

City of Scottsbluff, Nebraska

Tuesday, September 3, 2019

Regular Meeting

Item Pub. Hear.4

Council to conduct a Public Hearing at 6:00 p.m. to consider a Zone Change for parcel Lot 3, Block 3, Panhandle Cooperative Subdivision from Planned Business Center (PBC) to C-3 Heavy Commercial.

Staff Contact: Nathan Johnson, City Manager

Agenda Statement

Item No.

For Meeting of: September 3, 2019

AGENDA TITLE: Rezone of Lot 3, Block 3, Panhandle Cooperative Subdivision from PBC to C-3 and Block 4, Panhandle Cooperative Subdivision from C-2 to C-3.

SUBMITTED BY DEPARTMENT/ORGANIZATION: Development Services

PRESENTATION BY: Nathan Johnson

SUMMARY EXPLANATION: These two parcels were recently purchased by AKAJRV 314, LLC. The applicants desired to rezone these parcels from PBC and C-2 to C-3 zoning district. The applicants own the lot just west of these two parcels which is a C-3 zone, they are currently under construction of a new truck shop. AKAJRV 314, LLC purchased the two parcels for the business to be used for parking of trailers and equipment and for future growth of their business. They decided to rezone to allow for the truck shop as it would not be a permitted use in PBC or C-2 zones. Austin Aulick was at the meeting representing AKAJRV 314, LLC. Austin explained the companies plan for the parcels and answered questions from the Planning Commission members. Austin stated that the company also has plans to fence in the parcels with the same type of fence currently at their present truck shop. There were no other residents or business's at the meeting.

BOARD/COMMISSION RECOMMENDATION: Mark Westphal made a motion seconded by Becky Estrada to rezone both parcels from PBC and C-2 to C-3 zoning district.

STAFF RECOMMENDATION: Staff gives a positive recommendation to the rezone to permit the truck shop in a C-3 zone as a permitted use in a C-3 zone.

EXHIBITS				
Resolution	Ordinance X	Contract <input type="checkbox"/>	Minutes <input type="checkbox"/>	Plan/Map <input type="checkbox"/>
Other (specify) _____				

NOTIFICATION LIST: Yes ☐ No ☐ Further Instructions ☐
Please list names and addresses required for notification.

Rev: 11/15/12 City Clerk

APPROVAL FOR SUBMITTAL: _____
City Manager

Rev: 11/15/12 City Clerk

**PLANNING COMMISSION MINUTES
REGULAR SCHEDULED MEETING
AUGUST 12, 2019
6:00 PM
SCOTTSBLUFF, NEBRASKA**

The Planning Commission of the City of Scottsbluff, Nebraska met in regular scheduled meeting on August 12, 2019, at 6:00 PM in the Scottsbluff Council Chambers, at 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 August 2, 2019. The notice stated the date, time, and location of the meeting, that the meeting was open to the public, anyone with a disability desiring reasonable accommodation to attend the Planning Commission meeting should contact the Development Services Department, and that a current copy of the agenda is available for public inspection at the Development Services Department; provided; the City Planning Commission could modify the agenda at the meeting if the business is deemed an emergency so required. A similar notice, together with a copy of the agenda, had been delivered to each Planning Commission member. A current agenda was available for public inspection at the Development Services Department at all times from publication to the time of the meeting.

Item 1) At 6:00 PM, Chairperson Aguallo called the meeting to order. Roll call consisted of the following members. Jim Zitterkopf, Becky Estrada, Calan wayman, Mark Westphal, Henry Huber, Dana Weber, Angie Aguallo.

Absent: Dave Gompert, Anita Chadwick.

City Officials present: Anthony Murphy, City Fire Marshal, Leann Sato, Storm water Specialist, Gary Batt, Code Administrator II, Recording Secretary.

Item 2) Chairperson Aguallo informed those present of the Nebraska Open Meetings Act and that a copy is located in the back of the Council Chambers on the south wall.

Item 3) Acknowledgement of any changes on the agenda; None.

Item 4) Business not on the agenda; None.

Item 5) Citizens with business not on the regular agenda; None.

Item 6) The minutes from the July 8, 2019 meeting were reviewed.

Conclusion; a motion was made by Zitterkopf and seconded by Westphal to approve the minutes from the July 8, 2019 meeting. "Yeas": Zitterkopf, Estrada, Wayman, Westphal, Huber, Aguallo. "Nays": None. "Abstained": Weber. "Absent": Gompert, Chadwick. "Motion Carried".

Item 7) Chairperson Aguallo opened the public hearing. The applicant AKAJRV 314, LLC has made application to rezone two parcels they have purchased from the Panhandle Cooperative. Chairperson Aguallo determined that both properties being sought to rezone could be heard together to render a rezoning decision. These two parcels consist of Lot 3, Block 3, Panhandle Cooperative Subdivision, Zoned as PBC, and Block 4, Panhandle Cooperative Subdivision, Zoned as C-2. The request is to rezone these parcels to C-3 Heavy Commercial. Gary Batt read from the staff report, the two parcels are currently zoned as PBC and C-2 and the applicants wished to rezone to C-3 which will make the two

parcels compliant with the parcel to the west, also owned by the applicant and currently has construction of a truck shop underway. These two parcels will be used for parking of truck trailers and equipment associated with the new truck shop being constructed. Gary Batt said this complies with the permitted use of an Automobile Commercial in a C-3 zone, which a truck shop comes under. Batt also said the rezoning complies with the 2016 Comp Plan and the applicants will be required to have a fence on the north side of the property. Batt said a positive recommendation is given for the rezone.

Chairman Aguallo asked if anyone was there to speak concerning the rezone. Austin Aulick said he was and he was asked to approach the podium. Austin explained what the applicants plan to do with the parcels, require the current zoning be changed to a C-3 Heavy Commercial to be in line with City Ordinance. Austin said the applicants have purchased the parcels from Panhandle Cooperative. Austin said the parcels will be used to park trailers and equipment upon and for any future expansion of the truck shop being built on the adjacent lot just west of these two parcels. Austin said the company plans to fence the perimeter of the property on the north, east and south side of the parcels.

Mark Westphal asked if they had recently acquired the parcels to which Austin replied they had. Austin went on to explain the parcel perimeter would eventually be fenced. Austin said the fence would be similar to the fence that currently in place at the current truck shop located on Avenue I. Dana Weber asked if it was a privacy style fence and Austin replied yes. Dana asked why they chose these parcels and Austin replied they border the other lots owned by the applicant.

Chairperson Aguallo asked if there was anyone else wishing to speak about this matter to which no one else came forward. Chairperson Aguallo then closed the public hearing and asked for a motion.

Westphal made a motion seconded by Estrada to rezone both properties from PBC and C-2 to C-3 zoning district. "Yeas": Zitterkopf, Estrada, Wayman, Westphal, Huber, Weber, Aguallo. "Nays": None, "Abstained": None, "Absent": Chadwick, Gompert. "Motion Carried".

Item 8) Chairperson Aguallo opened the public hearing. Eric & Brandi Reichert were present, they are required by the GGO Overlay Zone before any development can happen in a GGO Zone, must be brought to the Planning Commission for review and approval. This location is parcel Block One, Western Addition. Gary Batt was asked to give a staff report on the project, to which Batt said the applicants are planning to build a convenience store with dispensing gasoline/diesel as allowed by the City Ordinance in a M1 zone. Batt said the Reicherts have provided a site plan with the location of storm water retention, the building, curb cuts onto the property, the pump islands and canopies, sidewalks, handicap access to the store, curbing about the parking lot, a description of the parking lot concrete depth of 8 inches. Batt said Reichert has installed the sewer line under guidance of MC Schaff & Associates, and a review of tree and landscaping.

Batt advised the members that Reichert wants to have a pole sign that is 60 feet tall, Batt said pole signs are allowed to be only 25 feet in height in a GGO Overlay Zone for access corridors to the City, which is the location of this project. Batt said the City would give a positive recommendation for the project but not for the 60 foot height of the pole sign since that was against the GGO zone requirement of 25 feet max. Reichert had made a power point and this being made available to show the commission.

Chairman Aguallo then asked if anyone wished to speak about the project at which time Eric Reichert approached the podium and addressed the Planning Commission members. Eric said that he and his wife had purchased the property with intent of building a convenience store/fuel station (Truck Stop). Eric asked Gary Batt if he would bring up the power point. Eric said they are in the process of starting site work. Eric described how the site would look like after completion, explaining the landscaping, trees, storm water retention sites on the property, the height of the structure, the parking lot, fuel pumps and canopies.

Eric then brought up the signage requirements of the GGO Zone. Eric asked Batt to bring up the power point and show the slides he had taken showing the size of the sign he was installing. Eric said the slides

show a sign at 25 feet, 40 feet and 60 feet heights. He said these were taken from a half mile (McClellan Express Intersection) and a quarter mile distance (south exit from Inland Trucking). Eric said the requirement for a pole sign limit of 25 feet tall is places his truck stop at a disadvantage. Eric said when trucks come off the McClellan Expressway they head east or west. When heading west they may not see the fuel sign at 25 feet tall and drive pass the intersection of Hwy 26 and East Overland or before turning east they could see a fuel sign and come to the truck stop. Eric said it is economic development the City wishes whether to sell fuel or whatever else the clients purchases.

Eric said the sign he is installing will be situated on the low side of his property so 25 feet actually places his sign lower than surrounding grade. Eric said the 25 foot sign would actually 6 feet lower than his building height of 31 feet.

Eric had Batt show slides of 25 feet, than 40 feet and then 60 feet. Eric said that the Sugar Factory stores hay bales across the other side of East Overland and they partially block the view of his sign at 25 feet along with the Sugar Towers giving a distraction of seeing a 25 foot tall sign. Eric then asked to have the 40 foot height shown and the sign is a little more visible from ½ mile and ¼ miles. Then he asked to have the 60 foot height limit. This actually was the best visual for seeing the sign at ½ and ¼ miles without the sugar towers causing a visual problem. Eric then asked if the members had questions.

Dana weber asked if this sign would be a vision obstruction at the 60' tall. Eric said the sign will actually be located 200 feet west of the intersection due to the retention pond being located on the south east portion of his parcel. Eric said he doubts the sign would pose a vision problem.

Henry Huber asked what would the other businesses along Hwy. 26 feel about having the sign restriction eased for Reichert's parcel.

Becky Estrada asked Eric if he knew the sign requirements when he purchased the parcel. He answered he did not, he thought it was as any other zoning allows.

Dana Weber asked about lighting the sign, Eric replied it was be a steady light, not blinking.

Jim Zitterkopf asked about other signage along Hwy. 26 since this GGO Zone was enacted. Batt said the Menards, Chili's, Good Year Tire, Honda have complied. Other signs such as Target, Ford, Chevrolet, Holiday Inn, Hampton Inn are existing and not under the 25 foot rule.

Callan Wayman asked about the restrictions on the other sign allowed in GGO Zones such as monument signs, wall signs and marquee signage.

After the power point and discussion, Chairperson Aguillo closed the public hearing. This is when the City Fire Marshal Anthony Murphy said he just wished to interject before a motion was made that he has not seen plans yet showing fire hydrants and fuel storage on the site. He just wanted Eric to be aware of these. Eric said there is a hydrant on the south side of East Overland by the factory. Eric said the plans should be in our offices soon. At this time Chairperson Aguillo asked for a motion to approve the truck stop and signage.

Conclusion: Mark Westphal motioned to approve the project and to allow the sign to be 60 feet in height due to the proximity to the sugar factory silos, this was seconded by Dana Weber. "Yeas": Zitterkopf, Wayman, Westphal, Huber, Weber, Aguillo. "Nays": Estrada. "Abstained": None. "Absent": Chadwick, Gompert. "Motion Carried".

Item 9) There being no further business, a motion was made to adjourn by Westphal and seconded by Estrada at 6:45 PM. "Yeas": Zitterkopf, Estrada, Wayman, Westphal, Huber, Weber, Aguillo. "Nays": None. "Absent": Chadwick, Gompert. "Motion Carried".

Angie Aguillo

Attest: Gary Batt,_____.