

City of Scottsbluff, Nebraska

Monday, August 12, 2013

Regular Meeting

Item Appr. Min.1

Minutes

Approve Minutes of 7/8/13

Staff Contact: Annie Urdiales

Planning Commission Minutes
Regular Scheduled Meeting
July 8 2013
Scottsbluff, Nebraska

The Planning Commission of the City of Scottsbluff, Nebraska met in a regular scheduled meeting on Monday, July 8 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 June 28, 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 Vandenberghe called the meeting to order. Roll call consisted of the following members: Jim Zitterkopf, Gary Hutzel, Henry Huber, Angie Aguallo, Anita Chadwick, Becky Estrada, and Glen Vandenberghe. Absent: Dana Weber. City officials present: Annie Urdiales, Planning Administrator, Marlon Johnson, City Planner, and Gary Batt, Code Administrator II.

ITEM 2: Chairman Vandenberghe 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 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 6/10/13 were reviewed and approved as distributed. A motion was made to accept the minutes by Hutzel, and seconded by Estrada. "YEAS": Zitterkopf, Hutzel, Aguallo, Chadwick, Estrada, and Vandenberghe. "NAYS": None. ABSTAIN: Huber. ABSENT: Weber. Motion carried.

ITEM 7A: The Planning Commission opened a public hearing for a request for a special use permit to allow Auto Sales in a C-2 Neighborhood and Retail Commercial zoning district located at 2216 14th Avenue this property is described as Lot 2, Block 2, Cannon Subdivision (1.08± acres). Auto sales are a permitted use in a C-2 zoning district with a special use permit from the Planning Commission. There are several pre-existing Auto Sales Businesses in the C-2 zoning district throughout the City. The Planning Commission can approve a special use permit for a conditional use subject to 25-13-3 and 25-13-6. Per the five required findings: 1) Auto mobile sales and services represent services that are required by the community and the use is consistent with the surrounding zoning 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.

Shane Cochran, project engineer, from Paul Reed Construction, representing property owner Dave Wolf, addressed the Planning Commission. Mr. Cochran listed eight changes to the site plan. They are also asking that the Planning Commission approve a change to the GGO landscaping requirements regarding trees and shrubs they would like to cut by 50% to allow a more visual view of the vehicles from the Highway, they would also like a three year allowance for the installation of the landscaping because of budgetary issues. A landscaping plan will be submitted for further review.

Conclusion: A motion was made by Estrada and seconded by Zitterkopf to make positive recommendation to City Council on allow for the special use permit to allow Auto sales in a C-2 zoning district addressed as 2216 14th Avenue to property owner Dave Wolf. "YEAS": Hutzler, Zitterkopf, Chadwick, Huber, Aguillo, Estrada and Vandenberg. "NAYS": None. ABSTAIN: None. ABSENT: Weber. Motion carried.

ITEM 7B: The Planning Commission opened a public hearing for a request to rezone property described as Block 6, Immigrant Trails Subdivision (41.6 acres) and Lot 2A, Block 1, Second Immigrant Trails Subdivision (2.2 acres). The City Council at their meeting of July 1, 2013 voted by a majority (4-1) to refer zone change to the Planning Commission, the proposal to rezone the property from M-1 Light Manufacturing and Industrial to M-2 Heavy Manufacturing and Industrial. 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, & 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 the proposal is in accordance with the Comprehensive Plan and the transition from M-1 to M-2 would be logical. The property is also in the floodplain but a floodplain development permit can be obtained to raise the structures above the base flood elevation by one foot, or a letter of map revision based on fill can be pursued which will remove the structures from the floodplain.

Keith DeHaan with F2E foods spoke in favor of the zone change. They are working with an environmental firm with the newest technology for meat and rendering plants which will control odor.

Several community members addressed the Planning Commission in opposition of the zone change siting several concerns:

1. Addition of more odors to the community as the Sugar Factory; the settling ponds of both Scottsbluff and Gering already emit bad odors to the surrounding properties.
 2. The company's proposed plans on bringing in their own work force and not hire locally. Personnel for this type of business can cause future problems.
 3. Who will be responsible for the costs of adding infrastructure streets, water, and sewer, for the development, along with the maintenance of the new infrastructure?
 4. Impact of added traffic on the Highway and what visitors will see as they drive into the Community.
 5. Drying out the existing Aquifer, the City is already supplying water to Minatare and Gering.
 6. Impact to the environment.
 7. Drain of infrastructure to our schools, unable to teach students that speak Korean etc. This not only impacts Scottsbluff but Gering also, this effects personal lives of many including teachers.
- They asked why the City is going forward with this change as previous public hearings the majority of community represented is against the meat packing plant, they have already been rejected by Twin City Development and LB840 committee. The zoning does not need to change at this time maybe further on down the line the change may be appropriate.

102 Tom Holyoke representing Frank Enterprises addressed the Planning Commission in opposition of the
103 zone change. City Council made referral to Planning Commission after the fact and the notice of meeting
104 had already been posted. The original application is not complete the letter submitted does not address
105 the five elements for zoning change request. The M-2 zoning to the north is not contiguous as it is
106 separated by the Highway and the Railroad Tracks. The comprehensive development plan shows the
107 future designation as light manufacturing. Property owners rely on the comp plan when they buy
108 property. A property owner should be able to trust the City to follow the comp plan and not make
109 changes in the middle of development. The Planning Commission should not act on zone change
110 without a complete application.

111
112 Steve Smith representing Rod Adams Farms and Winters Creek Canal is concerned about the same issues
113 as Mr. Holyoke and are also in opposition to the proposed zone change.

114
115 **Conclusion:** A motion was made by Huber and seconded by Chadwick to make negative
116 recommendation to City Council on the rezone of Block 6, Immigrant Trail Subdivision and Lot 2A,
117 Block 1, Second Immigrant Trail Subdivision from M-1 Light Manufacturing and Industrial to M-2
118 Heavy Manufacturing. "YEAS": Hutzel, Zitterkopf, Huber, Chadwick, Aguillo, and Vandenberg.
119 "NAYS": Estrada. ABSTAIN: None. ABSENT: Weber. Motion carried.

120
121 **Agenda Item 7C:** The Planning Commission opened a public hearing for a special use permit to allow
122 for a rendering plant in a proposed M-2 zoning district. This request was also referred to the Planning
123 Commission from the City Council as part of the zoning change request for property described as Block
124 6, Immigrant Trail Subdivision and Lot 2A, Block 1, Second Immigrant Trail Subdivision.

125
126 Mr. DeHaan spoke in favor of the special use permit and explained they will have state of the art
127 equipment for the plant. The new technology used can control odor. They have a new plant in Herford,
128 Texas in which they have implemented this new technology.

129
130 Several citizens expressed concerns of allowing a rendering plant as the use of water for the plant is very
131 high and even though the water is being recycled and reused it still ends up at the wastewater plant and
132 does not go back to the Aquifer. Citizens expressed concerns that not enough data was presented
133 regarding the new technology used to control odors and cannot believe with the slaughtering of 1500 head
134 of cattle daily there would be no smells & emissions from the blood, intestines, skin, fur etc.

135
136 Mr. Holyoke again expressed that the application was incomplete and with no signature on the application
137 and no findings of fact the Commission could base their recommendation on. A rendering plant would
138 not provide a service to the neighborhood or community. In his past experience a meat packing plant can
139 be run without a rendering plant.

140
141 Mr. Smith, representing Rod Adams Farms and Winter Creek Canal has concerns about water. How will
142 the City offset the effects on water rights? Because diverters will drop the river the ditch companies can
143 be affected detrimentally as this is an over appropriated basin which exceeds our demand supply. The
144 City is working on water rights now and the City or Developer will have to address this as they develop
145 property. How much water effects canal and diverts. When extra water is taken out the State looks at the
146 effect on other properties. As the huge withdrawals will lower the water table the ditch companies will get
147 less and this will be injurious to land and water supplies.

148
149 A question was asked about the advantages of a rendering plant or not having a rendering plant as part of
150 the meat packing plant. Mr. DeHaan explained rendering emits heat, they would use lots of hot water to
151 sterilize the equipment and service areas, also capturing revenue easier to do within instead of selling to
152 outside companies. (Profit center within their domain & economic benefit to company)

153

154 **Conclusion:** A motion was made by Huber and seconded by Zitterkopf to deny the special use permit to
155 allow for a rendering plant in a proposed M-2 Heavy Manufacturing & Industrial Zoning District for
156 Block 6, Immigrant Trail and Lot 2A, Block 1, Second Immigrant Trials Subdivision. "YEAS": Hutzel,
157 Zitterkopf, Huber, Chadwick, Aguallo, Estrada and Vandenberg. "NAYS": None. ABSTAIN: None.
158 ABSENT: Weber. Motion carried.

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160 There being no further business the Planning Commission with a motion to adjourn made by Estrada and
161 seconded by Chadwick the meeting was adjourned at 7:25 p.m. "YEAS": Hutzel, Huber, Aguallo,
162 Estrada, Chadwick, Zitterkopf, and Vandenberg. NAYS: none. ABSENT: Weber. Motion carried.

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Glen Vandenberg, Chairperson

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167 Attest: _____

168 Annie Urdiales