



SCOTTSBLUFF CITY PLANNING COMMISSION AGENDA

Monday, July 8, 2013, 6:00 PM
City Hall Council Chambers, 2525 Circle Drive

PLANNING COMMISSIONERS

GLEN VANDENBERGE
CHAIRMAN

BECKY ESTRADA
VICE CHAIRMAN

ANGIE AGUALLO

DANA WEBER

HENRY HUBER

GARY HUTZEL

JIM ZITTERKOPF

ANITA CHADWICK

- 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 6/10/13
- 7. NEW BUSINESS:**
 - A Special Use Permit: Auto Sales in a C-2 zoning district.**
Special Use Permit: Allow Auto Sales in a C-2 district
Applicant: Paul Reed Constr.
Owner: Dave Wolf
Location: 2216 14th Avenue
 - B Zone change request M-1 to M-2**
Rezone: From M-1 to M-2
Applicant: City Council Referral
Owner: City of Scottsbluff
Locaton: Immigrant Trail Road
 - C Special Use Permit - Rendering Plant**
Special Permit: Rendering Plant in M-2
Applicant: City Council Referral
Owner: City of Scottsbluff
Location: Immigrant Trail Road
- 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, July 8, 2013

Regular Meeting

Item Appr. Min.1

6/10/13

Staff Contact: Annie Urdiales

Planning Commission Minutes
Regular Scheduled Meeting
June 10 2013
Scottsbluff, Nebraska

The Planning Commission of the City of Scottsbluff, Nebraska met in a regular scheduled meeting on Monday, June 13 2013, 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 May 31, 2013. 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, Glen Vandenberg called the meeting to order. Roll call consisted of the following members: Jim Zitterkopf, Gary Hutzel, Angie Aguillo, Anita Chadwick, Becky Estrada, and Glen Vandenberg. Absent: Henry Huber, and Dana Weber. City officials present: Annie Urdiales, Planning Administrator, Marlon Johnson, City Planner, and Gary Batt, Code Administrator I.

ITEM 2: Chairman Vandenberg informed all those present of the Nebraska Open Meetings Act and that a copy of such is posted on the bulletin board in the back area of the Conference Room on the north wall, 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 5/13/13 were reviewed and approved with a correction to line 95 changing Vandenberg to Zitterkopf. A motion was made to accept the minutes with correction by Estrada, and seconded by Zitterkopf. "YEAS": Zitterkopf, Aguillo, Chadwick, Estrada, and Vandenberg. "NAYS": None. ABSTAIN: Hutzel. ABSENT: Huber and Weber. Motion carried.

ITEM 7A: The Planning Commission opened a public hearing for a request to rezone property described as proposed Lot 1, Spengler Subdivision, a replat of Lot 1, Hessler Subdivision and un-platted land situated in the north half of the SE ¼ of Section 11, T22N, R55W of the 6th P.M. this property is situated West of County Road 22 (5th Ave. extended north) north of 42nd Street. This property is owned by HVS; LLP (Shane Aulick) Existing un-platted area is approximately 80 acres and zoned Agricultural where minimum lot size required is 20 acres. Proposed Lot 1, Spengler subdivision will be approximately 14.88 acres and will be approved as an administrative survey plat. The requested zone change is to Agricultural Residential where minimum lot size is 5 acres. Access onto the proposed parcel is from County Road 22. The parcel has existing buildings on site. The AR zone will fit and provide a buffer with the surrounding Agricultural zoning districts.

Kelly Beatty, from M.C. Schaff and Associates addressed the Planning Commission in favor of the change and explained the request for the AR zone and the administrative survey plat.

52
53 **Conclusion:** A motion was made by Estrada and seconded by Zitterkopf to make positive
54 recommendation to City Council on the rezone of proposed Lot 1, Spengler Subdivision from
55 Agricultural to AR Agricultural Residential subject to the rezone becoming effective upon filing of the
56 survey plat. "YEAS": Hutzel, Zitterkopf, Chadwick, Aguallo, Estrada and Vandenberg. "NAYS":
57 None. ABSTAIN: None. ABSENT: Huber, and Weber. Motion carried.

58
59 **Agenda Item 7B:** The Planning Commission opened a public hearing for a request to rezone property
60 described as proposed Block1, King's Acres Subdivision situated in the NW ¼ of the SW ¼ of Section
61 11, T22N, R55W of the 6th P.M. Scotts Bluff County, NE, this property is located East of Highway 71,
62 across from Scotts Bluff Country Club, & North of Mountain View Avenue. The property is owned by
63 Gerald and JoAnn King Revocable Trust; they are requesting the proposed parcel which is approximately
64 11.47 acres be rezoned from Agricultural to AR Agricultural Residential.

65
66 Kelly Beatty, from M.C. Schaff and Associates addressed the Planning Commission in favor of the
67 change.

68
69 **Conclusion:** A motion was made by Hutzel and seconded by Estrada to make positive recommendation
70 to City Council on the rezone of proposed Block1, King's Acres Subdivision (11.47 acres) from
71 Agricultural to AR Agricultural Residential subject to the rezone becoming effective upon filing of the
72 survey plat. "YEAS": Hutzel, Zitterkopf, Chadwick, Aguallo, Estrada and Vandenberg. "NAYS":
73 None. ABSTAIN: None. ABSENT: Huber, and Weber. Motion carried.

74
75 **Agenda Item 7C:** The Planning Commission opened a public hearing on a proposed ordinance text
76 change/amendment in Chapter 21, Subdivision (B) General Provisions. . Section 21-1-10 Provisions:
77 applicability. The provisions of this Article shall be applicable to all lots, tracts of land, and parts thereof
78 within the corporate limits of the City and, except as hereinafter otherwise specified, to all lots, utility
79 sublot, lot tracts of land, and parts thereof outside but with two (2) miles of the corporate limits of any
80 other incorporated city or village. Utility sub-lot will be added to the current language, along with an
81 updated definition of a plat (21-1-2).

82
83 Marlin reviewed the background on the proposed text change. With the ordinance approval of the
84 Wireless Communication Facilities the term utility sublot and definition was added to the City's code.
85 The addition of utility sublot in the General Provision language will cover the smaller lot and the Special
86 Permit application needed for the WCF will cover any other conditions for the lot development. The
87 utility sublots will also be available for other utilities. This change was approved by City legal counsel.

88
89 **Conclusion:** A motion was made by Zitterkopf and seconded by Hutzel to make positive
90 recommendation for ordinance text amendment adding *utility sub-lot* to language in Chapter 21,
91 Subdivisions, (B) General Provisions 21-1-10 to the City Council subject to the following condition(s):

92
93 **ITEM 8. Unfinished Business:** Marlin updated the Planning Commission regarding the off-street
94 parking in the C-1 Central Business District. The Planning Commission had asked for more information
95 and specific language for the off street parking & hours listed on the municipal lots and Marlin had
96 offered to facilitate proposed recommendations and changes. At the last City Council Marlin let them
97 know that the Planning Commission asked that the existing parking requirements be enforced.

98
99 The City Manager has asked the Assistant City Manager, Nathan Johnson to take the reins on this project
100 along with the Downtown Revitalization group. Marlin will keep the Planning Commission informed on
101 what is happening with the off-street parking.

103 Marlin has scheduled a meeting on Wednesday, June 26, 10:00 A.M. to provide informational and
104 educational opportunities regarding water law in general and its relation to subdivisions, rezones and
105 anything else that might come up. Harriet Hageman M. Hageman, with Hageman Law P.C. and Tom
106 Hayden with NRD will be guest speakers. The City of Gering will provide a meeting place at the Gering
107 City Council chambers, the meeting should end by noon. Please come to the meeting if at all possible.
108

109 Also, the Planning Commission has been invited to a Community Forestry & Landscape bus tour to Fort
110 Collins, CO on June 27, it is an all-day event, if interested contact Annie and she will let Amy Seiler
111 know.
112

113 The Planning Commission had a few questions regarding the July 8 regular meeting and asked
114 that they have legal guidance on the proposed zone change which may be on the agenda. Marlin
115 will talk with legal staff and get any information provided to them before the meeting.
116

117 There being no further business the Planning Commission with a motion to adjourn made by Estrada and
118 seconded by Hutzel the meeting was adjourned at 6:30 p.m. "YEAS": Hutzel, Aguallo, Estrada,
119 Chadwick, Zitterkopf, and Vandenberg. NAYS: none. ABSENT: Weber and Huber. Motion carried.
120

121 _____
122 Glen Vandenberg, Chairperson
123

124 Attest: _____
125 Annie Urdiales

City of Scottsbluff, Nebraska

Monday, July 8, 2013

Regular Meeting

Item NewBiz1

Special Use Permit: Auto Sales in a C-2 zoning district.

Special Use Permit: Allow Auto Sales in a C-2 district

Applicant: Paul Reed Constr.

Owner: Dave Wolf

Location: 2216 14th Avenue

Staff Contact: Annie Urdiales & Marlin Johnson



SCOTTSBLUFF PLANNING COMMISSION Staff Report

To:	Planning Commission	Zoning:	C-2
From:	Development Services Department	Property Size:	1.08 acres
Date:	July 8, 2013	# Lots/Units:	1
Subject:	Special Permit Request – Wolf Auto		
Location:	14 th Avenue		

Background: The applicant(s), Paul Reed Construction, is requesting a special permit to allow for auto sales in a C-2 Neighborhood and Retail Commercial zoning district. The property is owned by Dave Wolf and is situated on 14th Avenue between Highway 26 and Circle Drive (just north of Monument Car Wash). Lot 2, Block 2, Cannon Subdivision.

Auto sales are a permitted use in a C-2 zone with a special permit from the Planning Commission. There are several pre-existing auto sales businesses in the C-2 zoning districts throughout the City.

We have previously approved to other requests for this type of special permit one at 2417 Avenue I, 2419 Avenue I, and 112 West 27th Street.

Analysis: The property is zoned C-2 Neighborhood & Retail Commercial. The applicant submitted all proper paper work for this permit. The surrounding properties to the east and south is also zoned C-2, C-3 to the north across the Highway and PBC to the West (mall area).

The property is situated in the Gateway Overlay Zone and the plan meets the general requirements of the GGO zone.

Mr. Wolf would like to ask for adjustments to the design standards due to the existing overhead power lines found on both the North and East sides of the property. They will use less and/or smaller trees but provide more shrubs to compensate, which is an allowable substitution within the requirements. The applicant has shown what they believe meets all requirements however are asking that the Planning Commission approve a variance that would allow a less number of shrubs along Highway 26 and 14th Avenue. The owner's business depends on his merchandize being able to be displayed to the public and thus he would like to provide minimal viewing obstructions in these areas. They acknowledge the value in landscaping the area and providing an esthetically pleasing view for the community. They are hoping the P.C. will come to a compromise and allow only a percentage of the shrubs found in these areas.

Lot Sizes: The lot is approximately 1.08 acres. A site plan showing layout of building along with landscaping is attached. I have also attached an aerial photo for your review.

Planner's Report:

Special Permit, Page 1

CONDITIONAL USE PERMIT REQUEST - To allow auto sales and service in a C-2 Neighborhood and Retail Commercial District

Paul Reed Construction desires to obtain a Conditional Use Permit for auto sales and service on the south side of Highway 26 between 13th Avenue and 14th Avenue. The property will be accessed from 14th Avenue.

There is C-2 zoning to the east and south, C-3 zoning to the north and Planned Business Center zoning to the west. A rezone to C-3 would allow the proposed use without a CUP, but would be a more lengthy process, even though C-3 zoning would make sense for this property. The Comprehensive Plan Future Land Use Map designates this property as Light Commercial, but the location on Highway 26 is also appropriate for Heavy Commercial.

The property is in the Gateway Green Overlay Zone and development plans will require approval of the Planning Commission. Those plans are included in the packet and seem to generally meet the requirements with the exceptions noted by the applicant's representative.

The Planning Commission may issue a special permit for a Conditional Use subject to 25-13-3. and 25-13-6. Per the five required findings:

- 1.) Auto mobile sales and service represent services that are required by the community and the use is consistent with the surrounding zonings and uses,
- 2.) The use will not be injurious to neighboring uses,
- 3.) The use will not create special hazards or problems,
- 4.) The Comprehensive Plan Future Land Use Map supports the use,
- 5.) The use is in accordance with the intents and purposes of the Code, plus reasonable conditions can be included if deemed necessary and appropriate.

There has been no comment received from the public.

Please note that per 25-13-9 that a building permit must be issued within one year of approval of the Conditional Use Permit or the Permit expires and per 25-13-11 that the Permit may not be transferred with change of ownership of the land.

Staff Recommendation: Approve a Conditional Use Permit to allow auto sales and service in a C-2 Neighborhood and Retail Commercial District with no additional conditions

Findings of Fact could include; the property significantly abuts Highway 26 and could be positively considered for rezone to C-3 Heavy Commercial; the use fits C-2 Neighborhood and Retail Commercial District in this location; the Industrial Zoning is in accordance with the Comprehensive Plan and per 25-13.3:

- 1.) Auto mobile sales and service represent services that are required by the community and the use is consistent with the surrounding zonings and uses,
- 2.) The use will not be injurious to neighboring uses,
- 3.) The use will not create special hazards or problems,
- 4.) The Comprehensive Plan Future Land Use Map supports the use,
- 5.) The use is in accordance with the intents and purposes of the Code.

In addition, the Planning Commission should consider approval of the development plan in relation to the Gateway Green Overlay Zone. Staff feels that the plans generally comply with the exceptions noted by the applicant. The Planning Commission does need to formally act on the matter.

RECOMMENDATION

Approve

Make a motion to approve the special permit to allow for Auto Sales at Lot 2, Block 2, Cannon Subdivision to Dave Wolf in a C-2 Neighborhood & Retail zoning district subject to the following condition(s):

Deny

Make a motion to disapprove the special permit for Auto Sales at Lot 2, Block 2, Cannon Subdivision to Dave Wolf in a C-2 Neighborhood and Retail Commercial zoning district, for the following reason(s):

Table

Make a motion to TABLE the Special permit request of Dave Wolf for property located at lot 2, Block 2, Cannon Subdivision for the following reason(s):



Project Address:
22XX 14th Ave.
Scottbluff, NE 69361

Township: 22N Range: 55W
Section: 24 Quarter: N/W
1/4 Quarter: S/W

Subdivision: Cannon
Block: 2 Lot: 2

Latitude: 41° 52' 10.55"N
Longitude: 103° 38' 43.80"W
General Elevation: 3889 Feet

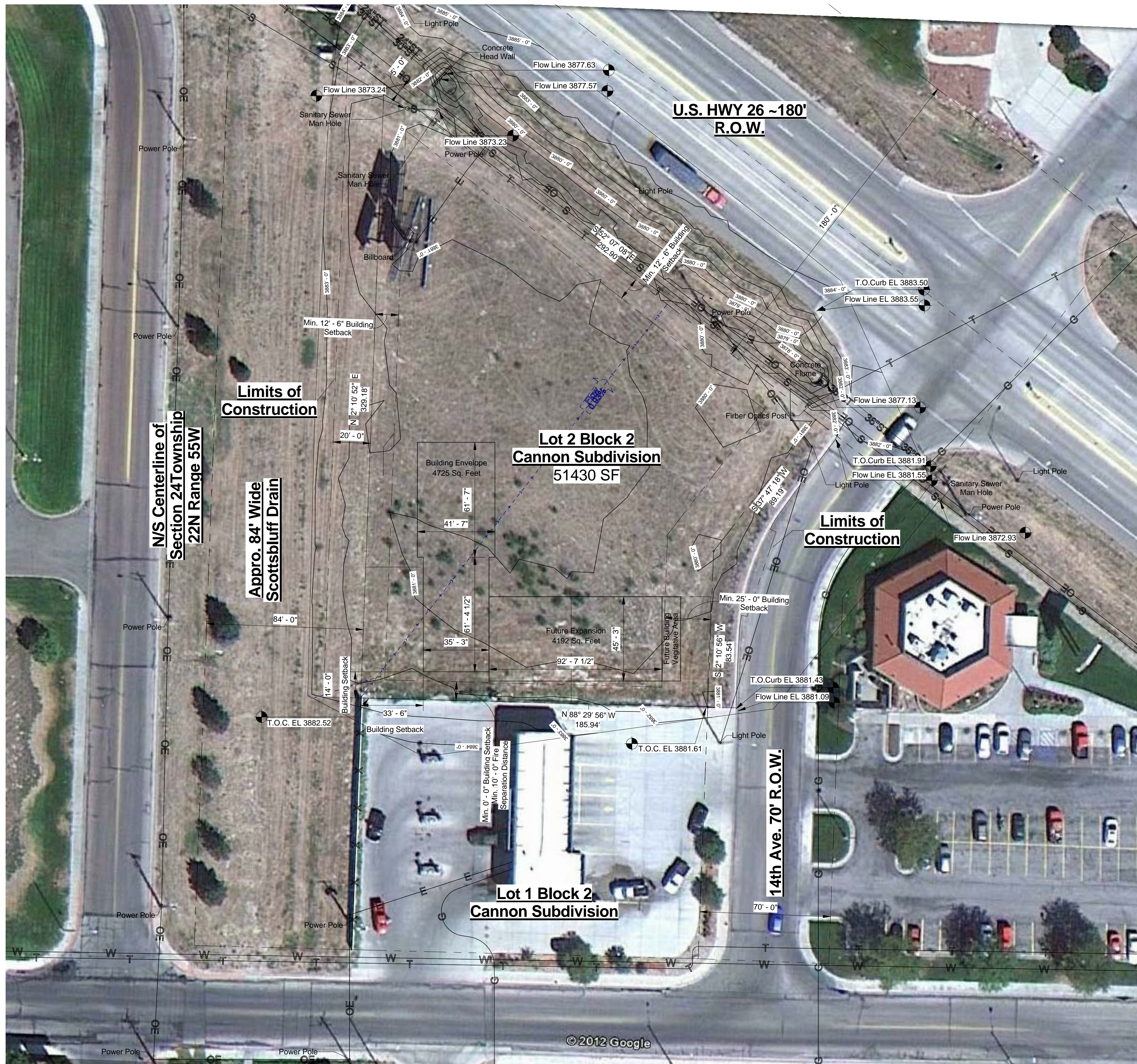
No.	Description	Date
1	Schematic Design	04/01/12
2	Design Development	06/01/12
3	75% Construction Docs.	06/19/12
4	75% Redesign Design	05/15/13
5	90% Construction Docs.	05/21/13
6	100% Construction Docs.	06/11/13

Existing Site Plan

Project number	13-XXXX
Date	06/11/13
Drawn by	SJC
Checked by	SJC

C2.0

Scale	As indicated
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NOTES:
1. REFERENCE SHEET C1.0 FOR ADDITIONAL PLAN NOTES

Engineer & Construction Manager:

Paul Reed Construction & Supply, Inc.

2970 N 10th Street
Gering, NE 69341
Phone: (308) 635-2213
Fax: (308) 635-0182
www.paulreedconstruction.com

Architect:

Rod Laucomer - Architect

11201 South 98th Street
Lincoln, NE 68526
Phone: (402) 430-7316
www.RL-Architect.space.live.com

Project Address:

22XX 14th Ave.
Scottbluff, NE 69361

Township: 22N Range: 55W
Section: 24 Quarter: NW
1/4 Quater: S/W

Subdivision: Cannon
Block: 2 Lot: 2

Latitude: 41° 52' 10.55"N
Longitude: 103° 38' 43.80"W
General Elevation: 3889 Feet

No.	Description	Date
1	Schematic Design	04/01/12
2	Design Development	06/01/12
3	75% Construction Docs.	06/19/12
4	75% Redesign Design	05/15/13
5	90% Construction Docs.	05/21/13
6	100% Construction Docs.	06/11/13

Wolf Auto Dealer

Wolf Dealership

Drainage Plan

Project number	13-XXXX
Date	06/11/13
Drawn by	SJC
Checked by	SJC

C3.0

Scale As indicated

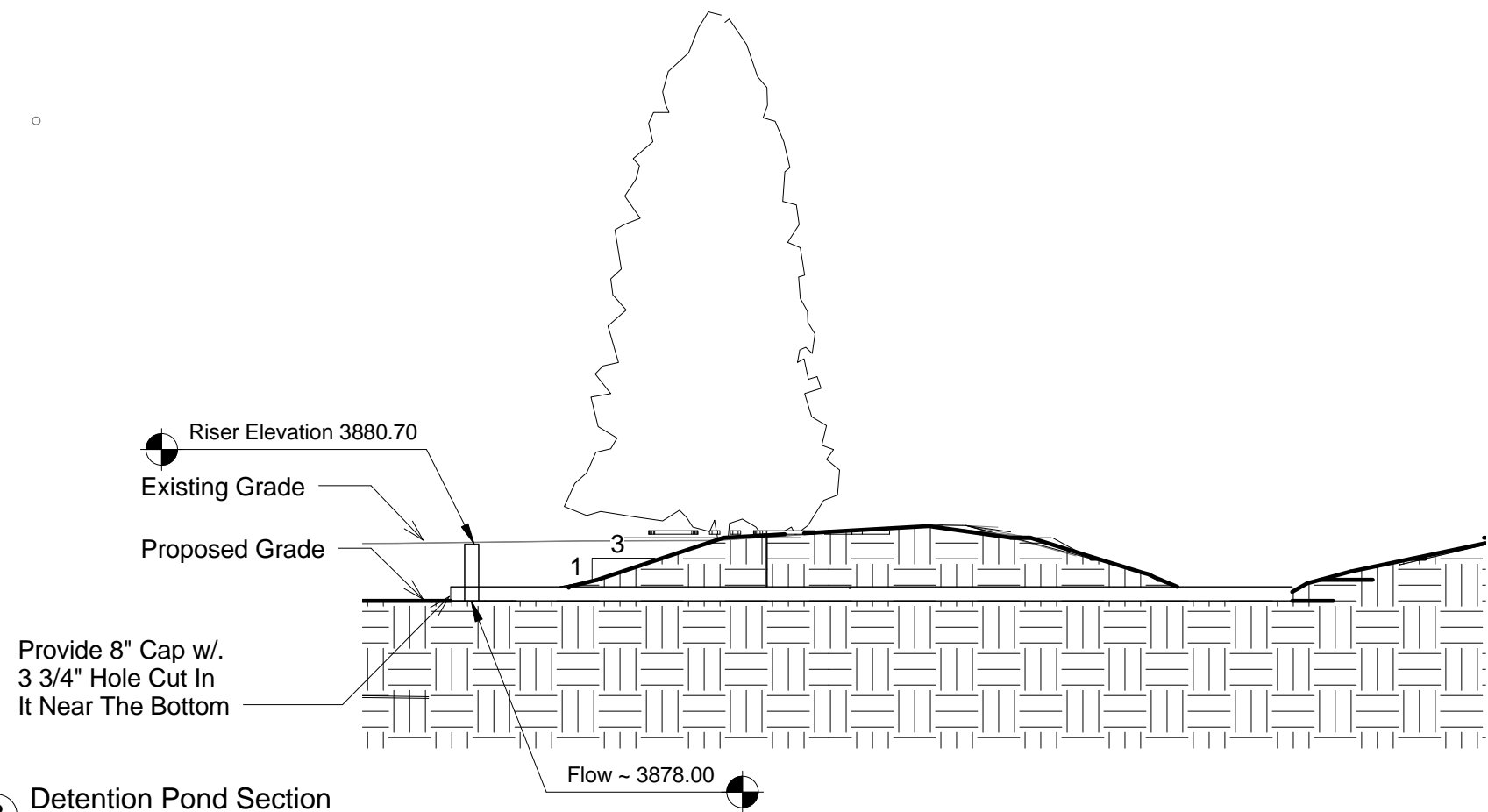


Drainage Schedule							
Name	Area	Runoff Coefficient	Time of Concentration for Q10 (Minutes)	Intensity for Q10 (In/Hr)	Q10 (cfs)	Q2 (cfs)	Q25 (cfs)
Off-Site Drainage That Will Flow Through Pond	0.17 acres	0.25	16	3.31	0.14	0.09	0.20
Area That Drains To 14th Ave.	0.09 acres	0.95	16	3.31	0.29	0.17	0.41
South Valley Pan Drainage	0.32 acres	0.95	16	3.31	1.01	0.61	1.45
North Valley Pan Drainage	0.64 acres	0.95	16	3.31	2.02	1.22	2.89
Area That Drains To HWY 26	0.05 acres	0.16	16	3.31	0.03	0.02	0.04
Area That Drains Directly To Pond	0.09 acres	0.16	16	3.31	0.05	0.03	0.07
Existing Site Drainage	1.18 acres	0.25	24	2.66	0.79	0.49	1.16
Existing Site Drainage and Off-Site Area That Will Flow Through Pond	1.35 acres	0.25	24	2.66	0.91	0.56	1.33

Pond Description		
Description	Area	Volume (Cubic Feet)
Detention Pond 3878	940 SF	0
Detention Pond 3879	1433 SF	1186
Detention Pond 3880	1957 SF	2881
Detention Pond 3881	2594 SF	5156

POND NOTES:

- PROVIDE AN 8" HDPE OUTLET PIPE, 8" TEE CONNECTION, 8" HDPE RISER PIPE, AND AN 8" CAP WITH A 3 3/4" HOLE CUT IN THE BOTTOM OF THE CAP. POND OUTLET FLOW ELEVATION SHALL BE AT ELEVATION 3878 AND THE RISER PIPE SHALL TERMINATE AT ELEVATION 3880.7.
- POND DEPTHS AND DISCRAGE RATES:
2 YEAR STORM SHALL HAVE A MAXIMUM DEPTH OF 1.7 FEET AND A MAXIMUM DISCHARGE OF 0.46 CFS
10 YEAR STORM SHALL HAVE A MAXIMUM DEPTH OF 2.7 FEET AND A MAXIMUM DISCHARGE OF 0.59 CFS
25 YEAR STORM SHALL HAVE A MAXIMUM DEPTH OF 2.9 FEET AND A MAXIMUM DISCHARGE OF 1.17 CFS
- PROVIDE 200 SQUARE FEET OF RIP RAP AT POND INLET. RIP RAP TO BE A MINIMUM OF 4" COLORED COBBLES.



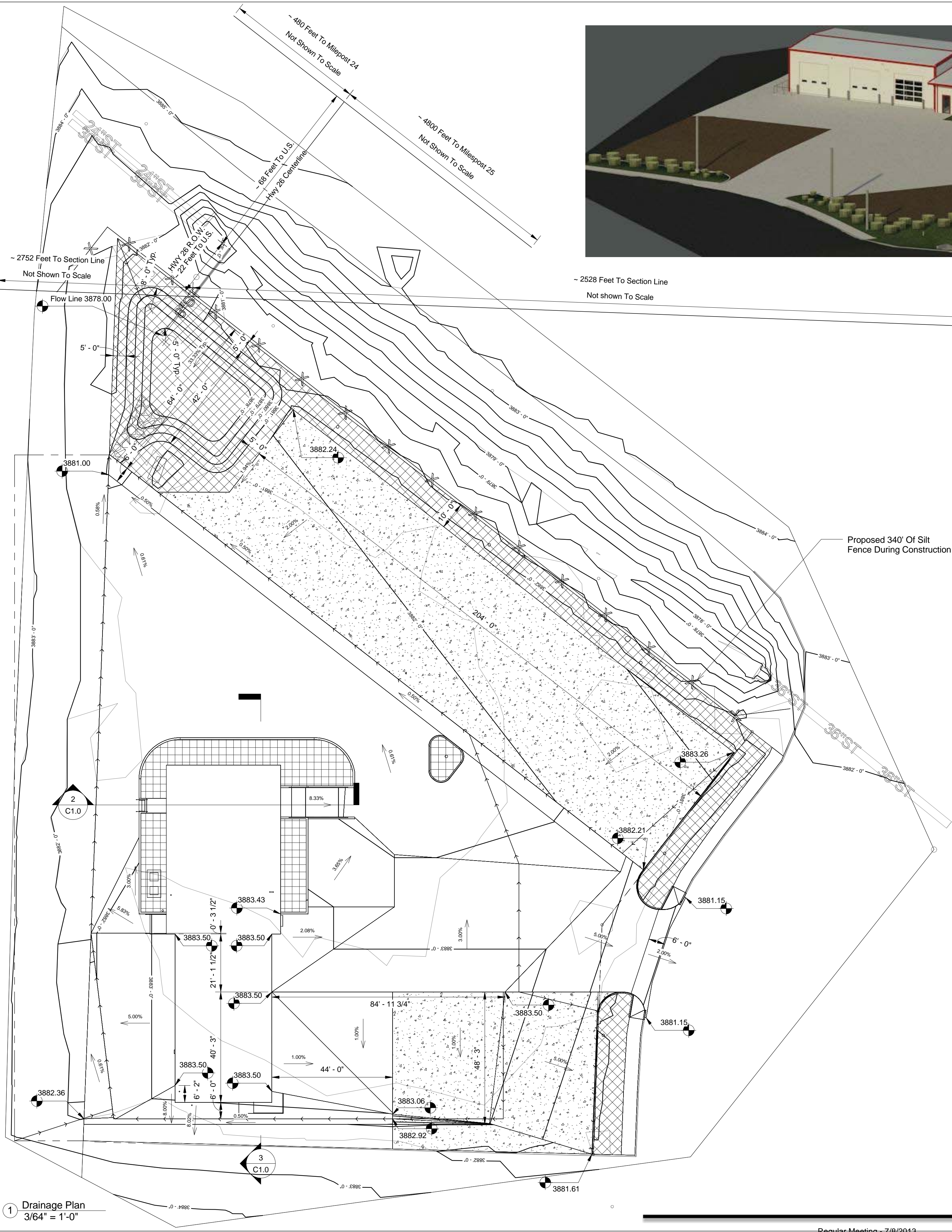
Detention Pond Section

1/8" = 1'-0"

NOTES:

- THE PRE-DEVELOPED PEAK DISCHARGE FROM THE BUILDING LOT FOR THE 10-YEAR STORM IS APPROXIMATELY 0.79 CUBIC FEET PER SECOND WITH A TIME OF CONCENTRATION OF 24 MINUTES AND CORRESPONDING INTENSITY OF 2.66 INCHES PER HOUR.
- THE POST DEVELOPED PEAK DISCHARGE FROM THE BUILDING LOT FOR THE 10-YEAR STORM (EXCLUDING OFFSITE DRAINAGE AREAS THAT WILL DISCHARGE THROUGH THE POND) IS APPROXIMATELY 0.77 CUBIC FEET PER SECOND WITH A TIME OF CONCENTRATION OF 16 MINUTES AND CORRESPONDING INTENSITY OF 3.31 INCHES PER HOUR.
- THE CAPACITY OF THE DETENTION POND IS APPROXIMATELY 5,156 CUBIC FEET. THE CAPCITY OF THE DETENTION POND REQUIRED TO HOLD THE 25 YEAR STORM IS APPROXIMATELY 4,929 CUBIC FEET.
- DEVELOPED DRAINAGE ANALYSIS AND POND DESIGN ASSUMES THAT GRAVELED AREAS ARE PAVED TO INSURE POND SIZE AND DISCHARGES WILL BE ADEQUATE IF LOT IS PAVED IN THE FUTURE.
- FOR CONSTRUCTION IT IS PROPOSED THAT CONTRACTOR PROVIDES AT A MINIMUM THE FOLLOWING BMPS: 340' OF SILT FENCE, RIP-RAP AT DETENTION POND, A CONTAINED CONCRETE WASH OUT, A 12'x50' ROCKED CONSTRUCTION ENTERANCE, SEEDING, AND INLET PROTECTION AT EXISTING STORM DRAIN PIPES.

REFERENCE SHEET C1.0 FOR ADDITIONAL PLAN NOTES.



Drainage Plan
3/64" = 1'-0"

City of Scottsbluff, Nebraska

Monday, July 8, 2013

Regular Meeting

Item NewBiz2

Zone change request M-1 to M-2

Rezone: From M-1 to M-2


Applicant: City Council Referral

Owner: City of Scottsbluff

Locaton: Immigrant Trail Road

Staff Contact: Marlin Johnson

Memo

To: Annie Urdiales, Planning Administrator
From: Cindy Dickinson, City Clerk/Risk Manager 
Date: July 3, 2013
Re: **City Council Referral**

The City Council, at their July 1, 2013 Regular Meeting, voted by majority (4-1) to refer to the Planning Commission, the proposal to rezone the property located at Immigrant Trail Industrial Park from M-1 Light Industrial to M-2 Heavy Industrial and consideration of a Special Use Permit. This action will provide for the matter to be considered during a Public Hearing of the Planning Commission, which is scheduled for July 8, 2013 at 6:00 p.m. at the Scottsbluff City Council Chambers.

This proposal is made in compliance with Section 25-15-3 of the Scottsbluff Municipal Code.

CERTIFICATE

I, Cynthia A. Dickinson, City Clerk of the City of Scottsbluff, do hereby certify that the following is a true and exact copy of the DRAFT minutes of the Scottsbluff City Council meeting of July 1, 2013. PLEASE NOTE – THESE MINUTES WILL NOT BE REVIEWED AND APPROVED BY THE CITY COUNCIL UNTIL THE July 15, 2013 MEETING.

(DRAFT EXCERPT BEGINS)

City Manager Kuckkahn presented the process required for the Planning Commission to hold a public hearing on the property located in the Immigrant Trail Industrial Park from M-1 Light Industrial to M-2 Heavy Industrial. Mr. Kuckkahn explained that the City Council will need to refer the proposal to the Planning Commission who will hold a public hearing to consider the zone change and special permit required for the property to be used as a rendering plant. This referral is not an endorsement of the project, it is a part of the necessary process. Only the City as the owner of the property can be the applicant for the zone change as the potential developer, Future Food Energy, has no ownership or legal interest in the property at this time.

Council Member Boeckner asked for a list of other uses within an M-2 Heavy Industrial Zone, which Marlin Johnson, Planner, will provide. Mr. Kuckkahn explained that many of the differences between M-1 and M-2 are very subtle. Meat packing plants specifically require an M-2 zone and rendering plant by special permit.

Council Member Shaver expressed his opinion that there is no reason to hold a public hearing on the project, as he feels the majority of the residents are not supportive of this project. He doesn't see a reason to add another M-2 Zone as there are currently two other locations with this zoning, and the previous packing plants are vacant.

Mayor Meininger noted that the agenda item will only allow the Planning Commission to hold the public hearing regarding the rezone of the property.

Mike Downey, resident, approached the Council and asked about the recommendation from the LB 840 Committee. Mr. Kuckkahn answered that the committee rejected their application based on collateralization. Mr. Downey continued to comment that he does not feel we need to send this to the Planning Commission to consider a zone change. Mr. Kuckkahn responded that we are working on a series of decision points which include questions about land use, zoning, schools, LB 840 recommendation, and bringing all of the information together at one point.

Moved by Council Member Shaver," to reject the referral to the Planning Commission to hold a public hearing on the zoning change for Immigrant Trails Industrial Park from M-1 to M-2." The motion died for lack of a second.

Council Member Gonzales commented that Future Food Energy could purchase any property zoned M-2 for their operation. Mr. Kuckkahn added that if they purchase the city-owned property, we have the opportunity to add parameters to the proposal, however, they could

purchase private land and apply for a building permit and the city would have less leverage than what we have with our own property sale. We don't have a gate at the city limits prohibiting certain types of uses. We have an obligation to provide a variety of zoning options for development within the community.

The public hearing will provide another piece of information for Council to consider. The zoning shouldn't precede the decision to sell the land to Future Food Energy. Staff will provide a complete list of uses allowed under M-2 and a current zoning map showing the location of M-2 zones.

Moved by Mayor Meininger, seconded by Council Member Boeckner, "to refer to the Planning Commission the proposal to rezone the property located at Immigrant Trail Industrial Park from M-1 Light Industrial to M-2 Heavy Industrial, consideration of a Special Use Permit and hold a Public Hearing on the request," "YEAS", Boeckner, Gonzales, Deibert, and Meininger, "NAYS" Shaver. Absent: None.

(DRAFT EXCERPT ENDS)

IN WITNESS WHEREOF I do hereby place my official hand and the seal of the City of Scottsbluff this 3rd day of July, 2013.




City Clerk

SCOTTSBLUFF CITY

PLANNING COMMISSION STAFF REPORT

To:	Planning Commission	Zoning:	M-1 currently
From:	Development Services Department	Property Size:	43 acres ±
Date:	July 8, 2013	# Lots/Units:	2
Subject:	Rezone parcel from M-1 to M-2		
Location:	South of Hwy 26 & West of C.R 24		

Procedure

1. Open Public Hearing
2. Overview of petition by city staff
3. Presentation by applicant
4. Solicitation of public comments
5. Questions from the Planning Commission
6. Close the Public Hearing
7. Render a decision (recommendation to the City Council)
8. Public Process: City Council determine final approval

Public Notice: This item was noticed in the paper and a notice was posted on the property

Background

The City of Scottsbluff City Council made a proposed zone change referral to the Planning Commission asking that the Commission look into rezoning for Block 6, Immigrant Trails (41.6 acres) and Lot 2A, Block 1, 2nd Immigrant Tracts (2.2 acres). These parcels are in the City's extraterritorial jurisdiction and owned by the City. The parcels are situated south of Highway 26 and west of County Road 24 in the southeast part of the City. The requested change is to M-2 - Heavy Manufacturing & Industrial current zoning is M-1 - Light Manufacturing & Industrial.

Properties to the north includes M-1 – Light Manufacturing & Industrial and Agricultural, property to the East is zoned C-3 Heavy Commercial, and property to the south is M-2 Heavy Manufacturing & Industrial, to the west property is zoned M-1 Light Manufacturing & Industrial.

Planner's Report and Recommendation.

REZONE REQUEST - To M-2 Heavy Manufacturing and Industrial from M-1 Light Manufacturing and Industrial

The City is proposing to rezone two parcels that total approximately 44 acres to M-2. Food processing, other than meat, is allowed in M-1 whereas meat packing is allowed in M-2 Zoning. As the proposed operation could include rendering a Conditional Use Permit for a rendering plant will accompany this rezone request. The City of Scottsbluff is the current owner of the property.

The property is west of Immigrant Trail Road, south of Earnst Street and north of the railroad. Immigrant Trail Road is a frontage road on the west/southwest side of Highway 26 approximately 1/3 mile south of the Bypass.

Neighboring zoning is M-2 on the south side, M-1 on the west, north and southeast sides and C-3 Heavy Commercial on the northeast.

The Comprehensive Plan Future Land Use Map designates the acreage as Light Industrial. As the subject property abuts more than 1500 feet of Heavy Manufacturing and Industrial District the proposal is in accordance with the Comprehensive Plan.

The property is in the federally designated floodplain but a floodplain development permit can be obtained to raise the structures above the base flood elevation by one foot. Alternatively, a Letter of Map Revision Based on Fill can be pursued which can remove the structures from the floodplain.

There has been no comment received from the public.

Staff Recommendation: Approve the rezone of Block 6, Immigrant Trails Subdivision and Lot 2A, Block 1, Second Immigrant Trails Subdivision to M-2 Heavy Manufacturing and Industrial District.

Findings of Fact could include; the property significantly abuts Heavy Manufacturing and Industrial District and predominantly abuts Light Manufacturing and Industrial District; Heavy Manufacturing and Industrial District is a logical transition from Light Manufacturing and Industrial District; the Industrial Zoning is in accordance with the Comprehensive Plan.

RECOMMENDATION

Approve

Make a POSITIVE RECOMMENDATION to the City Council to rezone **of Block 6, Immigrant Trails (41.6 acres) and Lot 2A, Block 1, 2nd Immigrant Trails (2.2 acres), to M-2 Heavy Manufacturing & Industrial**, subject to the following condition(s):

Deny

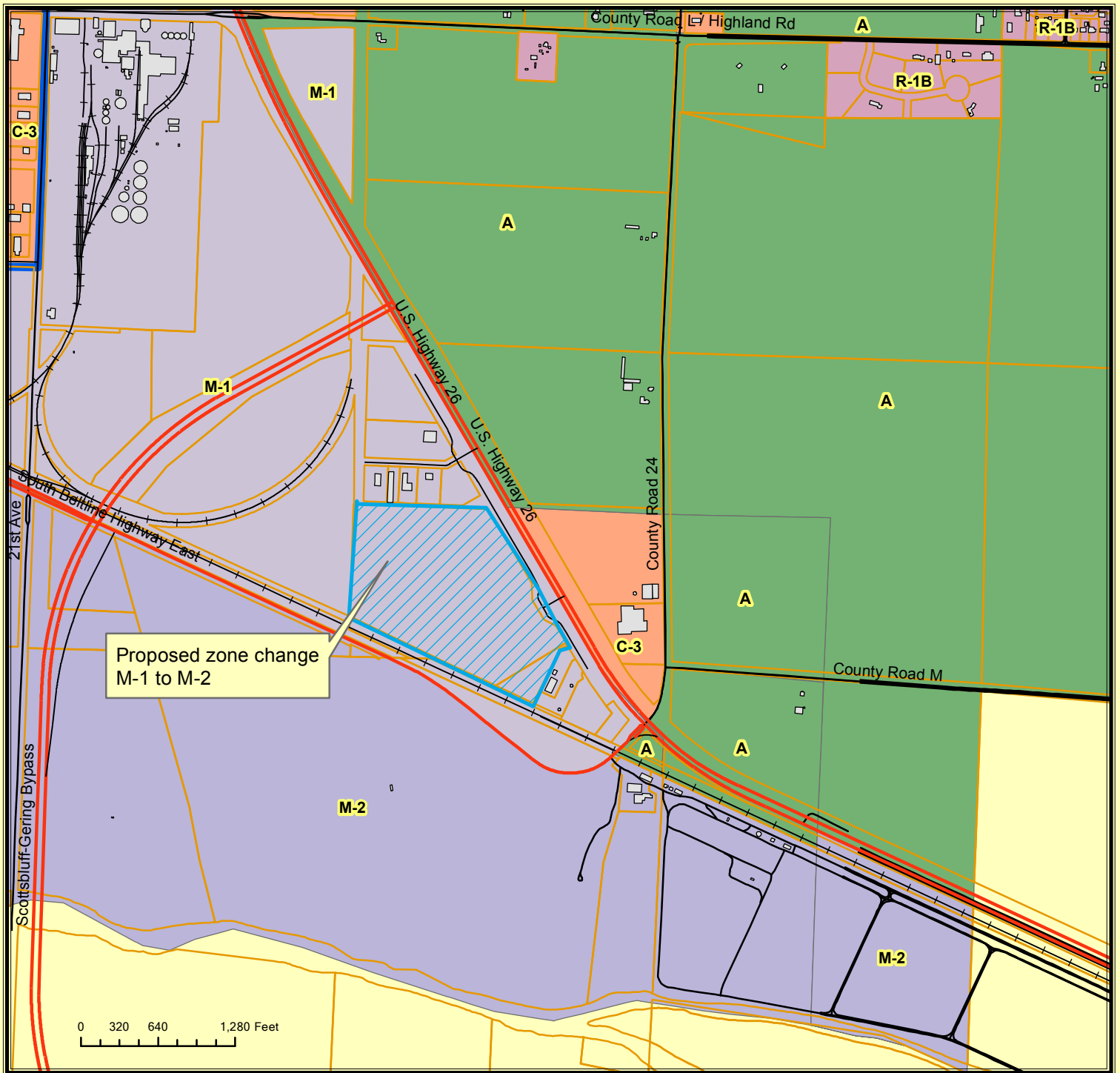
Make a NEGATIVE RECOMMENDATION to the City Council to rezone **of Block 6, Immigrant Trails (41.6 acres) and Lot 2A, Block 1, 2nd Immigrant Trails (2.2 acres), to M-2 Heavy Manufacturing & Industrial**, for the following reason(s):

Table

Make the motion to TABLE the rezone request to rezone **of Block 6, Immigrant Trails (41.6 acres) and Lot 2A, Block 1, 2nd Immigrant Trails (2.2 acres), to M-2 Heavy Manufacturing & Industrial**, for the following reason(s):

Proposed Rezone Blk 6, Immigrant Tr.

Lot 1A, Blk 1, 2nd Immigrant Tr.



July 8, 2013



Map by A. Urdiales: 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.

City of Scottsbluff, Nebraska

Monday, July 8, 2013

Regular Meeting

Item NewBiz3

Special Use Permit - Rendering Plant

Special Permit: Rendering Plant in M-2

Applicant: City Council Referral

Owner: City of Scottsbluff

Location: Immigrant Trail Road

Staff Contact:



SCOTTSBLUFF PLANNING COMMISSION Staff Report

To:	Planning Commission	Zoning:	M-2
From:	Development Services Department	Property Size:	43 acres
Date:	July 8, 2013	# Lots/Units:	2
Subject:	Special Permit Request – F2E Foods		
Location:			

Background: The City of Scottsbluff City Council referred the possibility of a special use permit to allow for rendering plants in a proposed M-2 Heavy Manufacturing and Industrial zoning district. The property is presently owned by the City. This property is east of the City in the extra territorial jurisdiction and situated south of Highway 26, north of South Beltline Highway East along Immigrant Trail Road.

Analysis: The City is interested in making it possible to allow a rendering plant on the property which is an allowable use with a special use permit from the Planning Commission in an M-2 zoning district. The surrounding properties include Frank Enterprises across the Highway, Red Barn Shop & Sargent Irrigation to the north. Other buildings to the east are storage grain bins owned by Frank Enterprises, there is also a water shop owned by the City of Minatare.

A large portion of the property is situated in the Gateway Overlay Zone and a landscaping plan will need to be submitted for review by the Planning Commission.

Lot Sizes: The two lots combined are approximately 43 acres. A site plan showing layout of building along with landscaping is attached. I have also attached an aerial photo for your review.

Planner's Report:

Special Use Permit - To allow a rendering plant in an M-2 Heavy Manufacturing and Industrial District.

The City is looking into the possibility of approving a special use permit for a rendering plant. Approval of the Permit will be subject to Council approval of the rezone from M-1 to M-2. All neighboring zoning is C-3 Heavy Commercial or Manufacturing and Industrial. The property is in the Gateway Green Overlay Zone and development plans will require approval of the Planning Commission.

The Planning Commission may issue a special permit for a Conditional Use subject to 25-13-3 and 25-13-6. Per the five required findings:

- 1.) The rendering service is a necessary and appropriate accessory function for a meat packing plant,
- 2.) The rendering will not be injurious to neighboring properties because the rendering aspect will be “state of the art” with odor control to be per the supplemental “Air Emission Controls” document. In addition, the rendering will be located to the rear of the property to lessen proximity to the more densely developed properties to the north and to the southeast,
- 3.) The “state of the art” rendering process and the location will not create special hazards or problems as long as a an approved Floodplain Development Permit is obtained,
- 4.) The Comprehensive Plan Future Land Use Map supports the industrial use,
- 5.) Reasonable conditions will be included to carry out the intents and purposes of the Conditional Use Permitting process.

There has been no comment received from the public.

Please note that per 25-13-9 that a building permit must be issued within one year of approval of the Conditional Use Permit or the Permit expires and per 25-13-11 that the Permit may not be transferred with change of ownership of the land.

In addition, the property is located in the Gateway Green Overlay Zone which requires approval of the Planning Commission. Appropriate development plans may be submitted to the Planning Commission at a later date.

Staff Recommendation: Approve a Conditional Use Permit for a rendering plant in an M-2 Heavy Manufacturing and Industrial District, with the following conditions;

- 1.) That the rendering plant will use the “state of the art” process as described in the supplement to the application or a process that is functionally equivalent or better;
- 2.) That the rendering plant be located a minimum of five hundred feet (500’) from the north, northeast and southeast property line and a minimum of one hundred feet (100’) from the west and south property lines; and,
- 3.) That development plans to satisfy the Gateway Green Overlay Zone be submitted to the Planning Commission for review and approval prior to issuance of any building permit.

Findings of Fact could include; the property significantly abuts Heavy Manufacturing and Industrial District and predominantly abuts Light Manufacturing and Industrial District; Heavy Manufacturing and Industrial District is a logical transition from Light Manufacturing and Industrial District; the Industrial Zoning is in accordance with the Comprehensive Plan and per 25-13.3:

- 1.) The rendering service is a necessary and appropriate accessory function for a meat packing plant,
- 2.) The rendering will not be injurious to neighboring properties because the rendering aspect will be “state of the art” and will be located to the rear of the property to lessen

- proximity to the more densely developed properties to the north and to the southeast,
- 3.) The “state of the art” rendering process and the location will not create special hazards or problems as long as the location in the floodplain is properly filled and constructed,
 - 4.) The Comprehensive Plan Future Land Use Map supports the industrial use,
 - 5.) Reasonable conditions are included to carry out the purposes of the Conditional Use Permitting process.

RECOMMENDATION

Approve

Make a motion to approve the special permit to allow for a rendering plant in a proposed M-2 zoning district subject to the following condition(s):

Deny

Make a motion to disapprove the special permit for a rendering plant in a proposed M-2 zoning district to the following reason(s):

Table

Make a motion to TABLE the Special permit request for a rendering plant in a proposed M-2 zoning district for the following reason(s):

Air Emission Controls

Rendering facilities have extensive controls for odor and particulate emissions. Rendering plants are designed for capture and treatment of potentially odorous air and vapors. The room air ventilation systems are designed for maintaining negative pressures in the rooms, thereby preventing air escape from the rooms. Production operations that generate high intensity odors are designed with vapor and air collection systems that isolate the odor sources from the lower intensity room air. Odor control methods include the following processes:

- Chemical oxidation
- Combustion
- Thermal destruction
- Biological odor reduction
- Heat emission capture

Chemical oxidation involves absorbing the odorous compounds into water and then oxidizing the odorous compounds with a strong oxidizing agent such as chlorine or chlorine dioxide. Odorous compounds can also be oxidized directly in the vapor phase with ozone. The air from room air ventilation systems is usually scrubbed in a chemical oxidation system using packed bed scrubbers with chlorine, bleach, or chlorine dioxide. Cooking vapors have high odor intensity. Cooking vapors are often treated in a two-stage process. The vapors are cooled and particulate is partially removed in venturi scrubbers. The vapors are passed through a venturi pipe restriction at a high velocity. Water is sprayed upstream of venturi. The cooking vapors are cooled and portions of the particulate and aerosol grease entrained in the vapors are removed in the venturi. The vapors from the venturi can be further treated in a chemical packed bed scrubber.

Cooking vapors can also be condensed with an air-cooled condenser or a shell and tube condenser using non-contact cooling water. The non-condensable vapors can be treated chemically or incinerated in a boiler. The high intensity odors from rendering processes and non-condensable cooking vapors are often used blended with combustion air at the plant boilers. The odorous compounds are incinerated in the boilers.

Odorous compounds can be removed by thermal destruction. Thermal destruction involves heating the odorous vapors to very high temperatures that result in destruction of the odorous compounds. This technique is applied to treatment of cooking vapors and other very high intensity odors. The advantage of thermal destruction of cooking vapors is that it does not generate cooking vapor condensate. The water evaporated from the cooking process leaves via the air emissions rather than as a wastewater emission.

Odorous compounds are organic compounds that can be used as a food source by bacteria. Biofilters are used for biological removal of odor. A biofilter consists of a packed bed that serves as a support structure for bacterial growth. The odorous air is passed through the packed bed. The odorous compounds are absorbed into the moist bed and bacteria consume the compounds as a food source.

Additional controls on odor because the heat from the batch cooking process will be totally contained. The waste heat will be used to heat water in the main packing plant. The odors escape with emissions; but in this process there are low emissions because of the heat capture and, therefore, odors are significantly reduced.