

City of Scottsbluff, Nebraska
Monday, November 8, 2021
Regular Meeting

Item Appr. Min.1

October 11, 2021 Meeting.

Staff Contact: Zachary Glaubius, Planning Administrator

PLANING COMMISSION MINUTES
REGULAR SCHEDULED MEETING
October 11, 2021
SCOTTSBLUFF, NEBRASKA

The Planning Commission for the City of Scottsbluff met in regular scheduled meeting on Monday, October 11, 2021, at 6:00 PM in the Scottsbluff City Council Chambers at 2525 Circle Drive, Scottsbluff, Nebraska. A notice of the meeting was published in the Star-Herald, a newspaper of general circulation in the City, on October 1, 2021. The notice stated the date, time, and location of the meeting, that the meeting was open to the public, and that anyone with a disability desiring reasonable accommodation to attend should contact the Development Services office. An agenda was kept current and available for public inspection at the Development Services office, provided the Planning Commission can modify the agenda at the meeting if it is determined that an emergency so required. A copy of the agenda packet was delivered to each Planning Commission member.

- 1 Chairman Dana Weber called the meeting to order at 6:00 PM. Roll call consisted of the following members being present, Henry Huber, Dana Weber, Angie Aguillo, Becky Estrada, Callen Wayman "Absent": Anita Chadwick, Dave Gompert, Jim Zitterkopf, Mark Westphal, Linda Redfern (Alternate). City Officials present were Zachary Glaubius, Secretary/Planning Administrator, Taylor Stephens, GIS Analyst, Tom Schingle, Fire Chief, and Kent Hadenfeldt, City Attorney.
- 2 Chairman Weber informed those present of the Nebraska Open Meetings Act and that a copy was located on the south wall of the Council Chambers.
- 3 Acknowledgement of any changes in the agenda: None.
- 4 Business not on the agenda: None.
- 5 The minutes from the September 13 2021 meeting were reviewed. Conclusion, a motion was made by Wayman and seconded by Estrada to approve the minutes from September 13, 2021 meeting conditional on the revision to correctly show Wayman as absent. "Yeas": Huber, Wayman, Estrada, Weber, Aguillo, "Abstained": None, "Absent": Chadwick, Gompert, Zitterkopf, Westphal, Redfern. The motion carried.
- 6 Chairman Weber opened the public hearing at 6:04 PM for the Redevelopment Plan for the 26 Group Fuel Station and Convenience Store – West Project at Lots 11, 12, and 13, Hight's Addition, also known as 823, 827, 831, and 837 W. 27th Street.
- 7 City Attorney Kent Hadenfeldt stated the applicant was not present at the meeting. Hadenfeldt stated the applicant spoke with Deputy City Attorney John Selzer earlier that afternoon about an update to the redevelopment plan, however the update did not have any bearing on the Planning Commission's review. Hadenfeldt presented the redevelopment plan. Hadenfeldt stated the plan is to redevelop the lots on the northeast corner of W. 27th Street and Avenue I. Hadenfeldt stated that the existing buildings would be demolished and a new convenience store and gas station would be built. Hadenfeldt stated that one of the changes from today to the plan is an increase in size of the building from 4,500 sq. ft. to 7,500 sq. ft. Hadenfeldt stated the purpose of the Planning Commission's review is to determine whether the plan is in compliance with the comprehensive plan. Hadenfeldt stated that the city attorney's office finds the plan to be in compliance with the City's comprehensive plan. Weber asked Hadenfeldt if he was at the meeting on behalf of the City of Scottsbluff. Hadenfeldt stated for the record that his firm does represent the applicant, but Hadenfeldt stated that he was present on behalf of the city and planning commission. Wayman asked Glaubius if the project is located in the blighted and

substandard area of the city, and Glaubius confirmed. Weber informed the Planning Commission that a sample resolution for the approval of the 26 Group, LLC redevelopment plan was in the agenda packet. Weber closed the public hearing at 6:07 PM. Wayman made a positive recommendation for the approval of the redevelopment plan. Huber asked Hadenfeldt if the developer was applying for TIF money. Hadenfeldt stated that the development would use tax increment financing to fund the improvements. Huber asked if this is the same developer of the existing Essential Fuels convenience store and gas station on Highway 26 and E. Overland Drive. Hadenfeldt stated it was. Huber asked if there were any restrictions on how much TIF money a developer could receive. Hadenfeldt stated that there is no pool of money for TIF. Hadenfeldt stated that the developer will improve the property and continue to pay property taxes on the base property value. Hadenfeldt stated that the amount of the difference between the base property value and improved property value would go towards paying a bond to pay for the improvements. Huber stated that he understood this, but did not understand how a developer can get TIF in one part of the city and also another part of the city. Wayman asked Huber if Huber was asking if there was a cap on TIF. Wayman and Hadenfeldt stated that only 35% of the city can be considered blighted and substandard. Hadenfeldt stated that TIF can be granted until there are no blighted areas remaining in the city, and it is an incentive for developers to improve blighted areas and remove the areas from blighted districts. Huber asked how big was the notification area for this project. Glaubius stated that TIF projects are only advertised through public notice and no letters are mailed out to nearby property owners. Hadenfeldt stated that only rezoning requires the city to mail out letters to nearby property owners. Huber stated that signs were put up in other areas as a reference to the Item 7C rezone. Huber stated that he spoke to several people who lived within two blocks of this development, and they were not aware of the project. Hadenfeldt stated that the only time notification letters are sent out is if there is a zoning code change or zoning map change. Aguallo stated that this property had previously been used as a gas station. Hadenfeldt stated that gas stations are permitted in the C-2 district. Wayman and Aguallo stated that the use of the property was not changing. Huber stated that not all of the property was used as a gas station since there was a laundromat there too. Wayman stated that a gas station is still a permitted use in the C-2 district. Hadenfeldt stated the nearby property owners would not be notified as there is no change to the zoning. Huber stated that he thought the property owners should have been notified, and Hadenfeldt stated it was not a requirement to notify them. Weber asked Hadenfeldt if there should be any conditions added to the motion due to the changes to the redevelopment plan. Hadenfeldt stated that the changes to the redevelopment plan did not affect the Planning Commission review. Wayman stated that per the plan there would be \$2.88 of private funds for every TIF dollar, and Hadenfeldt stated that the developer is investing a significant amount of their own money into the project. Conclusion: Motion by Wayman, seconded by Aguallo to make a positive recommendation on the approval of the Redevelopment Plan for the 26 Group Fuel Station and Convenience Store-West Project. "Yeas": Wayman, Estrada, Weber, Aguallo "Nays": Huber "Abstained": None, "Absent": Chadwick, Gompert, Zitterkopf, Westphal, Redfern. The motion carried.

- 8 Chairman Weber opened the public hearing at 6:14 PM for the Redevelopment Plan for BDS2C, LLC Flyover Brewing Company Expansion Project located at Lot 22, Main Street Addition, also known as 1820 Broadway.
- 9 Hadenfeldt stated the co-owner Andrea Margheim was present at the meeting. Margheim stated that the property is located next to the existing brewery. Margheim stated the expansion will provide employee offices, production space, and expansion of the dining room. Margheim stated that the TIF eligible expenses for the project were concrete work, roof work, and

engineering fees. Margheim stated the expansion will allow the brewery to hold events and expand production. Weber stated that the redevelopment shows most of the funding for the project will be private. Margheim stated that the project will mostly be private funded and will also be receiving LB840 funding. Weber closed the public hearing at 6:16 PM. Conclusion: Motion by Wayman, seconded by Estrada to make a positive recommendation on the approval of the Redevelopment Plan for BDS3C, LLC Flyover Brewing Company Expansion Project. "Yeas": Wayman, Estrada, Weber, Aguallo, Huber "Nays" None "Abstained": None, "Absent": Chadwick, Gompert, Zitterkopf, Westphal, Redfern. The motion carried.

- 10 Chairman Weber introduced Item 7A & 7B regarding the preliminary and final plats for Lots 1 and 2, Block 3, West Nebraska Express Subdivision. Weber asked Hadenfeldt if the public hearing for both the preliminary and final plat could be held concurrently. Hadenfeldt stated they could. Weber opened the Public Hearing at 6:18 PM. Representative for the applicant Greg Schilz with MC Schaff and Associates informed the Planning Commission that the owners of 24-7 Fitness desire to purchase the building they rent. Schilz stated there will be a 14-foot utility easement between the two buildings on Lot 1 and 2 as well as a 15' access easement on the northwest corner of Lot 2. Schilz stated they were seeking positive approval on the plats. Aguallo asked if the applicant wanted to purchase the front building. Schilz stated the owner of 24-7 will purchase the entire building in which they are located. Weber asked if there were any other comments, and there were none. Weber closed the public hearing at 6:19 PM. Weber asked for a motion. Conclusion: Motion by Estrada to make a positive recommendation to City Council regarding the preliminary and final plat of Lots 1 and 2, Block 3, West Nebraska Express, seconded by Wayman. "Yeas": Wayman, Estrada, Weber, Aguallo "Nays" Huber "Abstained": None, "Absent": Chadwick, Gompert, Zitterkopf, Westphal, Redfern. The motion carried.
- 11 Weber introduced Item 7C & 7D regarding the preliminary and final plats for Block 1, BF Properties. Weber opened the public hearing at 6:20 PM. Representative for the applicant Greg Schilz with MC Schaff and Associates stated that Brian Frank and Henkel Ag agreed on a subdivision of 6 acres to Henkel, who had improved the land. Schilz stated that the new lot would need to be rezone from A-Agricultural to C-3 Heavy Commercial district. Schilz stated that there is an extension of SID 4A on the east side of the property. Weber closed the public hearing at 6:21 PM. Weber asked if there were any questions and for a motion. Weber asked Hadenfeldt if there was a notification to the nearby property owners. Hadenfeldt stated that the nearby property owners would have received notification letters as there is a rezone. Glaubius confirmed notification letters had been mailed out. Aguallo stated that it appeared no property owners were concerned as none had attended the meeting. Weber stated that there was already commercial activity there. Schilz stated that there is C-3 on both sides of the residential area. Wayman asked if the SID referred to the sewer connection, and Schilz stated it was. Conclusion: Motion by Estrada, seconded by Huber to make a positive recommendation to City Council regarding the preliminary and final plats for Block 1, BF Properties. "Yeas": Wayman, Estrada, Weber, Aguallo "Nays" Huber "Abstained": None, "Absent": Chadwick, Gompert, Zitterkopf, Westphal, Redfern. The motion carried.
- 12 Weber introduced Item 7E regarding the rezone request for Block 1, BF Properties from A-Agricultural to C-3 Heavy Commercial. Aguallo asked if the Planning Commission was the final say on the approval of a rezone. Hadenfeldt stated that the Planning Commission would need to make a positive recommendation, and City Council would have to approve an ordinance on the rezone. The public hearing for the rezone was held concurrently with the preliminary and final plat public hearing for the subdivision. Conclusion: Motion by Aguallo, seconded by Wayman to make a positive recommendation on the approval of the rezone request for Block 1, BF Properties to the City Council. "Yeas": Wayman, Estrada, Weber, Aguallo "Nays" Huber

“Abstained”: None, “Absent”: Chadwick, Gompert, Zitterkopf, Westphal, Redfern. The motion carried.

- 13 Weber introduced Item 8 regarding officer elections. Estrada nominated Weber for chairman and Aguallo, Wayman, and Huber agreed. Weber accepted the nomination. Motion by Estrada, seconded Huber to elect Weber to chairman. Aguallo asked who the previous vice-chairman was. Estrada stated it was Anita Chadwick. Huber nominated Estrada to vice-chairman, seconded by Weber. Estrada accepted the nomination. Conclusion: Motion by Estrada, seconded by Huber to elect Weber as Planning Commission Chairman “Yeas”: Wayman, Estrada, Weber, Aguallo “Nays” Huber “Abstained”: None, “Absent”: Chadwick, Gompert, Zitterkopf, Westphal, Redfern. The motion carried. Conclusion: Motion by Huber, seconded by Weber to elect Estrada as Planning Commission Vice-Chairman. “Yeas”: Wayman, Estrada, Weber, Aguallo “Nays” Huber “Abstained”: None, “Absent”: Chadwick, Gompert, Zitterkopf, Westphal, Redfern. The motion carried.
- 14 Weber introduced Item 9 regarding staff reports. Weber asked Glaubius if there were any staff reports. Glaubius stated he intended to bring the Planning Commission rules to the next meeting for the Planning Commission to review and potentially revise.
- 15 Weber introduced Item 10 regarding scheduling the next Planning Commission meeting on November 8, 2021.
- 16 Adjournment: Motion by Wayman, seconded by Estrada to adjourn the meeting at 6:26 PM.

Chairman Dana Weber

Zachary Glaubius, Secretary