

City of Scottsbluff, Nebraska

Monday, May 18, 2015

Regular Meeting

Item Pub. Hear.1

Council to continue the public hearing opened on April 20, 2015 to consider the rezone of proposed Lots 1 & 2, Block 9 Five Oaks Subd., and unplatted lands, from A- Agricultural to C-2 Neighborhood & Retail Commercial, parcels are South of 42nd & East of Highway 71; and approve the Ordinance.

Staff Contact: Annie Folck, City Planner

Agenda Statement

Item No.

For meeting of: May 18, 2015

AGENDA TITLE: Public Hearing for zone change request from C & T Holdings for part of Lots 1 and 2, Block 9, Five Oaks Subdivision from A - Agricultural to C-2 (Neighborhood & Retail Commercial).

SUBMITTED BY DEPARTMENT/ORGANIZATION: Development Services

PRESENTATION BY: Rick Kuckkahn

SUMMARY EXPLANATION: Zone change request from property owners, C & T Holdings to rezone part of Lots 1 and 2, Block 9, Five Oaks Subdivision (3.29 acres) situated in part of the NW¼ of Section 14 T22N, R55W of the 6th P.M., Scotts Bluff County Nebraska. The parcel is situated on the southeast corner of Highway 71 and 42nd Street. The applicant is requesting a change from Agricultural to C-2 Neighborhood & Retail Commercial; this change will bring all of the new Block 9 into the C-2 zoning district. Surrounding property is zoned Ag, to the east and south and R-4 to the north.

Staff has reviewed and makes positive recommendation of the rezone of part of proposed lots 1 & 2, Block 9, Five Oaks Subdivision from Ag to C-2 with the approval of the final plat.

BOARD/COMMISSION RECOMMENDATION: At their regular meeting of May 11, 2015 the Planning Commission made positive recommendation of the zone change for part of Lots 1 & 2, Block 9, Five Oaks Subdivision from A – Agricultural to C-2 Neighborhood Commercial and Retail.

STAFF RECOMMENDATION: City Council approve ordinance to rezone Lots 1 & 2, Block 9, Five Oaks Subdivision from Ag to C-2.

EXHIBITS

Resolution Ordinance x Contract Minutes Plan/Map x

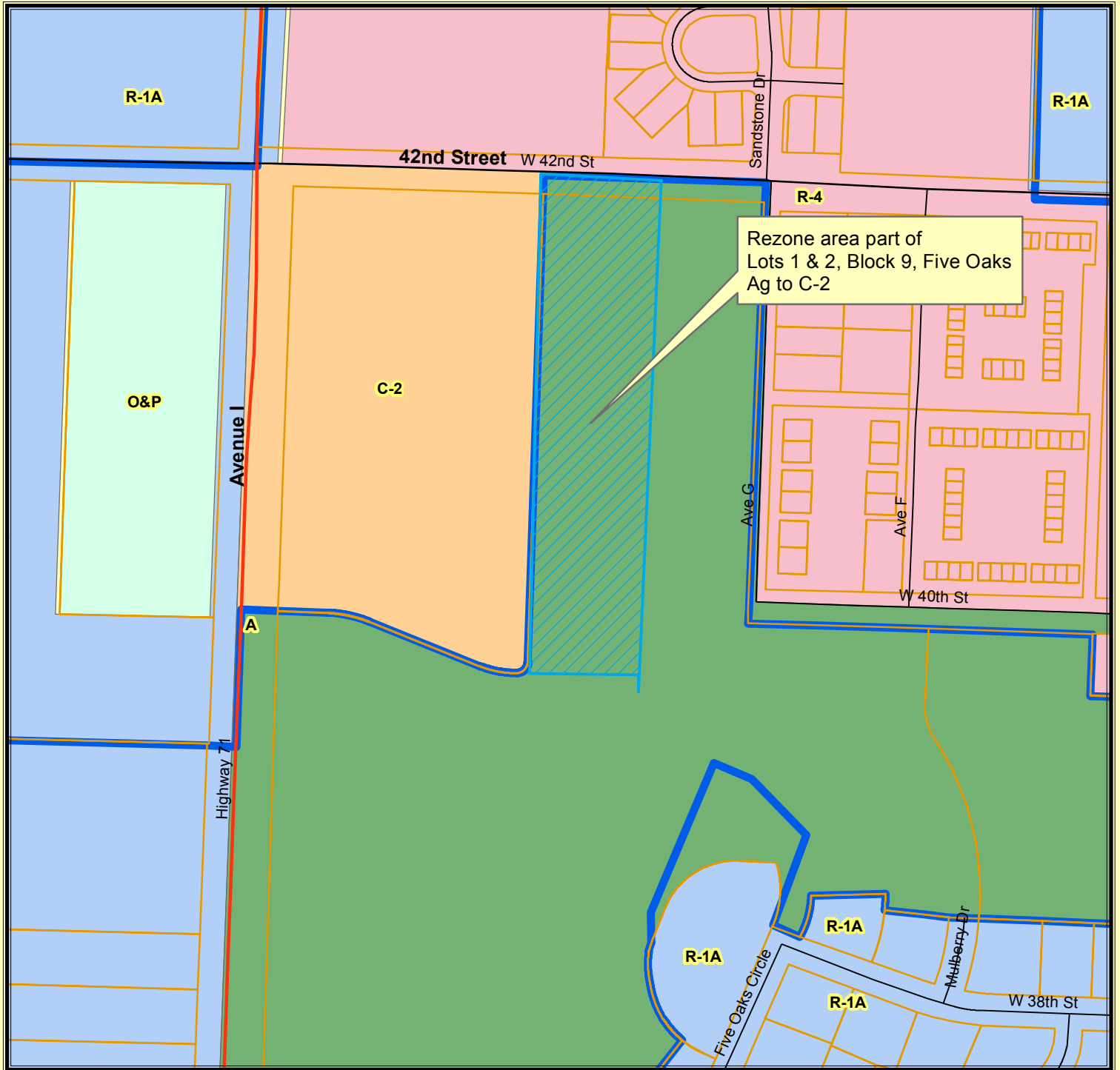
Other (specify) _____

NOTIFICATION LIST: Yes No Further Instructions

APPROVAL FOR SUBMITTAL: _____
City Manager

Pt of Lots 1 & 2, Block 9, Five Oaks Subdivision Rezone

Agricultural to C-2 Neighborhood & Retail



4/13/15

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
May 11, 2015
Scottsbluff, Nebraska

The Planning Commission of the City of Scottsbluff, Nebraska met in a regular scheduled meeting on Monday, May 11, 2015, 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 1, 2015. 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: Angie Aguallo, Jim Zitterkopf, Mark Westphal, Callan Wayman, David Gompert, Henry Huber, and Becky Estrada. Absent: Anita Chadwick, and Dana Weber. City officials present: Annie Urdiales, Planning Administrator, Annie Folck, City Planner, 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 bookcase 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 April 13, 2015 were reviewed and approved. A motion was made to accept the minutes by Gompert, and seconded by Westphal. "YEAS": Zitterkopf, Westphal, Wayman, Huber, Gompert, and Estrada. "NAYS": None. ABSTAIN: Aguallo. ABSENT: Chadwick and Weber. Motion carried.

ITEM 7A: The Planning Commission opened a public hearing for a Redevelopment Plan for the Scottsbluff Monument Mall. RockStep Scottsbluff LLC is proposing to redevelop the Monument Mall which is situated north of Circle Drive, South of 27th Street and West of Highway 26 – Monument Mall. The Mall is located in this area which was designated as Blighted and Substandard in 2013. This Redevelopment Plan has been prepared to for the Rehabilitation of the Monument Mall ("Redevelopment Project").

Major improvements will be funded with Tax Increment Financing (TIF), Occupation Tax, and private funds, which will be used for site preparation – parking lot resurface, signage, roof replacement, exterior lighting, landscaping, HVAC replace & repair, rehab vacant spaces for tenants, Theater rehab (if required).

Portion of costs paid by TIF	\$ 578,130
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52	Portion of costs paid by Occupation tax	1,816,650
53	Portion of costs paid by Developer	6,255,220
54		
55	Total Private and Public Improvements total	\$8,650,000

56
57 Mike Bacon, representing RockStep LLC gave a brief overview of the plan, 60,000 square feet of the mall
58 is currently vacant. To attract national tenants, they need to buy them with low rent and modifications to
59 the vacant spaces. The Redevelopment law allows for rehab of this type of business. The rehabilitation
60 of the mall will help revitalize the community along with a vibrant downtown. The new TIF laws allow
61 for an “enhanced employment area” which would impose an occupation tax on all sales in the mall, the
62 proceeds of which may also be used for any improvements that qualify for TIF funds.

63
64 **Conclusion:** A motion was made by Huber and seconded by Aguallo to make a positive recommendation
65 to City Council for the Redevelopment Plan of the Monument Mall “YEAS”: Aguallo, Zitterkopf,
66 Westphal, Gompert, Huber, Wayman, and Estrada. “NAYS”: None. **ABSTAIN:** None. **ABSENT:**
67 Chadwick and Weber. Motion carried.

68
69 **ITEM 7B:** The Planning Commission opened a public hearing for a Blight and Substandard Study for
70 part of Five Oaks Subdivision and Adler Tracts this area consists of approximately 61.78 acres, the Five
71 Oaks area is situated south of 42nd Street and East of Avenue I to the current city limit line and include
72 half streets Avenue G and 40th Street. The Adler tract area is situated west of Avenue I, north of 36th
73 Street. Designating these areas as Blighted and Substandard will make them eligible for Tax Increment
74 Financing as long as they are within the City’s corporate limits. State statutes have specific requirements
75 of conditions that must exist on the property in order to designate it as Blighted and Substandard. This
76 study demonstrates that these conditions do exist within the study area.

77
78 As a City of the First Class, Scottsbluff may designate up to 35% of our corporate area as blighted and
79 substandard. Currently, 20.5% is so designated; with the addition of the study area, the City will be up to
80 22%, well within the limits allowed by statute.

81
82 Mike Bacon, spoke in favor of the study which was prepared by Ken Bunger, Mr. Bunger has quite a
83 background on TIF projects. The funds will be used for improvements of Block 9, of the Five Oaks
84 Subdivision. TIF funding has not been used in the past for Five Oaks and if the study is approved they
85 will be used to complete infrastructure for the rest of the subdivision along with the completion of the half
86 streets abutting the subdivision.

87
88 **Conclusion:** A motion was made by Zitterkopf and seconded by Huber to make a positive
89 recommendation to City Council to approve the Blight and Substandard Study of Part of Five Oaks
90 Subdivision and Adler Tracts. “YEAS”: Huber, Zitterkopf, Aguallo, Wayman, Gompert, Huber, and
91 Estrada. “NAYS”: None. **ABSTAIN:** None. **ABSENT:** Weber and Chadwick. Motion carried.

92
93 **ITEM 7C.** The Planning Commission opened a public hearing for a revised preliminary plat of Five
94 Oaks Subdivision 2015, submitted by property owners, C & T Holdings and Baker and Associates.

95
96 The revised preliminary plat has been changed to reflect changes to Block 9 an additional 3± was added
97 to the east area of the new Block 9, this change eliminating two streets (Red Cedar Drive) and West 41st
98 Street, West Oak Boulevard was realigned and renamed to 40th Street to line up with 40th Street to the
99 east. The following lots and blocks on the preliminary plat were changed:

- 100
101 Lots 1 and 2, Block 9 (changed 1 and added 2)
102 Lots, 16, 17 all in Block 6 (changed)

103 Lot 1 Block 11 (changed - is smaller)
104 Deleted Lots 4, 5, and 6 Block 12
105 Deleting Lot 18, Block 6.

106
107 The Lots south of 40th Street and east of Avenue G were not changed. The revised preliminary plat
108 meets the subdivision codes and city standards.

109
110 **Conclusion:** A motion was made by Westphal and seconded by Huber to approve the revised
111 preliminary plat of Five Oaks Subdivision 2015, City of Scottsbluff, Scotts Bluff County, Nebraska.
112 “YEAS”: Aguallo, Zitterkopf, Westphal, Gompert, Huber, Wayman, and Estrada. “NAYS”: None.
113 ABSTAIN: None. ABSENT: Chadwick and Weber. Motion carried

114
115 **ITEM 7D:** The Planning Commission opened a public hearing for a request to vacate ordinance with
116 vacate plat map. The applicant(s), Jason & Sami Webb, represented by Baker and Associates, have
117 requested approval of the ordinance to vacate with a vacation plat of Block 9, Five Oaks Subdivision.
118 This will allow for a new final plat of Block 9 which will consist of two parcels of approximately 11.08±
119 acres. The property is situated south of 42nd Street, east of Highway 71, (SE corner of Avenue I and
120 42nd St.). The vacate is part of the revised preliminary plat which removed 41st Street between Avenue
121 G and Red Cedar Drive (Red Cedar Drive was also removed) this was the cleanest way to start over for the new
122 proposed plat.

123
124 **Conclusion:** A motion was made by Zitterkopf and seconded by Aguallo to approve the ordinance to
125 vacate and plat map for Block 9, Five Oak Subdivision situated in the NW ¼ of Section 14, T22N, R55W
126 of the 6th P.M., City of Scottsbluff, Scotts Bluff County, Nebraska. “YEAS”: Aguallo, Zitterkopf,
127 Westphal, Gompert, Huber, Wayman, and Estrada. “NAYS”: None. ABSTAIN: None. ABSENT:
128 Chadwick & Weber. Motion carried

129
130 **ITEM 7E:** The Planning Commission opened a public hearing for a request from property owners, C & T
131 Holdings, and Jason and Sami Webb, represented by Baker and Associates for a final plat described as
132 Lots 1 & 2, Block 9, Five Oaks Subdivision, situated in NW ¼ of Section 14, T22N, R55W of the 6th
133 P.M., City of Scottsbluff, Scotts Bluff County, NE. The property is situated south of 42nd Street, east of
134 Highway 71, (SE corner of Avenue I and 42nd St.).

135
136 They also ask the Planning Commission to approve a change in the street right of way for 42nd Street.
137 The plat submitted shows a 33’ foot right of way. The City asked for a 50’ right of way to match the rest
138 of 42nd Street to the east, which is what is required by code. The property owners requested a 40’ right
139 of way for the area along Block 9, Five Oaks Subdivision. By code, the right of way for arterial streets
140 must be a minimum of 80’ to 150’ so the 40’ right of way would meet that requirement, but would not
141 meet the requirement that the right of way match what is provided on adjoining properties. The property
142 owners stated that they would add an additional seven feet from Block 9 to the right of way for a total of
143 forty feet. This change will be reflected in the updated final plat for City Council review.

144
145 Jack Baker from Baker and Associates addressed the Planning Commission stating if the road were
146 expanded to a similar cross section to what is currently in place east of Avenue G, the total width with
147 curb & gutter would be about 40’ from back of curb to back of curb. This equates to about 15’ additional
148 feet of paving to the south of what is currently in place. This includes a 5’ sidewalk, there is room
149 available within a 40’ south half right of way along 42nd Street to expand 42nd street at some future with
150 three lanes and still have about 12’ or more from the Right of way to back of sidewalk. Baker stated that
151 allowing an 80’ Right of way corridor through this section of 42nd Street will satisfy the space needed for
152 expansion of 42nd Street and not significantly impact the proposed development site. The City Code
153 does allow for the Planning Commission and City Council to approve a lesser right of way. A developer’s

154 agreement will also be submitted for City Council to review on the proposed development for this area of
155 Five Oaks.

156
157 **Conclusion:** A motion was made by Zitterkopf and seconded by Westphal to approve the final plat of
158 Lots 1 and 2, Block 9, Five Oaks Subdivision, situated in the NW ¼ of Section 14, T22N, R55W of the
159 6th P.M., City of Scottsbluff, Scotts Bluff County, Nebraska with the additional seven feet in right of way
160 for a total of 40' and Council approval of the change. "YEAS": Aguallo, Zitterkopf, Westphal,
161 Gompert, Huber, Wayman, and Estrada. "NAYS": None. ABSTAIN: None. ABSENT: Chadwick
162 &Weber. Motion carried

163
164 **ITEM 7F.** The Planning Commission opened a public hearing for a zone change request from C&T
165 Holdings LLC for property described as part of Lots 1 & 2, Block 9, Five Oaks Subdivision, NW ¼ of
166 Section 14, T22N, R55W of the 6th P.M., City of Scottsbluff, Scotts Bluff County, NE. The new final
167 plat of Block 9 is zoned C-2 and Ag, the request is to rezone the remainder of the new area to C-2, this 3±
168 acres is currently zoned Ag. The change in zoning will match the rest of Block 9 to the west.

169
170 **Conclusion:** A motion was made by Wayman and seconded by Zitterkopf to approve the zone change
171 request of part of Lots 1 & 2, Block 9 Five Oaks, situated in the NW ¼ of Section 14, T22N, R55W of the
172 6th P.M., City of Scottsbluff, Scotts Bluff County, Nebraska from Agricultural to C-2 Neighborhood &
173 Retail Commercial. "YEAS": Aguallo, Zitterkopf, Westphal, Gompert, Huber, Wayman, and Estrada.
174 "NAYS": None. ABSTAIN: None. ABSENT: Chadwick &Weber. Motion carried

175
176 **ITEM 8. Unfinished Business:** None.

177
178 There being no further business, a motion to adjourn was made by Westphal and seconded by Aguallo.
179 The meeting was adjourned at 6.35 p.m. "YEAS": Gompert, Wayman, Westphal, Aguallo, Zitterkopf,
180 Huber, and Estrada. "NAYS": None. **ABSTAIN:** None. **ABSENT:** Chadwick & Weber. Motion
181 carried.

182
183
184 _____
185 Becky Estrada, Chairperson

186
187 Attest: _____
188 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 PROPOSED LOTS 1 & 2, BLOCK 9, FIVE OAKS SUBDIVISION, SITUATED IN PART OF THE NW ¼ OF SECTION 14, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NE, WHICH IS CURRENTLY ZONED AS A-AGRICULTURAL, WILL NOW BE INCLUDED IN THE C-2 NEIGHBORHOOD AND RETAIL COMMERCIAL, 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 20th day of April, 2015.

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 _____, 2015.

Mayor

Attest:

City Clerk (Seal)