed.

Mobile Home Parks shall be excluded from these guidelines. All manufactured (mobile) homes shall meet the standards set forth in the HUD - Manufactured Housing & Standards or Verification of HUD Standard Upgrades.

(7) Multiple unit buildings; exits. Each dwelling unit in a multiple unit residence building, or in a multiple use building, shall have a front and rear exit, or an exit to a corridor on the same level which has a front and rear exit.

(8) Public storage garages; location. No public garage used only for storing motor vehicles may have either a motor vehicle entrance or exit which is within two hundred (200) feet of an

entrance or exit of any existing public or private school playground, public library, church, hospital, children's or old people's home, or a similar public or private institution. No public or private school playground, public library, church, hospital, children's or old people's home, or a similar public or private institution may be built within two hundred (200) feet of either the motor vehicle entrance or exit to a public garage used for storing motor vehicles.

(9) Public street; abut; necessity. No building or structure shall be so constructed on a lot or tract of land which does not abut on a public street for a distance of at least twenty (20) feet.

(10) Railroad premises; tracks; docks. A railroad right-of-way may be used for railroad or spur tracks. Loading and unloading platforms or structures may be located on a railroad right-of-way only if the abutting property is in a C-3 or M Zone and no R zone is within three hundred (300) feet of the platform or structure on the same side of the right-of-way.

(11) Residence buildings; number. Except as provided in Article 9, no more than one (1) building used for residence purposes may be located on any lot.

(12) Residence; sleeping quarters. Permanent sleeping quarters may not be located or used in any building or structure in an R zone other than a main residence building.

(13) Residence; rear of lot. No building, designed to provide living or sleeping quarters, or both, may be located on an interior lot to the rear of the main building which is used for nonresidence purposes.

(14) Single family dwelling; walls. A single family dwelling shall be constructed as a single building with connecting walls. The plane surface of any connecting wall shall be at least eight (8) feet in length.

(15) Quonset; R zone. No quonset-type building or structure may be built or placed on any lot or tract of land in an R zone.

(16) Shipping containers.

- a. Shipping containers defined. For the purposes of this Chapter, a shipping container shall mean any container, which may otherwise be known as a container, freight container, ISO container, shipping container, high-cube container, box, C container or container van, designed to store and move materials and products across various modes of the Intermodal Freight Transportation System.
- b. General restrictions for shipping containers:
 1. A shipping container may be placed in the front yard setback only if being used for moving or relocating purposes.
 2. A shipping container may not be placed within the site triangle as defined in Section 25-2-104.1 of the Scottsbluff Municipal Code.
 3. A shipping container may not exceed 8 feet in width, 9 feet in height or 40 feet in length.
 4. A shipping container must be kept out of easements, public rights-of-way, and setbacks except as otherwise provided for in this Code.
 5. A shipping container may be placed on a lot without a permit if it is incidental to the permitted construction activities on the same lot. The shipping container must be removed at the completion of the construction project or expiration of the building permit.
- c. Residential and commercial zoning districts. No shipping container shall be allowed, except on a temporary basis for moving or actually used for shipping, in all residential and commercial zoning districts. A shipping container may be allowed on a developed lot for a period of 30 days if used for moving or shipping purposes. If additional time is required, the owner of the lot may apply for one 30 day extension.
- d. In Ag, M-1 and M-2 zoning districts, no shipping containers shall be allowed except as provided:
 1. A building permit is required for a shipping container which will remain on the lot for a period greater than six months and used for onsite storage of material incidental to the permitted or accessory use of the lot. The building permit must be procured through the Planning and Development Department of the City.
 2. A shipping container located in a front or side yard must be painted so no signage or language is visible.
 3. A shipping container may not be connected to any City utility.
 4. A shipping container must be kept in good repair with no holes or rust.
 5. A shipping container must be placed on a level surface with a base of rock or concrete so as to prevent any settling of the shipping container while it is on the lot.

Section 2. Previously existing Section 25-3-25 and all other ordinances and parts of ordinances in conflict herewith are repealed. Provided, however, this Ordinance shall not be construed to effect any rights, liabilities, duties or causes of action, either criminal or civil, existing or actions pending at the time when this Ordinance becomes effective.

Section 3. This Ordinance shall become effective upon its passage and approval as provided by law, and publication shall be in pamphlet form.

PASSED AND APPROVED on _____, 2016.

Attest:

Mayor

City Clerk (Seal)

Approved as to form:

City Attorney

**Planning Commission Minutes
Regular Scheduled Meeting
January 11, 2016
Scottsbluff, Nebraska**

The Planning Commission of the City of Scottsbluff, Nebraska met in a regular scheduled meeting on Monday, January 11, 2016, 6:00 p.m. in the City Hall Council Chambers, 2525 Circle Drive, Scottsbluff, Nebraska. A notice of the meeting had been published in the Star-Herald, a newspaper of general circulation in the City, on January 1, 2016. The notice stated the date, hour and place of the meeting, that the meeting would be open to the public, that anyone with a disability desiring reasonable accommodation to attend the Planning Commission meeting should contact the Development Services Department, and that an agenda of the meeting kept continuously current was available for public inspection at Development Services Department office; provided, the City Planning Commission could modify the agenda at the meeting if the business was determined that an emergency so required. A similar notice, together with a copy of the agenda, also had been delivered to each Planning Commission member. An agenda kept continuously current was available for public inspection at the office of the Development Services Department at all times from publication to the time of the meeting.

ITEM 1: Chairman, Becky Estrada called the meeting to order. Roll call consisted of the following members: Anita Chadwick, Callan Wayman, Mark Westphal, Angie Aguallo, David Gompert, Henry Huber, Dana Weber, and Becky Estrada. Absent: Jim Zitterkopf. City officials present: Annie Urdiales, Planning Administrator, Annie Folck, City Planner, and Gary Batt, Code Administrator II.

ITEM 2: Chairman Estrada informed all those present of the Nebraska Open Meetings Act and that a copy of such is posted on bookcase in the back area of the City Council Chamber, for those interested parties.

ITEM 3: Acknowledgment of any changes in the agenda: Item 7B Rezone request from Ag to C-2 (Neighborhood & Retail Commercial) request changed to from Ag to O & P (Office & Professional).

ITEM 4: Business not on agenda: None

ITEM 5: Citizens with items not scheduled on regular agenda: None

ITEM 6: The minutes of November 23, 2015 were reviewed and approved. A motion was made to accept the minutes by Gompert, and seconded by Huber. **"YEAS"**: Huber, Gompert, Chadwick, and Estrada. **"NAYS"**: None. **ABSTAIN**: Wayman, Westphal, & Aguallo. **ABSENT**: Zitterkopf. Motion carried.

ITEM 7A: The Planning Commission opened a public hearing for a final plat request of Lots 1 & 2, Tracts B & C, Block 10, Five Oaks Subdivision. Baker and Associates have requested approval of a final plat for the applicant(s), C & T Holdings. The property is situated on the southwest corner of 42nd Street and Avenue G. These lots are located directly east of the Webb property which is currently being developed as Elite Health. Sewer lines to serve the two lots can be connected to existing lines along 40th Street and 42nd Street (see attached exhibit). A water line will need to be constructed between 42nd street and 40th Street for fire protection.

The sewer main along 42nd Street across from Avenue G will have to be extended, with another manhole installed on the west side of Avenue G that could then be tapped for these lots. Since there isn't anything developed to the south of Avenue G yet, for the time being it would be reasonable to complete the street to the south edge of Block 11 (the City would like to have a commitment that once 40th Street develops, Ave G will also be completed to the intersection with 40th Street, if it hasn't been completed by then). These things will be addressed in the developer's agreement.

Staff met with C & T Holding's representatives, Bill and Jim Trumbull and Baker and Associates, regarding comments from the City Consultant about the final plat, and adjustments were made. Baker and Associates will draft plans showing proof of feasibility for the sewer connection, and include it as part of

57 the developer's agreement the language for the water connection and fire protection (hydrant placement)
58 will also be addressed in the developer's agreement.

59
60 Bill Trumbull, representative, for C & T Holdings, spoke in favor of the plat; proposed lot 1 will be
61 developed first as a professional office building, the proposed developers will also purchase lot 2 and will
62 be able to have input on what and how the lot is developed in the future.

63
64 **Conclusion:** A motion was made by Westphal and seconded by Aguallo to approve the final plat of Lots
65 1 & 2, Tracts B & C, Block 10, Five Oaks Subdivision. "YEAS": Huber, Aguallo, Westphal, Wayman,
66 Chadwick, Gompert, Weber, and Estrada. "NAYS": None. ABSTAIN: None. ABSENT: Zitterkopf. Motion
67 carried.

68
69 **ITEM 7B:** The Planning Commission opened a public hearing for request to rezone Lots 1 & 2, Tracts B
70 & C, Block 10, Five Oaks Subdivision from Agricultural to O & P Office and Professional. The
71 original request was to change to C-2 Neighborhood and Retail Commercial. After some feedback from
72 the public the requested change was changed to O & P Office and Professional. The O & P zoning
73 district is a good transitional zone for this area as the properties to the north and east are residential and
74 the O & P zone is more restrictive in the permitted uses than the C-2 commercial zoning district, making it
75 a good transition from the abutting zoning districts. The C-2 property to the west is being developed as a
76 health facility and the proposed use for lot 1, will be for a professional office building as well.

77
78 Glen Vandenberg, property owner, of Townhomes to the east of Avenue G, addressed the Planning
79 Commission with concerns regarding the traffic. The townhomes and duplexes they manage see a lot of
80 traffic from the hospital. He would like to make sure this is something that is looked into before it is
81 developed by considering how traffic will flow through the area. There is a street to the east of Avenue G
82 which is a private street for the residential development. Avenue G and 40th Street are half streets and
83 unable to handle heavy traffic. Diane Vandenberg also expressed her concerns regarding the hospital
84 traffic on 40th Street and Avenue G.

85
86 Larry Gion a property owner on the corner of 40th & Avenue G, is also concerned about the traffic in this
87 area and would like to see things improved to accommodate better traffic flow. The Ag land to the
88 southwest has a hard time with the larger trucks used for the farm ground and at times drive over his
89 property to make the corner.

90
91 Mr. Trumbull addressed some of the traffic concerns, when lot 1 is developed Avenue G will be extended
92 south and when lot 2 is developed will be continued to 40th Street, the developer's agreement will have
93 language addressing both the half streets which will have to be developed before building development
94 will be approved on these lots, 40th Street will continue west to Avenue I, and curves a bit to slow traffic
95 down in this area. The development of lot 1 should have little impact on traffic. The other option to
96 develop this property would be as multi-family and multi-story development this would create more traffic
97 than a professional office. Mr. Trumbull believed that the office and professional designation would
98 create the least amount of traffic of all other options for the property. Mr. Trumbull also, indicated that the
99 Ag land may not be farmed this year with the development of Elite Health and the other professional
100 office building. With the widening of the streets and landscaping requirements the area should add to the
101 property values of the neighborhood. The intention is to enhance property values for the area.

102
103 Annie Folck, City Planner, noted that the preliminary plat for Five Oaks was approved with additional
104 access onto the subdivision from Avenue I, one will be 40th Street and the second will be to the south
105 which will be a cul-de-sac these access points have been approved by the State Highway Department.
106 Thus once the property is built out, Avenue G will no longer be the only outlet to the neighborhood. The
107 proposed O & P zone for the property will make a good transition between the residential zone to the east
108 and the C-2 zone to the west, and once the area is developed it will eliminate many of the current traffic
109 issues that result from the half street and the lack of other traffic outlets. The City recommends Lots 1 &
110 2, Tracts B & C, Block 10, Five Oaks Drive be rezoned to an O & P Office & Professional zoning district.

111

112 **Conclusion:** A motion was made by Weber and seconded by Chadwick to approve the proposed
113 rezoned for Lots 1 & 2, Tracts B & C, Block 10, Five Oaks subdivision from A – Agricultural to O & P
114 Office and Professional. “YEAS”: Weber, Westphal, Wayman, Aguillo, Chadwick, and Estrada.
115 “NAYS”: Gompert, and Huber. ABSTAIN: None. ABSENT: Zitterkopf. Motion carried.

116 **ITEM 7C:** The Planning Commission opened a public hearing for a proposed text amendment to
117 Chapter 25, Article 3, Section 25 of the zoning code dealing with miscellaneous regulations, by including
118 regulations for shipping containers. The language added is as follows:
119

120 **25-3-25(16) Shipping Containers.**

121 **A. Shipping containers defined.** For the purposes of this Chapter, a shipping container shall mean any
122 container, which may otherwise be known as a container, freight container, ISO container, shipping
123 container, high-cube container, box, C container or container van, designed to store and move materials
124 and products across various modes of the Intermodal Freight Transportation System.

125 **B. General restrictions for shipping containers:**

126 1. A shipping container may be placed in the front yard setback only if being used for moving or relocating
127 purposes.

128 2. A shipping container may not be placed within the site triangle as defined in Section 25-2-104.1 of the
129 Scottsbluff Municipal Code.

130 3. A shipping container may not exceed 8 feet in width, 9 feet in height or 40 feet in length.

131 4. A shipping container must be kept out of easements, public rights-of-way, and setbacks except as
132 otherwise provided for in this Code.

133 5. A shipping container may be placed on a lot without a permit if it is incidental to the permitted
134 construction activities on the same lot. The shipping container must be removed at the completion of the
135 construction project or expiration of the building permit.

136 **C. Residential and commercial zoning districts.** No shipping container shall be allowed, except on a
137 temporary basis for moving, in all residential and commercial zoning districts. A shipping container may
138 be allowed on a developed lot for a period of 30 days if used for moving purposes. If additional time is
139 required, the owner of the lot may apply for one 30 day extension.

140 **D. In Ag, M-1 and M-2 zoning districts,** no shipping containers shall be allowed except as provided:

141 1. A building permit is required for a shipping container which will remain on the lot for a period greater
142 than six months and used for onsite storage of material incidental to the permitted or accessory use of the
143 lot. The building permit must be procured through the Planning and Development Department of the
144 City.

145 2. A shipping container located in a front or side yard must be painted so no signage or language is
146 visible.

147 3. A shipping container may not be connected to any City utility.

148 4. A shipping container must be kept in good repair with no holes or rust.

149 5. A shipping container must be placed on a level surface with a base of rock or concrete so as to prevent
150 any settling of the shipping container while it is on the lot.

151
152 **Conclusion:** A motion was made by Westphal and seconded by Chadwick to approve the proposed
153 ordinance text amendment to Chapter 25, adding Section 25-3-25(16) definition and regulations for
154 shipping containers. “YEAS”: Gompert, Huber, Weber, Westphal, Wayman, Aguillo, Chadwick, and
155 Estrada. “NAYS”: None. ABSTAIN: None. ABSENT: Zitterkopf. Motion carried.
156

157 **ITEM 7D:** Daniel Bennet, Regional Planner with PAD and Annie Folck, City Planner, addressed the
158 Planning Commission, regarding updates to the Comprehensive Development Plan. Previous updates
159 were strategic economic development plans, and demographic trends. Since then have had some public
160 input as community participation is key to the updates of the plan. The online survey conducted had 186
161 responses, the three open houses held during parent teacher’s conferences providing a lot of good
162 feedback from the public. Focus groups included the Senior Center, Lakota Church, and Southeast
163 Scottsbluff – Guadalupe Center where Pastor Jon Sorenson was able to help with interpretation for the
164 Spanish speaking community. The Survey information and other updates are on online at the
165 Scottsbluffplanning.org website. Several of the comments asked for clean, safe neighborhoods, they like
166 the small town friendly community. We want Scottsbluff to be a place where current and future
167 generations want to pursue aspirations and see Scottsbluff as a place of opportunity. In the next ten

168 years would like to see interconnections of neighborhoods and amenities, sustainable development,
169 access to entertainment and recreation, and strong neighborhoods.
170

171 A Utility study was done, as the previous plan was lacking in utility updates, the study shows where
172 existing areas in town have existing infrastructure and could possibly develop first, the study also shows
173 where major improvements should be, along with water towers, lift stations, and treatment upgrades. This
174 gives the City a road map for future development and helps us to know where we can get the most value
175 for our investments in expanded infrastructure.
176

177 Annie F. and Daniel went through some highlights for vision development (why, how, what) and the future
178 land use maps. The new future land use map shows some new districts added, including mixed use
179 development and, Institutional (parks, hospitals, schools). This will allow more flexibility in certain areas
180 and allow for zoning codes that can reflect the unique existing or aspirational character of certain
181 neighborhoods. This information is currently posted on Scottsbluffplanning.org for the public to review.
182 The next step after the Comprehensive Plan is completed will be to look at our current zoning code and
183 see how it needs to be adjusted to allow the City to implement the vision that has been developed based
184 on public input. The implementation of the land use changes will be posted for public review and
185 feedback.
186

187 **ITEM 8: Unfinished Business:** The 2016 NPZA/APA conference is set for March 9th, 10th, and 11th in
188 Kearney, NE.
189

190 There being no further business, a motion to adjourn was made by Weber and seconded by Huber. The
191 meeting was adjourned at 7:40 p.m. “**YEAS**”: Gompert, Wayman, Westphal, Aguillo, Chadwick, Huber,
192 Weber, and Estrada. “**NAYS**”: None. **ABSTAIN**: None. **ABSENT**: Zitterkopf. Motion carried.
193

194 _____
195 Becky Estrada, Chairperson
196

197 Attest: _____
198 Annie Urdiales