

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.

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114 **Conclusion:** A motion was made by Wayman and seconded by Gompert to approve the rezone request
115 for rezone part of property described as the East ½ of the SW ¼ of Section 15, T22N, R55W of the 6th
116 P.M., (17.11 acres unplatted lands situated in the NE ¼ off SW ¼ of Section 15, Scotts Bluff County,
117 Lying north of City Route and Highway 26) (proposed Block 2, Block 3 Whistle Creek Subdivision and
118 unplatted lands. **"YEAS":** Aguillo, Zitterkopf, Chadwick, Weber, Westphal, Gompert, Huber, Wayman,
119 and Estrada. **"NAYS":** None. **ABSTAIN:** None. **ABSENT:** None. Motion carried

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121 **ITEM 7D:** The Planning Commission opened a public hearing for a proposed ordinance amendments to
122 the municipal code at Chapter 6, Article 2, section 101 dealing with the membership and terms of the Fair
123 Housing Commission, section 102 dealing with the duties of the Fair Housing Commission, and section
124 16 dealing with establishment and duties of the Planning Commission.

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126 City Council asked if the Planning Commission would consider taking on the additional role of the Fair
127 Housing Commission. This Board was previously served by the Community Development Advisory
128 Board; since the City stopped working with Community Development Block grants the Advisory board was
129 no longer needed. The Fair Housing Commission is still something the City wants to have in place in
130 case something was to come up regarding fair housing within Scottsbluff. Looking back at the history of
131 this board they have never had to meet and we have had few complaints. The City still wants to have
132 someone representing this Board and Council asked if maybe the Planning Commission would take on
133 the duties of the Fair Housing Commission. The Planning Commission reviews building and zoning
134 codes; the Fair Housing is under our Building and Construction Codes Chapter 4, Article 7 of our
135 Municipal Code. The Planning Commission Board members are willing to take on this additional roll as
136 the Fair Housing Commission, they did ask for some educational training in this roll at a future Planning
137 Commission meeting.

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139 **Conclusion:** A motion was made by Weber and seconded by Huber that the Planning Commission
140 approve the ordinance amendments and take on the role of the Fair Housing Commission with the
141 condition that they receive educational training at a future meeting. **"YEAS":** Aguillo, Zitterkopf,
142 Westphal, Gompert, Huber, Wayman, Chadwick, Weber, and Estrada. **"NAYS":** None. **ABSTAIN:** None.
143 **ABSENT:** None. Motion carried

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145 **ITEM 7E:** The Planning Commission viewed a power point presentation regarding the Comprehensive
146 Development Plan. Daniel Bennett, Regional Planner with Panhandle Area Development, presented the
147 power point regarding Demographics and trends within the area. A paper copy of the power point is
148 attached to the minutes. Mr. Bennett answered a few questions from the Planning Commission and will
149 forward these updates to the Board for further review and comments.

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151 **ITEM 8. Unfinished Business:** None.

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153 There being no further business, a motion to adjourn was made by Westphal and seconded by Chadwick.
154 The meeting was adjourned at 7.05 p.m. **"YEAS":** Gompert, Wayman, Westphal, Aguillo, Zitterkopf,
155 Chadwick, Weber, Huber, and Estrada. **"NAYS":** None. **ABSTAIN:** None. **ABSENT:** None Motion
156 carried.

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158 _____
Becky Estrada, Chairperson

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160 Attest: _____

161 Annie Urdiales