

City of Scottsbluff, Nebraska
Monday, November 14, 2016
Regular Meeting

Item Appr. Min.1

Minutes

Approve Minutes of 9/12/16 Meeting

Staff Contact: Annie Folck

**Planning Commission Minutes
Regular Scheduled Meeting
September 12, 2016
Scottsbluff, Nebraska**

The Planning Commission of the City of Scottsbluff, Nebraska met in a regular scheduled meeting on Monday, September 12, 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 September 2, 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 Aguallo, Henry Huber, Dana Weber, David Gompert, Mark Westphal, and Becky Estrada. Absent: Jim Zitterkopf, Callan Wayman. City officials present: Annie Folck, Planning Coordinator, 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 August 8, 2016 were reviewed and approved. A motion was made to accept the minutes by Gompert, and seconded by Huber. **"YEAS"**: Chadwick, Aguallo, Huber, Westphal, Gompert, and Estrada **"NAYS"**: None. **ABSTAIN**: Weber. **ABSENT**: Zitterkopf and Wayman. Motion carried.

ITEM 7A: The Planning Commission opened a public hearing to consider designating the East Overland Corridor as Blight and Substandard.

Annie Folck gave an overview of the study. One of the main goals set forth in the newly adopted Comprehensive Plan is redevelopment. Throughout the process of developing the Comprehensive Plan, residents made it clear that they believe the City should focus on improvements in the southeast area of town. Staff has taken the first step to pursue this goal by developing a Blight and Substandard Study for the East Overland Corridor. This study was written by Rick Kuckkahn while he was under contract with the City.

The study itself made it very clear that the area being considered for the Blight Designation meets the requirements laid out in state statute for such a designation. Not every property in the study area is in poor condition; however, of the 381 buildings surveyed as part of the study, 35% were classified as deteriorating, with another 17% that were dilapidated. In addition to more than half of the buildings surveyed being classified as deteriorating or dilapidated, there are many other issues in the area, such as a substandard street system with half streets and offset intersections that support argument for designating the area as blighted and substandard.

56 Once the East Overland Corridor is designated Blighted and Substandard, all properties within that area
57 will have the ability to use Tax Increment Financing (TIF) in order to help finance redevelopment. TIF
58 funds can be used to purchase property, demolish existing structures, and make any other site
59 improvements necessary for development, such as utility improvements, paving, landscaping, etc. This is
60 a valuable tool that the City is hoping will generate some interest with private developers to invest in the
61 East Overland Corridor.

62

63 To inform residents and business owners in this area of the proposed Blight and Substandard
64 designation, the City held a redevelopment workshop at the Guadalupe Center on August 25th.
65 Translators were available for Spanish speakers. About 20 people were in attendance, and City staff was
66 able to answer their questions about the designation and how it affects property owners.

67

68 Several residents were in attendance to speak about the proposed blight study. Robert Franco, a
69 resident of Southeast Scottsbluff, stated that he is neither for nor against the blight study, but wanted
70 more information about potential results of the designation. He stated that while TIF can help improve
71 properties in the area, this can lead to higher property valuations for neighbors. He is concerned that
72 increased valuations can cause some long-time residents to be taxed out of their homes. Additionally, a
73 blight and substandard designation can make it easier for eminent domain to be used to force property
74 owners to sell their property to make way for new development. Development can be good, because it is
75 an older community, but the City needs to implement it in a way that benefits the community. The people
76 who use TIF in the area will be mostly outside investors, not long-time residents and business owners.
77 He is concerned that businesses that residents in other parts of town do not want will be located on East
78 Overland. He reiterated that he is neither for nor against the blight and substandard designation, and that
79 these programs can be good, but they can also be bad.

80

81 Astrid Munn spoke as well, stating that she believed that the meeting at the Guadalupe Center on August
82 25th helped inform both English speaking and Spanish speaking residents of Southeast Scottsbluff. She
83 stated that she appreciates that the City wants to make sure everyone understands the meaning behind
84 the Blight and Substandard designation. She does not anticipate similar backlash from residents of
85 Southeast Scottsbluff that the City has experienced when designating other areas of town as blighted and
86 substandard. Southeast Scottsbluff is a very impoverished neighborhood, and while there is a lot of pride
87 in the neighborhood, residents can see their vulnerabilities as well and she believes most would agree
88 that the neighborhood is in need of improvement.

89

90 Father Jonathan Sorenson, priest of Our Lady of Guadalupe Church, stated that while the neighborhood
91 is not at all dangerous, it is definitely blighted. It is an older neighborhood that has seen better days, and
92 many properties are in need of investment. Something needs to be done in the area, because many
93 other residents of Scottsbluff perceive the area to be dangerous. Even though the area is not dangerous,
94 that perception is bad for businesses in the area. The neighborhood is in need of help and
95 redevelopment, and the Blight and Substandard designation will allow one tool, TIF, to help take down
96 dilapidated buildings and encourage redevelopment. Area residents love their neighborhood, but they
97 want to see more improvements, and they can't do it all by themselves. This designation can go a long
98 way toward making improvements.

99

100 Josefa Guadarrama stated that she has lived in Southeast Scottsbluff all her life. There is a history there
101 of undesirable businesses, with East 9th Street being a former "red light district". In past years, there were
102 efforts that got rid of the bars on 9th Street and it is now a much better neighborhood. However, the area
103 has also lost grocery stores and other desirable businesses, and the neighborhood is now deteriorating
104 because there is a lack of accountability for property owners to maintain their properties. There are many
105 beautiful homes in the area, but some eyesores as well. Colley's auto repair is one of these, with weeds
106 and junk cars, and it has been that way for over a year, and the police are not taking care of it. It would
107 be nice to have a health clinic in the area, or a Mexican ethnic grocery store. The business district is
108 currently known for car lots and restaurants, and residents would like for it to be known for something
109 more. It would be great if the City could help the neighborhood because they need some nicer merchants
110 down there.

111

112 Commissioner Westphal asked who wrote the study. Folck stated that the study was completed by Rick
113 Kuckkahn while he was under contract with the City, and that the City's legal counsel had reviewed it.

114

115 Commissioner Huber questioned whether TIF would be a part of this, and how it could work with several
116 different properties and zoning districts involved. Commissioner Weber responded that this action by
117 itself essential does nothing, just opens the door to tools like TIF being used in the future. The study will
118 be in place so that if any specific developers step forward, they can utilize TIF without having to first go
119 through the step of having the property declared blighted and substandard.

120

121 Robert Franco stated that he was concerned about the types of businesses that might come in as result
122 of the ability to use TIF, and that he didn't want to see businesses that residents in other parts of town did
123 not want in their backyard coming to East Overland. Folck stated that there is a lot of C-3 zoning in the
124 area already, so if businesses that are permitted uses in the C-3 zone want to come in, they can right
125 now. However, the Comprehensive Plan shows future zoning as C-1, C-2, or R-1a, so if a developer
126 came in and requested a rezone to M-1 or M-2, staff would recommend denying that request, as it would
127 not be consistent with the Comprehensive Plan. The overall goal of this is to create more appropriate
128 land uses for the commercial corridor that is adjacent to residential areas.

129

130 Commissioner Estrada stated that there are many people in that area who have been in their homes for
131 many years, and she understands the concern about rising property valuations possibly increasing the tax
132 burden on these residents.

133

134 Tim Reganis, a property owner along East Overland, stated that he is for designating the area as Blighted
135 and Substandard, as it will help encourage investment and help improve the area. It would be great if TIF
136 could be used as an incentive for a grocery store or convenience store to come into the area.

137

138 **Conclusion:** A motion was made by Huber and seconded by Chadwick to recommend that Council
139 approve the study that would designated the East Overland Corridor as blighted and substandard.

140 "YEAS": Aguillo, Huber, Gompert, Westphal, Weber, Chadwick, and Estrada. "NAYS": None.

141 ABSTAIN: None. ABSENT: Wayman and Zitterkopf. Motion carried.

142

143 **ITEM 7B:** The applicant, Virginia Hilbers is requesting a special use permit to allow for a Daycare
144 Center in an R-4 multi-family residential zoning district. The property is on the north side of 40th Street
145 between Avenue B and Avenue D, and operating as Crossroads Corner Pre-school.

146

147 Daycare Centers are listed under special permits uses in the R-4 heavy density multiple family residential
148 zoning district with approval from the Planning Commission. The Fire Prevention Officer has inspected
149 the business and made a positive recommendation of the Daycare. He also advised Ms. Hilbers that even
150 though the business has been operating as a daycare for a few years it did need a special use permit as
151 the facility has over twelve children and the facility does not meet the requirements of a home daycare.

152

153 This property is licensed as a Daycare and has been used for Daycare since 2004. The Daycare is
154 licensed for 67 children. Virginia Hilbers spoke, stating that she had been located there for 13 years, and
155 did not realize that a Special Use Permit was necessary. Staff recommended approval of this special use
156 permit because the daycare has been in place for many years, and the City has never received a
157 complaint about it. The City's fire prevention officer also gave a positive recommendation, saying that the
158 daycare met all life and safety requirements.

159

160 **Conclusion:** A motion was made by Westphal and seconded by Gompert to approve the special use
161 permit to allow for a Daycare Center at 317 W 40th Street in a R-4 Heavy Density Multiple Family
162 Residential zoning district to Virginia Hilbers "YEAS": Aguillo, Huber, Westphal, Weber, Chadwick,
163 Gompert, and Estrada. "NAYS": None. ABSTAIN: None. ABSENT: Zitterkopf, Wayman. Motion carried.

164

165 **ITEM 7C:** The applicant(s), Danielle Darnell is requesting a special use permit to allow for a Permanent
166 Cosmetics Facility in a R-1a single family residential zoning district. The property is on the corner of 1st
167 Ave and 23rd Street, across the street from Bluffs Middle School.

168

169 Permanent Cosmetics Facilities are listed under special permits uses in the R-1a single family residential
170 zoning district with approval from the Planning Commission. This property previously operated as Lee's
171 Skincare and Permanent Cosmetics and was licensed as a Body Art Facility in 2012. It sold to Danielle
172 Darnell in 2015, who renamed the business to Wake Up N Makeup.

173

174 The owners of the property have it licensed as a Body Art Facility.

175

176 Morgan Bradley, representative of Wake Up N Makeup, spoke in favor of the Special Use Permit, stating
177 that the business had been there for many years with no issues.

178

179 **Conclusion:** A motion was made by Gompert and seconded by Westphal to approve the special use
180 permit to allow for a Permanent Cosmetics Facility in the R-1a Single Family Residential zoning district at
181 102 E 23rd Street to Danielle Darnell. "YEAS": Aguillo, Huber, Weber, Westphal, Gompert, Chadwick,
182 and Estrada. "NAYS": None. ABSTAIN: None. **ABSENT:** Zitterkopf, Wayman. Motion carried.

183

184 **ITEM 7D:** The preliminary and final plat of Lots 1-7, Melroy Addition were pulled from the agenda by the
185 property owner prior to the meeting.

186

187 **ITEM 7E:** Tiny House Ordinance: Staff met with legal about establishing guidelines and requirements for
188 tiny homes. Several issues were discussed, state requirements; along with concerns from our code
189 administrators regarding fire safety. Recommendations discussed is to only allow them on permanent
190 foundations, require minimum square footage that allows for building codes to be met, utilities to each
191 unit. The Tiny Homes/Houses will be added under Article 7 of our zoning code Planned Unit
192 Developments (PUDs) which has information on Condominiums, Townhouses, Cluster Housing, & Mobile
193 Home PUDs.

194

195 As a result of discussion at the August 8th meeting, the requirement for residential fire suppression
196 systems was removed, a requirement for a secondary means of egress for sleeping lofts was added, and
197 a limit on the number of people allowed to live in these homes was added (1 person per 100 square feet).
198 Commissioner Weber asked about the discussion on the fire suppression system, and if staff felt that the
199 code changes that are being requested addressed the fire safety issue adequately. Folck stated that the
200 City's fire prevention officer was concerned about the small window of time between the start of a fire and
201 when the home could be fully engulfed in flames, which would happen much faster in a tiny home than in
202 a traditionally sized home. This is the reason that the requirement for a secondary means of egress was
203 included. Staff is recommending the code change as currently written.

204

205 **Conclusion:** A motion was made by Westphal and seconded by Gompert to recommend that Council
206 adopt the ordinance amending Chapter 25 Article 7 to allow for tiny home communities. "YEAS":
207 Aguillo, Huber, Weber, Westphal, Gompert, Chadwick, and Estrada. "NAYS": None. ABSTAIN: None.
208 **ABSENT:** Zitterkopf, Wayman. Motion carried.

209

210 **ITEM 7F:** Staff met with legal about establishing guidelines and requirements for microbreweries. There
211 have been several inquiries to the City about zoning for this use. An ordinance was drafted based off of
212 Grand Island's zoning code.

213

214 The ordinance defines brewery, micro brewery, and brew pub. A brewery produces over 10,000 barrels a
215 year, and a micro brewery produces under 10,000 barrels a year. This is the same way that the State of
216 Nebraska classifies them. A brew pub is a business such as a restaurant or hotel that also brews its own
217 beer on site.

218

219 A brew pub is proposed as a permitted use in C-1, C-2, C-3, M-1, and M-2 zoning districts. Because a
220 microbrewery is more of an industrial use, it is proposed as a Special Permit Use in C-1 and C-2 zones to
221 give Planning Commission a little more oversight on the traffic and other effects it generates. It would be
222 a permitted use in C-3, M-1, and M-2 zoning districts. A brewery is proposed as a permitted use in C-3,
223 M-1, and M-2 zones.

224

225 Commissioner Weber asked about storage of product and additional truck traffic for a microbrewery, and
226 if that was the reasoning behind requiring a Special Use Permit for a microbrewery in a C-1 or C-2 zone.
227 Folck stated that it was, and that the size and scope of microbreweries can vary from extremely small
228 microbreweries that are more of a hobby to larger-scale microbreweries that are nearing the 10,000 barrel
229 a year amount that would be similar to a full-scale brewery. For this reason, a Special Use Permit could
230 give a little more oversight in the C-1 and C-2 zones to ensure that the amount of truck traffic or other
231 characteristics of the business do not adversely affect neighboring properties.

232

233 **Conclusion:** A motion was made by Westphal and seconded by Gompert to recommend that Council
234 adopt the ordinance amending Chapter 25 Article 3 to define breweries, microbreweries, and brew pubs
235 and to provide for them in the zoning code. "YEAS": Aguillo, Huber, Weber, Westphal, Gompert,
236 Chadwick, and Estrada. "NAYS": None. ABSTAIN: None. **ABSENT:** Zitterkopf, Wayman. Motion
237 carried.

238

239 **ITEM 8: Unfinished Business:** None.

240

241 There being no further business, a motion to adjourn was made by Weber and seconded by Gompert.

242 The meeting was adjourned at 7:25 p.m. "YEAS": Weber, Westphal, Gompert, Huber, Chadwick,

243 Aguillo, and Estrada. "NAYS": None. ABSTAIN: None. **ABSENT:** Wayman, Zitterkopf. Motion carried.

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250 _____
Becky Estrada, Chairperson

251

252 Attest: _____

253 Annie Folck

254