

City of Scottsbluff, Nebraska

Monday, December 13, 2021

Regular Meeting

Item New Bus1

Public Hearing-Ordinance Text Change

Zoning Text Change to Chapter 25 Article 3 regarding the additions of Vineyards & Wineries, Golf Courses, and Agricultural Attractions as principle permitted uses in the Agricultural Zoning District.

Staff Contact: Zachary Glaubius, Planning Administrator



Scottsbluff City Zoning Text Change Application

2525 Circle Drive, Scottsbluff, NE 69361
Telephone (308) 630-6243 Fax (308) 630-6204
www.scottsbluff.org

Project Information

Application Date:

10/19/21

Number (Office Use Only):

2021-12-01

Comprehensive Plan Designation:

25-3-19 A Agricultural

Comprehensive Plan Amendment Required?

~~NO~~ NO

Brief description of text change request:

Addition of "Vineyard and Winery"

Applicant Information

Applicant:

Papa Moon Vineyards, Winery and Ciders

Property Owner:

James D Massey Jr Living Trust

Address:

230975 County Road J

Telephone:

(308) 631-8380

Ryan Massey

City:

Scottsbluff

State:

NE

Zip:

69361

Alt. Telephone:

City Development Process and Requirements

- 1. Staff Review Time:** Approximately 3 to 4 weeks prior to the Public Hearing date. Notice to the newspaper must be mailed out 2 ½ weeks prior to the meeting date.
- 2. Planning Commission:** Held the second Monday of each month at 6:00 p.m.
- 3. City Council:** Held the first and third Mondays of each month at 6:00 p.m.

All meetings are held in the City Council Chambers at 2525 Circle Drive in Scottsbluff.

REQUIREMENTS

- ☐ Pre-application meeting with City Planner
- ☐ Zoning Ordinance Text Change Fees \$100.00 plus cost of public hearing notice

- ☐ Desired Text Change - on disk or emailed to the City Development Service Department in Word format and any other supporting documentation.
- ☐ A Letter and/or packet from the petitioner that the proposed text change:
 - ☐ Would provide a service needed by the city and/or residents of the community and will be consistent with sound land use principles.
 - ☐ The text change will not be injurious to adjacent properties or uses throughout the city or environment.
 - ☐ Will the proposed text change create special hazards or problems.
 - ☐ Would the proposed text change be harmonious and consistent with the Comprehensive Plan.
 - ☐ Why the proposed text change is needed.

If any of these items are not submitted or answered with the application the City maintains the right to return the application as incomplete.

Rezone Process

After staff receives a completed application the staff will write a report to the Planning Commission including their recommendation. The Planning Commission will then hold a public hearing (which must be noticed in newspaper 10 days prior to the hearing) pertaining to the Zone Change and either recommend supporting the zone change or not to the City Council. After the Planning Commission the City Council will also hold a public hearing on the text change request and either approve, approve with conditions or deny the request.



Papa Moon Vineyards, Winery & Cider House



*Creating locally grown craft beverages, family friendly experiences
and preserving Nebraska's beauty since
2012*

Why is the proposed text change needed?

Our Farm Winery has been in business at this location for ten years with approval and the support of; Scottsbluff County, Scottsbluff County Commissioners, the Nebraska State Patrol Troop E, Scottsbluff County Sheriff, Nebraska State Fire Marshal, The State of Nebraska as well as the TTB and has experienced no issues. Through an oversight however, we recently discovered we are not in compliance with the current agricultural zone, as written by the city, in which we operate.

Will the proposed text change create special hazards or problems

As noted above, a slight increase in traffic on the County Road J.

Would the proposed text change be harmonious and consistent with the Comprehensive Plan

Input from the community in our Comprehensive Plan:

“Regional hub for: recreation, entertainment, culture, education, commerce.

“Safe, family friendly, healthy, welcoming, inclusive, accessible, affordable.”

“Growing and maintaining our city while maintaining our rural values.”

The Comprehensive Plan was written with community input and reflects these values. We believe that Papa Moon Vineyards and Winery reflects these values as well and enhances the community we all love.

Would provide a service needed by the city and/or residents of the community and would be consistent with sound land use principles.

Our city is rich in tourism sites based on the arts, history and geography. We lack agricultural tourism. Being an agricultural community it is important for us to bring residents and visitors closer to the farm to table industry which is now popular with travelers. Although wine grapes and apples are not the mainstay of our farm economy they represent an interesting and enjoyable niche ideal for educating families in a peaceful, environmentally friendly environment. The grounds have ample space for walking, bird watching, firefly viewing, and spotting other abundant wildlife at the margins of our wetlands.

The text change will not be injurious to adjacent properties or uses throughout the city or environment

Wine grapes require a few passes with various machinery throughout the year. Machinery use is comparable to the row and forage crops in the valley which we have adjacent to our location. Wine making is environmentally friendly and essentially noiseless. There are no harsh odors or chemicals. We compost the leftover grape skins on site. We do have visitors for open tastings and events which slightly increase traffic on the already busy County Road J.

PAPA MOON VINEYARDS AND WINERY

Documents in support of Scottsbluff City Zoning Text Change:

25-3-19 A Agricultural.

Intent: The intent of an agricultural zone is a zone in which land is permitted to be used for raising of crops and pasturing cattle and related activities.

Principle Permitted Uses.

- 1. Agricultural uses, general.**
- 2. Home Occupations**
- 3. Irrigation facilities**
- 4. Kennel, dog**
- 5. Municipal uses**
- 6. Public utility facilities**
- 7. Single family Dwelling**
- 8. Stable**
- 9. Tourist information booth**
- 10. Vineyard and Winery**
- 11. Agriculture Estate Dwelling Site**

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City of Scottsbluff Planning Commission

Development Services Staff Report – Zachary Glaubius

Prepared on: November 23, 2021 For Hearing of: December 13, 2021



I. GENERAL INFORMATION

- A. Applicant:** Papa Moon Vineyards, Winery and Ciders
230975 County Road J
Scottsbluff, NE 69361
- B. Property**
Owner: James D. Massey Jr. Living Trust
- C. Proposal:** Add “Vineyards and Wineries” as a principle permitted use in the A-Agricultural Zoning District

II. BACKGROUND INFORMATION

- A. History**
1. Applicant has operated the vineyard since 2004.
 2. The applicant received a non-compliance letter from the City of Scottsbluff for hosting events.
 3. Hosting Events does not fall under the “Agricultural uses, general” principle permitted use.
 4. The applicant wants to be in compliance with the city zoning code and continue hosting events.

III. PROPOSED ADDITION

- A. 25-3-19 A-Agricultural**
1. Principal Permitted Uses
 - i. Vineyards & Wineries

IV. STAFF COMMENTS

- A.** The applicant and staff have reviewed the zoning codes of other municipalities with wineries and vineyards. The simple addition of “winery and vineyard” is a sufficient addition to allow the hosting of events and other secondary features.
- B.** The text change is not injurious to adjacent property owners as the vineyard has been in operation for years.
- C.** The addition of this principle permitted use is harmonious and consistent with the comprehensive plan.

V. STAFF RECCOMENDATION

- A.** Staff recommends Planning Commission make a positive recommendation to City Council to add the Principle Permitted Use of Winery and Vineyard to Chapter 25 Article 3 Section 19.

City of Scottsbluff Planning Commission

Development Services Staff Report – Zachary Glaubius

Prepared on: November 23, 2021 For Hearing of: December 13, 2021



I. GENERAL INFORMATION

- A. With the Papa Moon Vineyards zoning text amendment request, staff reviewed 25-3-19 for any other oversights regarding principle permitted uses. This is in an effort to eliminate the need to update the principle permitted uses of the Agricultural Zoning District for the time being.
- B. Staff identified two principle permitted uses that would clarify existing uses as being permitted.

II. PROPOSED ADDITIONS

A. 25-3-19 A-Agricultural

- 1. Principal Permitted Uses
 - i. Golf Courses
 - ii. Agricultural Attractions

B. 25-2-3.1 Agricultural Attractions

- 1. A premises used primarily for agriculture for the purpose of raising and harvesting crops for sale, but also includes a limited amount of area devoted to the provision of entertainment for a period of no more than four months per year. Examples of agricultural attractions include, but are not limited to, pumpkin patch, apple orchard, or corn maze. The sale of other goods and entertainment is permitted in areas of the premises during the allowable operating period. Attractions shall not include mechanical rides other than hayrack and sightseeing vehicles.

III. STAFF COMMENTS

- A. Riverview Golf Course is located in the Agricultural Zoning District. By adding this permitted use, the golf course would no longer be legal non-conforming.
- B. Agricultural Attractions consist of pumpkin patches, corn mazes, and orchards. By adding this permitted use, it would clarify that these uses are permitted in the city's jurisdiction.
- C. The definition for Agricultural Attractions is necessary for enforcement.

IV. STAFF RECCOMENDATION

- A. Staff recommends Planning Commission make a positive recommendation to City Council to add the Principle Permitted Use of Golf Courses and Agricultural Attractions to Chapter 25 Article 3 Section 19 and the Agricultural Attraction Definition to Chapter 25 Article 2.