

# **City of Scottsbluff, Nebraska**

**Monday, July 11, 2016**

**Regular Meeting**

**Item Appr. Min.1**

## **Minutes**

*Approve Minutes of June 13th, 2016 Meeting*

Staff Contact: Annie Urdiales

**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.

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

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

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

72

73 Daycare Centers are listed under special permits uses in the R-1A residential zoning district with approval  
74 from the Planning Commission. The Fire Prevention Officer, Anthony Murphey, has inspected the  
75 business and made a positive recommendation of the Daycare, he also advised Ms. Self that even  
76 though the business has been operating as a daycare for a few years it did need a special use permit as  
77 the facility has over twelve children and the facility does not meet the zoning requirements of a home  
78 daycare. This property is licensed as a daycare and has been used as a daycare center by Ms. Self since  
79 2010. Ms. Self has indicated that she uses this building in the summer months only, usually from June to  
80 August. The Daycare is licensed for twenty-nine children. All the necessary paperwork and notification  
81 has been completed for the special use permit, the City has not received complaints regarding the  
82 daycare center. Surrounding properties to the north, south, west, and east are all zoned R-1A – Single  
83 Family Residential.

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

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

98

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

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

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

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118 **ITEM 7D:** The Planning Commission opened a public hearing for a preliminary and final plat of Lots 1  
119 and 2, Block 6, Immigrant Trail Subdivision a replat of Block 6, Immigrant Trail Subdivision and part of Lot  
120 2, Block 1, 2<sup>nd</sup> Immigrant Trail Subdivision. With an ordinance to vacate lot 2A, Block 1, Second  
121 Immigrant Trail Subdivision allowing for the 2.15± acres of lot 2A is included in Lot 1 of the final plat of  
122 Lots 1 & 2, Block 6, Immigrant Trail Subdivision for a total of six acres; this will leave approximately 39.22  
123 acres in Lot 2, Block 6, Immigrant Trail subdivision. The City has entered into a contract for the sale of six  
124 acres in the Immigrant Trail Subdivision the proposed Lot 1, Block 6, Immigrant Trial Subdivision will be  
125 the parcel sold to Mr. James Becker. Mr. Becker hopes to move his trucking business to this parcel.

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

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

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

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143 Becky Estrada, Chairperson  
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145 Attest: \_\_\_\_\_  
146 Annie Urdiales