



SCOTTSBLUFF CITY

PLANNING COMMISSION AGENDA

Monday, September 14, 2015, 6:00 PM
City Hall Council Chambers, 2525 Circle Drive

PLANNING COMMISSIONERS

BECKY ESTRADA
CHAIRPERSON

ANGIE AGUALLO
VICE CHAIRPERSON

DANA WEBER

HENRY HUBER

MARK WESTPHAL

CALLAN WAYMAN

DAVID GOMPERT

JIM ZITTERKOPF

ANITA CHADWICK

LINDA REDFERN
ALTERNATE

- 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 Approve Minutes**
Approve Minutes of August 10, 2015
- 7. NEW BUSINESS:**
 - A Special Use Permit**
Special Use Permit: Residential in Commercial Zone
Applicant(s): Darwin Adams
Owner(s): Darwin Adams
Location: 210 East Overland
 - B Ordinance Text Change**
Ordinance Text Change: 21-1-20. Alleys; location
Applicant(s): N/A
Owner(s): N/A
Location: N/A
 - C Comprehensive Plan**
Comprehensive Plan Update
- 8. 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, September 14, 2015
Regular Meeting

Item Appr. Min.1

Approve Minutes

Approve Minutes of August 10, 2015

Staff Contact: Annie Urdiales

**Planning Commission Minutes
Regular Scheduled Meeting
August 10, 2015
Scottsbluff, Nebraska**

The Planning Commission of the City of Scottsbluff, Nebraska met in a regular scheduled meeting on Monday, August 10, 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 July 31, 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, Anita Chadwick, Callan Wayman, David Gompert, Jim Zitterkopf, Henry Huber, and Becky Estrada. Absent: Mark Westphal, 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 July 13, 2015 were reviewed and approved. A motion was made to accept the minutes by Gompert, and seconded by Chadwick. "YEAS": Huber, Gompert, Aguallo, Chadwick, and Estrada. "NAYS": None. ABSTAIN: Zitterkopf, & Wayman. None. ABSENT: Weber, & Westphal. Motion carried.

ITEM 7A: The Planning Commission opened a public hearing for an ordinance request from property owners, Shane & Annette Aulick, to vacate Lots 6 & 7, of the Ridge Estates Subdivision. This ordinance if approved will be filed against the final plat of Lots 1 through 7, The Ridge Estates which was approved on November 2, 2009. The vacated lots will be absorbed into unplatted farm land to the south which is zoned Agricultural. The two lots are approximately 4 acres. The property owners are planning on building an accessory structure on this land which will allow him to store his equipment closer to the cropland. The lots are currently seeded to alfalfa.

Conclusion: A motion was made by Gompert and seconded by Zitterkopf to make a positive recommendation to City Council to approve the ordinance to vacate lots 6 and 7, of the Ridge Estates Subdivision. "YEAS": Aguallo, Zitterkopf, Chadwick, Gompert, Wayman, Huber, and Estrada. "NAYS": None. ABSTAIN: None. ABSENT: Westphal, & Weber. Motion carried.

ITEM 7B: The Planning Commission opened a public hearing for a rezone request from Shane & Annette Aulick for proposed vacated lots 6 and 7, Ridge Estates Subdivision, situated in the SW ¼ of the NE ¼ of Section 9, T22N, R55W of the 6th P.M., Scotts Bluff, County, Nebraska, from R-1 single family residential to Ag – Agricultural. This rezone is requested as part of the ordinance to vacate the lots and the Agricultural zone will fit the current zoning of the area they will be absorbed into.

Conclusion: A motion was made by Zitterkopf and seconded by Gompert to approve the rezone of proposed vacated lots 6 & 7, The Ridge Estates Subdivision situated in the SW ¼ of the NE ¼ of Section 9, T22N, R55W of the 6th P.M., Scotts Bluff, County, Nebraska. "YEAS": Huber, Aguallo, Chadwick, Gompert, Zitterkopf, Wayman, and Estrada. "NAYS": None. ABSTAIN: None. ABSENT: Weber, & Westphal. Motion carried.

ITEM 7C: The Planning Commission opened a public hearing for a final plat of Lots 7, 8, and 9, Block 6A, Panhandle Cooperative Subdivision a replat of Block 6A, Panhandle Cooperative Subdivision, situated in the NW ¼ of Section 26, T22N, R55W of the 6th P.M., City of Scottsbluff, Scotts Bluff County, NE. The applicant(s), Carl & Cynthia Francisco, property owners, represented by Baker and Associates, have requested approval of the final plat. The final plat consists of three separate lots, Lot 9 is developed and is presently where Mr. Francisco's business is located, it abuts Panhandle Coop to the north and there is access from Lot 9 onto the Coop lot on the south end.

The City has recently worked with other commercial zones regarding alley locations for commercial lots and is working on changing the language in current code to allow for review on a case by case basis. We have several existing commercial lots without alley access and they have developed to allow for large delivery trucks and maintenance trucks to get in and out of these larger lots. Staff worked with the property owners and property owners to the west on the best alley location, they had previously tried an alley to the west of all three lots – lining up with Ave D on the north, they are worried that this will become a short cut from the residential development and cause problems for the commercial area. It was decided to put an alley on the west line of lots 7 and 8 with a twenty foot easement along the south between lots 8 & 9. This will fulfill the requirement of alleys/easements in business lots per code. In the future when the lots develop they may be able to vacate the alley to work with proposed development. Properties to the north are zoned R-1A, and C-3, properties to the west is zoned C-2 the property itself and to the East is zoned M-1. Property to the south is zoned PBC.

This replat will allow for commercial development of the parcels. Existing infrastructure is in place along Avenue B and to the north for both water and sewer.

Conclusion: A motion was made by Huber and seconded by Wayman to approve the final plat of lots 7, 8, and 9, Block 6A, Panhandle Cooperative Subdivision of Block 6A, Panhandle Cooperative Subdivision situated in the SW ¼ of Section 26, T22N, R55W of the 6th P.M., City of Scottsbluff, Scotts Bluff, County, Nebraska. "YEAS": Huber, Aguallo, Chadwick, Gompert, Zitterkopf, Wayman, and Estrada. "NAYS": None. ABSTAIN: None. ABSENT: Weber, & Westphal. Motion carried.

ITEM 8. Unfinished Business: Annie Folck spoke to the Planning Commission about an upcoming training class in Kearney on September 28, & 29th. The conference will address following the comprehensive plan for making good zoning decisions and good findings of fact. The other session will be Open meeting procedures and how to manage public hearing procedures. The other workshop will be held either here in Scottsbluff or Gering on October 15th. PADD along with the City are working on putting together the training which will have a condensed version of the above and other planning and zoning topic. As the plans progress we will update the Commission. If interested please let us know so we can make sure to get everyone registered..

There being no further business, a motion to adjourn was made by Aguallo and seconded by Chadwick. The meeting was adjourned at 6.25 p.m. "YEAS": Gompert, Zitterkopf, Wayman, Aguallo, Chadwick, Huber, and Estrada. "NAYS": None. **ABSTAIN:** None. **ABSENT:** Weber, and Westfield. Motion carried.

Becky Estrada, Chairperson

Attest: _____

Annie Urdiales

City of Scottsbluff, Nebraska

Monday, September 14, 2015

Regular Meeting

Item NewBiz1

Special Use Permit

Special Use Permit: Residential in Commercial Zone

Applicant(s): Darwin Adams

Owner(s): Darwin Adams

Location: 210 East Overland

Staff Contact: Annie Urdiales



SCOTTSBLUFF PLANNING COMMISSION Staff Report

To: Planning Commission
From: Development Services Department
Date: September 14, 2015
Subject: Special Use Permit Request – Darwin Adams
Location: 210 East Overland
Zoning: C-3
Property Size: .61 acres
(28,500 S.F.)
Lots/Units: 4 lots

Background: The applicant(s), Darwin Adams, is requesting a special use permit to allow for a residential dwelling in a C-3 Heavy Commercial zoning district. Mr. Adams recently purchased the property and there is an existing apartment in the upper level of the building he would like to extend the apartment to the ground floor.

Mr. Adams is proposing to move an existing business (Infinite Graphics) into the building and will use the three lots to the east of the building as parking for the business. He may either rent the apartment out or use as a place for a security guard for the building.

The property is zoned C-3 Heavy Commercial. The applicant has submitted all proper paper work for the permit. The surrounding properties are C-3 Heavy Commercial with some R-1A single family residential to the east on 3rd Avenue.

The Planning Commission may issue a special permit for a conditional use subject to 25-13-3. Per the five required findings:

- 1.) Provides a service that is required by the neighborhood or community and the use is consistent with the surrounding zonings and uses,
- 2.) The use will not be injurious to neighboring uses,
- 3.) The use will not create special hazards or problems,
- 4.) The use is harmonious with the general plan for the area,
- 5.) The use is in accordance with the intents and purposes of the code, reasonable conditions can be included if deemed necessary and appropriate.

Please note that per 25-13-9 that a building permit must be issued within one year of approval of the Conditional Use Permit or the Permit expires and per 25-13-11 that the Permit may not be transferred with change of ownership of the land.

RECOMMENDATION

Approve

Make a motion to approve the special use permit to allow for residential use at 210 East Overland to Darwin Adams in a C-3 Heavy Commercial zoning district subject to the following condition(s):

Deny

Make a motion to disapprove the special use permit for residential use at 210 East Overland to Darwin Adams in a C-3 Heavy Commercial zoning district, for the following reason(s):

Table

Make a motion to TABLE the special use permit request for residential use at 210 East Overland to Darwin Adams in a C-3 Heavy Commercial for the following reason(s):





<http://www.nebraskaassessorsonline.us/data/Scotts/photos/0010245715.4.jpg>

8/19/2015

City of Scottsbluff, Nebraska
Monday, September 14, 2015
Regular Meeting

Item NewBiz2

Ordinance Text Change

Ordinance Text Change: 21-1-20. Alleys; location

Applicant(s): N/A

Owner(s): N/A

Location: N/A

Staff Contact: Annie Urdiales



SCOTTSBLUFF PLANNING COMMISSION Staff Report

To: Planning Commission
From: Staff Development Services
Date: September 14, 2015
Subject: Proposed Ordinance text change in Chapter 21
Subdivision Code, 21-1-20 Alleys: location

We have had a few commercial developments/subdivisions come before the Planning Commission. One of the things we have worked on with the owners/developers is placement of alleys on proposed developments. Current city code reads that an alley shall be provided at the rear of every lot used or proposed to be used for business purposes. (ord. 1225, 1959: Ord. 116). Recently we have had commercial properties being developed and re-platted. This alley requirement has hindered some of the proposed developments and the developers have asked for variances to this requirement, or the City has asked that access easements be provided, we have also asked them to demonstrate to us how emergency or maintenance trucks (trash, delivery, etc.) would get in and out of the development. Mark Bohl, Director of Public Works, has reviewed and inspected the proposed plat changes and made positive recommendation for the re-plats.

In checking back we have a few commercial developments that were approved without an alley, or large lots/blocks with an alley and then were subdivided without an alley. The City wants to make sure there is emergency access for emergency vehicles as well as trash trucks, delivery trucks, etc. onto these lots with either an alley or easements provided to allow for this type of traffic.

The proposed ordinance will add three exceptions to this code. 1) to provide and maintain suitable access; 2) provide and maintain an easement; and then at 3. have the Planning & Development Department, Public Works Department and Fire Department all review either the access or easement and then a waiver is of the alley is signed by the mayor or council president.

RECOMMENDATION

Approve

Make a motion for positive recommendation for City Council to approve proposed ordinance text amendment in Chapter 21 Subdivision Code amending 21-1-20 setting forth exceptions on alley requirement/placement in business zoning districts subject to the following condition(s):

Deny

Make a motion for negative recommendation to City Council to disapprove proposed ordinance text amendment in Chapter 21, Subdivision Code, amending 21-1-20 setting forth exceptions on alley requirements/placement in business zoning districts subject for the following reason(s):

Table

Make the motion to TABLE the proposed ordinance text amendment in Chapter 21 Subdivision Code amending 21-1-20 setting forth exceptions on alley requirements/placement in business zoning districts for the following reason(s):

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA AMENDING THE SCOTTSBLUFF MUNICIPAL CODE AT CHAPTER 21, ARTICLE 1, RELATING TO SUBDIVISION REQUIREMENTS AND SPECIFICALLY ALLEYS, AMENDING SECTION 21-1-20 RELATING TO REQUIRED ALLEYS, REPEALING FORMER SECTIONS, PROVIDING FOR PUBLICATION IN PAMPHLET FORM AND PROVIDING FOR AN EFFECTIVE DATE.

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

Section 1. Section 21-1-20 of the Scottsbluff Municipal Code is amended to provide as follows:
“21-1-20. Alleys; location; exception.

An alley shall be provided at the rear of every lot used or proposed to be used for business purposes. Provided, however, a subdivision may be approved without an alley at the rear of a lot, if the following conditions are met:

- (1) The applicant has provided and will maintain access sufficient for emergency vehicles and City vehicles needed for trash, sewer, water or other City services, as well as access for delivery vehicles; or
- (2) The applicant has provided and maintains an access easement(s) sufficient for the City to use for emergency vehicles, other city vehicles for trash, sewer or water; and
- (3) The City, through its Planning and Development Department, Public Works Department and Fire Department, has reviewed the proposed subdivision for sufficient access or easements and the Mayor or Council President signed a written waiver on behalf of the City for the required alley and its location.”

Section 2. All other Ordinances and parts of Ordinances passed and approved and in conflict herewith are now repealed.

Section 3. This Ordinance shall be published in pamphlet form and shall become effective upon its passage and approval.

PASSED AND APPROVED on _____, 2015.

Mayor

ATTEST:

City Clerk

(Seal)

City of Scottsbluff, Nebraska

Monday, September 14, 2015

Regular Meeting

Item NewBiz3

Comprehensive Plan

Comprehensive Plan Update

Staff Contact: Annie Folck