



SCOTTSBLUFF CITY PLANNING COMMISSION AGENDA

Monday, December 9, 2013, 6:00 PM
City Hall Council Chambers, 2525 Circle Drive

PLANNING COMMISSIONERS

CHAIRMAN

BECKY ESTRADA
VICE CHAIRMAN

ANGIE AGUALLO

DANA WEBER

HENRY HUBER

MARK WESTPHAL

CALLAN WAYMAN

DAVID GOMPERT

JIM ZITTERKOPF

ANITA CHADWICK

- 1. WELCOME TO THE PLANNING COMMISSION MEETING:** Chairman
- 2. NEBRASKA OPEN MEETINGS ACT:** For all interested parties, a copy of the Nebraska Open Meetings Act is posted on a bulletin board at the back of the council chambers in the west corner.
- 3. ROLL CALL:**
- 4. NOTICE OF CHANGES IN THE AGENDA:** Additions may not be made to this agenda less than 24-hours prior to the beginning of the meeting unless added under item 5 of this agenda.
- 5. CITIZENS WITH ITEMS NOT SCHEDULED ON THE REGULAR AGENDA:** As required by State Law, no item may be considered under this item unless the Planning Commission determines that the matter requires an emergency action.
- 6. APPROVAL OF THE PLANNING COMMISSION MINUTES FROM:**
 - A Minutes**
Approve minutes of 11/12/13
- 7. NEW BUSINESS:**
 - A Ordinance to Vacate**
Ordinance: Vacate Alley
Applicant: Scott Rempe
Property Owner(s): Scott Rempe, Dugan F.S. Inc, HVS LLP
Location: E of Ave B, north of Dugan Kramer funeral home
 - B Amendment To Blight & Substandard Study Area # 7**
Amend Redevelopment Area: to exclude Sheldon Hts Subd
- 8. UNFINISHED BUSINESS:**
 - A Unfinished Business**
Unfinished Business: None
- 9. ADJOURN**

The public is invited to participate in all Planning Commission Meetings. If you need special accommodations to participate in the meeting, please contact the Development Services Department at (308) 630-6243, 24-hours prior to the meeting.

City of Scottsbluff, Nebraska

Monday, December 9, 2013

Regular Meeting

Item Appr. Min.1

Minutes

Approve minutes of 11/12/13

Staff Contact: Annie Urdiales

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

The Planning Commission of the City of Scottsbluff, Nebraska met in a regular scheduled meeting on Tuesday, November 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 November 1, 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: Vice Chairman, Becky Estrada called the meeting to order. Roll call consisted of the following members: Jim Zitterkopf, Henry Huber, Angie Aguillo, Dave Gompert, Dana Weber, Callan Wayman, Anita Chadwick, and Becky Estrada. Absent: Mark Westphal. City officials present: Annie Urdiales, Planning Administrator, Gary Batt, Code Administrator II, and Kent Hadenfeldt, City Attorney.

ITEM 2: Vice 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: Agenda Item # 7A - Ordinance to Vacate was withdrawn by property owner and will resubmit to Planning Commission at a later date.

ITEM 4: Business not on agenda: New commission members were introduced, David Gompert, Callan Wayman, and Mark Westphal (absent).

ITEM 5: Citizens with items not scheduled on regular agenda: None

ITEM 6: The minutes of 9/9/13 were reviewed and approved as distributed. A motion was made to accept the minutes by Zitterkopf and seconded by Weber. "YEAS": Zitterkopf, Aguillo, Chadwick, Huber, and Estrada. "NAYS": None. ABSTAIN: Gompert, and Wayman. ABSENT: Westphal. Motion carried.

ITEM 7A: The Planning Commission opened a public hearing for a preliminary plat of Blocks 1 through 7, Reganis Subdivision a replat of Lots 1 & 2, Block 1, Idlewylde Addition, and part of Block 1A, Scotts Bluff College Tract, and unplatted lands situated in the South ½ of Section 13 T22N, R55 W of the 6th P.M. The property is owned by Timothy & Virginia Reganis and they are represented by M.C. Schaff and Associates. The acreage (25.27 ± acres) is currently zoned R-1 Single Family Residential and C-2 Neighborhood Retail and Commercial. The preliminary plat was reviewed by City Staff and the City's Engineering Consultant and found to meet all City standards. The property is located on the north side of 27th Street, East of U.S. Highway 26, west of WNCC and south of Talisman Drive. A rezone request adjusting zoning districts is included with the preliminary plat. The preliminary plat and proposed zoning meet the future land use map in the City's Comprehensive Development Plan.

Clayton Neilson, representing Tim Reganis, answered questions regarding the preliminary plat. A round – a- bout is part of the plan which will help with the calming of traffic and divert commercial traffic from the residential area. The Scottsbluff Drain will be part of the improvements. Main access onto the property will be off of 27th Street, one of commercial lots will have additional access areas onto the business. The residential lots north of Wintercreek Drive will be a buffer to the commercial lots along with landscaping required through the City’s code.

NOTE: Commissioner Westphal arrived at the meeting 6:10 p.m.

Larry McCaslin, 2601 Addison, addressed the Planning Commission. Mr. McCaslin spoke in favor of the development and asked that the Sheldon Heights Subdivision be included in the Developers Tax Increment Financing redevelopment plan. This would help the Sheldon Heights Subdivision to pave their streets, if they could get the City, the TIF Developer, & Sheldon Height’s residents to share the costs, as Sheldon Heights would not qualify as a standalone TIF project.

Kent Hadenfeldt, City Attorney, informed Mr. McCaslin that the Planning Commission could not take any action on the TIF Redevelopment plan as the only thing on the agenda for discussion was the Preliminary plat approval for the Reganis Subdivision. Mr. McCaslin can come back and address the Planning Commission when the Redevelopment Study is before the Commission.

Mr. John Schafer also asked to address the Planning Commission regarding the Blight & Substandard Study designation. Chairperson Estrada informed Mr. Schafer that the Planning Commission will listen to his concerns at the time when the Redevelopment Study is brought before the Planning Commission.

With no further questions or comments the public hearing for the preliminary plat was closed.

Conclusion: A motion was made by Wayman and seconded by Chadwick to approve the preliminary plat of Blocks 1 through 7, Reganis Subdivision a replat of Lots 1 & 2, Block 1, Idlewylde Addition, and part of Block 1A, Scotts Bluff College Tract, and unplatted lands situated in the South ½ of Section 13 T22N, R55 W of the 6th P.M. “YEAS”: Zitterkopf, Chadwick, Huber, Wayman, Gompert, Weber, Aguallo, and Estrada. “NAYS”: None. ABSTAIN: None. ABSENT: None. Motion carried.

ITEM 7B: The Planning Commission opened a public hearing for a proposed rezone of property which is located within the Reganis Subdivision. The zone change will adjust existing zoning districts lines of a residential area consisting of .80 acres from commercial to residential and an area of 3.22 acres from residential to commercial. The zoning districts will be divided by Wintercreek Drive.

No further comments were received and the public hearing for the proposed zone changes was closed.

Conclusion: A motion was made by Aguallo and seconded by Chadwick to approve and make positive recommendation to City Council for the proposed rezoning of part of preliminary plat part of Block 2, part of Block 3 & part of Block 4 from R-1 to C-2, and part .80 acres of Wintercreek Drive from C-2 to R-1. (Map is attached) “YEAS”: Zitterkopf, Chadwick, Huber, Wayman, Westphal, Gompert, Weber, Aguallo, and Estrada. “NAYS”: None. ABSTAIN: None. ABSENT: None. Motion carried.

Unfinished Business: Election of officers a motion was made by Weber and seconded by Gompert to Nominate Becky Estrada has Chairperson. “YEAS”: Zitterkopf, Chadwick, Huber, Wayman, Westphal, Gompert, Weber, Aguallo, and Estrada. “NAYS”: None. ABSTAIN: None. ABSENT: None. Motion carried.

102 A second motion was made by Weber and seconded by Chadwick to nominate Angie Aguallo as Vice
103 Chairperson. "YEAS": Zitterkopf, Chadwick, Huber, Wayman, Westphal, Gompert, Weber, Aguallo,
104 and Estrada. "NAYS": None. ABSTAIN: None. ABSENT: None. Motion carried.

105

106 There being no further business the Planning Commission with a motion to adjourn made by Huber and
107 seconded by Aguallo the meeting was adjourned at 6:35 p.m. "YEAS": Huber, Wayman, Weber,
108 Aguallo, Estrada, Chadwick, Zitterkopf, Westphal, and Estrada. NAYS: none. ABSENT: None. Motion
109 carried.

110

111

112 _____
Becky Estrada, Vice Chairperson

113

114 Attest: _____

115 Annie Urdiales

City of Scottsbluff, Nebraska

Monday, December 9, 2013

Regular Meeting

Item NewBiz1

Ordinance to Vacate

Ordinance: Vacate Alley

Applicant: Scott Rempe

Property Owner(s): Scott Rempe, Dugan F.S. Inc, HVS LLP

Location: E of Ave B, north of Dugan Kramer funeral home

Staff Contact: Annie Urdiales



SCOTTSBLUFF PLANNING COMMISSION Staff Report

To: Planning Commission
From: Development Services Department
Date: December 9, 2013
Subject: Ordinance to Vacate 20' alley
Location: East of Ave B, along 33rd Street

Zoning: C-3
Property Size:
Lots/Units:
Units/Acre

Background

Mr. Scott Rempe has requested an ordinance to vacate a 20 foot alley between his property and two properties to the south. This area will be paved and used as access onto the three lots. The properties are described as Block 1, Block 2, and Block 3, Webber Manor Subdivision. There is an existing signed access agreement between Block 1 and Block 2. Mr. Rempe's representatives are still negotiating with the owner of Block three. Each property owner will absorb the 10' adjacent to their properties. The ordinance to vacate if approved by Council will be recorded against the final plat.

City Staff has consulted with legal and if approved the ordinance will be recorded and filed with the final plat of Block 1, 2, and 3, Webber Manor Subdivision.

Staff recommends approval of the Vacation of the 20' alley between Blocks 1, 2, and 3, Webber Manor Subdivision.

RECOMMENDATION

Approve

Positive recommendation for ordinance to vacate 20' alley between Blocks 1, 2, and 3, Webber Manor Subdivision to the City Council subject to the following condition(s):

Deny

Negative recommendation for ordinance to vacate 20' alley between Blocks 1, 2, and 3, Webber Manor Subdivision to the City Council for the following reason(s):

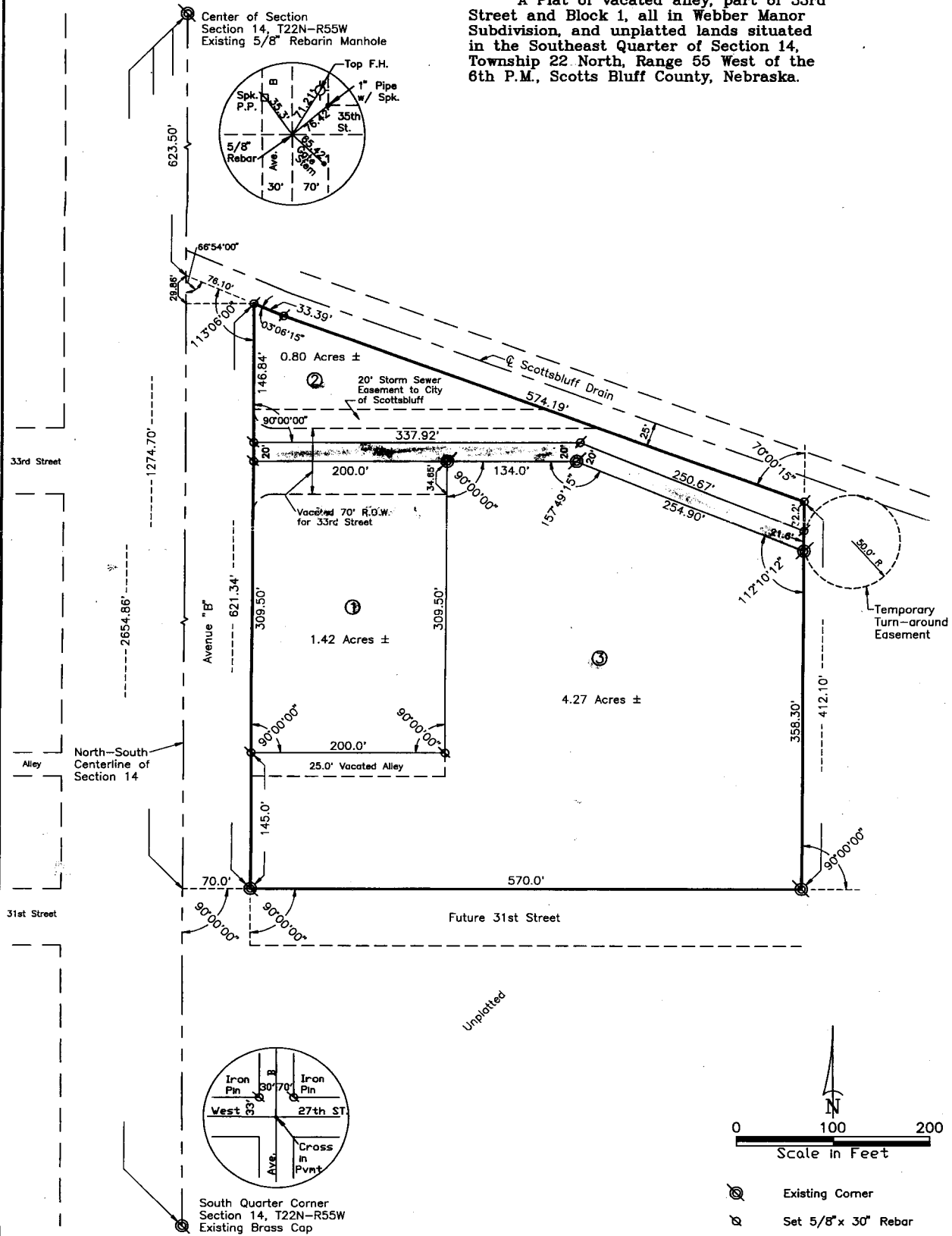
Table

TABLE the ordinance to vacate 20' alley between Blocks 1, 2, and 3, Webber Manor Subdivision for the following reason(s):

BLOCKS 1, 2 and 3 WEBBER MANOR SUBDIVISION

A Subdivision in the City of Scottsbluff, Scotts Bluff County, Nebraska

A Plat of vacated alley, part of 33rd Street and Block 1, all in Webber Manor Subdivision, and unplatted lands situated in the Southeast Quarter of Section 14, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska.



City of Scottsbluff, Nebraska

Monday, December 9, 2013

Regular Meeting

Item NewBiz2

Amendment To Blight & Substandard Study Area # 7

Amend Redevelopment Area: to exclude Sheldon Hts Subd

Staff Contact:



SCOTTSBLUFF PLANNING COMMISSION Staff Report

To: Planning Commission
From: Staff Development Services
Date: December 9, 2013
Subject: Resolution of Amended Sub. & Blight Survey
Study Area # 7 – N. of 27th St. & E. of Hwy 26,

The Planning Commission at their meeting of August 12, 2013 made a positive recommendation to the City Council, on a study which was done in an area located on the NW corner of East 27th Street and Highway 26. Proposed Development in this area by the property owner will improve infrastructure and improve the area overall.

Since that time the property owners from the Sheldon Heights Subdivision have voiced concerns about their properties being designated as blighted and substandard. The home owners expressed their concerns to the Developer, City Council, and the Planning Commission. The amended Study and Resolution is to remove the Sheldon Heights Subdivision from the Study. City Council will have a public hearing to review the attached resolution and amended Blight and Substandard Study at their next meeting. No action is required by the Planning Commission regarding the proposed resolution and amended study. However, the City Council would like the Planning Commission to make a recommendation to the Council as to the removal of the Sheldon Heights from the redevelopment area. City Council would then act on their recommendation and act on the resolution.

RECOMMENDATION

Approve

Make a POSITIVE RECOMMENDATION to the City Council to approve Amended Redevelopment Area Substandard/Blight Survey Area # 7 and Resolution –subject to the following condition(s):

Deny

Make a NEGATIVE RECOMMENDATION to the City Council to disapprove Amended Redevelopment Area Substandard/Blight Survey Area # 7 and Resolution – for the following reason(s):

Table

Make the motion to TABLE the Amended Redevelopment Area Substandard/Blight Survey Area # 7 and Resolution for the following reason(s):

RESOLUTION 13-

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

Recitals:

a. It is necessary, desirable, advisable, and in the best interests of the City of Scottsbluff, Nebraska (the "City"), for the City to undertake and carry out redevelopment projects in certain areas of the City that are determined to be blighted and substandard and in need of redevelopment;

b. The Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the "Act"), prescribes the requirements and procedures for the planning and implementation of redevelopment projects;

c. Section 18-2109 of the Act requires that, prior to the preparation of a redevelopment plan for a redevelopment project, the City Council shall, by resolution, declare the area to be blighted and substandard;

d. At its regular City Council meeting on August 19, 2013, the City Council determined through the passage of Resolution No. 13-08-01 that the Redevelopment Area (as provided for in Resolution No. 13-08-01) should be declared blighted and substandard, and in need of redevelopment, as required by the Act;

e. The City Council has now reviewed and discussed an Amended Study of Blight and Substandard Conditions (the "Amended Blight Study") prepared by Charles K. Bunger, Attorney at Law;

f. The Amended Blight Study was forwarded to the Planning Commission of the City for its review and recommendation and the City Council reviewed the recommendation of the Planning Commission; and

g. The City Council desires to amend the boundaries of the Redevelopment Area by deleting certain residential properties as described on Attachment 1a which will result in the removal of those residential properties from the blighted and substandard designation.

Resolved that:

1. The boundaries of the Redevelopment Area are amended by deleting certain properties more particularly described on **Attachment 1a**. The deleted properties are no longer designated as blighted and substandard.

2. The Redevelopment Area, as amended (the "Amended Redevelopment Area"), continues to be blighted and substandard, and in need of redevelopment pursuant to the Act, in that conditions continue to exist in the Amended Redevelopment Area that meet the criteria set forth in Section 18-2103(11) of the Act, as described and set forth in the Amended Blight Study.

3. The Amended Redevelopment Area remains in need of redevelopment and is an eligible site for a redevelopment project under the provisions of the Act at the time of the adoption of any redevelopment plan with respect to the Amended Redevelopment Area.

4. This Resolution shall become effective immediately upon its adoption.

PASSED and APPROVED on December ___, 2013.

Mayor

ATTEST:

City Clerk (Seal)

AMENDED STUDY OF BLIGHT AND SUBSTANDARD CONDITIONS

City of Scottsbluff, Nebraska

November 8, 2013

This report documents the existence of blighted and substandard conditions for an area in Scottsbluff, Nebraska (the “Study Area”). This Study Area includes single family residences, commercial businesses, a large underutilized retail center, a public parkway, several underdeveloped lots and several large areas that contain parcels that are neither subdivided nor developed. This study is intended to review the Study Area for eligibility (as blighted and substandard) pursuant to Section 18-2103 of Nebraska Revised Statutes, as contained in the Nebraska Community Development Law (the “Act”).

Removal of the Sheldon Heights Subdivision

The Sheldon Heights Subdivision was originally included in this Study Area. The City requested that it be deleted from the Study Area and that the blighted and substandard designation on such properties be removed. The present Amended Study examines the Study Area without that subdivision. As specifically set out herein, there are sufficient substandard improvements (infrastructure) and blighting conditions remaining in the Study Area (as amended) to support this Amended Study’s conclusions. The conformance of the prior declaration to the Comprehensive Plan (as specifically enumerated below) is not altered by the deletion of the subdivision. In summary, while the age and condition of the public improvements in the subdivision certainly contributed to the original findings of the Study, its deletion does not invalidate the conclusion of this Amended Study.

Legal Description

The Study Area (with the proposed deletion) is described on Exhibit A1, attached hereto and made a part hereof by this reference.

Relevant Nebraska Statutes

The constitutional terms, “Substandard” and “Blighted” are statutorily defined in §18-2103, which are set out below:

(10) **Substandard areas** means an area in which there is a predominance of buildings or improvements, whether nonresidential or residential in character, which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime, (which cannot be remedied through construction of prisons), and is detrimental to the public health, safety, morals, or welfare;

(11) **Blighted area** means an area, which

(a) by reason of the presence of a substantial number of deteriorated or deteriorating structures, existence of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility, or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations, or constitutes an economic or social liability and is detrimental to the public health, safety, morals, or welfare in its present condition and use; and,

(b) in which there is at least one of the following conditions:

(i) Unemployment in the designated area is at least one hundred twenty percent of the state or national average;

(ii) the average age of the residential or commercial units in the area is at least forty years;

(iii) more than half of the plotted and subdivided property in an area is unimproved land that has been within the city for forty years and has remained unimproved during that time;

(iv) the per capita income of the area is lower than the average per capita income of the city or village in which the area is designated; or

(v) the area has had either stable or decreasing population based on the last two decennial censuses.

Analysis of Study Area

This section reviews the land use, infrastructure, building and economic conditions found within the Study Area. A field survey was completed on June 13, 2013. The following section identifies such existing conditions and additional factors which contribute to a determination of a blighted and substandard condition. This initial analysis is based in part upon the observations during the field survey.

As previously set forth in Section 18-2103 (10), the factors which define a **substandard area** include a “preponderance of buildings or improvements, whether nonresidential or residential in character, which, by reason of” the following circumstances:

1. ***Dilapidation or Deterioration***

This subsection considers the improvements within the Study Area. The main infrastructure components include water, sewer, sidewalks, streets, curb and gutter, and accessibility. Public utilities can directly influence a community’s capacity for growth. If infrastructure improvements are outdated or unavailable, land development must await their installation or updating. While all the above mentioned criteria were evaluated, only some of those determined to contribute to the blight and substandard conditions for the Study Area need be considered here, as follows: the unimproved parcels (northeast of the intersection of East 27th Street and U.S. Highway 26) (a) is served by a dilapidated storm sewer structure requiring a new contained system to be installed to allow for its development; and, (b) contains a substantial amount or buried rubble from both buildings and broken infrastructure.

2. ***Age or Obsolescence***

The primary commercial use in Study Area #1 is a partially occupied shopping center, located generally at the southwest corner of the busy intersection of East 27th Street and U.S. Highway 26. This facility has consistently underperformed as a retail center since it was converted from its past use. There is still approximately 50% vacancy in the retail center. The retail center continues to experience economic obsolescence resulting in lower property and sales tax for the city. Furthermore, industry studies indicate that in order for a mall setting retail center to succeed, it must achieve critical mass by containing large anchor stores or a significantly more modern upgrade than the current facility exhibits. This type of investment will reasonably not occur unless there is significant public assistance through the redevelopment authority, or an alternative public type of re-use. Considering its prominent location, a successful redevelopment effort is critical. Without redevelopment of this structure and the surrounding area it will remain functionally and economically obsolete.

The majority of the buildings in the Study Area exceed forty 40 years in age. These include the majority, if not all, of the residences in the Study Area.

As previously set forth in Section 18-2103 (11), the factors which define a **blighted area** include:

(a) Any combination of the following factors which “substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations, or constitutes an economic or social liability”, to wit:

A substantial number of deteriorated or deteriorating structures, inadequate street layout, and the deterioration of improvements

The deteriorated sewer improvements and buried structures described (as substandard above) also clearly fit within this definition. These continuing conditions and underuse of the properties will lead to further deterioration and the consequent emergence of conditions that constitute an economic liability, which both endanger property and are detrimental to the public welfare.

Diversity of Ownership

There are a significant number of different owners and parcels in the Study Area which contribute to the difficulty in developing a unified redevelopment strategy.

(b) the following conditions (from five objective criteria listed in the statute) are present, to wit:

The average age of the residential or commercial units in the area is at least forty years

As previously discussed, the majority of the buildings in the Study Area exceed forty (40) years in age.

Decreasing Population

The Study Area is located in a census tract in which the 2010 decennial census reports a decline of population (2943 people) from that reported in the 2000 decennial census (2972 people). Therefore, the Study Area has displayed a stable or decreasing population between the last two decennial censuses.

Conclusion of Blighted and Substandard Analysis

Based on this analysis, the property within the Study Area meets the subjective criteria of both blighted and substandard conditions and displays the presence of at least two of the objective criteria required for a finding of blighted condition.

Conformance with the Comprehensive Plan

A declaration of blighted and substandard conditions in the Study Area conforms with the City of Scottsbluff Comprehensive Plan because it:

- Is located in an area eligible for such declaration.
- Allows for incentives to keep the employment base and supporting commercial activity in an area currently served by major infrastructure.
- Provides for incentives to encourage the development of business parks rather than a continuation of “strip” commercial development.
- Is located along an existing major arterial between two major “Entrance Nodes”.
- Provides a financing tool for the development of a variety of additional housing units.

Blighted and Substandard Area Declaration

By virtue of the findings of this study, the Study Area (as amended) may retain the blighted and substandard designation, pursuant to the requirements of the Nebraska Community Development Law.

Blight Study Removal Area Description – (Sheldon Heights Area)

Beginning at the North Quarter corner of Section 24, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska, thence southerly on the north-south centerline of Section 24, to the point of intersection with the centerline of the Winter's Creek Canal, thence westerly and northerly on the centerline of the Winter's Creek Canal, to the point of intersection with the centerline of East 27th Street, thence easterly on the centerline of East 27th Street, to the Point of Beginning.

G:\Jobs\RM130010-00 - Reganis Auto Center Site Work\Attachment 1a.docx

City of Scottsbluff, Nebraska

Monday, December 9, 2013

Regular Meeting

Item Unfin. Biz1

Unfinished Business

Unfinished Business: None

Staff Contact: Annie Urdiales