



# SCOTTSBLUFF CITY PLANNING COMMISSION AGENDA

**Monday, November 14, 2016, 6:00 PM**  
**Council Chambers , 2525 Circle Drive, Scottsbluff, NE 69361**

## 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 9/12/16 Meeting
- 7. NEW BUSINESS:**
  - A Annexation of approximately 77.92 ± acres of City-owned property situated in the SW corner of Section 12, T22N, R55W 6th P.M. Scotts Bluff County and approximately 4.20 acres of ROW along 42nd Street between Ave I and a point approximately ½ mile east of 5th Ave.**  
City is considering annexation of a portion of 42nd Street and the City's soccer complex
  - B Discussion of potential topics of interest for upcoming Planning Workshop.**  
The City is working with PADD and NPZA to arrange another Panhandle Planning Workshop. We are currently trying to determine which topics would be most helpful to area Planning Commissioners.
- 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, 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 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 25<sup>th</sup> 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 9<sup>th</sup> Street being a former "red light district". In past years, there were  
102 efforts that got rid of the bars on 9<sup>th</sup> 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.

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 40<sup>th</sup> 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 40<sup>th</sup> 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

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

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

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

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

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

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

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

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

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

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

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

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.  
244

245  
246  
247  
248  
249

250 \_\_\_\_\_  
Becky Estrada, Chairperson

251

252 Attest: \_\_\_\_\_

253 Annie Folck  
254

# **City of Scottsbluff, Nebraska**

**Monday, November 14, 2016**

**Regular Meeting**

## **Item NewBiz1**

**Annexation of approximately 77.92 ± acres of City-owned property situated in the SW corner of Section 12, T22N, R55W 6th P.M. Scotts Bluff County and approximately 4.20 acres of ROW along 42nd Street between Ave I and a point approximately ½ mile east of 5th Ave.**

*City is considering annexation of a portion of 42nd Street and the City's soccer complex*

Staff Contact: Annie Folck





## SCOTTSBLUFF PLANNING COMMISSION Staff Report

**To:** Planning Commission  
**From:** Development Services Department  
**Date:** November 14, 2016  
**Subject:** Proposed Annexation Map  
**Location:** Soccer Complex, 42<sup>nd</sup> Street

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

City staff is continuing to look at areas that could logically be annexed into the City. Staff is now looking at the north side of Scottsbluff to determine if there would be some benefit to annexation along 42<sup>nd</sup> Street. At some point in the future, when improvements are made to 42<sup>nd</sup> Street, the process would be simplified if the entire street was in the Corporate limits. Also, by annexing the soccer complex, the City would see a small increase in revenue from NPPD lease payments.

### RECOMMENDATION

#### **Approve**

***Make a motion to give positive recommendation to the annexation of the areas outlined in the attached map subject to the following condition(s):***

#### **Deny**

***Make a motion to give negative recommendation to the annexation of the areas outlined in the attached map for the following reason(s):***

#### **Table**

***Make a motion to TABLE the annexation of the areas outlined in the attached map for the following reason(s):***





Path: P:\GIS\LocalGov\NE\County\ScottsBluff\City\Scottsbluff\Maps\Annexation\Scottsbluff Proposed Annexation - Figure A.mxd

**Figure A. Proposed Annexation**



1 inch = 300 feet

Proposed Annexation Section







Path: P:\GIS\LocalGov\NE\County\ScottsBluff\City\Scottsbluff\Maps\Annexation\Scottsbluff Proposed Annexation - Figure B.mxd

**Figure B. Proposed Annexation**



1 inch = 180 feet



Scottsbluff Corporate Limits



Proposed Annexation



Section





# **City of Scottsbluff, Nebraska**

**Monday, November 14, 2016**

**Regular Meeting**

## **Item NewBiz2**

### **Discussion of potential topics of interest for upcoming Planning Workshop.**

*The City is working with PADD and NPZA to arrange another Panhandle Planning Workshop. We are currently trying to determine which topics would be most helpful to area Planning Commissioners.*

**Staff Contact:**

# Potential Topics for Winter 2017 Panhandle Planning Workshop

Please indicate your interest in the following topics:

Planning Fundamentals: Just the basics

Not Interested      1      2      3      4      5      Very Interested

Why Zone? Understanding the the 'Why' behind Zoning and how to ensure it works for your Community

Not Interested      1      2      3      4      5      Very Interested

Building Action from Listening: Putting the community voice at the base of your planning efforts

Not Interested      1      2      3      4      5      Very Interested

Tools for Implementation: How to put your Comp Plan into Action

Not Interested      1      2      3      4      5      Very Interested

Downtown Redevelopment: Best practices and available resources

Not Interested      1      2      3      4      5      Very Interested

Community Redevelopment Authority/Community Development Agency (CRA/CDA)

Not Interested      1      2      3      4      5      Very Interested

Tax Increment Financing

Not Interested      1      2      3      4      5      Very Interested

Brownfields Redevelopment Process

Not Interested      1      2      3      4      5      Very Interested

Dealing with dilapidation: What are our options?

Not Interested      1      2      3      4      5      Very Interested

Variances vs. Conditional Use vs. Special Use Permit

Not Interested      1      2      3      4      5      Very Interested

Floodplain Planning and Management

Not Interested      1      2      3      4      5      Very Interested

Adult Use Zoning

Not Interested      1      2      3      4      5      Very Interested

Complete Streets: How and why of complete streets in small communities

Not Interested      1      2      3      4      5      Very Interested

Code enforcement/ Nuisance Abatement

Not Interested      1      2      3      4      5      Very Interested

Using what you have: Leveraging local funds and energy for community impact

Not Interested      1      2      3      4      5      Very Interested

Keeping grocery and other essential services open for business

Not Interested      1      2      3      4      5      Very Interested

Proper procedure for public hearings and open meetings

Not Interested            1            2            3            4            5            Very Interested

Maintaining healthy agricultural and rural residential zones

Not Interested            1            2            3            4            5            Very Interested

Open Discussion Time/Round table discussions

Not Interested            1            2            3            4            5            Very Interested

Please list any other topics in which you are interested:

We're open to suggestions!