

City of Scottsbluff, Nebraska

Monday, September 16, 2013

Regular Meeting

Item Subdiv.3

Council to consider a zone change request for Part of Block 2, & Blocks 3- 8 Rugger Hospital Addition from R-1A Single Family Residential to O & P Office and Professional, and consider the Ordinance (second reading).

Staff Contact: Annie Urdiales

ORDINANCE NO. _____

AN ORDINANCE DEALING WITH ZONING, AMENDING SECTION 25-1-4 BY UPDATING THE OFFICIAL ZONING DISTRICT MAP TO SHOW THAT PART OF BLOCK 2, & BLOCKS 3, 4, 5, 6, 7, AND 8, RUGGER HOSPITAL ADDITION, SCOTTS BLUFF COUNTY, NEBRASKA, WHICH IS CURRENTLY ZONED R-1A, WILL NOW BE INCLUDED AS O & P OFFICE AND PROFESSIONAL, AND REPEALING PRIOR SECTION 25-1-4.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SCOTTSBLUFF, NEBRASKA:

Section 1. Section 25-1-4 of the Municipal Code is amended to provide as follows:

25-1-4. Zones; location; maps. The boundaries of the zoning districts created in this chapter are shown on the zoning district map which is made a part of this municipal code. The zoning district map and all information shown thereon shall have the same force and effect as if fully set forth and described herein. The official zoning district map shall be identified by the signature of the Mayor, attested by the City Clerk under the following statement:

This is to certify that this is the official zoning district map described in §25-1-4 of the Scottsbluff Municipal Code, passed this _____ day of _____, 2013.

Section 2. Previously existing Section 25-1-4 and all other Ordinances and parts of Ordinances in conflict with this Ordinance, are repealed. Provided, this Ordinance shall not be construed to affect any rights, liabilities, duties or causes of action, either criminal or civil, existing or actions pending at the time when this Ordinance becomes effective.

Section 3. This Ordinance shall become effective upon its passage, approval and publication as provided by law.

PASSED AND APPROVED on _____, 2013.

Mayor

ATTEST:

City Clerk

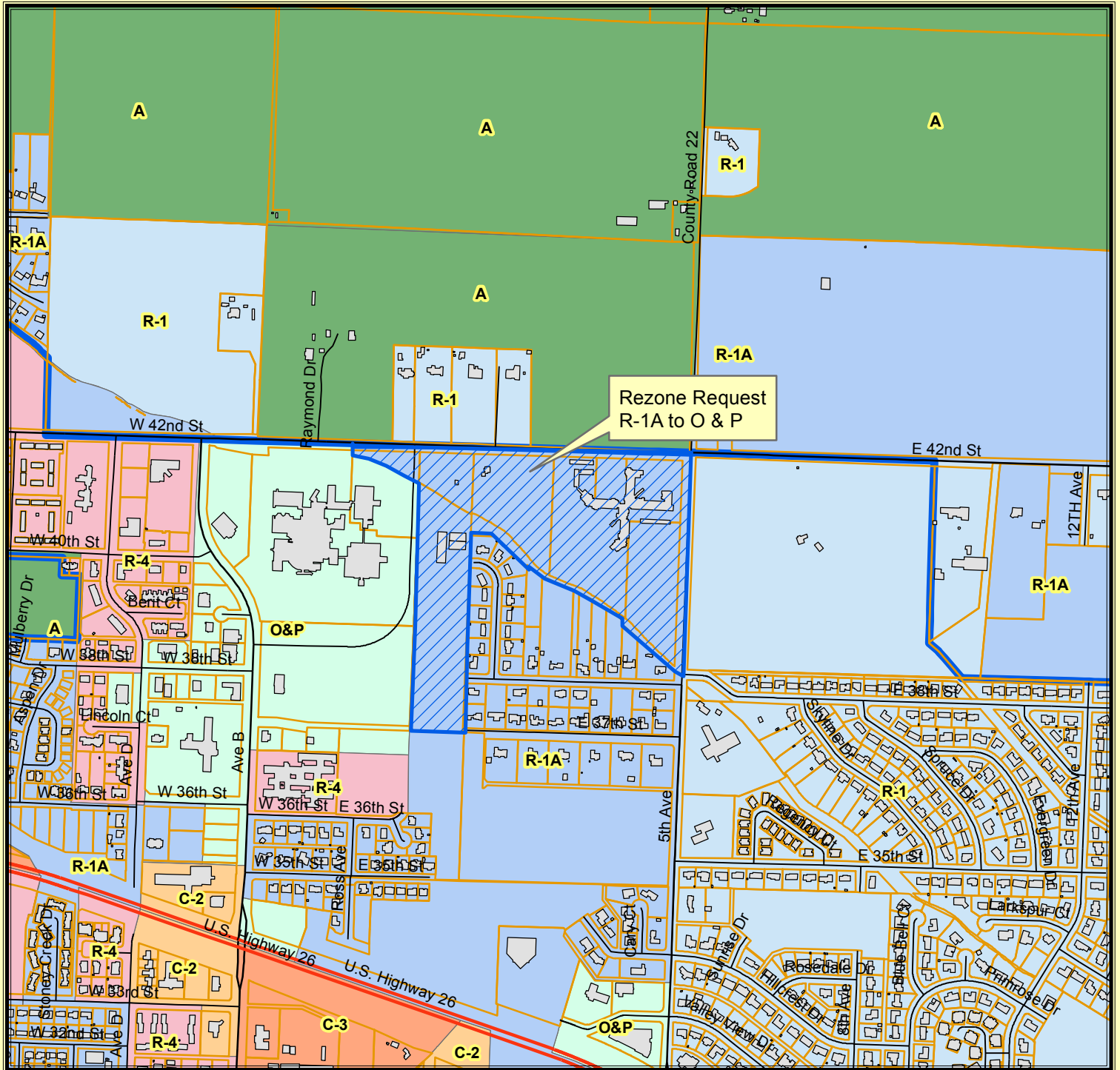
(Seal)

Approved as to form:

Deputy City Attorney

Panhandle Health Properties

Rezone R-1A to O & P



9/3/13



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.

Planning Commission Minutes
Regular Scheduled Meeting
August 12 2013
Scottsbluff, Nebraska

The Planning Commission of the City of Scottsbluff, Nebraska met in a regular scheduled meeting on Monday, August 12, 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 August 2, 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, Henry Huber, Angie Aguallo, Anita Chadwick, Becky Estrada, and Glen Vandenberghe. Absent: Gary Hutzel and Dana Weber. City officials present: Annie Urdiales, Planning Administrator, 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 7/8/13 were reviewed and approved with correction noted. A motion was made to accept the minutes with correction by Zitterkopf, and seconded by Chadwick. "YEAS": Zitterkopf, Aguallo, Chadwick, Estrada, Huber, and Vandenberghe. "NAYS": None. ABSTAIN: None. ABSENT: Hutzel and Weber. Motion carried.

ITEM 7A: The Planning Commission reviewed a landscape plan for Wolf Auto. Wolf Auto is planning to relocate to 2216 14th Avenue. At their last meeting of July 8, 2013 the Planning Commission approved a special use permit to Wolf Auto to allow for auto sales in a C-2 zoning district. The property is located within our Gateway Greenway Overlay zone. They are requesting a waiver of the amount of trees required in the Overlay zone, they also asking that the Planning Commission allow for a three year time limit to finish proposed landscaping. They propose to complete their landscaping in two phases as follows:

- Phase 1: Install planting irrigation system, Seed all grass areas, Seed or provide rock or mulch in landscaping beds, and plant 21 medium shrubs around exterior of lot.
- Phase 2: plant remainder of shrubs and six trees.

Shane Cochran, project engineer, from Paul Reed Construction, representing property owner Dave Wolf, addressed the Planning Commission. Mr. Cochran asked that the Planning Commission consider approving the change to allow them to cut back on the GGO landscaping requirements regarding the number of trees and shrubs. They would like to cut back on the trees to allow for a visual view of the vehicles from the Highway, the lot is an irregular shaped lot and has approximately 700 sq. ft. of frontage. The reason they are asking for the three year allowance for the installation of the landscaping is because of budgetary issues.

The Planning Commission discussed Gateway requirements and whether or not the landscaping would be similar to what was required for Inland Trucks, Menards or the landscaping at O'Reilly's on Avenue I. O'Reilly's is not in the GGO district but meets the landscaping requirements for the City's landscaping codes for commercial development. The Planning Commission asked if it was possible to complete the landscaping in two years instead of three. Mr. Cochran agreed to have the landscaping done within two years of the completion of the construction.

Conclusion: A motion was made by Estrada and seconded by Aguallo to approve the landscape plan for Wolf Auto with the condition that they finish the landscaping within two years of completion of their construction – which will be planting season of 2016. “YEAS”: Zitterkopf, Chadwick, Huber, Aguallo, and Estrada. “NAYS”: Vandenberg. ABSTAIN: None. ABSENT: Hutzell, and Weber. Motion carried.

ITEM 7B: The Planning Commission opened a public hearing for a final plat of Lots 18A and 19A, Weber's Tracts, a replat of Tracts 17, 18, and 19, Weber's Tracts, and replat of Tracts 16 and 17, Weber's Tracts. Property owners, Rick and Victoria Bentley and Linda Abernethy are adjusting lot lines and removing easements. These parcels are located within the City's two mile extra territorial jurisdiction and located southwest of town on Fort Mitchell Drive. Mr. Bentley requested and was approved for a variance through the Board of Adjustment to allow for a detached garage to encroach into the front setback line of the lot, with the condition of the approval of the final plat. The parcels in this subdivision are geographically challenged the only place that would allow for the proposed garage was along the property line and existing easements. This subdivision is complete with all infrastructure installed the existing easement do not serve any utilities.

Kelly Beatty, with M.C. Schaff and Associates addressed the Planning Commission and explained that the easements are located on each of the lots on Weber Tracts they do not serve any utilities, the utility companies were notified of the removal of easements and did not enter any protests. A ten foot utility easement will remain in front of the lots.

Conclusion: A motion was made by Zitterkopf and seconded by Estrada to approve and make positive recommendation to City Council for the final plat of Lots 18A and 19A, Weber's Tracts, a replat of Tracts 17, 18, and 19, Weber's Tracts, and replat of Tracts 16 and 17, Weber's Tracts. “YEAS”: Zitterkopf, Chadwick, Huber, Aguallo, Estrada, and Vandenberg. “NAYS”: None. ABSTAIN: None. ABSENT: Hutzell, and Weber. Motion carried.

ITEM 7C: The Planning Commission opened a public hearing for a request from Panhandle Health Properties to rezone properties described as Part of Block 2, Blocks 3, 4, 5, 6, 7, and 8, Rugger Hospital Addition and proposed Lots 1, 2, and 3, Block 4, and Block 5, COPPOM Subdivision (75± acres total).

Panhandle Health Properties, desires to rezone a number of parcels that total approximately 75 acres from R-1A to O-P. The properties are east of the Regional West Medical Center and south of 42nd Street and northwest of the Medical Center, north of 42nd Street.

Neighboring zoning of the parcels south of East 42nd Street is O-P to the west, R-1a to the south, R-1 to the east and R-1 and A Agricultural to the north. Neighboring zoning of the property north of West 42nd Street is O-P and R-4 Heavy Density Multiple Family Residential to the south, R-4 and R-1a to the west and A to the north and east.

The existing land uses on the parcels south of East 42nd Street include Hospital-related facilities, Heavy Density Multiple Family and undeveloped land. The property north of West 42nd Street is undeveloped.

The Comprehensive Plan Future Land Use Map designates the parcels south of East 42nd Street as Business Center and Multi-Family Residential. The property north of West 42nd Street is designated as Single-Family Residential. As Multi-Family and Single Family Residential are allowed uses, with Planning Commission review and approval, the proposal is in accordance with the Comprehensive Plan.

The change in zoning to O & P will bring numerous existing uses on the south side of East 42nd Street into compliance. In addition, current and future development along this section of 42nd Street seems poised for additional growth for professional offices, particularly medically related uses. Access to 42nd Street via Avenue I/Highway 71, Avenue B and 5th Avenue portends future expansion of the street.

Neighbors in the area Ron Wegelin, Helen Cline, and William McKenzie spoke in opposition to the rezone. Concerns were about light pollution, property values, allowable height (70') in the O & P zoning district. They questioned what the hospital will allow on the parcels and whether the hospital will sell in the future. A list of permitted uses in O & P zoning district was distributed to neighbors and Board members. There are thirty permitted uses by right in this district with 14 permitted used with a special permit from the Planning Commission. These concerns were for the undeveloped property on the north side of 42nd Street.

Kevin Ott also spoke in opposition of the change his concerns are that past promises have not been kept and the hospital has not maintained the Heliport area as promised. A few trees that were planted have died and not been removed or replaced, weeds and other concerns about what is stored in barrels stored in this area.

David Griffith with the hospital addressed the Planning Commission and answered some of the questions. Some interest has been expressed about a proposed medical clinic on the south side of 42nd street, which would be approximately 10,000 sq. ft. The north side of 42nd street was proposed to be final platted, annexed, and rezoned to have this parcel ready for future development; they have no plans to develop at this time. The preliminary work will save time in the future as property will be ready to go without time restrictions, as the paper work and public notices will have been applied and approved for future development, he does not foresee any circumstances where the hospital would sell the property. Property is taxed on the highest and best use of the land. Mr. Griffith will check into the complaints regarding the Heliport area and clean the area of weeds, debris, etc. Rezoning the Blocks on the south side of 42nd Street will bring the area into compliance with the uses on the properties. These are all ancillary uses to the hospital which is situated to the west of these parcels.

Conclusion: A motion was made by Aguallo to approve and recommend the zone change from R-1A - Single Family Residential to O & P- Office & Professional to the parcels on the south side of 42nd Street only, these parcels are part of Block 2, and Blocks 3, 4, 5, 6, 7, & 8, Rugger Hospital Addition and excluding proposed Block 4 and 5, COPPOM Subdivision, seconded by Estrada to City Council. "YEAS": Zitterkopf, Chadwick, Aguallo, Estrada, and Vandenberg. "NAYS": Huber. ABSTAIN: None. ABSENT: Hutzler, and Weber. Motion carried.

Agenda Item 7D: Preliminary and Final Plat with annexation for Block 4 and Block 5, COPPOM Subdivision was verbally withdrawn by David Griffith, Finance Director for RWMC.

Agenda Item 7E: Review of Blight and Substandard Study area # 7. This study includes several areas some of the areas include are the NW corner of East 27th Street and Highway 26, the Mall area, property south of 27th Street and west of Erwin Street, and the Kmart building area, a map is included showing the complete area. Proposed Development in these areas will allow property owners to improve infrastructure and improve the area overall, updating older and deteriorating buildings and infrastructure. Also, with the area designated as blighted and substandard developers will be able to apply for TIF funds for redevelopment. With TIF funding available there may be more interest in these areas with more buildings being renovated or replaced with new construction. Zoning in these areas includes C-2 – Neighborhood Commercial, C-3, R-1A Residential, and Agricultural. The Planning Commission may make a positive recommendation of this area to be forwarded to the City Council for their review and approval at their next meeting of August 19, 2013.

Dave Schaff, with M.C. Schaff and Associates spoke in favor of the Study, the Study was done by Mike Bacon, an attorney, from Omaha who works with this Tax Increment Financing.

Tim Reganis, property owner, of an area west of the College addressed the Commission and if able to is planning on relocating his business (Reganis Auto) to this new location. Other possible development is a hotel. The TIF funds will be used to develop the streets, water, sewer lines which will improve the area which is vacant at this time. Several others have expressed interest in this property and developing the area.

Conclusion: A motion was made by Huber and seconded by Zitterkopf to make positive recommendation to City Council to approve the Blight and Substandard Study of Area # 7 “YEAS”: Zitterkopf, Huber, Chadwick, Aguillo, and Vandenberge. “NAYS”: Estrada. ABSTAIN: None. ABSENT: Hutzl, and Weber. Motion carried.

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

Glen Vandenberge, Chairperson

Attest: _____
Annie Urdiales