



SCOTTSBLUFF CITY

PLANNING COMMISSION AGENDA

Monday, July 11, 2016, 6:00 PM
Council Chambers City Hall, 2525 Circle Drive

**PLANNING
COMMISSIONERS**

BECKY ESTRADA
CHAIRPERSON

ANGIE AGUALLO
VICE CHAIRPERSON

DANA WEBER

HENRY HUBER

MARK WESTPHAL

CALLAN WAYMAN

DAVID GOMPERT

JIM ZITTERKOPF

ANITA CHADWICK

LINDA REDFERN
ALTERNATE

- 1. WELCOME TO THE PLANNING COMMISSION MEETING:** Chairman
- 2. NEBRASKA OPEN MEETINGS ACT:** For all interested parties, a copy of the Nebraska Open Meetings Act is posted on a bulletin board at the back of the council chambers in the west corner.
- 3. ROLL CALL:**
- 4. NOTICE OF CHANGES IN THE AGENDA:** Additions may not be made to this agenda less than 24-hours prior to the beginning of the meeting unless added under item 5 of this agenda.
- 5. CITIZENS WITH ITEMS NOT SCHEDULED ON THE REGULAR AGENDA:** As required by State Law, no item may be considered under this item unless the Planning Commission determines that the matter requires an emergency action.
- 6. APPROVAL OF THE PLANNING COMMISSION MINUTES FROM:**
 - A Minutes**
Approve Minutes of June 13th, 2016 Meeting
- 7. NEW BUSINESS:**
 - A Annexation Priorities - WITHDRAWN**
 - B E. Overland- Discussion on preliminary study for blight & substandard area**
 - C Discussion Tiny House Requirements**
- 8. ADJOURN**

The public is invited to participate in all Planning Commission Meetings. If you need special accommodations to participate in the meeting, please contact the Development Services Department at (308) 630-6243, 24-hours prior to the meeting.

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.

60

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.

66

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 3rd 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.

84

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 3rd Avenue.
87 “YEAS”: Aguillo, Huber, Zitterkopf, Weber, Westphal, Gompert, Chadwick, and Estrada. “NAYS”: None.
88 ABSTAIN: None. **ABSENT:** Wayman. Motion carried.

89

90

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.

110

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.

117
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, 2nd 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.

126
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, 2nd 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, 2nd Immigrant Trail Subdivision situated
131 in the SE ¼ of Section 30, & the NE ¼ of Section 31, T22N, R54W of the 6th 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.

134
135 **ITEM 8: Unfinished Business:** Annie Folck shared information on the Brownfield workshop which will
136 be held Tuesday, June 14, 2016.

137
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.

141
142 _____
143 Becky Estrada, Chairperson
144
145 Attest: _____
146 Annie Urdiales

City of Scottsbluff, Nebraska

Monday, July 11, 2016

Regular Meeting

Item NewBiz1

Annexation Priorities - WITHDRAWN

Staff Contact: Annie Folck

City of Scottsbluff, Nebraska

Monday, July 11, 2016

Regular Meeting

Item NewBiz2

E. Overland- Discussion on preliminary study for blight & substandard area

Staff Contact: Annie Folck



SCOTTSBLUFF PLANNING COMMISSION Staff Report

To: Planning Commission
From: Development Services Department
Date: July 11, 2016
Subject: Proposed Blight & Substandard Study
Location: East Overland Corridor Area

Background

The Scottsbluff Comprehensive Plan is the basis for future detailed area plans. One of the areas we are looking at is the East Overland Corridor. The once thriving East Overland Corridor is being looked at for a more detailed effort. Community support and understanding within the corridor will be a critical first step moving ahead. We also anticipate the need for overall community support.

One important tool to aid in planning and revitalizing the area is Tax Incremental Financing (TIF). A necessary step in the process of TIF is determining what area may be considered Blighted and Substandard. While the term is objectionable the principle is sound. There are numerous such areas within the city that have benefitted from this designation the most recent being the Reganis dealership and adjoining motel as well as the Monument Mall.

We are looking for Planning Commission support to move ahead with neighborhood meetings and relevant planning to accomplish a detailed plan and possible Blighted and Substandard designation. We are also requesting a motion to advance that support to the City Council for their endorsement.

RECOMMENDATION

Approve

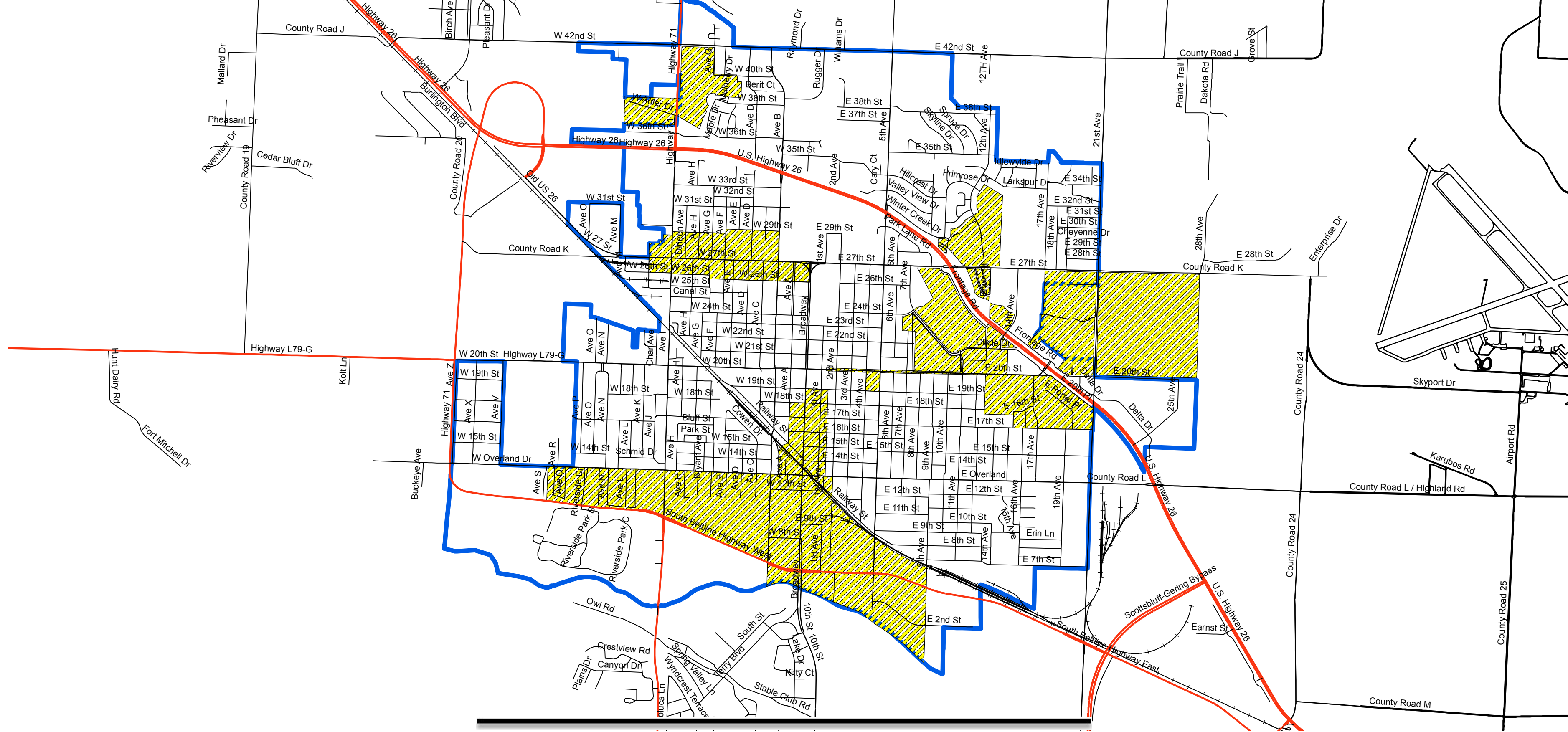
Make the motion to give a POSITIVE recommendation to move forward with a Study to designate the East Overland Corridor Area as Blighted and Substandard and developing a sub plan and zoning changes for Southeast Scottsbluff to the City Council subject to the following condition(s):

Deny

Make the motion to give a NEGATIVE recommendation on the Study to designate the East Overland Corridor as Blighted and Substandard and developing a sub plan and zoning changes to Southeast Scottsbluff to the City Council for the following reason(s):

Table

Make the motion to TABLE the Study to designate the East Overland Corridor as Blighted and Substandard and developing a sub plan and zoning changes to Southeast Scottsbluff for the following reason(s):



City of Scottsbluff, Nebraska

Monday, July 11, 2016

Regular Meeting

Item NewBiz3

Discussion Tiny House Requirements

Staff Contact: Annie Folck



SCOTTSBLUFF PLANNING COMMISSION Staff Report

To: Planning Commission
From: Development Services Department
Date: July 11, 2016
Subject: Establishing Tiny Home Requirements
Location: Residential Zoning Districts

Zoning: N/A
Property Size: N/A
Lots/Units:

Recently we've had a few calls regarding Tiny Homes. We do not have anything in our code and would like to establish some guidelines for this type of home and where they can be placed within the City.

Some of the things we have discussed are whether we want to allow them on permanent foundations, on wheels, or both. There are also some issues with meeting building code- we are recommending to only allow them on permanent foundations, and require minimum square footage that allows for building codes to be met. They will have to have utilities to each unit. We could possibly have a minimum of about 200 square feet, we would also require them to hook up to City utilities, with each unit having its' own meter.

The Tiny Homes/Houses could be added under Article 7 of our zoning code Planned Unit Developments (PUDs) which has information on Condominiums, Townhouses, Cluster Housing & Mobile Home PUDs we could possibly use language similar to our requirements for the Mobile Home Planned Unit Developments, we could use this code making adjustments for lot sizes, building square footages, and setbacks that make sense for tiny homes. We would prefer these requirements/guidelines rather than having them pop up on vacant lots or in backyards around town.

I have attached some guidelines the State of Nebraska has for this type of home.

RECOMMENDATION

Approve

Make a motion to pursue and make changes to code by adding language to Article 7, Chapter 25 adding language for Tiny homes, definition and requirements subject to the following condition(s):

Deny

Make a motion to disapprove changes to Article 7, Chapter 25 adding language to Article 7, Chapter 25 for Tiny Homes, for the following reason(s):

Table

Make a motion to TABLE the proposed changes to Article 7, Chapter 25, regarding language for Tiny Homes for the following reason(s):

TINY HOUSE FACT SHEET AND FAQs

NEBRASKA TINY HOUSE REGULATION

Pursuant to Nebraska law, the Nebraska Public Service Commission (Commission) enforces health

*THE STRUCTURE, IF BUILT AWAY
FROM THE SITE OF OCCUPANCY
AND OF CLOSED-CONSTRUCTION,
MUST HAVE A STATE OR FEDERAL
LABEL AFFIXED TO IT TO BE
LEGALLY SOLD IN NEBRASKA.*

and safety regulations of building codes for closed-construction structures built away from the site of occupancy (*See Neb. Rev. Stat. § 71-1555 – 1568.01 and § 71-4601 – 4620.01*). This includes structures transported from the building site to another location and cannot be readily inspected at the site of occupancy without disassembly, damage to, or destruction thereof. Further, the Commission also regulates recreational vehicles, park trailers and travel trailers. There are three structures regulated by the Commission:

- Manufactured (mobile) homes built in accordance with the rules and regulations of

the United States Department of Housing and Urban Development's (HUD) Federal Manufactured Home Act. Such homes passing inspection are issued a HUD manufactured home label;

- Modular housing units built in accordance with applicable construction codes, i.e. the International Residential Code and the National Electrical Code adopted by Nebraska. Modular homes meeting the requirements are issued the Nebraska Modular Housing Unit label; or
- Recreational vehicles, including motor homes, park trailers, travel trailers, built in accordance with the National Fire Protection Association (NFPA) Standard on Recreational Vehicles, NFPA 1192 or the Park Model Recreational Vehicle Standard, ANSI A119.5. Such conforming vehicles are issued the Nebraska Recreational Vehicle label.

All three types of structures when sold and/or offered for sale in Nebraska are legally required to have affixed to them the appropriate State or Federal label attesting to compliance with the relevant building codes. There are no exceptions; the structure, if built away from the site of occupancy and of closed-construction, must have a State or Federal label affixed to it to be legally sold

in Nebraska.

So where do tiny houses fit in the regulatory structure outlined above?

The answer depends on the tiny house. Some tiny houses incorporate a permanent frame, axles, wheels and tires, and because of their size fall into the definition of a park trailer in Commission regulations. To comply with the requirements for park trailers, the tiny house must be:

- Built on a single chassis mounted on wheels;
- Designed to provide seasonal or temporary living quarters which may be connected to utilities necessary for operation of installed fixtures and appliances;
- Constructed to permit setup by persons without special skills using only hand tools which may include lifting, pulling, and supporting devices; and
- Have a gross trailer area not exceeding four hundred thirty (430) square feet when in the setup mode.

If the tiny house meets the four requirements above, along with the requirements of ANSI A119.5, and complies with Commission plan review and inspection requirements, the tiny house would be considered a park trailer and be issued a Nebraska Recreational Vehicle label to affix to the structure. The builder must make contact with the Commission for plan submittal, plan review and inspection requirements.

What if my tiny house doesn't meet the requirements to be a park trailer?

If the tiny house does not meet all four park trailer requirements, the house is then considered either a manufactured home or a modular housing unit. Building codes for each of these types of homes

have requirements for structural integrity, lighting, ventilation, heating, insulation, minimum room sizes, ceiling heights, sanitation, toilet, bath and shower spaces, emergency escape, means of egress, smoke alarms, to name a few. Builders must obtain a label prior to building the first home. To obtain a label a builder must:

- For Manufactured homes – Make contact with a HUD approved design review agency (DAPIA) and a HUD approved inspection agency (IPIA), and adhere to their individual plan submittal, plan review and inspection requirements. In Nebraska the Commission can serve as the DAPIA, and must serve as the IPIA for HUD.
- For Modular housing units – make contact with the Commission for plan submittal, plan review and inspection requirements.

Will my tiny home be subject to any local requirements?

Yes. Tiny houses, like all other houses and recreational vehicles, will be subject the zoning requirements of local jurisdictions which vary widely by jurisdiction. Some aspects typically regulated by local zoning laws include: land use, location, height, width, type of foundation, number of stories, and size of buildings. It therefore becomes an important first step for the builder and prospective tiny home owner to obtain permission from the local jurisdiction to site the tiny home in their jurisdiction.

Who do I contact if I have further questions or want more information regarding the requirement to build and/or sell tiny houses in Nebraska?

Mark Luttich, Director
Housing and Recreational Vehicle Department
Nebraska Public Service Commission
P.O Box 94927, Lincoln, NE 68509
402-471-0518 mark.luttich@nebraska.gov