



**SCOTTSBLUFF CITY**  
**PLANNING COMMISSION AGENDA**  
*Monday, January 9, 2017, 6:00 PM*  
*City Hall 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 Approval of Minutes from December 12, 2016 Meeting**
  - B Approve Minutes from November 14, 2016 Meeting**
- 7. NEW BUSINESS:**
  - A Planning Commission to evaluate and give formal recommendation to the Scottsbluff City Council regarding the purchase of property located in the East ½ of the Southeast ¼ of Section 36, Township 22 N, Range 55 W in Scotts Bluff County, Nebraska for an Industrial Park**
- 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, January 9, 2017**  
**Regular Meeting**

**Item Appr. Min.1**

**Approval of Minutes from December 12, 2016 Meeting**

**Staff Contact:**

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

The Planning Commission of the City of Scottsbluff, Nebraska met in a regular scheduled meeting on Monday, December 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 December 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:** Vice Chairman, Angie Aguallo called the meeting to order. Roll call consisted of the following members: Anita Chadwick, Angie Aguallo, David Gompert, Jim Zitterkopf, Dana Weber, and Becky Estrada. Absent: Callan Wayman, Henry Huber, Mark Westphal. City officials present: Annie Folck, Planning Coordinator, Gary Batt, Code Administrator II, and Anthony Murphy, Fire Prevention Officer.

**ITEM 2:** Vice Chairman Aguallo 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 September 12th were reviewed. There was not a quorum of members present who had been present at the previous meeting to approve the minutes, so this item was tabled until the next meeting.

**ITEM 7A:** The applicant(s), Magnet Solutions, Inc., has requested a rezone of properties located at 2214, 2218, and 2222 1st Ave, also known as Tax Lot 4, the South 1/3 of the NE 1/4, also known as Tax Lot 1, the East 100 feet of the North 50 feet of the NE 1/4, East 100 Feet of the South 1/2 of the North 2/3 of the NE 1/4, and West 50 Feet of the North 100 Feet of the NE 1/4 of Block 22, North Scottsbluff Addition, City of Scottsbluff, Scotts Bluff County, Nebraska, from R-1a Residential to C-1 Central Business District.

These properties are currently zoned R-1A - single family residential. The properties to the west are C-1 commercial, and the properties to the east are R-1A. The future land use map in the Comp Plan shows this as a transition area between the C-1 zone to the west and the R-1A zoning to the east, so either R-1A or C-1 zones could be acceptable in this area. 1<sup>st</sup> Ave will provide a buffer between these properties and the residential properties to the east. There are R-1A properties south of the proposed rezone area. Two of the three lots proposed to be rezoned are already being used as a parking lot for the business to the west, Magnet Solutions. The commercial use of this property is preexisting, nonconforming. The remaining lot is currently a rental house. The property owners approached the City about expanding their parking to the lot where the rental house sits and were informed that in order to do so, the property would have to be rezoned.

56 Donald Mai, property owner at 2210 1<sup>st</sup> Ave, spoke against the proposed zoning change, stating that he  
57 lives adjacent to the proposed rezone. He believed that the parking lots north of him were a code  
58 violation, since the property is currently zoned residential. He stated that there are other vacant  
59 commercial lots about a block away that the business could purchase and have resurfaced to be used as  
60 parking lots. He sent an e-mail to Council addressing several concerns he and his wife have about the  
61 proposed rezone, as well as many of their concerns about the City's code enforcement. He also stated  
62 that they have invested a lot of money in their home, increasing the valuation, and they are concerned  
63 about the state of the fence behind the property belonging to Magnet Solutions. He said that if the  
64 property is rezoned, they would like to see some sort of buffer between the commercial properties and  
65 residential. He also has a lot of concerns about noxious weeds and trash and other code violations. He  
66 stated that quality of place is important to a community, and that properties should be kept up.

67  
68 Rae Ann Schmitz, property owner at 2121 1<sup>st</sup> Ave, stated that the neighborhood located on 1<sup>st</sup> Ave from  
69 20<sup>th</sup> St to 23<sup>rd</sup> St is in transition, with the quality of the neighborhood deteriorating. She has concerns  
70 about the appearance of the neighborhood. She feels that garbage is a problem, as well as rental  
71 properties that are not well-maintained. She is concerned about some of the consequences of rezoning  
72 these properties to commercial. The property across the street from her house is commercial, and they  
73 installed a sign that would shine into her windows at night. The City required them to change the sign, as  
74 it did not meet the requirements of the City's sign code, but she is concerned that the commercial zone  
75 will keep creeping into the residential area.

76  
77 David Brostrom, representative for Magnet Solutions, stated that the areas they are currently using for  
78 parking are preexisting nonconforming. These parking lots have been in use since the business property  
79 was a bowling alley many years ago. He stated that the other vacant lots referred to by Mai are privately  
80 owned and are not currently set up as parking. The business has looked into what it would cost to  
81 purchase these properties, and the cost is prohibitive. Their business is expanding, looking at adding 20-  
82 30 employees in the near future, and they want to reduce parking on the street by providing their own on-  
83 site parking. They would move the house on the south lot and resurface the entire area with asphalt,  
84 which would help with the problem with weeds. The area is already somewhat congested near the middle  
85 school, and the proposed changes would actually clean the area up and help with some of the issues  
86 raised.

87  
88 Mai stated that he did not agree, stating that they had not maintained their property until they applied for a  
89 rezone, at which point they started to clean things up. He stated that he would like to get everyone on  
90 their block to fix up their properties.

91  
92 Gompert asked what kind of fence would be required between the commercial property and residential  
93 property. Batt stated that there would have to be a 6' opaque fence to screen the commercial property  
94 from the residential.

95  
96 Weber asked if a preexisting non-conforming use could continue to be used as such even after a property  
97 sells. Folck stated that yes, it can, as long as it is continually in use. If it is vacant for a year or more, the  
98 property loses its status as preexisting nonconforming and must come into compliance with the current  
99 zoning.

100  
101 Gompert asked if the biggest concern from the neighbors was housekeeping. Mai said yes, their biggest  
102 concern was garbage and weeds. Gompert asked if the proposed parking expansion would be enough  
103 parking for the business. Brostrom stated that it would be enough for the immediate expansion of 20-30  
104 employees.

105  
106 Weber stated that the proposed rezone leaves a small area, 3 lots, of R-1, between the C-1 on the north  
107 and C-1 on the south. In the future, he thought it would make sense for the whole block to go to C-1. He  
108 asked if the business would stay in that location or move as it expands. Brostrom stated that currently the  
109 business is renting parts of the building out, and as they grow, they could move tenants out to provide  
110 enough space for their growing business. They purchased another parcel with the intent of providing  
111 additional parking. If the rezone is approved, there will be 3 residential properties left on the block, and

112 Magnet Solutions owns one of them. He stated that the entire block could become commercial  
113 eventually, with the street providing a buffer between the commercial properties and the residential area  
114 to the east. He stated that they hope to move the house and expand parking within 1-2 years, which will  
115 help alleviate some of the parking issues around the middle school.

116

117 Weber asked if increased traffic was a concern with the school in that area. Aguallo stated that typically  
118 students are dropped off at school by 7:45, and they are released at 3:00. Brostrom stated that their work  
119 hours are 8:30-5:30, so the overlap of traffic should be minimal.

120

121 Roland Ravert, property owner at 2224 2<sup>nd</sup> Ave, stated that kids get dropped off from about 6:30 am on,  
122 and that after 3:00 there is very heavy congestion in the area. He also stated that in a parking lot that  
123 their church installed in the area, a lot that was about 40-140 provided 14-16 parking stalls, so that is  
124 probably similar to the amount of parking that could be added by moving the house and providing parking  
125 on the lot located at 2214 1<sup>st</sup> Ave.

126

127 Mai stated that the long term plan Magnet Solutions would disrupt the other businesses currently leasing  
128 space in their building as well as the tenants in the house that is to be moved. He stated that there are  
129 only two properties located on the block that Magnet Solutions does not currently own, and they should  
130 have approached the neighbors to ask if they had any interest in selling so that the whole block could be  
131 rezoned to Commercial.

132

133 Zitterkopf asked if the business had any walk-in traffic, or if the traffic generated by the business was  
134 mostly from employees. Brostrom stated that it was just employees, and there was very little foot traffic.  
135 He stated that there was not much coming and going, with employees typically staying there all day  
136 unless they were to leave for a lunch break.

137

138 **Conclusion:** A motion was made by Weber and seconded by Gompert to recommend to Council the  
139 approval of a rezone of properties located at 2214, 2218, and 2222 1st Ave, also known as Tax Lot 4, the  
140 South 1/3 of the NE ¼, also known as Tax Lot 1, the East 100 feet of the North 50 feet of the NE ¼, East  
141 100 Feet of the South ½ of the North 2/3 of the NE ¼, and West 50 Feet of the North 100 Feet of the NE  
142 ¼ of Block 22, North Scottsbluff Addition, City of Scottsbluff, Scotts Bluff County, Nebraska, from R-1a  
143 Residential to C-1 Commercial from R-1A Residential to C-1 – Central Business District move forward  
144 with the annexation of the proposed areas. **“YEAS”:** Aguallo, Zitterkopf, Gompert, Weber, Chadwick,  
145 and Estrada. **“NAYS”:** None. **ABSTAIN:** None. **ABSENT:** Wayman, Westphal, and Huber. Motion  
146 carried.

147

148 **ITEM 7B:** Folck stated that it is time to elect officers for the year. Each term is for 1 year, and in the past  
149 it has been customary for officers to serve three consecutive terms. Estrada has been serving as  
150 Chairperson and Aguallo has been serving as vice-chairperson for the past two years.

151

152 **Conclusion:** A motion was made by Weber and seconded by Aguallo to elect Estrada as chairperson.  
153 **“YEAS”:** Aguallo, Zitterkopf, Gompert, Weber, Chadwick, and Estrada. **“NAYS”:** None. **ABSTAIN:**  
154 None. **ABSENT:** Wayman, Westphal, and Huber. Motion carried.

155

156 A motion was made by Weber and seconded by Gompert to elect Aguallo as vice-chairperson. **“YEAS”:**  
157 Aguallo, Zitterkopf, Gompert, Weber, Chadwick, and Estrada. **“NAYS”:** None. **ABSTAIN:** None.  
158 **ABSENT:** Wayman, Westphal, and Huber. Motion carried.

159

160

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

162

163 There being no further business, a motion to adjourn was made by Weber and seconded by Gompert.  
164 The meeting was adjourned at 6:55 p.m. **“YEAS”:** Aguallo, Zitterkopf, Gompert, Weber, Chadwick, and  
165 Estrada. **“NAYS”:** None. **ABSTAIN:** None. **ABSENT:** Wayman, Westphal, and Huber. Motion carried.

166

167  
168  
169  
170  
171  
172  
173  
174  
175  
176

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

Attest: \_\_\_\_\_  
Annie Folck

**City of Scottsbluff, Nebraska**  
**Monday, January 9, 2017**  
**Regular Meeting**

**Item Appr. Min.2**

**Approve Minutes from November 14, 2016 Meeting**

**Staff Contact:**

**Planning Commission Minutes  
Regular Scheduled Meeting  
November 14, 2016  
Scottsbluff, Nebraska**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56

The Planning Commission of the City of Scottsbluff, Nebraska met in a regular scheduled meeting on Monday, November 14, 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 November 4, 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, David Gompert, Jim Zitterkopf, Callan Wayman, and Becky Estrada. Absent: Dana Weber, Henry Huber, Mark Westphal. City officials present: Annie Folck, Planning Coordinator, Gary Batt, Code Administrator II, and Anthony Murphy, Fire Prevention Officer.

**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 September 12th were reviewed and approved. A motion was made to accept the minutes by Aguallo, and seconded by Gompert. **“YEAS”:** Chadwick, Aguallo, Gompert, and Estrada **“NAYS”:** None. **ABSTAIN:** Zitterkopf, Wayman. **ABSENT:** Huber, Westphal, and Weber. Motion carried.

**ITEM 7A:** The Planning Commission considered the proposed 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.

Folck reported that 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 42nd Street. At some point in the future, when improvements are made to 42nd 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. The areas to be annexed are either City-owned (the soccer complex) or county Right of Way. There is no privately owned property that is to be annexed.

Zitterkopf commented that he did not see any reason why this would be negative for the City.

**Conclusion:** A motion was made by Zitterkopf and seconded by Gompert to recommend that Council move forward with the annexation of the proposed areas. **“YEAS”:** Aguallo, Zitterkopf, Gompert,



57 Wayman, Chadwick, and Estrada. **“NAYS”**: None. **ABSTAIN**: None. **ABSENT**: Weber, Westphal, and  
58 Huber. Motion carried.  
59

60 **ITEM 7B**: Folck asked Planning Commissioners to indicate which topics they would most like to have  
61 addressed at a Panhandle Planning Workshop. Commissioners filled out an informal survey, and  
62 indicated that evenings might be the best time for the workshop.

63  
64

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

66

67 There being no further business, a motion to adjourn was made by Gompert and seconded by Chadwick.  
68 The meeting was adjourned at 6:15 p.m. **“YEAS”**: Aguillo, Zitterkopf, Gompert, Wayman, Chadwick,  
69 and Estrada. **“NAYS”**: None. **ABSTAIN**: None. **ABSENT**: Weber, Westphal, and Huber. Motion carried.

70

71

72

73

74

75

76 \_\_\_\_\_  
Becky Estrada, Chairperson

77

78 Attest: \_\_\_\_\_

79 Annie Folck

80

# **City of Scottsbluff, Nebraska**

**Monday, January 9, 2017**

**Regular Meeting**

## **Item NewBiz1**

**Planning Commission to evaluate and give formal recommendation to the Scottsbluff City Council regarding the purchase of property located in the East ½ of the Southeast ¼ of Section 36, Township 22 N, Range 55 W in Scotts Bluff County, Nebraska for an Industrial Park**

**Staff Contact: Nathan Johnson**





*SCOTTSBLUFF  
PLANNING COMMISSION  
Staff Report*

**To:** Planning Commission  
**From:** Development Services Department  
**Date:** January 9, 2017  
**Subject:** City Purchase of Property for an Industrial Park  
**Location:**

**Background**

The City of Scottsbluff is considering a joint purchase of property with the City of Gering for the purposes of creating an industrial park that would benefit both communities.

The property is approximately 83.08 acres, located in the East ½ South East ¼ of Section 36, Township 22 N, Range 55 W in Scotts Bluff County, Nebraska, just east of the City of Gering’s Wastewater Treatment Facility, within the City of Gering’s extraterritorial zoning jurisdiction (see attached map). Approximately 59 acres are zoned as MH, Heavy Manufacturing and Industrial, and the remaining 24 acres are currently zoned as Ag, Agricultural. City Council has asked Planning Commission to make a recommendation as to whether or not the purchase of property for an industrial park fits within the vision and the goals of the City’s current Comprehensive Plan.

The City’s current Comprehensive Plan states the following as one of the Land-Use Strategies (page 17):

**“Direct high intensity industrial uses to best suited sites in Scottsbluff-Gering-Terrytown**

High intensity industrial uses should be directed to the best suited site available regardless of political boundaries. These sites will provide logical extension of utilities and excellent connection to existing surface transportation infrastructure. City staff will work collaboratively across political borders and with local economic development agencies to take advantage of economic development opportunities for regional benefit.”

One of the main themes throughout the Comp plan is that when the region prospers, Scottsbluff prospers. It is for this reason that the City of Scottsbluff is considering working together with Gering to purchase and develop an Industrial Park, even though it will be located outside of the City of Scottsbluff’s jurisdictional boundaries. The need for better paying jobs came up multiple times in community surveys and input sessions. Another goal laid out in the Comp plan to address that need is to “Work regionally to aggressively market, prepare, and certify sites most suited for industry and business recruitment.” (Page 10). The creation of an industrial park is one of the first steps to achieving this goal.

**RECOMMENDATION**

**Approve**

**Make the motion to give a POSITIVE recommendation stating that the purchase of 83.08 Acres located in the East ½ South East ¼ of Section 36, Township 22 N, Range 55 W in Scotts Bluff County, Nebraska, for the purposes of an Industrial Park is in accordance with the goals of the City's Comprehensive Plan.**

**Deny**

**Make the motion to give a NEGATIVE recommendation stating that the purchase of 83.08 Acres located in the East ½ South East ¼ of Section 36, Township 22 N, Range 55 W in Scotts Bluff County, Nebraska, for the purposes of an Industrial Park is not in accordance with the goals of the City's Comprehensive Plan.**

**Table**

**Make the motion to TABLE the recommendation stating that the purchase of 83.08 Acres located in the East ½ South East ¼ of Section 36, Township 22 N, Range 55 W in Scotts Bluff County, Nebraska, for the purposes of an Industrial Park is in accordance with the goals of the City's Comprehensive Plan.**