

City of Scottsbluff, Nebraska

Monday, February 1, 2016

Regular Meeting

Item Pub. Hear.2

Council to conduct a Public Hearing at 6:05 p.m. to consider the Rezone of Proposed Lots 1 & 2, Tract B&C, Blk. 10, Five Oaks Subdivision, Scotts Bluff County, NE, from Agricultural to Office and Professional and approve the Ordinance.

Staff Contact: Annie Folck, City Planner

Agenda Statement

Item No.

For meeting of: February 1, 2016

AGENDA TITLE: Public Hearing for Rezone of Lots 1 & 2, Tracts B&C, Blk. 10, Five Oaks Subdivision, situated in the NW ¼ of Section 14, T22N, R55W of the 6th P.M., Scotts Bluff County, Nebraska from Ag to O-P

SUBMITTED BY DEPARTMENT/ORGANIZATION: Development Services

PRESENTATION BY: Staff

SUMMARY EXPLANATION: The applicant(s), C& T Holdings, has requested a rezone for the east 2.8 acres of proposed Lots 1, & 2, Tract B & C, Block 10, Five Oaks Subdivision situated in part of the NW¼ of Section 14 T22N, R55W of the 6th P.M., Scotts Bluff County Nebraska. The parcel is situated on the southwest corner of Avenue G & 42nd Street. The applicant is requesting a change from Agricultural to O-P Office and Professional; this change will create a logical transition from the residential zone on the east to the C-2 neighborhood commercial zone on the west. Staff has reviewed and makes positive recommendation of the rezone of proposed Lots 1 & 2, Tract B & C, Block 10 Five Oaks Subdivision from Ag to O-P with the approval of the final plat.

BOARD/COMMISSION RECOMMENDATION: The Planning Commission at their regular meeting of Jan 11, 2015 made positive recommendation to City Council (see attached minutes)

STAFF RECOMMENDATION: Approve ordinance to rezone proposed Lots 1 & 2, Tracts B&C, Blk. 10, Five Oaks Subdivision, situated in the NW ¼ of Section 14, T22N, R55W of the 6th P.M., Scotts Bluff County, Nebraska from Ag to O-P.

EXHIBITS

Resolution Ordinance x Contract Minutes x Plan/Map x

Other (specify) _____

NOTIFICATION LIST: Yes No Further Instructions William Trumbull, 1310 Circle Drive, Scottsbluff, NE 69361

APPROVAL FOR SUBMITTAL: _____
City Manager

ORDINANCE NO. _____

AN ORDINANCE DEALING WITH ZONING, AMENDING SECTION 25-1-4 BY UPDATING THE OFFICIAL ZONING DISTRICT MAP TO SHOW THAT PROPOSED LOTS 1 & 2, TRACT B & C, BLOCK 10, FIVE OAKS SUBDIVISION SITUATED IN PART OF THE NW¼ OF SECTION 14, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA, WHICH IS CURRENTLY ZONED AS AG- AGRICULTURAL, WILL NOW BE INCLUDED IN O-P OFFICE AND PROFESSIONAL, AND REPEALING PRIOR SECTION 25-1-4.

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

Section 1. Section 25-1-4 of the Municipal Code is amended to provide as follows:

25-1-4. Zones; location; maps. The boundaries of the zoning districts created in this chapter are shown on the zoning district map which is made a part of this municipal code. The zoning district map and all information shown thereon shall have the same force and effect as if fully set forth and described herein. The official zoning district map shall be identified by the signature of the Mayor, attested by the City Clerk under the following statement:

This is to certify that this is the official zoning district map described in §25-1-4 of the Scottsbluff Municipal Code, passed this 1st day of February, 2016.

Section 2. Previously existing Section 25-1-4 and all other Ordinances and parts of Ordinances in conflict with this Ordinance, are repealed. Provided, this Ordinance shall not be construed to affect 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, approval and publication as provided by law.

PASSED AND APPROVED on February 1, 2016.

ATTEST:

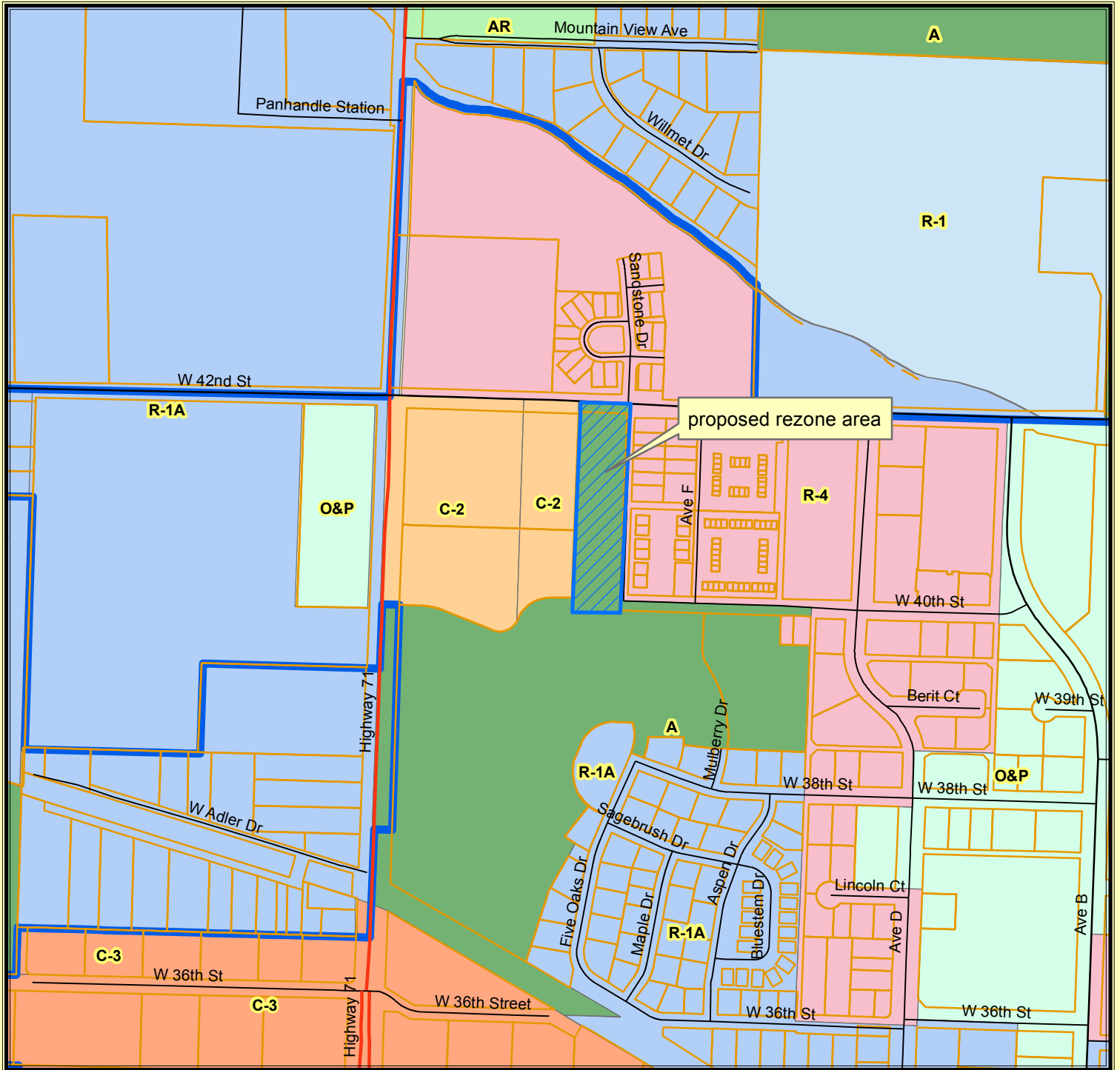
Mayor

City Clerk

(Seal)

Block 10, Five Oaks Subdivision

A - Agricultural to O & P Office & Professional

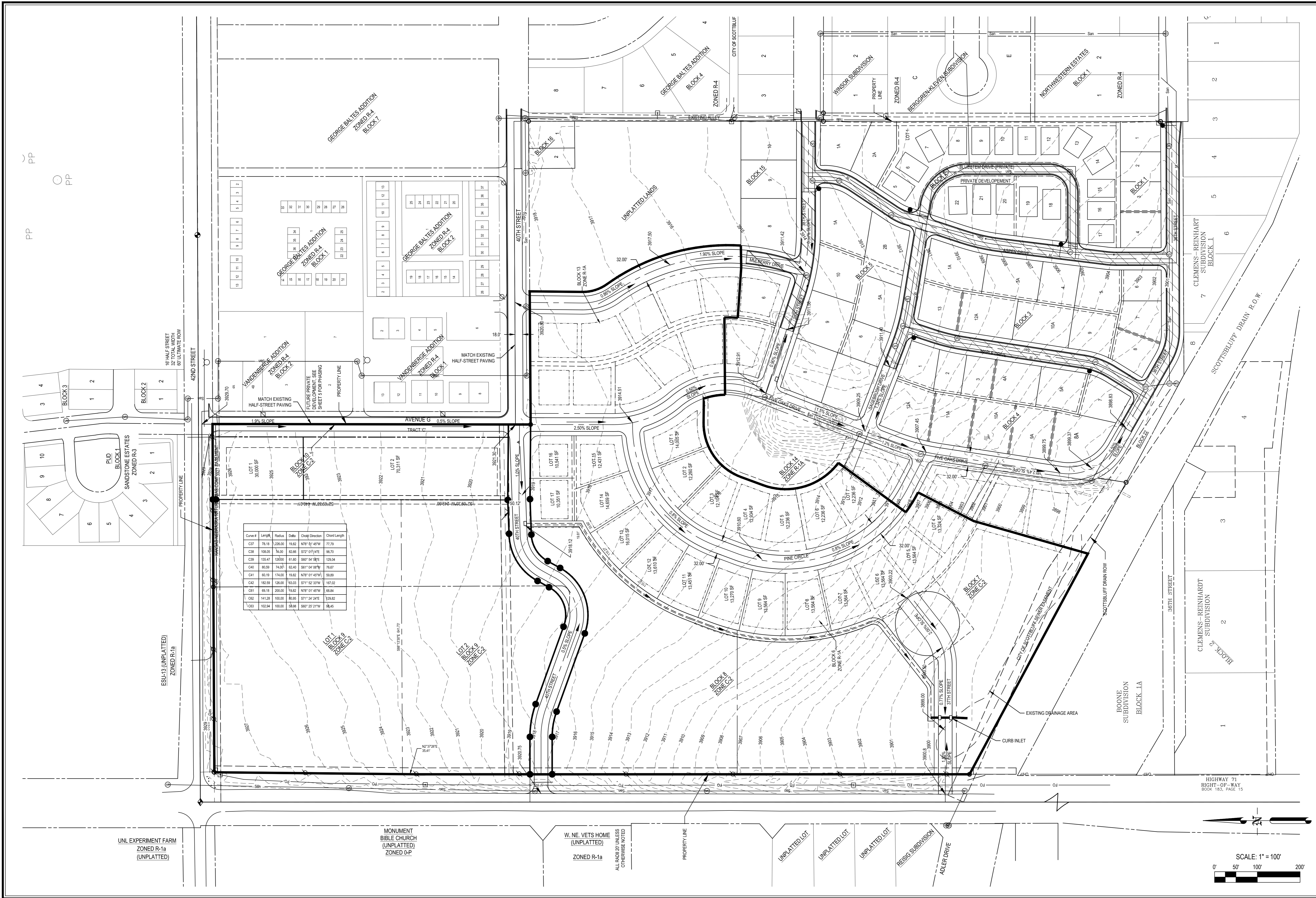


2/1/16



Map by A. Urdiales: City of Scottsbluff
Coordinate System:
NAD 1983 StatePlane Nebraska FIPS 2600 Feet
Lambert Conformal Conic

The City makes no representation or warranty as to the accuracy, timeliness, or completeness, and in particular, its accuracy in labeling or displaying dimensions, contours, property boundaries, or placement or location of any map features thereon.



PRELIMINARY PLAN
 NOT TO BE USED FOR
 CONSTRUCTION

Project Title:
**FIVE OAKS SUBDIVISION
 2015 REVISED PRELIMINARY PLAT**

C&T Holdings, LLC
 Scottsbluff, Nebraska

Sheet Title:
STREETS PLAN

Date Issued: April 2, 2015

Project: 023-018-14
 CAD File:
 023-018 Preliminary Plat 2015.dwg
 Design Drawing Check
 JWB JES

Sheet No.
C-1.03

**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, Aguallo, 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