

City of Scottsbluff, Nebraska

Tuesday, January 3, 2017

Regular Meeting

Item Pub. Hear.3

Council to conduct a public hearing at 6:05 p.m. to consider a rezone of properties located at 2214, 2218, and 2222 1st Ave. situated in the NE ¼ of Block 22, No. Scottsbluff Add., City of Scottsbluff, NE, from R-1a Residential to C-1 Central Business District and approve the Ordinance.

Staff Contact: Annie Folck, City Planner

Agenda Statement

Item No.

For meeting of: January 3, 2017

AGENDA TITLE: Hold Public Hearing for Rezone of properties located at 2214, 2218, and 2222 1st Ave, situated in the NE ¼ of Block 22, North Scottsbluff Addition, City of Scottsbluff, Scotts Bluff County, Nebraska, from R-1a Residential to C-1 Central Business District.

SUBMITTED BY DEPARTMENT/ORGANIZATION: Development Services

PRESENTATION BY:

SUMMARY EXPLANATION: The applicant(s), Magnet Solutions, Inc., have 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 ¼, also known as Tax Lot 1, the East 100 feet of the North 50 feet of the NE ¼, East 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 ¼ 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. 1st Ave will provide a buffer between these properties and the residential properties to the east.

BOARD/COMMISSION RECOMMENDATION: The Planning Commission at their regular meeting of December 12, 2016 made positive recommendation to City Council (see attached minutes)

STAFF RECOMMENDATION: Approve rezone of properties located at 2214, 2218, and 2222 1st Ave, situated in the NE ¼ of Block 22, North Scottsbluff Addition, City of Scottsbluff, Scotts Bluff County, Nebraska, from R-1a Residential to C-1 Central Business District and adopt the Ordinance.

EXHIBITS

Resolution Ordinance Contract Minutes x Plan/Map x

Other (specify) ☐ _____

NOTIFICATION LIST: Yes No X Further Instructions ☐

APPROVAL FOR SUBMITTAL: _____
City Manager

**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 ¼, also known as Tax Lot 1, the East 100 feet of the North 50 feet of the NE ¼, East 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 ¼ 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. 1st 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 1st 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.

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68 Rae Ann Schmitz, property owner at 2121 1st Ave, stated that the neighborhood located on 1st Ave from
69 20th St to 23rd 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.

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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.

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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.

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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.

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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.

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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.

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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

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

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

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

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

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

Conclusion: A motion was made by Weber and seconded by Gompert to recommend to Council the approval of 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 ¼, also known as Tax Lot 1, the East 100 feet of the North 50 feet of the NE ¼, East 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 ¼ of Block 22, North Scottsbluff Addition, City of Scottsbluff, Scotts Bluff County, Nebraska, from R-1a Residential to C-1 Commercial from R-1A Residential to C-1 – Central Business District move forward with the annexation of the proposed areas. **“YEAS”:** Aguillo, Zitterkopf, Gompert, Weber, Chadwick, and Estrada. **“NAYS”:** None. **ABSTAIN:** None. **ABSENT:** Wayman, Westphal, and Huber. Motion carried.

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

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

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

ITEM 8: Unfinished Business: None.

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

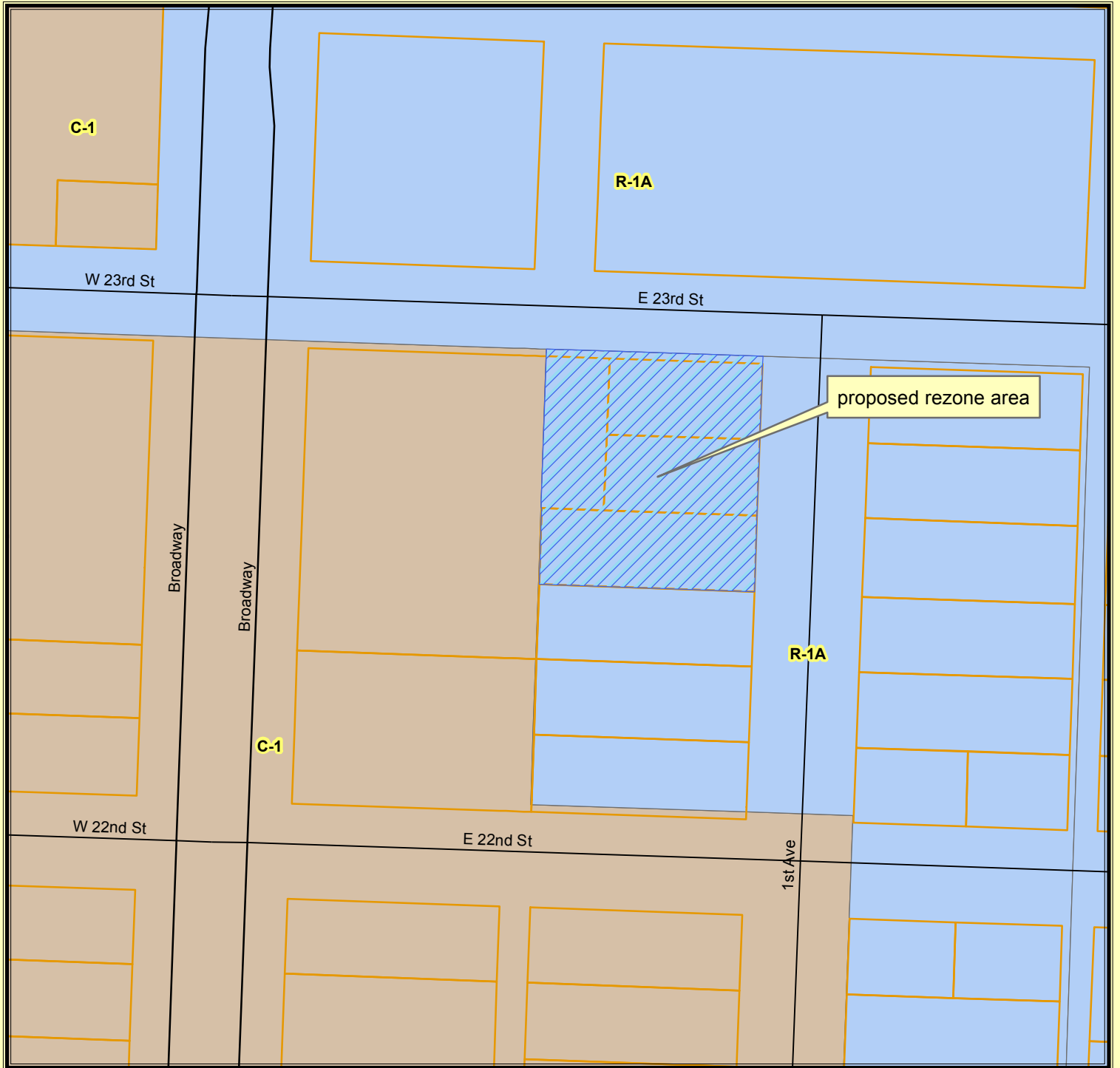
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Becky Estrada, Chairperson

Attest: _____
Annie Folck

2222 1st Ave Rezone

R1-A to C-1



12/2/16



Map by Jon Reiter: City of Scottsbluff
Coordinate System:
NAD 1983 StatePlane Nebraska FIPS 2600 Feet
Lambert Conformal Conic

The City makes no representation or warranty as to the accuracy, timeliness, or completeness, and in particular, its accuracy in labeling or displaying dimensions, contours, property boundaries, or placement or location of any map features thereon.

ORDINANCE NO. _____

AN ORDINANCE DEALING WITH ZONING, AMENDING SECTION 25-1-4 BY UPDATING THE OFFICIAL ZONING DISTRICT MAP TO SHOW THAT 2214, 2218, AND 2222 1ST AVE, ALSO KNOWN AS TAX LOT 4, THE SOUTH 1/3 OF THE NE¼, ALSO KNOWN AS TAX LOT 1, THE EAST 100 FEET OF THE NORTH 50 FEET OF THE NE¼, EAST 100 FEET OF THE SOUTH ½ OF THE NORTH 2/3 OF THE NE¼, AND WEST 50 FEET OF THE NORTH 100 FEET OF THE NE¼ OF BLOCK 22, NORTH SCOTTSBLUFF ADDITION, CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA, WHICH IS CURRENTLY ZONED AS R-1A RESIDENTIAL, WILL NOW BE INCLUDED IN C-1 CENTRAL BUSINESS DISTRICT, AND REPEALING PRIOR SECTION 25-1-4.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SCOTTSBLUFF, NEBRASKA:

Section 1. Section 25-1-4 of the Municipal Code is amended to provide as follows:

25-1-4. Zones; location; maps. The boundaries of the zoning districts created in this chapter are shown on the zoning district map which is made a part of this municipal code. The zoning district map and all information shown thereon shall have the same force and effect as if fully set forth and described herein. The official zoning district map shall be identified by the signature of the Mayor, attested by the City Clerk under the following statement:

This is to certify that this is the official zoning district map described in §25-1-4 of the Scottsbluff Municipal Code, passed this ____ day of _____

Section 2. Previously existing Section 25-1-4 and all other Ordinances and parts of Ordinances in conflict with this Ordinance, are repealed. Provided, this Ordinance shall not be construed to affect any rights, liabilities, duties or causes of action, either criminal or civil, existing or actions pending at the time when this Ordinance becomes effective.

Section 3. This Ordinance shall become effective upon its passage, approval and publication as provided by law.

PASSED AND APPROVED on _____,

Mayor

ATTEST:

City Clerk

(Seal)