



SCOTTSBLUFF CITY
PLANNING COMMISSION AGENDA
Monday, March 9, 2015, 6:00 PM
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 2/9/15
- 7. NEW BUSINESS:**
 - A Ordinance Sign Code**
Ordinance: 25-6-1.6 Signs
Applicant: N/A
Owner: N/A
Location: N/A
 - B Ordinance change Re-plats**
Ordinance: Amending 21-1-68
Applicant(s): N/A
Owner(s): N/A
Location: N/A
 - C Ordinance - Community Events**
Ordinance: Requirements for Street Obstructions
Applicant(s): N/A
Owner(s): N/A
Location: N/A
- 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, March 9, 2015

Regular Meeting

Item Appr. Min.1

Minutes

Approve Minutes of 2/9/15

Staff Contact: Annie Urdiales

Planning Commission Minutes
Regular Scheduled Meeting
February 9, 2015
Scottsbluff, Nebraska

The Planning Commission of the City of Scottsbluff, Nebraska met in a regular scheduled meeting on Monday, February 9, 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 January 30, 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: Anita Chadwick, Dana Weber, Jim Zitterkopf, Angie Aguallo, Callan Wayman, David Gompert, Henry Huber, and Becky Estrada. Absent: Mark Westphal. 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 January 12, 2015 were reviewed and approved. A motion was made to accept the minutes by Weber, and seconded by Zitterkopf. "YEAS": Zitterkopf, Weber, Chadwick, Aguallo, and Estrada. "NAYS": None. ABSTAIN: Wayman, Huber, and Gompert. ABSENT: Westphal. Motion carried.

NOTE: Commissioner Mark Westphal arrived at 6:05 p.m.

ITEM 7A: The Planning Commission opened a public hearing for proposed ordinance text changes in **Chapter 25-3-22.1 - Gateway Greenway Overlay zone**. Staff has been working on changes/additions since 2014 this is the third draft for the Planning Commission to review before sending on to City Council. Annie Folck, City Planner, went through and outlined the proposed changes and additions to the code. Under design guidelines language was added stating that the GG overlay zone shall be read together and incorporated with the Landscaping Article in Section 25-22-1 through 25-22-10 of the City's Municipal Code, referred to as the "Landscaping Article". Other changes are as follows:

Section 25-3-22.1 Development Standards – A. Signs - # 2. One wall sign or marquee sign shall be permitted per building side. Also added was **# 4**. Other signs may be permitted, in the sole discretion of the Planning and Development Director, if the sign is small scale, is directional in nature and meets the intent of this section.

Section 25-3-22.1 Development Standards – D. Parking Lot Designs # 1. – All parking areas shall be paved to meet current ordinance requirements, *including those in the Landscaping Article. #3.* –*added All landscape islands shall have a minimum of 100 square feet of open ground and at least 300 cubic foot of good soil rooting volume for each tree. One half of all landscape islands must include a deciduous canopy tree & landscape islands shall be evenly distributed to the maximum extent possible.*

E. Landscaping and Screening Standards – added – To the extend reasonably feasible, all landscape plans shall be designed to incorporate water conservation materials and techniques in order to comply with each of the xeriscape landscaping principles listed below, Xeriscape landscaping principles do not include or allow artificial turf or plants, mulched (including gravel) beds or areas without landscape plant material, paving of areas not required for walkways, plazas or parking lots, bare ground, weed covered or infested surfaces or any landscaping that does not comply with the standards of this section. **#1.d.** Irrigation - Design, operate and maintain an efficient irrigation system. Drip irrigation shall be used in all landscape beds, if sprinklers are used for turf, no water shall be sprayed over sidewalks, streets or parking lots. Areas of low water use landscaping may be included but must be indicated on the plans. Irrigation water must be available for the initial two years after planting to establish low water use landscapes; **e.** Soil Preparation - Incorporate soil amendments before planting; **f.** Mulch - Add mulch to plantings beds to a minimum depth of 3” around trees and shrubs and 1: around perennials and ornamental grasses. Organic mulch is preferred; rock mulch may be used only if pre-approved by the Planner. **g.** Maintenance - Provide regular and attentive maintenance.

5. Landscaping – under building perimeter Walls typo X% needs changed to 60%. **b.** trees at a rate of one per 20’ of linear frontage. Evergreens may only be planted if planting bed is a minimum of 20 feet wide. Trees may be spread irregularly in informal groupings or be uniformly spaced, as consistent with large overall plantings patterns and organization. Trees shall be spread a minimum of 15’ apart for large shade trees and evergreens, and a minimum of 10’ apart for small ornamentals (list provides). Groupings of trees may be no more than 150’ apart. The space between the trees should be planted and maintained to aid the health and growth of the trees. There must be a maintained, non-turf grass landscape bed under and around trees, to be a minimum of 40 square feet per large shade tree or evergreen and 30 square feet per small or medium trees. The landscape zone must be planted to appropriate and compatible shrubs or herbaceous grasses or perennials to cover at least 50% of the bed. The remainder may be mulch. Organic mulch should be used if possible. **e.** Minimum Tree & Shrub sizes changed sizes – 4. Shrubs shall be two gallon size or greater or 15” (previously 18”-24”) in height if balled or bur lapped. 5. Perennials & ornamental grasses shall be one quart (previously 1 gallon) size or greater.

Also, added to Development standards: **F. Minimum Species Diversity**

To prevent uniform insect or disease susceptibility and eventual uniform senescence on a development site or in the adjacent area or the district, species diversity is required and extensive monocultures are prohibited. The following minimum requirements shall apply to any development plan.

Number of trees on site, Maximum percentage of any one species

10-19: 33%

30-39: 25%

40 or more: 15%

G. Use of Approved Species

Regionally native plants should be used when possible to help aid biodiversity and convey a sense of place with the natural context of our community. Ninety percent (90%) of all required trees planted must be from the approved list provided in Appendix A.

H. Redevelopment

In the event any property owner or occupant owning or possessing property located within the GGO overlay zone commences a remodel or redevelopment project, the cost of which exceeds \$100,000.00 based upon the building permit issued by the City's Planning & Development Department, upon property that does not then meet the requirements of this section then the property owner or occupant will be required to spend 3% of any remodel or redevelopment project toward bringing the property and landscaping up to the development standards in this section. Once the property and landscaping meet the requirements of this section, the property owner or occupant will no longer have to spend a portion of the remodel or redevelopment project to make improvements in order to comply with this section. In addition, if the property owner or occupant is able to show they are unable to bring the property into compliance because of the property's topography or features, then the property owner or occupant may appear before the City's Planning Commission to explain why they cannot comply. If the Planning Commission finds the property owner or occupants are unable to comply with the requirements of this section for the reasons stated above, then it may excuse the property owner or occupant from attempting to comply and instead allow them to pay an amount equal to 3% of their project directly to the City for use by the City on Gateway Green projects within the GGO overlay zone or other Gateway and Green projects on City improvements or parks.

Annie Folck explained the Redevelopment requirements, any existing properties that improve with remodeling or redevelopment and a cost of \$100,000 or over would be required to put in three percent of their estimated cost into landscaping of their property. If unable to meet these standards the three percent will go into a City fund which will be used for improvements in the GGO zone or other green spaces within the City. The definition explains how if the redevelopment experiences hardship and they are unable to comply a compromise can be approved by the Planning Commission and the three percent would go into a City fund for green space which will meet the intent of the code by improving corridors into the City.

The tree list (appendix A) was also changed added several tree species and eliminating Canadian Red Chokeberry and Scotch pine from the list. The list attached to the packet is not the approved list, if approved by Planning Commission the updated list will be attached to the ordinance. The Planning Commission asked that we track feedback when the ordinance is put into practice.

Conclusion: A motion was made by Aguillo and seconded by Weber to approve the proposed changes/additions to the Gateway Greenway Overlay zone 25-3-22.1 with correction to typo in Building Perimeter Walls section and Appendix A - updated tree list is attached. **"YEAS":** Weber, Chadwick, Zitterkopf, Aguillo, Westphal, Gompert, Huber, Wayman, and Estrada. **"NAYS":** None. **ABSTAIN:** None. **ABSENT:** None. Motion carried.

ITEM 7B: The Planning Commission opened a public hearing for a proposed ordinance amendment change of Chapter 25, Article 19 Amending Sections 25-19-18(2), 25-19- 29(2), and to clarify definitions in Sections 25-19.51.1, 25-19-66.1 & 25-19-77 relating to Floodways within the City of Scottsbluff and its Extra Territorial Jurisdiction. City Staff met with FEMA representatives in the fall of 2014 regarding areas with the City's floodway and our requirements in the floodway. The changes will keep us in good standing with the National Insurance program. They reviewed our code and asked for a few changes/additions to our Floodway ordinance. In summary the changes added are:

150 Section 25-19-18 (2) h – Review all subdivision proposals and other proposed new development,
151 including manufactured home parks or subdivisions to determine whether such proposal will reasonably
152 be safe from flooding.

153 Reworded Section 25-19-29 – Standards for flood fringe overlay zone; manufactured homes part two (2)
154 for clarification regarding elevation requirements. (Shall be elevated on a permanent foundation such that
155 the lowest floor of the manufactured home is at or above one foot above the base flood elevation; and be
156 securely anchored to an adequately anchored foundation system).

157 Adding to definitions - 25-19-51.1 - Expansion to an existing Manufactured Home Park and Subdivision,
158 25-19-66.1 - New Manufactured Home Park or Subdivision, and 25-19-77 - Violation.

159

160 When the study is completed over the next year we hope to submit the information and have the
161 Floodplain maps updated as they were last done in 1979 for the City. We are hoping to do a workshop in
162 the future for Realtors and other interested parties on requirements within the floodways.

163

164 **Conclusion:** A motion was made by Westphal and seconded by Weber to make a positive
165 recommendation to City Council to approve the proposed ordinance amendment changes of Chapter 25,
166 Article 19 Amending Sections 25-19-18(2), 25-19- 29(2), and to clarify definitions in Sections 25-
167 19.51.1, 25-19-66.1 & 25-19-77 relating to Floodways within the City of Scottsbluff and its extra
168 territorial jurisdiction. “YEAS”: Weber, Chadwick, Zitterkopf, Aguallo, Westphal, Gompert, Wayman,
169 Huber, and Estrada. “NAYS”: None. ABSTAIN: None. ABSENT: None. Motion carried.

170

171 **ITEM 7C.** The Planning Commission opened a public hearing for proposed ordinance text change in the
172 C-1 Zoning district revising 25-3-13 relating to principle permitted uses & special permit uses, 25-5-2
173 related to parking requirements for residential uses and 25-7-38 relating to off street parking requirements
174 and excepting condominium used in the Central Business District which is located along Broadway,
175 Avenue A, and 1st Avenue from 14th Street north to 20th Street.

176

177 City Staff had a request asking about a condominium final plat to allow separation of a business and
178 residential unit in a building located in the C-1 zoning district. This has been done in the past in an O & P
179 zoning district, and is an allowable use in several of our zoning districts but was not in the C-1 Central
180 Business District on Broadway. The changes are the addition of 20.5 Condominium which will allow
181 for condominiums of three or less units as a permitted use by right in the C-1 district. This will enable a
182 person to apply for a condominium final plat allowing for separation within a building to allow separate
183 units which can be sold separately. The units/structures will have to meet building, fire, and safety codes.
184 The addition of 27.5 - Dwelling units, brings all the existing apartments in the C-1 zoning district into
185 compliance with City code.

186

187 The other changes bring the condominium parking and off street parking requirements into compliance
188 meeting the requirements of the Nebraska Condominium Act. This change will give the condominiums
189 the same parking rights as the other residential units in the Central Business District.

190

191 **Conclusion:** A motion was made by Weber and seconded by Chadwick to make a positive
192 recommendation to City Council to approve the revisions in 25-3-13 relating to principle permitted uses
193 & special permit uses, 25-5-2 related to parking requirements for residential uses and 25-7-38 relating to
194 off street parking requirements and excepting condominium used in the Central Business District
195 “YEAS”: Weber, Chadwick, Zitterkopf, Aguallo, Westphal, Gompert, Wayman, Huber, and Estrada.
196 “NAYS”: None. ABSTAIN: None. ABSENT: None. Motion carried.

197

198 **ITEM 8. Unfinished Business:** Updated the Planning Commission on the map for our comprehensive
199 development plan allowing for large lot development in the extra territorial jurisdiction. City Council
200 approved the ordinance for the changes in code and will have the three readings of the ordinance this will

201 allow time for changes to be made to the proposed map. We have had a few property owners ask about
202 adding other areas to the map. We will bring the map back to the Planning Commission if other areas are
203 added for their approval and then we will forward to City Council for their approval.

204

205 There being no further business, a motion to adjourn was made by Weber and seconded by Gompert. The
206 meeting was adjourned at 6.55 p.m. “**YEAS**”: Gompert, Wayman, Weber, Westphal, Chadwick,
207 Zitterkopf, Aguillo, Huber, and Estrada. “**NAYS**”: None. **ABSTAIN**: None. **ABSENT**: None. Motion
208 carried.

209

210

211

212 _____
Becky Estrada, Chairperson

213

214 Attest: _____

215 Annie Urdiales

City of Scottsbluff, Nebraska

Monday, March 9, 2015

Regular Meeting

Item NewBiz1

Ordinance Sign Code

Ordinance: 25-6-1.6 Signs

Applicant: N/A

Owner: N/A

Location: N/A

Staff Contact: Annie Urdiales



SCOTTSBLUFF PLANNING COMMISSION Staff Report

To: Planning Commission
From: Staff Development Services
Date: March 9, 2015
Subject: Proposed Ordinance text changes in Chapter 25,
25-6-1.6 adding to and repealing portion 25-6-6

Gary worked with legal on clearing up some confusion in our sign ordinance, section 25-6-6 currently has two parts a small chart/table with permitted used in different zoning districts and language regarding different requirements for heights, names, and nature of occupancy. The chart/table was removed as this information is already in section 25-6-1.6 and the language was added to the end of 25-6-1.6. This change makes the sign ordinance easier to use for both City Staff and the general public when they look on the City website for information on the City's sign ordinance.

RECOMMENDATION

Approve

Make a motion for positive recommendation for City Council to approve proposed ordinance text amending 25-6-1.5 setting forth additional restrictions in signs and repealing a portion of 26-6-6 in Chapter 25, Article 6 of the City's sign code subject to the following condition(s):

Deny

Make a motion for negative recommendation to City Council to disapprove proposed ordinance text amending 25-6-1.5 setting forth additional restrictions in signs and repealing a portion of 26-6-6 in Chapter 25, Article 6 of the City's sign code subject for the following reason(s):

Table

Make the motion to TABLE the proposed ordinance text amending 25-6-1.5 setting forth additional restrictions in signs and repealing a portion of 26-6-6 in Chapter 25, Article 6 of the City's sign code for the following reason(s):

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA DEALING WITH SIGNS, AMENDING §25-6-1.6 SETTING FORTH ADDITIONAL RESTRICTIONS IN SIGNS AND REPEALING AND REMOVING A PORTION OF §25-6-6, REPEALING ALL PRIOR ORDINANCES AND PROVIDING FOR AN EFFECTIVE DATE.

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

Section 1. Chapter 25, Article 6 of the Scottsbluff Municipal Code is amended by repealing the existing language and substituting the following language:

25-6-1.6 Sign tables.

<u>Zoning Districts</u>	<u>Type of Sign</u>	<u>Number of Signs</u>	<u>Size Allowed</u>	<u>Height</u>	<u>Code Reference</u>
R-1, R-1a, R-1b R-4, R-6, AR	Name Plate	1	1 sq. ft		25-6-2(1)
	Name Plate	1	2 sq. ft		25-6-2(2)
	Name Plate	1	4 sq. ft		25-6-2(3)
	Freestanding	1	40 sq. ft	4 feet	25-6-3 & 25-6-10
A	Subdivision ID	2	35 sq. ft	3 feet	25-6-9
	Real Estate	1	4 sq. ft		25-6-12, 25-6-13
	“For Sale” “Sold”				25-6-14 & 25-6-15
	Political		8 sq. ft	4 feet	25-6-17 - 25-6-24
	Electronic Church	1	40 sq. ft		25-6-1.8
	Freestanding	2	30 sq. ft		25-6-4
	Directional			5 feet	25-6-11
	Political		8 sq. ft	4 feet	25-6-17, 25-6-24
	Wall	1	4 sq. ft or 5% of wall surface		25-6-6
	Freestanding	1	100 sq. ft	8 feet	
C-P	Directional			5 feet	25-6-11
	Political		8 sq. ft	4 feet	25-6-17 - 25-6-24
	Electronic		100 sq. ft		25-6-1.4(f)
	Attached	1 per business			25-6-6
	Projecting	**			
	Detached	2+	250 sq. ft		25-6-6 & 25-6-8
	Directional			5 feet	25-6-11
	Political		8 sq. ft	4 feet	25-6-17 - 25-6-24
	Electronic		100 sq. ft		25-6-1.4(f)
	Attached				25-6-6
C-1, C-2	Projecting	**			
	Detached				25-6-6 & 25-6-8
	Directional			5 feet	25-6-11
	Political		8 sq. ft	4 feet	25-6-17 - 25-6-24
	Electronic		100 sq. ft		25-6-1.4(f)
	Attached				25-6-6
	Projecting				
	Detached			5 feet	25-6-6 & 25-6-8
	Directional			4 feet	25-6-11
	Political		8 sq. ft	4 feet	25-6-17 - 25-6-24
C-3	Temporary				
	Detached	2/year	20 sq. ft		25-6-8.1
	Electronic		100 sq. ft		25-6-1.4(f)
	Attached				25-6-6
	Projecting	**			
	Detached				25-6-6
	Directional			5 feet	25-6-11
	Political		8 sq. ft	4 feet	25-6-17 - 25-6-24
	Temporary				
	Detached	2/year	20 sq. ft		25-6-8.1
C-3	Electronic		100 sq. ft		25-6-1.4(f)
	Attached				25-6-6

M-1, M-2	Billboards		288 sq. ft	45 feet above road	25-6-16.2
	Attached	**	8 sq. ft	5 feet 4 feet	25-6-6
	Projecting				25-6-6
	Detached				25-6-6
	Directional				25-6-11
	Political				25-6-17 - 25-6-24
	Temporary				
	Detached	2/year	20 sq. ft	45 feet above road	25-6-8.1
	Electronic		100 sq. ft		25-6-1.4(f)
	Billboards		288 sq. ft		25-6-16.2

- (1) **100 sq. feet unless abutting residential zone, then 25 sq. ft
- (2) Digital Billboards will be regulated according to Article 25-6-16.3 and 25-6-16.4 and not as set forth above on this sign table.”
- (3) In such zones no attached or extended sign may, in whole or in part, project above or be higher than the roof line or a parapet. Signs may disclose the name of the building and the nature of the occupancy; provided, in a PBC Zone not more than one (1) sign visible from a public street may be mounted on a building for each business using the building, or a part of it. In a PBC Zone, detached signs not exceeding two hundred fifty (250) square feet in area each and which only identify the planned business center or businesses within the center, or both, may be erected or maintained; provided, if the planned business center abuts a particular street for a distance in excess of five hundred (500) feet, one (1) additional detached sign per each additional two hundred fifty (250) feet, or part thereof, of such distance may be erected or maintained. In any C-3 Zone, any billboard shall be located not less than one hundred fifty (150) feet from a residence building.”

Section 2. Chapter 25, Article 6 of the Scottsbluff Municipal Code is amended by repealing the existing language and substituting the following language:

25-6-6. PBC, C-1, C-2, C-3 Zones.

Zone	Billboards		
	Attached	Extending	Detached
PBC	X	X	X
C-1	X	X	X
C-2	X	X	X
C-3	X	X	X

Section 3. Previously existing Sections 25-6-1.6 and 25-6-6 and all other Ordinances and parts of Ordinances in conflict herewith are repealed. Provided, however, 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 4. This Ordinance shall become effective upon its passage, approval and publication as provided by law.

PASSED AND APPROVED on _____, 2015.

ATTEST:

Mayor

City Clerk (Seal)

City of Scottsbluff, Nebraska

Monday, March 9, 2015

Regular Meeting

Item NewBiz2

Ordinance change Re-plats

Ordinance: Amending 21-1-68

Applicant(s): N/A

Owner(s): N/A

Location: N/A

Staff Contact: Annie Folck



SCOTTSBLUFF PLANNING COMMISSION Staff Report

To: Planning Commission
From: Staff Development Services
Date: March 9, 2015
Subject: Proposed Ordinance text changes in Chapter 21, Article 1, relating to amending or re-platting a final plat, limiting number of times a plat can be redone

Staff had previously discussed changing the number of times a final plat can be re-platted or amended. When a property is final platting it is assumed this will be the last time the property will be changed and access and size will be developed as shown on the final plat, but there are times when the original final plat was approved several years back and current circumstances have changed, a new plan may work better with the surrounding development and a change in the layout may be a better fit with the surrounding lots either in size or access onto the property which would be a better fit, a re-plat or amended plat could be filed with the Planning Commission for review and approval with final approval from City Council. In working with the Register of Deeds we have found it is easier for them, title companies, and others to track a property if it is vacated instead of repeatedly re-platted. The George Baltes subdivision is one of the subdivisions that have had several amendments and re-platting making it difficult to research and tract the individual lots as they are sold and resold. Also when the surveyor re-plats a lot they have to go back to the very beginning and list this in the title of the plat, this can be quite lengthy when it has been platting and changed several times, and if something is missed has to be done over.

Annie Folck did some research with other cities and talked with Jean Bauer at the Register of Deeds on how this could be improved, changing our code to allow a minimum of two re-plats/amendments, seems to be a good fit for the City and if more than two requests for change are made an ordinance to vacate will be required to accompany a new final plat for the requested changes, the ordinance and plat can be done simultaneously.

RECOMMENDATION

Approve

Make a motion for positive recommendation for City Council to approve proposed ordinance text amending Chapter 21, Article 1, relating to amending or re-platting a final plat, limiting the number of times a final plat can be amended or re-platted subject to the following condition(s):

Deny

Make a motion for negative recommendation to City Council to disapprove proposed ordinance text amending Chapter 21, Article 1, relating to amending or re-platting a final plat, limiting the number of times a final plat can be amended or re-platted for the following reason(s):

Table

Make the motion to TABLE the proposed ordinance text amending Chapter 21, Article 1, relating to amending or re-platting a final plat, limiting the number of times a final plat can be amended or re-platted for the following reason(s):



February 20, 2015

City of Scottsbluff
Planning Commission
2525 Circle Drive
Scottsbluff, NE 69361

RE: Hearing – March 9, 2015 – Replatting Changes

Dear Commission Members:

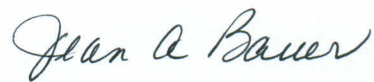
On March 9, 2015, the City of Scottsbluff's Planning Commission will hear from City employees and others concerning changes to the City code which affect the platting and replatting of lots/subdivisions within the City of Scottsbluff. Due to a prior commitment, I am unable to attend this meeting as I will be out of town, but offer this letter in support of the changes requested by Annie Folck.

When developing a parcel of property, the builder has a vision for what he wants that parcel to look like once it is fully developed. The builder plats the property into lots to be sold to various buyers for further development. The plat is then filed with the Register of Deeds office creating lots/blocks out of what was previously unplatted ground. In the process of selling those lots to buyers, the seller often realizes that what the vision was for a particular parcel is not going to be workable for the buyer. For example, the buyer needs more land, less land, more frontage, etc. The seller then finds that the lot(s) need to be replatted to accommodate what the buyer wants to build. A surveyor is hired to prepare a new plat (replatting the old lots); the replat goes through the planning commission and is approved; and ultimately the replat is filed at the Register of Deeds office. The buyer purchases the lot(s), builds residential or commercial development, and all is good with the world. Typically, we see a development platted once and then possibly one or two replats on specific lots. The property is never again replatted or altered in any way.

Contrary to the above scenario, we have been seeing an increase in the number of areas which have been replatted upward of five (5) to ten (10) times. For some reason, we cannot seem to understand why this happens, but there are a few areas in town which have fallen into this category. You may be asking why this is an issue. I will try to explain.

I am writing this letter in support of Ms. Folck's request that the City of Scottsbluff limit the number of replats on property. There are many counties/cities across our state which do not allow replats and simply make the property owner go through the process of vacating the previous plat and starting over. It is my understanding the vacation process can be done simultaneously with the approving of a new plat. By limiting the number of replats, you are allowing my office to have cleaner records which are more easily searchable by the public, surveyors, banks, attorneys and title companies. The Scotts Bluff County Register of Deeds office would like to encourage you to approve the limiting of replats.

Sincerely,



Jean A. Bauer
Register of Deeds

/jab
Enclosures

When property is bought, sold and mortgaged, documents are filed at the Register of Deeds office which transfer and mortgage the property. Those documents contain legal descriptions which reference what property is being sold and mortgaged. When we have replat after replat, the legal descriptions on these documents become a problem. Let me give you an example of a property which is confusing:

1. On April 9, 2012, Zitterkopf Subdivision was platted creating Lots 1, 2 and 3.
2. On May 23, 2012, Lots 1-2-3 of Zitterkopf Subdivision were replatted into Lots 1A and 2A, Zitterkopf Subdivision.
3. On November 15, 2012, Lots 1A and 2A, Replat of Lots 1-2-3 Zitterkopf Subdivision were again replatted into Lots 1, 2 and 3, **Block 1**, Zitterkopf Subdivision.

While #1 through #3 above are somewhat confusing, the legal descriptions associated with these replats are even more so. In **#1 above**, the legal would read **Lots 1, 2 and 3, Zitterkopf Subdivision, City of Scottsbluff, Scotts Bluff County, Nebraska**. In **#2 above**, the legal would read **Lots 1A and 2A, Replat of Lots 1, 2 and 3, Zitterkopf Subdivision, City of Scottsbluff, Scotts Bluff County, Nebraska**. In **#3 above**, the legal would read **Lots 1, 2 and 3, Block 1, Replat of Lots 1A and 2A, Replat of Lots 1, 2 and 3, Zitterkopf Subdivision, City of Scottsbluff, Scotts Bluff County, Nebraska**. Honestly, this area is pretty light on the replats compared to what we are experiencing in some other areas. Essentially, each time you replat, you need to refer to that replat in your legal description. The more replats, the more you have for reference on your legal description.

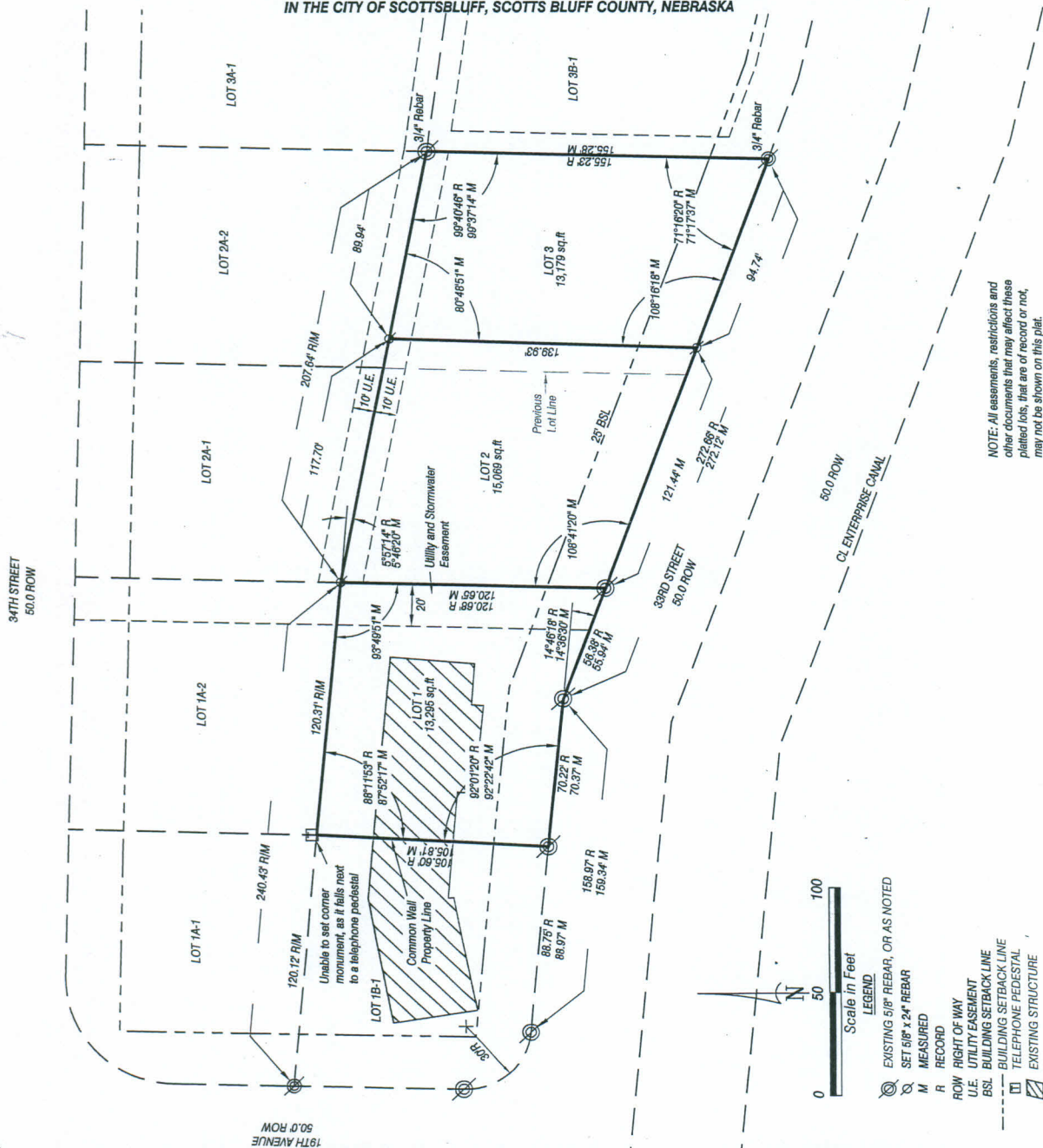
Obviously, this becomes more of an issue with multiple replats, but sometimes with even one replat, the Register of Deeds office experiences problems with filings. In the Zitterkopf Subdivision, you just have these three (3) lots. Imagine having ten (10) blocks with multiple lots in each block, and multiple replats of those lots. The legal descriptions can get pretty dicey and cause error on behalf of banks, attorneys and title companies when filing deeds and deeds of trust.

FINAL PLAT

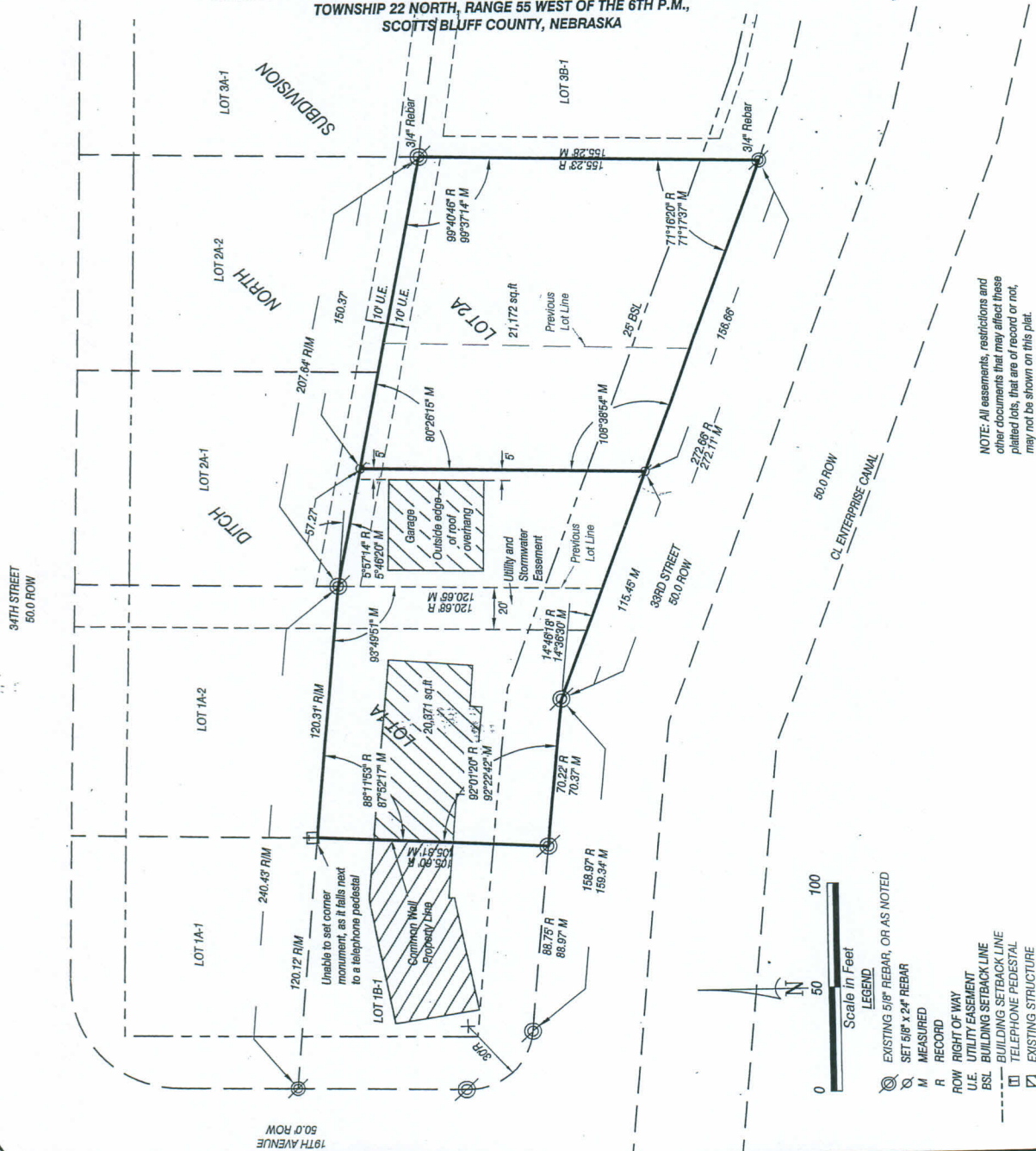
**LOTS 1, 2 AND 3, ZITTERKOPF SUBDIVISION,
IN THE CITY OF SCOTTSBLUFF,
SCOTTS BLUFF COUNTY, NEBRASKA**

SITUATED IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 13,
TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH P.M.,
SCOTTS BLUFF COUNTY, NEBRASKA

A PLAT OF VACATED LOTS 4B AND 2B2, BLOCK 1, DITCH NORTH ADDITION,
IN THE CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA



SITUATED IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 13,
TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH P.M.,
SCOTTS BLUFF COUNTY, NEBRASKA



NOTE: All easements, restrictions and other documents that may affect these platted lots, that are of record or not, may not be shown on this plat.



2012-6277

NUM INDEX 1750
COMPUTER C/N
PICTURED C
IMAGED

NUM PAGES 3
DATE 11-15-12 PD 17:50 CHG 17:50 RET
TOTAL 17:50
REC'D James Zitterkopf
RET

RECORDED
SCOTTS BLUFF COUNTY, NE

Date 11-15-12 Time 1:33pm
Inst. 2012 6277
Jean A. Bauer

REGISTER OF DEEDS

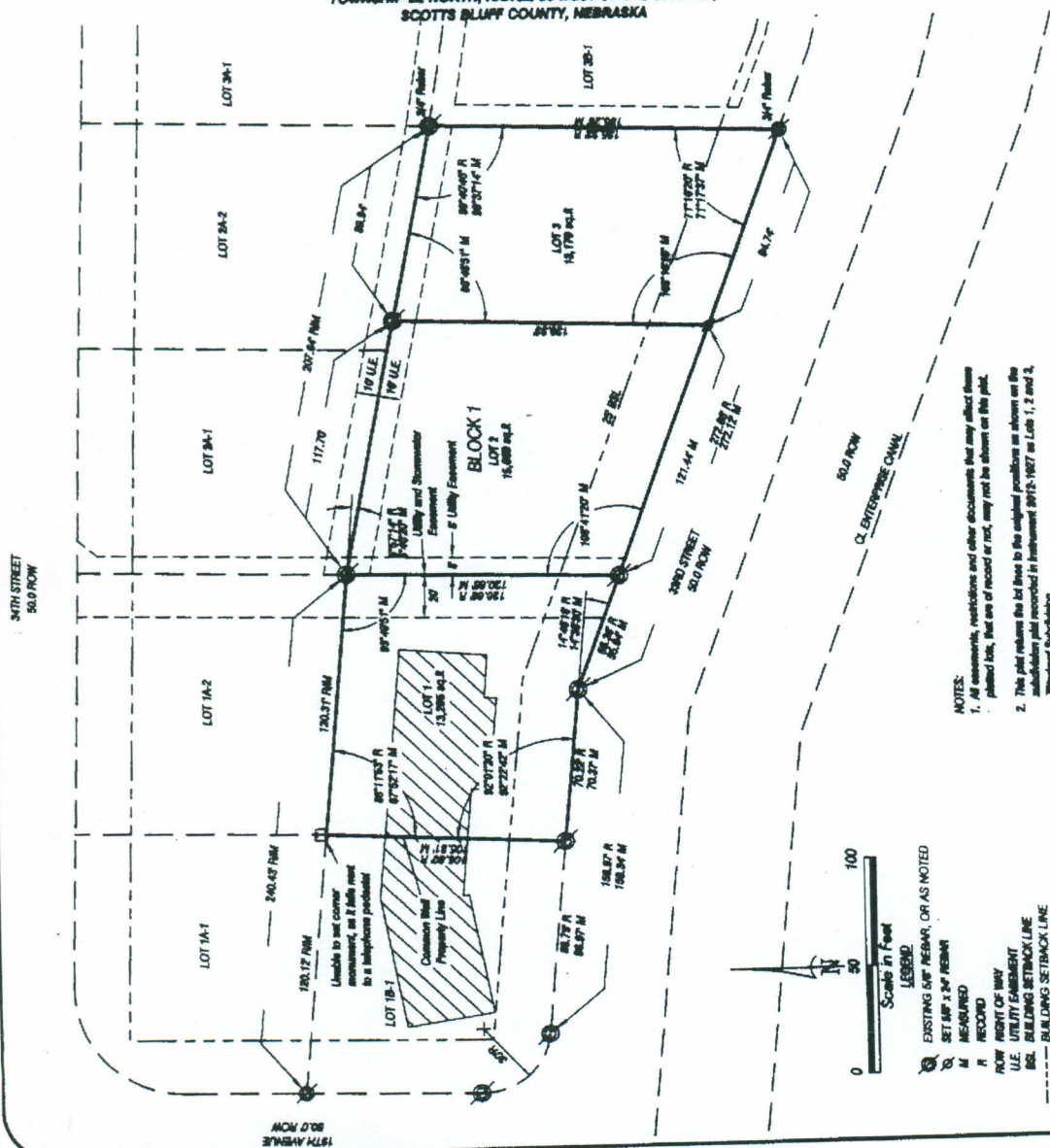
FINAL PLAT

LOTS 1, 2 AND 3, BLOCK 1, ZITTERKOPF SUBDIVISION, IN THE CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA

A REPLAT OF LOTS 1A AND 2A, ZITTERKOPF SUBDIVISION,
IN THE CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA

A REPLAT OF LOTS 1, 2 AND 3, ZITTERKOPF SUBDIVISION,
IN THE CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA

SITUATED IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 13,
TOWNSHIP 22 NORTH, RANGE 86 WEST OF THE 6TH P.M.,
SCOTTS BLUFF COUNTY, NEBRASKA



NOTES:
1. All easements, restrictions and other documents that may affect these
platted lots, that are of record or not, may not be shown on this plat.
2. This plat returns the lot lines to the original positions as shown on the
subdivision plat recorded in instrument 2012-1027 in Lot 1, 2 and 3,
Zitterkopf Subdivision.

Scale in Feet
0 50 100
LEGEND
EXISTING 5' W/ NEAR, OR AS NOTED
TO SET 5' W/ 2' NEAR
M MEASURED
R RECORDED
NEW RIGHT OF WAY
U.E. UTILITY EASEMENT
B.E. BUILDING SETBACK LINE
S.E. SETBACK LINE
TELEPHONE PEDESTAL
EXISTING STRUCTURE

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA AMENDING CHAPTER 21, ARTICLE 1, RELATING TO AMENDING OR REPLATTING A FINAL PLAT, LIMITING THE NUMBER OF TIMES A FINAL PLAT CAN BE AMENDED OR REPLATTED, REPEALING PRIOR SECTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

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

Section 1. Section 21-1-68 of the Scottsbluff Municipal Code is amended to provide as follows: **“21-1-68. Amended plat; limiting the number of times a final plat can be amended, procedures; notice; fees.**

After approval of a final plat by the mayor and city council such final plat may be amended or replatted, either in whole or in part, a total of two (2) times. If an application for amendment or replat of a final plat or portion of an existing plat, is received by the City for a third time, the final or existing plat must be vacated by ordinance prior to any amendment or replatting, after hearings by the planning commission and the city council, before the city will approve the application by the owners. Except as specifically provided in this section the amended plat and application therefor shall conform to all requirements of this article for final plats provided however, that if only part of the final plat is amended, the certificate required by Section 21-1-59 may be made by the owner or owners of the land shown in the amended plat.

At the time of submitting the amended plat to the Planning and Building Official, the applicant shall pay a fee in the amount provided in Chapter 6, Article 6 plus the additional amount provided in Chapter 6, Article 6 for each property owner who is entitled to notice pursuant to the provisions of this section.

In addition to submitting the drawing, the applicant shall submit the plat on a 3½ inch diskette or CD ROM in AutoCAD format, latest version.

Information relating the plat datum to state plane coordinates shall be provided on the plat so that the plat can be included in the City of Scottsbluff and County of Scotts Bluff GIS data. Each entity shall be responsible for adding the data to the GIS. For plats less than 20 acres, the Point of Beginning on the plat shall be referenced to State Plane Coordinates. The datum shall be NAD 83 (in feet), or the current datum adopted by the City at the time of plat submittal. Information on existing monuments that have established state plane coordinates can be obtained from the Scotts Bluff County Surveyor. The reference can be in the form of a note on the plat that includes a description of the reference point, the coordinates in feet, and the average scale factor. For plats larger than 20 acres the Point of Beginning and one additional point at the opposite corner of the Point of Beginning shall be referenced to State Plane Coordinates. The reference can be in the form of a note on the plat that includes a description of the reference points, coordinates in feet, and the average scale factor.

An application to amend a plat shall set forth the number of times a replat or amendment has been applied for by the owner prior to this application and shall be reviewed by the Planning and Building Commission only if the proposed amendment creates more lots than existed on the original final plat or if the amended plat proposes to make changes in any public right-of-way or easement.

Section 2. Previously existing Section 21-1-68 and all other Ordinances and parts of Ordinances in conflict therewith are repealed. Provided, however, 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.

ATTEST:

APPROVED:

Mayor

City Clerk

(Seal)

City Attorney

City of Scottsbluff, Nebraska

Monday, March 9, 2015

Regular Meeting

Item NewBiz3

Ordinance - Community Events

Ordinance: Requirements for Street Obstructions

Applicant(s): N/A

Owner(s): N/A

Location: N/A

Staff Contact: Annie Folck



SCOTTSBLUFF PLANNING COMMISSION Staff Report

To: Planning Commission
From: Staff Development Services
Date: March 9, 2015
Subject: Proposed Ordinance text changes in Chapter 20,
Article 6, relating to amending language for street
obstructions for Block Parties

In the past few years, the City has had an increasing number of requests for Block Parties. Currently, if a person wants to host a block party, all they have to do is get a street obstruction permit from Development Services, and they can block off the street and have a large outdoor gathering. Kevin Spencer, our police chief, asked that we look into putting a permitting process in place that would allow the City to have a little more oversight of these events. This would ensure that emergency access is maintained to the properties, that certain streets which are necessary to emergency personnel cannot be blocked off, and that these parties do not become nuisances for neighbors because of noise, litter, etc.

RECOMMENDATION

Approve

Make a motion for positive recommendation for City Council to approve proposed ordinance changes of Chapter 20, Article 1, relating to street obstructions for block parties subject to the following condition(s):

Deny

Make a motion for negative recommendation to City Council to disapprove proposed ordinance changes of Chapter 20, Article 1, relating to street obstructions for block parties for the following reason(s):

Table

Make the motion to TABLE the proposed ordinance changes of Chapter 20, Article 1, relating to street obstructions for block parties for the following reason(s):