

City of Scottsbluff, Nebraska

Tuesday, February 18, 2014

Regular Meeting

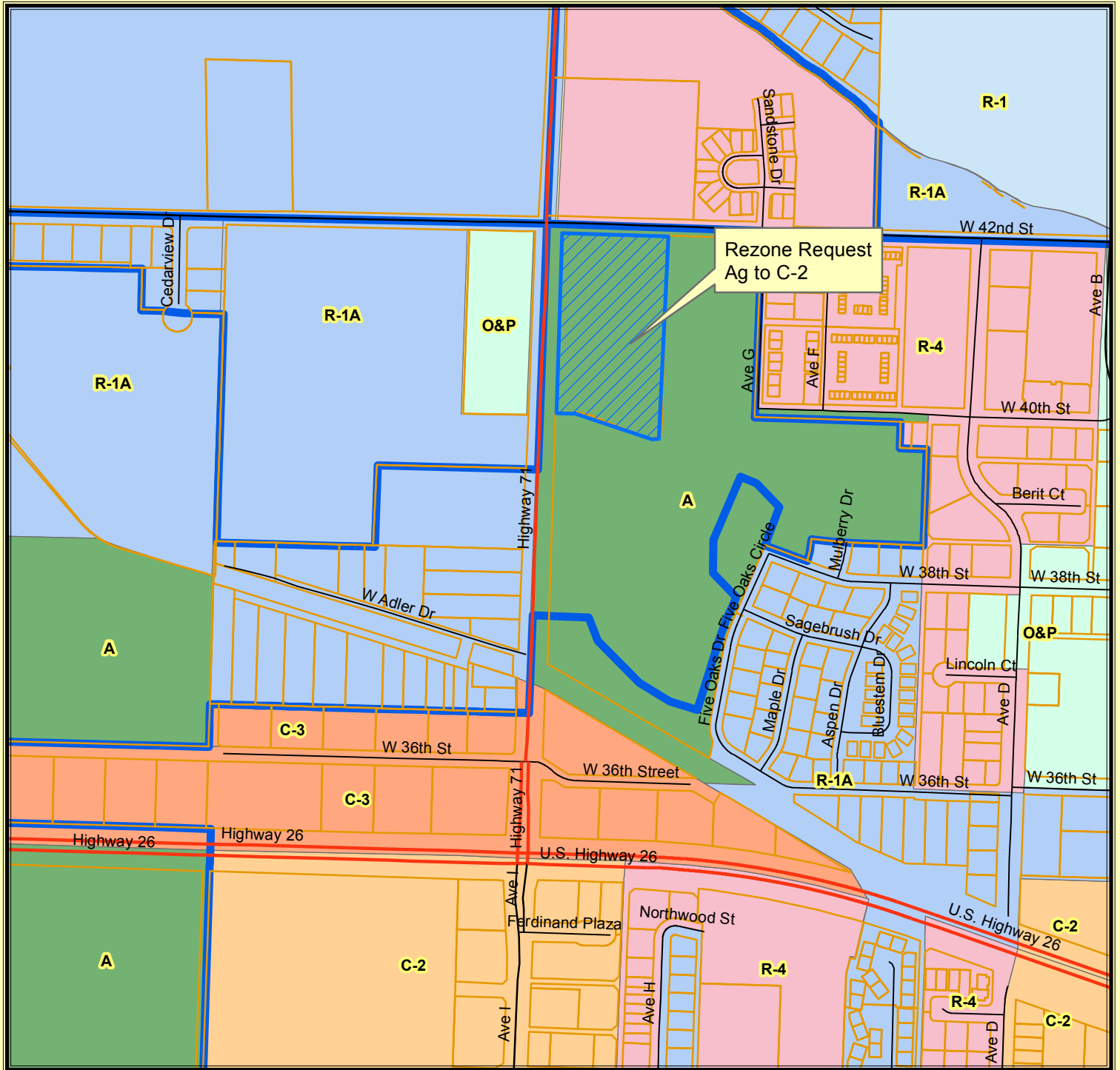
Item Pub. Hear.3

Council to conduct a Public Hearing set for this date at 6:05 p.m. to consider a zone change for proposed final plat of Block 9, Five Oaks Subd from A- Ag to C-2 Neighborhood & Retail Com and approve the Ordinance.

Staff Contact: Rick Kuckkahn, City Manager

Block 9, Five Oaks Subdivision Rezone

Agricultural to C-2 Neighborhood & Retail Commercial



2/18/14



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.

ORDINANCE NO. _____

AN ORDINANCE DEALING WITH ZONING, AMENDING SECTION 25-1-4 BY UPDATING THE OFFICIAL ZONING DISTRICT MAP TO SHOW THAT REAL ESTATE DESCRIBED AS BLOCK 9, FIVE OAKS SUBDIVISION, CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA, WHICH IS CURRENTLY ZONED AS A-AGRICULTURE, WILL NOW BE INCLUDED IN THE C-2 NEIGHBORHOOD & RETAIL COMMERCIAL ZONE, 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 March, 2014.

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existing Section 25-1-4 and all other Ordinances and parts of Ordinances in conflict with this Ordinance, are repealed.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 March _____, 2014.

Mayor

ATTEST:

City Clerk

(Seal)

Planning Commission Minutes
Regular Scheduled Meeting
February 10, 2014
Scottsbluff, Nebraska

The Planning Commission of the City of Scottsbluff, Nebraska met in a regular scheduled meeting on Monday, February 10, 2014, 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 January 31, 2014. 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, Becky Estrada called the meeting to order. Roll call consisted of the following members: Jim Zitterkopf, David Gompert, Anita Chadwick, Henry Huber, Dana Weber, Callan Wayman, Mark Westphal, and Becky Estrada. Absent: Angie Aguillo. City officials present: Annie Urdiales, Planning Administrator, Annie Folck, City Planner, Howard Olson, City Attorney, and Gary Batt, Code Administrator II.

ITEM 2: Chairman Estrada 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 1/13/14 were reviewed and approved. A motion was made to accept the minutes by Westphal, and seconded by Zitterkopf. "YEAS": Zitterkopf, Wayman, Westphal, and Estrada. "NAYS": None. ABSTAIN: Gompert, Chadwick, Huber, and Weber. None. ABSENT: Aguillo. Motion carried.

ITEM 7A: The Planning Commission opened a public hearing on a final plat for Block 9, Five Oaks Subdivision, Scotts Bluff County, NE and unplatted lands situated in the NW ¼ of Section 14, T22N, R55W of the 6th p.m. This parcel is located on the southeast corner of Avenue I and West 42nd Street. The property owners, C&T Holdings, are requesting the final plat of approximately 7.82 acres along with a rezone of the property to allow for sale of the lot for commercial development. The parcel will have access on 42nd Street and Avenue I with future streets abutting the parcel to the east and south. The new property owners will come back to the Planning Commission with a replat of the lot with the platted streets, the plat will also include annexation language to incorporate the lot into the City's corporate limits. A developer's agreement will also be submitted at that time for City Council approval. No

extension of public water and sewer mains are planned at this time, the existing infrastructure is in place for this area.

Conclusion: A motion was made by Westphal and seconded by Gompert to make positive recommendation to City Council to approve the Final Plat of Block 9, Five Oaks Subdivision. "YEAS": Zitterkopf, Wayman, Chadwick, Gompert, Huber, Weber, Westphal, Aguillo, and Estrada. "NAYS": None. ABSTAIN: None. ABSENT: Aguillo. Motion carried.

Agenda Item 7B: The Planning Commission opened a public hearing for the rezone request of Block 9, Five Oaks Subdivision from A - Agricultural to C-2 Neighborhood & Retail Commercial. The property is located on the SE corner of Avenue I and West 42nd Street existing zoning is agricultural when the preliminary plat was revised in 2008 and the area along Avenue I was shown as future commercial lots. The request for the C-2 zone fits all the performance guidelines of the proposed final plat.

Conclusion: A motion was made by Weber and seconded by Zitterkopf to approve the zone change of Block 9, Five Oaks Subdivision from A- Agricultural to C-2 Neighborhood & Retail Commercial. "YEAS": Zitterkopf, Westphal, Gompert, Weber, Huber, Chadwick, Wayman, and Estrada. "NAYS": None. ABSTAIN: None. ABSENT: Aguillo. Motion carried.

Agenda Item 7C: The Planning Commission opened a public hearing for a rezone request of lots 16-27, Block 1, Westfield Estates Replat and Lots 4&5, Block 2, Westfield Estates Replat.

Planning Commissioner Henry Huber declared a conflict of interest as he is the new property owner of these lots and asked to be recused for this item. A motion was made by Zitterkopf and seconded by Westphal to excuse Henry Huber from Agenda Item 7C rezone request "YEAS": Zitterkopf, Westphal, Gompert, Weber, Chadwick, Wayman, and Estrada. "NAYS": None. ABSTAIN: Huber. ABSENT: Aguillo. Motion carried

Mr. Huber is asking for a zone change of several lots in Westfield Estates Replat Subdivision. This subdivision is located in the City's extra territorial jurisdiction and situated south of Highway 26 and West of Highway 71 and the Overpass. Lots 16 through 25, Block 1, are zoned R-1A, & Lots 26 & 27, Block 1 are zoned C-2. These lots are situated north of Burlington Boulevard. Lot 4, Block 2 is zoned R-1 & Lot 5, Block 2 is zoned C-2 these two lots are situated south of West 35th Street. Mr. Huber is asking the Planning Commission to consider a change of all the lots to C-3 Heavy Commercial. The lots north of Burlington Boulevard border the Railroad tracks and Highway 26 on the rear property line; because of this the best fit and use of these lots would be a commercial zone. Parcels to the north, west and east are zoned C-3 and C-2 with the majority being C-3 Heavy Commercial. There is no city water or sewer in this subdivision and it could be sometime before City utilities would be extended to this area. With bigger commercial lots state guidelines for well and septic fields would be used if necessary depending on the type of commercial use. With the Railroad tracks and Highway 26 to the north this area is not a good fit for residential development. Another consideration is the road itself Burlington Boulevard is considered a private road and the County does not maintain, the developer would have to approach the County about maintaining the road or maintain the road privately on his own.

Neighbors from Westfield Estates asked Mr. Huber what he intends to develop the proposed commercial lots as they enjoy the quiet neighborhood and concerned about commercial uses. Mr. Huber intends to build a home on the west side of the berm and access onto that lot would be from Burlington Boulevard, he does not want heavy commercial traffic on the street either and would hope for possibly some storage units or comm shops. The Planning Commission asked if there were previous issues when the batch

plant was there. There were no problems because a berm was put in place on the east end of the batch plant and the traffic was to the north of the neighborhood. The difference between the C-3 Heavy Commercial and C-2 Neighborhood & Retail Commercial is the number of permitted used allowed in the zones. C-3 allows for 106 permitted used by right where as the C-2 zone allows for 68 permitted used by right.

The Planning Commission asked if Mr. Huber would be opposed to zoning the lots to the north of Burlington Boulevard to C-3 Heavy Commercial and the lots on the south side of 35th Street as C-2. The commercial zones do require a buffer between a commercial and residential zone, which will offer some protection to the residential homes on 35th Street. Mr. Huber said he would be okay with that change.

Conclusion: A motion was made by Weber and seconded by Westphal to approve the zone change of Lots 16-27 Block 1, Westfield Estates Replat from R-1A & C-2 to C-3 Heavy Commercial, and Lot 4, Block 2, Westfield Estates to C-2 from R-1A. "YEAS": Zitterkopf, Westphal, Gompert, Weber, Huber, Chadwick, Wayman, and Estrada. "NAYS": None. ABSTAIN: None. ABSENT: Aguillo. Motion carried.

Item 7D: The Planning Commission opened a public hearing on a preliminary plat of Revision # 1 Block 9, Reganis Subdivision situated in the SE ¼ of the SW ¼ of Section 13, T22N, R55W of the 6th p.m.

The applicants and property owners Tim and Virginia Reganis, represented by M.C. Schaff and Associates have submitted a revised preliminary plat of the Reganis Subdivision. The Planning Commission had previously approved a preliminary plat for this subdivision in November of 2013. The revised preliminary has been scaled back from the original plat that was approved. The subdivision is situated directly north of 27th Street, east of US Hwy 26, west of WNCC and south of Talisman Drive. The property consists of approximately 25.27 acres and includes the east portion of 12th Avenue. Twelfth Avenue will be extended south to 27th Street and Winter Creek Drive will be extended to the east.

City Staff and Baker and Associates have reviewed the revised preliminary plat. Adjustments were made to the plat and it meets all the subdivision codes and City standards for a preliminary plat.

Tim Reganis, property owner, spoke in support of the revised preliminary plat; the revised plat has been scaled back. Mr. Reganis plans to open a Honda Dealership on Block 9; future plans include a hotel, and smaller commercial development. He hopes to move the rest of his dealership to this area sometime in the future.

The lots north of Wintercreek Drive are zoned residential and the plan is to build duplexes. Twelfth Avenue is shown and will divide the Reganis property from the College property except for proposed Block 12, which is on the east side of 12th Avenue.

Larry McCaslin, a property owner in Sheldon Heights Subdivision to the south of the development addressed the Planning Commission voicing concern over the safety of the access onto 27th Street. He suggested alternate placement of 12th Avenue by aligning streets on the south side of 27th Street.

Annie Folck, City Planner, speaking for City Staff addressed the concerns with the Sheldon Heights Subdivision to the south. Staff didn't believe that the placement of 12th avenue would create extra traffic interfering with access to 27th. In addition, most of the traffic from the two streets in that subdivision will most likely head east or west on 27th Street and not cross to 12th wherever it may be located. The City

Staff sees this as the current plan for 12th Avenue to be the best layout for the development. If 12th Avenue is moved over the buffer between the college and the new development will be lost. The college wants to utilize 12th Avenue as an access to Conestoga Hall and would like to eventually abandon the current access on the east end Pioneer Hall.

The question was asked if in the future the hotel is built could this create more traffic and whether or not a traffic study has been done in this area and if a traffic light could be installed to accommodate the increase in traffic. A traffic study has not been done, it could be done after the development and at that time get a more accurate traffic numbers and if indicated the need for a traffic light it could be considered. A light in this area could cause more traffic backup, and turn lanes could be planned into 27th Street if necessary.

John Schaffer, 2601 Addison Avenue also voiced his concerns with the traffic safety and access onto 27th Street from their subdivision.

Clayton Neilsen, with M.C. Schaff and Associates, addressed the Planning Commission. He has drawn up the plans for the plat, and realigning 12th Avenue will not help traffic accessing 27th Street from the north. Twenty-Seventh Street could accommodate a center turn lane for both left and right turns from 27th Street.

Howard Olsen, City Attorney, addressed the Planning Commission, there is record of a public easement between the College and the past property owner Melvin Maxwell, the predecessor to Reganis. The public easement was recorded in May of 1997. The easement was done in conjunction with a conveyance done by the Maxwell's with the college so the college had reassurance that 12th Avenue would fall in the same location shown on the plat. The City was not part of this transaction and is not bound to this easement as it was between the property owners of record at that time but does express the intention of the parties at that time.

Mr. McCaslin addressed the Planning Commission about a possible alternative for the street layout. A possible solution something to consider in the current layout the alley on east side of Block 9 almost lines up with Addison, switch location of 12th Avenue and the alley around then 12th intersects opposite Addison and go straight up alley and have t- intersection for hotel and also have access for Block 9 (car lot), instead of off of 27th Street. Mr. Reganis indicated he wants his development to front 12th Avenue and he does not want two properties on each side of the street, as he hopes to move his entire dealership to this area in the future. The college also prefers the current plan.

Conclusion: A motion was made by Huber and seconded by Chadwick to approve the revised preliminary plat of Reganis Subdivision Revision No. 1. "YEAS": Zitterkopf, Westphal, Gompert, Weber, Huber, Chadwick, Wayman, and Estrada. "NAYS": None. ABSTAIN: None. ABSENT: Aguallo. Motion carried.

Item 7 E: The Planning Commission opened a public hearing for a final plat of Block 9, Reganis Subdivision situated in the SE ¼ of the SW ¼ of Section 13, T22N, R55W of the 6th P.M., Scotts Bluff County. The final plat consists of 4.67 ± acres, from their revised preliminary plat. The platting of Block 9 on the north side of 27th Street also dedicates a 50' right-of-way on the south side of Block 9 for 27th Street. This parcel is located north of 27th St., east of US Hwy 26, west of the college, and south of Talisman Drive. The purpose of the final plat is to allow for commercial development. The plat meets the requirements of the C-2 zoning district.

196 **Conclusion:** A motion was made by Westphal and seconded by Gompert to approve the final plat of
197 Block 9, Reganis Subdivision. "YEAS": Zitterkopf, Westphal, Gompert, Weber, Huber, Chadwick,
198 Wayman, and Estrada. "NAYS": None. ABSTAIN: None. ABSENT: Aguillo. Motion carried.

199
200 **Item 7F:** The Planning Commission opened a public hearing for the Redevelopment Plan for the
201 Reganis Development.

202
203 This redevelopment plan impacts only the Reganis project, and not the rest of the area that was
204 declared blighted and substandard. The major improvements funded from the TIF (Tax
205 Increment Financing) will be site preparation (removal of existing buried foundations and pipes),
206 movement of dirt and tiling and re-sloping of Winters Creek Canal. The developer intends to use
207 Block 9, Reganis Subdivision for auto sales and is also applying for a special use permit from the
208 Planning Commission as the area is located in a C-2 Neighborhood Retail and Commercial
209 Zoning District.

210
211 Larry McCaslin addressed the Planning Commission with questions about the funding and how
212 the TIF funds are distributed would like to know if any funds would possibly be used for the
213 paving of the streets in Sheldon Heights. Other question he has are the legal issues how TIF
214 money can be used what type of projects, what type of work can be paid for and how the TIF
215 money can generate. He had several other questions regarding the use of the TIF funds what's
216 allowed and what isn't on a proposed development using Tax Increment Financing.

217
218 Howard Olsen addressed the Planning Commission regarding TIF. TIF fosters development
219 property allowing new development to be constructed and paid through the tax increment
220 financing. It is the type of financing that uses the difference between the value and tax of the
221 property before the project versus the value and tax on the developed property. The difference is
222 used to pay back the bonds that the City issues to pay for the permitted improvements. The
223 bonds are purchased by the developer. The City has no liability or risk. The developer chooses
224 what he wants to use TIF for and the City makes sure that the proposed use of funds meets legal
225 requirements. Tiling of the Winter Creek Canal is considered a public improvement (46-128
226 public use). Site preparation is allowed under 18-2103 provides specifically for removal of old
227 structures. The assessor sets the value, but we will have estimates before that. The TIF
228 agreement will be reviewed and approved by the City Council. That agreement drills down the
229 specifics on the plan between the developer and the City.

230
231 Bill Trumbull addressed the Planning Commission in favor of Tax Increment Financing, they
232 have used it in the past and we may be seeing a lot more use of TIF in the future. Several
233 existing projects in the past were done with TIF and its use is broad and valuable.

234
235 Tim Reganis said many of the questions will be answered in the agreement of the Redevelopment
236 Plan by the City Council. His development is pretty conservative and if funds exceed the uses,
237 the City would have control of those funds.

238
239 **Conclusion:** A motion was made by Weber and seconded by Gompert to approve the
240 Redevelopment Plan for Block 9, Reganis Subdivision. "YEAS": Zitterkopf, Westphal,

Gompert, Weber, Huber, Chadwick, Wayman, and Estrada. "NAYS": None. ABSTAIN: None. ABSENT: Aguillo. Motion carried.

Item 7G: The Planning Commission opened a public hearing for a request of a special use permit for Block 9, Reganis Subdivision. The applicant(s), Tim Reganis, is requesting a special permit to allow for auto sales in a C-2 Neighborhood and Retail Commercial zoning district. Mr. Reganis is also the property owner of said property, which is situated on the Northeast corner of 27th Street and Highway 26, legal description in Block 9, Reganis Subdivision.

Auto sales are a permitted use in a C-2 zone with a special use permit from the Planning Commission. There are several pre-existing auto sales businesses in the C-2 zoning districts throughout the City. The Planning Commission has approved other requests for this type of special permit. (2417 Avenue I, 2419 Avenue I, 112 West 27th St. and Wolf Auto on 14th Avenue and Hwy 26) City Staff intends to come back before the Planning Commission with a proposed text change to allow auto sales as a permitted use by right to the C-2 zoning district.

A landscape plan has been submitted and will be reviewed to make sure it falls under the guidelines for the City's GGO (gateway greenway overlay) zone requirements. The Planning Commission did allow for a reduced landscape plan for Wolfe Auto who is also in the GGO zoning district.

Signage for the Honda Dealership will have to meet requirements of the zoning district; these signs will be reviewed and approved by the Development Services staff. If City sign requirements are not met, the plans will come back before the Planning Commission.

Conclusion: A motion was made by Weber and seconded by Westphal to approve the Special Use Permit in the C-2 zoning district at 1117 East 27th Street. "YEAS": Zitterkopf, Westphal, Gompert, Weber, Huber, Chadwick, Wayman, and Estrada. "NAYS": None. ABSTAIN: None. ABSENT: Aguillo. Motion carried

ITEM 8. Unfinished Business: The Planning Commission was reminded about the annual APA/NPZA conference in March and the City's recognition dinner next Friday, February 21, 2014.

There being no further business the Planning Commission with a motion to adjourn made by Chadwick and seconded by Wayman the meeting was adjourned at 7:35 p.m. "YEAS": Wayman, Westphal, Huber, Gompert, Zitterkopf, Chadwick, Weber, and Estrada. NAYS: none. ABSENT: Aguillo. Motion carried.

Becky Estrada, Chairperson

Attest: _____
Annie Urdiales