

City of Scottsbluff, Nebraska

Monday, June 20, 2016

Regular Meeting

Item Subdiv.1

**Council to consider an Ordinance to vacate Lot 2A, Block 1,
Second Immigrant Trail Subdivision, Scotts Bluff County.**

Staff Contact: Annie Folck, City Planner

Agenda Statement

Item No.

For meeting of: June 20, 2016

AGENDA TITLE: Ordinance to Vacate – Lot 2A, Block 1, Second Immigrant Trail Subdivision, Scotts Bluff County, Nebraska.

SUBMITTED BY DEPARTMENT/ORGANIZATION: Development Services

PRESENTATION BY: Staff

SUMMARY EXPLANATION: This ordinance to vacate is part of a final re-plat for Lots 1 & 2, Block 6, Immigrant Trails, the 2.15± acres will be part of the six acres of Lot 1 which will be sold to James Becker.

BOARD/COMMISSION RECOMMENDATION: The Planning Commission approved the ordinance to vacate at their regular meeting of June 13, 2016.

STAFF RECOMMENDATION: Staff recommends City Council approve the ordinance to vacate.

EXHIBITS

Resolution Ordinance x Contract Minutes x Plan/Map

Other (specify) ☐ _____

NOTIFICATION LIST: Yes No x Further Instructions ☐

APPROVAL FOR SUBMITTAL: _____
City Manager

**Planning Commission Minutes
Regular Scheduled Meeting
June 13, 2016
Scottsbluff, Nebraska**

The Planning Commission of the City of Scottsbluff, Nebraska met in a regular scheduled meeting on Monday, June 13 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 June 3, 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, Angie Aguillo, Henry Huber, Jim Zitterkopf, Mark Westphal, Dana Weber, and Becky Estrada. Absent: Callan Wayman. City officials present: Annie Folck, City Planner, Annie Urdiales, Planning Administrator, 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: None

ITEM 4: Business not on agenda: None

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

ITEM 6: The minutes of May 9, 2016 were reviewed and approved. A motion was made to accept the minutes by Zitterkopf, and seconded by Chadwick. **"YEAS":** Chadwick, Zitterkopf, Westphal, and Estrada. **"NAYS":** None. **ABSTAIN:** Westphal, Weber, and Gompert. **ABSENT:** Wayman. Motion carried.

ITEM 7A: The Planning Commission opened a public hearing for a request for a special use permit. The applicant, Scott Larson owner of M & S Auto is requesting the special use permit to allow for auto sales in a C-2 Neighborhood and Retail Commercial zoning district. The property is situated on the east side of Avenue I between 24th and Canal Streets.

Auto sales are listed as special permits uses in a C-2 zoning district with approval from the Planning Commission. There are several pre-existing auto sales businesses in the C-2 zoning districts throughout the City.

The Planning Commission previously approved a special use permit to Mr. Larson on the corner of Ave. I & Canal St., and one to Bill Zitterkopf at 2417 Avenue I. Mr. Zitterkopf recently moved his auto sales to a C-3 zoning district, and Mr. Larson is asking to move his Auto Sales to the 2417 Avenue I location which has more space for his business. Ms. Tracy Bennet, property owner, of this property has asked that the Planning Commission approve this change in location for Mr. Larson, which will allow her to rent the space he is currently occupying to another tenant. Mr. Larson has submitted all the appropriate paper work for this permit; the City has not had any complaints about any of the businesses occupying this building on Avenue I.

The surrounding properties to the north and west, are zoned C-3 - Heavy Commercial, the south side of the property is O & P - Office & Professional, and to the east the zoning is R-1A – Single Family Residential.

Conclusion: A motion was made by Zitterkopf and seconded by Westphal to make a positive recommendation for approval to allow the special use permit for auto sales in the C-2 – Neighborhood & Retail Commercial zoning district to Scott Larson, owner of M & S Auto. “YEAS”: Aguillo, Huber, Zitterkopf, Westphal, Weber, Gompert, Chadwick, and Estrada. “NAYS”: None. ABSTAIN: None. ABSENT: Wayman. Motion carried.

ITEM: 7B: The Planning Commission opened a public hearing request for a Day Care Center in an R-1A Single Family Residential zoning district. The applicant and owner, Danielle Self is requesting a special use permit to allow her to continue an existing Daycare Center located at 1701 3rd Avenue which is in a residential zoning district. The property is situated on the northeast corner of 3rd Avenue and 17th Street, and is operating as Little Blessings Daycare Center.

Daycare Centers are listed under special permits uses in the R-1A residential zoning district with approval from the Planning Commission. The Fire Prevention Officer, Anthony Murphey, has inspected the business and made a positive recommendation of the Daycare, he also advised Ms. Self that even though the business has been operating as a daycare for a few years it did need a special use permit as the facility has over twelve children and the facility does not meet the zoning requirements of a home daycare. This property is licensed as a daycare and has been used as a daycare center by Ms. Self since 2010. Ms. Self has indicated that she uses this building in the summer months only, usually from June to August. The Daycare is licensed for twenty-nine children. All the necessary paperwork and notification has been completed for the special use permit, the City has not received complaints regarding the daycare center. Surrounding properties to the north, south, west, and east are all zoned R-1A – Single Family Residential.

Conclusion: A motion was made by Weber and seconded by Huber to approve the Daycare Center special use permit to Danielle Self, owner, of Little Blessings Daycare located at 1701 3rd Avenue. “YEAS”: Aguillo, Huber, Zitterkopf, Weber, Westphal, Gompert, Chadwick, and Estrada. “NAYS”: None. ABSTAIN: None. **ABSENT:** Wayman. Motion carried.

ITEM 7C: The Planning Commission opened a public hearing regarding proposed ordinance text changes to Chapter 25, Article 2, regarding Permanent Color Technology. The Planning Commission previously reviewed these changes/requests at the May 9th meeting and approved adding language allowing this type of facility as a permitted use by right in the O & P (office & professional) zoning district, along with the PBC (planned business center) zoning district and in residential zoning districts with a special permit from the Planning Commission, this is the a final review in ordinance form before forwarding to City Council for their approval.

Commissioners Weber and Gompert were not at the May meeting and asked for clarification of the hours which were a condition added to the permanent cosmetic facilities. At last month’s meeting the Planning Commissions discussion included limiting hours for this type of facility and had recommended adding a condition to limit the hours from 8:00 a.m. to 5:00 p.m.; this change is reflected in the proposed ordinance. Discussion regarding whether these hours would include any weekend hours and why would we single out this type of facility and not others listed under special permits which could look like we are singling them out from the other uses listed under special permits. The Commissioners recommended that the language regarding limiting the time requirement for the Permanent Cosmetic Facility be removed and when any special permits are requested regardless of use they as a board can require conditions at the time of the request if they determine conditions such as time restrictions are necessary to protect the character and intent of the residential zoning district.

Conclusion: A motion was made by Weber and seconded by Aguillo to approve the proposed ordinance amendment to allow for permanent cosmetic facilities in the O & P, & PBC zoning districts as a

permitted use by right and in R-1A residential zone with a special use permit from the Planning Commission, with the condition removing language limiting hours for the permanent cosmetic facility in an R-1a zoning district. "YEAS": Zitterkopf, Huber, Weber, Gompert, Chadwick, Westphal, Aguillo, and Estrada. "NAYS": None. ABSTAIN: None. ABSENT: Wayman. Motion carried.

ITEM 7D: The Planning Commission opened a public hearing for a preliminary and final plat of Lots 1 and 2, Block 6, Immigrant Trail Subdivision a replat of Block 6, Immigrant Trail Subdivision and part of Lot 2, Block 1, 2nd Immigrant Trail Subdivision. With an ordinance to vacate lot 2A, Block 1, Second Immigrant Trail Subdivision allowing for the 2.15± acres of lot 2A is included in Lot 1 of the final plat of Lots 1 & 2, Block 6, Immigrant Trail Subdivision for a total of six acres; this will leave approximately 39.22 acres in Lot 2, Block 6, Immigrant Trail subdivision. The City has entered into a contract for the sale of six acres in the Immigrant Trail Subdivision the proposed Lot 1, Block 6, Immigrant Trial Subdivision will be the parcel sold to Mr. James Becker. Mr. Becker hopes to move his trucking business to this parcel.

Conclusion: A motion was made by Weber and seconded by Gompert to make a positive recommendation to City Council to approve the ordinance to vacate Lot 2A, Block 1, 2nd Immigrant Trail Subdivision and the preliminary and final plat of Lots 1 & 2, Block 6, Immigrant Trail Subdivision a replat of Block 6, Immigrant Trail Subdivision and part of Lot 2, Block 1, 2nd Immigrant Trail Subdivision situated in the SE ¼ of Section 30, & the NE ¼ of Section 31, T22N, R54W of the 6th P.M., Scotts Bluff County, NE. "YEAS": Zitterkopf, Westphal, Weber, Gompert, Chadwick, Huber, Aguillo, and Estrada. "NAYS": None. ABSTAIN: None. ABSENT: Wayman. Motion carried.

ITEM 8: Unfinished Business: Annie Folck shared information on the Brownfield workshop which will be held Tuesday, June 14, 2016.

There being no further business, a motion to adjourn was made by Weber and seconded by Gompert. The meeting was adjourned at 6:25 p.m. "YEAS": Zitterkopf, Westphal, Weber, Huber, Chadwick, Gompert, Aguillo, and Estrada. "NAYS": None. **ABSTAIN:** None. **ABSENT:** Wayman. Motion carried.

Becky Estrada, Chairperson

Attest: _____
Annie Urdiales

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA, VACATING LOT 2A, BLOCK 1, SECOND IMMIGRANT TRAIL SUBDIVISION, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 30 AND THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 22 NORTH, RANGE 54 WEST OF THE 6TH P.M., IN SCOTTS BLUFF COUNTY, NEBRASKA.

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

Section 1. The City of Scottsbluff Nebraska (the “Owner”) as the owner of the real estate involved, have requested the Scottsbluff City Council to vacate the following real estate:

Lot 2A, Block 1, Second Immigrant Trail Subdivision, situated in the Southeast Quarter of Section 30 and the Northeast Quarter of Section 31, Township 22 North, Range 54 West of the 6th P.M., Scotts Bluff County.

Section 2. The City Council finds that it is the Owner and that it is in the best interests of the City of Scottsbluff that the real estate be vacated as requested.

Section 3. Lot 2A, Block 1, Second Immigrant Trail Subdivision, situated in the Southeast Quarter of Section 30 and the Northeast Quarter of Section 31, Township 22 North, Range 54 West of the 6th p.m., Scotts Bluff County, Nebraska, as more fully described above, is hereby vacated.

Section 4. This Ordinance shall become effective upon its passage, approval and publication in pamphlet form, as provided by law.

PASSED AND APPROVED on _____, 2016.

Mayor

ATTEST:

City Clerk (Seal)