



SCOTTSBLUFF CITY
PLANNING COMMISSION AGENDA
Monday, July 13, 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 Minutes**
Approve Minutes of 6/8/15
- 7. NEW BUSINESS:**
 - A Annexation:**
Applicant: C&T Holdings, LLC
Owner(s): C&T Holdings, LLC
Location: North end of Five Oaks Drive
 - B Preliminary/Final Plat: Blks 2,3, & 4, Whistle Creek Subdivision**
Applicant(s) Jane Moran
Owner(s): Jane Ramsey Moran
Location: N side of old Hwy 26 between Hwy 71 & the N S 1/4 section line
- 8. UNFINISHED BUSINESS:**
 - A Unfinished Business:**
Information -Fair Housing Committee Duties
- 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, July 13, 2015

Regular Meeting

Item Appr. Min.1

Minutes

Approve Minutes of 6/8/15

Staff Contact: Annie Urdiales

**Planning Commission Minutes
Regular Scheduled Meeting
June 8, 2015
Scottsbluff, Nebraska**

The Planning Commission of the City of Scottsbluff, Nebraska met in a regular scheduled meeting on Monday, June 8, 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 29, 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, Mark Westphal, Callan Wayman, David Gompert, Henry Huber, and Becky Estrada. Absent: Jim Zitterkopf, and Dana Weber. City officials present: Annie Urdiales, Planning Administrator, Annie Folck, City Planner, and Gary Batt, Code Administrator II.

NOTE: Jim Zitterkopf and Dana Weber came in at 6:02 p.m., shortly after Roll Call.

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 May 11, 2015 were reviewed and approved. A motion was made to accept the minutes by Wayman, and seconded by Zitterkopf. "YEAS": Zitterkopf, Westphal, Wayman, Huber, Gompert, Aguallo, and Estrada. "NAYS": None. ABSTAIN: Chadwick and Weber. ABSENT: None. Motion carried.

ITEM 7A: The Planning Commission opened a public hearing for a Redevelopment Plan. The plan is for Elite Health Redevelopment, Justin and Sami Webb, property owners, are proposing to develop a Medical Health Building which will be situated on the southeast corner of 42nd Street and Avenue I. This Redevelopment Plan covers approximately 281,684 square feet and is within a recently approved blighted and substandard area. The use of this site will go from existing agricultural to commercial. The major estimated improvements are as follows:

Site Acquisition	\$ 786,028.00	Site Preparation	250,000.00
Infrastructure & Utilities	268,733.00	Planning/design	450,000.00
Legal	30,000.00		
<u>Total Cost \$1,784,761.00</u>			

Mike Bacon, representing Property Owners, Jason & Sami Webb, addressed the planning Commission. The building will have two floors and used for health related businesses, access onto the property will be off of 42nd Street. The zoning and type of development is consistent with the City's comprehensive development plan. TIF funds will be used; this is a \$14,000,000 investment. The private investment is

significantly higher than usual. Bacon stated that typically there is about \$4-5 of private investment to every \$1 of TIF funds, while on this project the ratio is closer to \$7 of private investment to every \$1 of TIF funds.

Conclusion: A motion was made by Zitterkopf and seconded by Westphal to make a positive recommendation to City Council for the Redevelopment Plan of Elite Health. **"YEAS":** Aguillo, Zitterkopf, Westphal, Chadwick, Gompert, Huber, Weber, Wayman, and Estrada. **"NAYS":** None.

ABSTAIN: None. **ABSENT:** None. Motion carried.

ITEM 7B: The Planning Commission opened a public hearing to discuss proposed ordinance addition to Chapter 22, Article 6: Parking. Nathan Johnson, Assistant City Manager, had a request from a property owner asking if the City would look into amending or adding an ordinance regarding residential parking. Her concern in particular was residential parking in front lawns, which can cause damage to the property and can also be unsightly.

Staff researched what other Cities have in place for residential parking and put together a draft ordinance. The ordinance would be placed in Chapter 22 Traffic, which is taken care and enforced by the Police Department. This ordinance is brought before the Planning Commission for review and input. We do have off street parking ordinances and nuisance ordinances in place but nothing that covers this problem in particular. This if the first complaint we've had on this type of situation and in checking other areas of the City, vehicles parked in front yards are usually on concrete driveways. Widening the driveway in this particular situation could solve this problem. The Police chief believes that there could be some difficulty in enforcing the ordinance. The Police Department can issue a citation, the fine would be anywhere from \$25 to \$200. These fines are not collected by the City but go to the School district, so any fines collected would not help pay for staff time. The ordinance if adopted would have to be initiated by the Police Department with final approval by City Council. Commissioner Weber stated that he has experienced this problem himself on one of his rental properties, but that he was able to resolve the problem himself without bring the police into it. The Planning Commission agreed that this type of issue can be a problem but adding language to the ordinance will not alleviate the problem, the Police department is busy enough and the complaint(s) could be handled by notifying property owner and hope for a mutual solution that works for both the City and Property owner.

Conclusion: A motion was made by Gompert and seconded by Westphal to not pursue the ordinance regarding residential parking on front lawns. **"YEAS":** Huber, Zitterkopf, Aguillo, Wayman, Weber, Chadwick, Gompert, Huber, and Estrada. **"NAYS":** None. **ABSTAIN:** None. **ABSENT:** None. Motion carried.

ITEM 7C. The Planning Commission opened a public hearing for a proposed rezone request from applicant(s), Ramsey Trust, represented by Jane Moran. The request is to rezone part of property described as the East ½ of the SW ¼ of Section 15 T22N R55W of the 6th P.M., unplatted lands situated in the NE ¼ off SW ¼ of Section 15, (17.11 acres) Scotts Bluff County, (Lying north of City Route and Highway 26). The south line of this property is currently zoned C-3 Heavy Commercial and the north is zoned A- agricultural. The request is zoning is to allow for subdivision and individual sale of the parcels. The property will be surveyed, subdivided, and presented at the July Planning Commission meeting.

This property is located in our extra territorial jurisdiction. Surrounding properties are C-3 Heavy Commercial to the west and both C-3 Heavy Commercial and A- agricultural to the east. Property to the north of New Highway 26 is mostly Agricultural with a small portion Heavy Commercial. South of City Route (old Hwy 26) the majority is Agricultural.

The Planning Commission asked if the C-3 Heavy Commercial zone would affect the view of the City as people approach City Limits from the West. This area is located in our Gateway Greenway Overlay zone and extra landscaping would be required as a buffer along the highway along with the requirements in the commercial zone. The Comprehensive Development Map for future land use shows this area as an employment center area for commercial business use which is comparable with the C-3 Heavy Commercial.

City of Scottsbluff, Nebraska

Monday, July 13, 2015

Regular Meeting

Item NewBiz1

Annexation:

Applicant: C&T Holdings, LLC

Owner(s): C&T Holdings, LLC

Location: North end of Five Oaks Drive

Staff Contact: Annie Urdiales

SCOTTSBLUFF CITY

PLANNING COMMISSION STAFF REPORT

To: Planning Commission
From: Development Services Department
Date: July 13, 2015
Subject: Annexation
Location: North end of Five Oaks Drive

Zoning: R1A
Property Size: 0.06± acres
Lots/Units:

Procedure

1. Open Public Hearing
2. Overview of petition by city staff
3. Presentation by applicant
4. Solicitation of public comments
5. Questions from the Planning Commission
6. Close the Public Hearing
7. Render a decision (recommendation to the City Council)
8. Public Process: City Council determine final approval

Public Notice: This item was noticed in the paper and a notice was posted on the property

Background

The applicant(s), C & T Holdings, and Clark Nation have requested annexation of approximately 2,629.39 square feet (0.06± acres) into the City's corporate boundaries. This area is a gap that was left out of the previous annexation of the Five Oaks Subdivision. The property is platted as a public street right of way for Five Oaks Drive.

The gap is contiguous to existing corporate boundaries, the ordinance will correct the gap in the corporate limits, there are no negative effects to surrounding properties from the annexation. The annexation is consistent with the Comprehensive Development Plan map 10-10.

RECOMMENDATION

Approve

Make a **POSITIVE RECOMMENDATION** to the City Council to annex property described as part of the NW ¼ of Section 14, T22N, R55W of the 6th P.M., in the Five Oaks Subdivision (0.06 acres) into the City's corporate limit boundary subject to the following condition(s):

Deny

Make a **NEGATIVE RECOMMENDATION** to the City Council to annex property described as part of the NW ¼ of Section 14, T22N, R55W of the 6th P.M., in the Five Oaks Subdivision (0.06 acres) into the City's corporate limit boundary for the following reason(s):

Table

Make the motion to **TABLE** the request to annex property described as part of the NW ¼ of Section 14, T22N, R55W of the 6th P.M., in the Five Oaks Subdivision (0.06 acres) into the City's corporate limit boundary for the following reason(s):



ORDINANCE NO. _____

AN ORDINANCE ANNEXING A PARCEL OF LAND CONSISTING OF 2,629.39 SQ. FT. (0.06 ACRES), MORE OR LESS, IN THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 22 NORTH, RANGE 55 WEST, OF THE 6TH PRINCIPAL MERIDIAN, IN SCOTTS BLUFF COUNTY, NEBRASKA, SAID TRACT OR PARCEL BEING MORE PARTICULARLY DESCRIBED BELOW, AND ALLOWING FOR PUBLICATION IN PAMPHLET FORM.

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

Section 1. The owners of the following described real estate (the “real estate”) have filed a written request that the real estate be annexed into the City of Scottsbluff, Nebraska (the “City”). The real estate described below is hereby found and declared to be contiguous and adjacent to the corporate limits of the City, to be urban or suburban in character, and not to be agricultural land which is rural in character:

A parcel of land known as gap parcel for annexation of the Five Oaks Block 13 Final Plat, containing 2,629.39 sq. Ft. (0.06 acres), more or less, in the Northwest Quarter of Section 14, Township 22 North, Range 55 West, of the 6th Principal Meridian, in Scotts Bluff County, Nebraska, said tract or parcel being more particularly described as follows:

Commencing at the Northwest corner of Section 14, Township 22 North, Range 55 West, of the 6th Principal Meridian, being a found 1” diameter steel bolt, flush in the surface of highway 71, stamped in part “survey mark”, whence the west sixteenth of said Section 14, being a found 3 1/4" diameter aluminum cap, flush in the surface of 42nd Street, stamped in part "Baker & Associates Inc, PLS 731", bears South 88°13'30" East, a distance of 1326.35 feet; thence South 35°10'32" East, a distance of 1638.01' feet to a point on the existing northeast corner of the intersection of 38th Street and Five Oaks Drive and to the **point of beginning**;

Thence North 69°38'46" West, a distance of 32.78 feet;

Thence North 10°24'12" EAST, a distance of 67.42 feet;

Thence South 88°26'48" East, a distance of 34.93 feet to a point on the East right of way line of Five Oaks Drive;

Thence along the East Right of Way line of Five Oaks Drive on a arc of a curve to the left, a radius of 211.00 feet, a central angle of 21°26'20", a distance of 78.95 feet, (a chord bearing South 12°01'32" West, a distance of 78.49 feet) **TO THE POINT OF BEGINNING.**

Basis of Bearings: All bearings are base don the line connecting the Northwest corner of Section 14, Township 22 North, Range 57 West, of the 6th Principal Meridian and the West sixteenth corner of said Section 14, being a **grid** bearing of **South 88°13'30” East** a distance of **1326.35 feet** as obtained from a global positioning system (GPS) survey based on the Nebraska High Accuracy Reference Network (NHARN). Said grid bearing is NAD 83 (2011) Nebraska State Plane Zone 2600.

The above described parcel contains 2,629.39 sq. ft. (0.06 acres), more or less.

Section 2. The real estate described in paragraph 1 is hereby annexed to and included within the corporate limits of the City, and hereafter shall be and remain a part of the City for all purposes whatsoever.

Section 3. The owners, occupants and users of the real estate described in paragraph 1 shall be entitled to all the rights and privileges, and subject to all the laws, ordinances, rules and regulations of the City. Such owners, occupants and users shall receive substantially the benefits of other owners, occupants and users of lands within the City as soon as practical, and adequate plans and necessary City Council action, if any, to furnish such benefits as police, fire, snow removal and water service shall be adopted as provided in Neb. Rev. Stat. §16-120 (Reissue 2012).

Section 4. This Ordinance shall become effective upon its passage, approval and publication as provided in pamphlet form.

PASSED AND APPROVED on _____, 2015.

Mayor

ATTEST:

City Clerk (Seal)

City of Scottsbluff, Nebraska

Monday, July 13, 2015

Regular Meeting

Item NewBiz2

Preliminary/Final Plat: Blks 2,3, & 4, Whistle Creek Subdivision

Applicant(s) Jane Moran

Owner(s): Jane Ramsey Moran

Location: N side of old Hwy 26 between Hwy 71 & the N S 1/4 section line

Staff Contact: Annie Urdiales

SCOTTSBLUFF CITY

PLANNING COMMISSION STAFF REPORT

To: Planning Commission
From: Development Services Department
Date: July 13, 2015
Subject: Preliminary & Final Plat –Blocks 2, 3, and 4,
Whistle Creek Subdivision
Location: North of Old Hwy 26, east of old Hwy 71 (East of Steve's Trucking)

Zoning: Current C-3
Property Size: 25±

Procedure

1. Open Public Hearing
2. Overview of petition by city staff
3. Presentation by applicant
4. Solicitation of public comments
5. Questions from the Planning Commission
6. Close the Public Hearing
7. Render a decision (recommendation to the City Council)
8. Public Process: City Council determine final approval

Public Notice: This item was noticed in the paper and a notice was posted on the property.

Background

The applicant(s), Jane Moran, represented by Tim Stricker, has requested approval of a preliminary and final plat of Blocks 2, 3, and 4, Whistle Creek Subdivision. The property is between the old and new Highway 26 and east of old Highway 71. The parcels are in the City's extra territorial jurisdiction and zoned C-3 Heavy Commercial.

The total area is approximately 25± acres. Block 2 is 5 acres, Block 3, is 2.05 acres, this parcel is where Jane's Greenhouse is located. Block 4 is 17.11 acres which was recently approved for a zone change from Agricultural to C-3 Heavy Commercial.

RECOMMENDATION

Approve

Make a POSITIVE RECOMMENDATION to the City Council to approve the preliminary and final plat of Block 2, 3, and 4 of Whistle Creek Subdivision situated in the SW ¼ of Section 15, T22N, R55W of the 6th P.M, Scotts Bluff County, Nebraska to the following condition(s):

Deny

Make a NEGATIVE RECOMMENDATION to the City Council to disapprove the preliminary and final plat of Blocks 2, 3, and 4, Whistle Creek Subdivision situated in the SW ¼ of Section 15, T22N, R55W of the 6th P.M, Scotts Bluff County, Nebraska for the following reason(s):

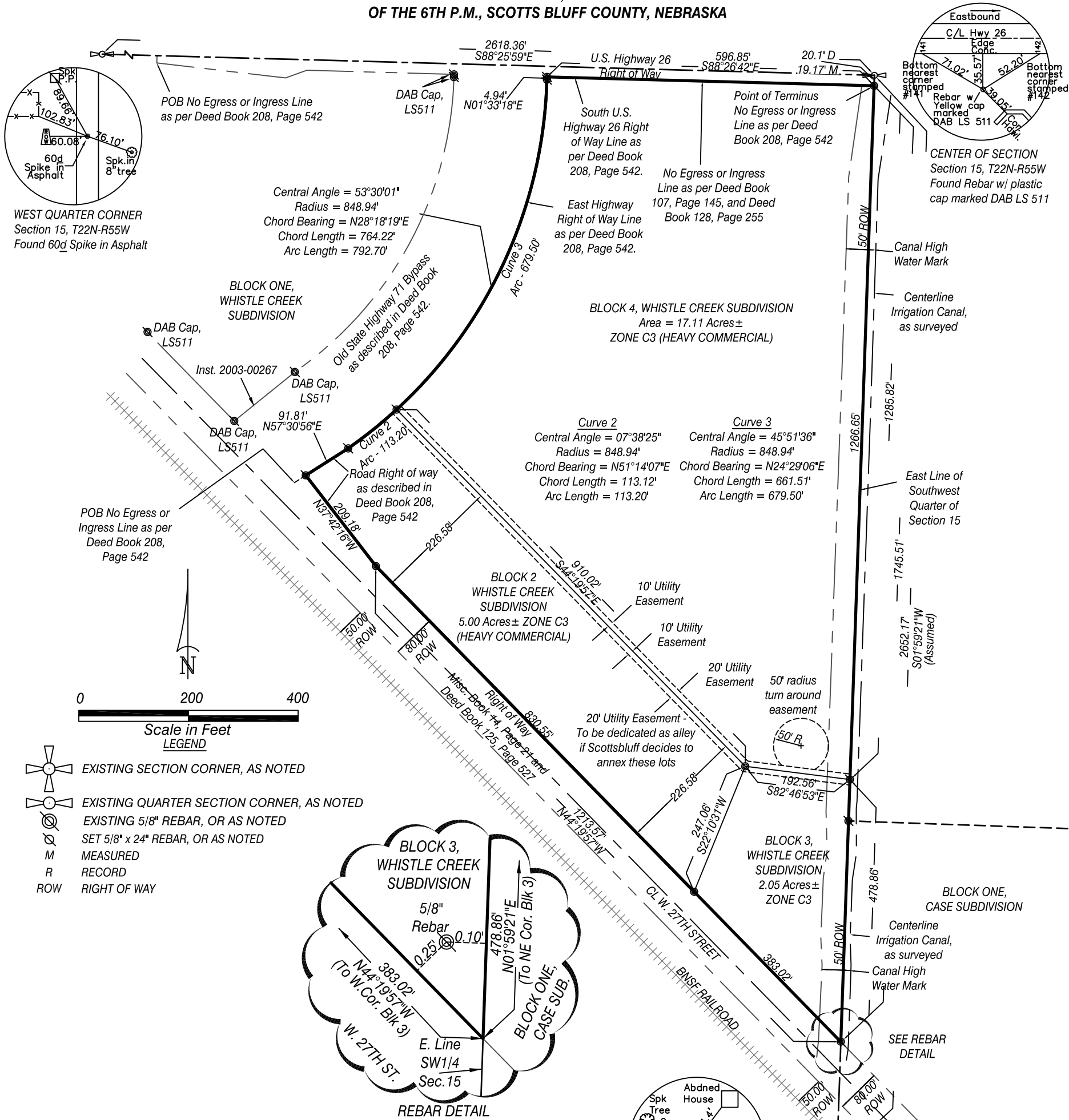
Table

Make the motion to TABLE the preliminary and final plat of Blocks 2, 3, and 4, Whistle Creek Subdivision situated in the SW¼ of Section 15, T22N, R55W of the 6th P.M, Scotts Bluff County, Nebraska for the following reason(s):

Final Plat Request, Page 1

FINAL PLAT
BLOCKS 2, 3 AND 4,
WHISTLE CREEK SUBDIVISION

SITUATED IN THE EAST HALF OF THE
SOUTHWEST QUARTER OF SECTION 15,
TOWNSHIP 22 NORTH, RANGE 55 WEST
OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA



City of Scottsbluff, Nebraska

Monday, July 13, 2015

Regular Meeting

Item Unfin. Biz1

Unfinished Business:

Information -Fair Housing Committee Duties

Staff Contact: Annie Urdiales