

City of Scottsbluff, Nebraska

Monday, August 5, 2013

Regular Meeting

Item Reports1

Council to consider withdrawing the application for rezoning of Block 6 Immigrant Trails and Lot 2A, Block 1, Second Immigrant Trails.

Staff Contact: Rick Kuckkahn, City Manager

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 citing 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.

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

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

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

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

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

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

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

Mr. Smith, representing Rod Adams farms and Winter Creek Canal has concerns about water. How will the City off set effects on water rights, diverters will drop river because of ditch companies and affect them detrimentally as this is an over appropriated basin ...our demand exceeds supply. Working on water rights now and City or Developer will have to address this as they develop property. How much water effects canal and diverts. When extra water taken out the State looks at the effect on other

properties the huge withdrawals will lower the water table, the ditch companies will get less and this will be injurious to land and water supplies.

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

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

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

Glen Vandenberg, Chairperson

Attest: _____
Annie Urdiales