

# **City of Scottsbluff, Nebraska**

**Monday, August 10, 2015**

**Regular Meeting**

**Item Appr. Min.1**

## **Minutes**

*Approve minutes of 7/13/15*

**Staff Contact: Annie Urdiales**

**Planning Commission Minutes  
Regular Scheduled Meeting  
July 13, 2015  
Scottsbluff, Nebraska**

The Planning Commission of the City of Scottsbluff, Nebraska met in a regular scheduled meeting on Monday, July 13, 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 3, 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, David Gompert, Henry Huber, and Becky Estrada. Absent: Callan Wayman, Jim Zitterkopf, 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 June 8, 2015 were reviewed and approved. A motion was made to accept the minutes by Westphal, and seconded by Gompert. "YEAS": Westphal, Huber, Gompert, Aguallo, Chadwick, and Estrada. "NAYS": None. ABSTAIN: None. ABSENT: Weber, Zitterkopf, and Wayman. Motion carried.

**ITEM 7A:** The Planning Commission opened a public hearing for a gap annexation ordinance. This ordinance is to fill in a small gap (2, 629.39 S.F.) (0.06 acres) that was left out of the previous ordinance that was approved at the Planning Commission meeting of April 13, 2015. This small area is right of way on the north end of Five Oaks Drive. This ordinance will complete the annexation of the Five Oaks Subdivision bringing it completely into the City's corporate limits

**Conclusion:** A motion was made by Gompert and seconded by Westphal to make a positive recommendation to City Council to approve the gap annexation ordinance for Five Oaks Subdivision "YEAS": Aguallo, Westphal, Chadwick, Gompert, Huber, and Estrada. "NAYS": None. ABSTAIN: None. ABSENT: Zitterkopf, Weber, and Wayman. Motion carried.

**ITEM 7B:** The Planning Commission opened a public hearing for a preliminary and final plat of Blocks 2, 3, and 4, Whistle Creek Subdivision, situated in the East half of the SW ¼ of Section 15, T22N, R55W of the 6<sup>th</sup> P.M., Scotts Bluff, County, Nebraska. This property was discussed at our last Planning Commission meeting, a zone change request was made to change Ag land to Heavy Commercial for Block 4 (17.11 acres), this ordinance to change the zoning from Ag to C-3 was recently approved by City Council and will have a second reading at their meeting of July 20, 2015. The unplatted land is being subdivided into three separate parcels to allow for sale and development of the commercial property. The

Parcels are situated in the City's extra territorial jurisdiction west of the City, between Old Highway 26 and New Highway 26 east of old Highway 71. Property owner, Jane Moran, has requested that the parcels be allowed to develop with water wells and septic fields as water and sewer are not available at this time. The closest utility lines (water & sewer) are located to the east by a little over five hundred feet. The parcels all have access onto streets, Block 4 will have access from the old Highway 71 and Block 2, and 3 will have access from old Highway 26. Block 3 has an existing business (Jane's Greenhouse) which will remain in place. A note will be added to the plat stating the following - The Owners, for themselves and on behalf of all future grantees and owners agree to participate in and not object to the creation of any special improvement districts that may be subsequently created. It is intent of the Owners that this paragraph bind all future grantees, heirs and owners and that this runs with the land as it touches and concerns the Development Area. The intent of this is to ensure that when utilities become available future property owners will pay their portion of the infrastructure.

Tim Stricker, representing Jane Moran, spoke in favor of the preliminary/final plat for the Whistle Creek Subdivision.

**Conclusion:** A motion was made by Huber and seconded by Gompert to approve the preliminary/final plat of Blocks 2, 3, and 4, Whistle Creek Subdivision with the above language be added to the final plat for filing at the Register of Deeds. **"YEAS":** Huber, Aguallo, Chadwick, Gompert, Huber, and Estrada. **"NAYS":** None. **ABSTAIN:** None. **ABSENT:** Weber, Zitterkopf, and Wayman. Motion carried.

**ITEM 8. Unfinished Business:** The Planning Commission had asked staff to provide some information regarding the duties of the Fair Housing Committee which they were recently appointed as representatives for the City. Adam Hoelsing, with the Simmons Olsen Law Firm addressed the Planning Commission regarding their duties for this board. The Commission sits as a quasi-judicial administrative body of the City. It receives, investigates and decides allegations of discrimination filed by residents of the City. Steps – complaint is filed with City Clerk who forwards to the Commission, the Commission interviews complainant & landlord if probable cause they can move forward with formal investigation hearing with witnesses, records, subpoenas. After investigating the allegations of discrimination the Planning Commission if it determines that probable cause exists they can attempt to eliminate & correct the alleged discrimination by informal methods of conference, conciliation, & persuasion. The Planning Commission will hold a public hearing making record of findings and file a full report to City Council. City Council can bring lawsuit if landlord does not comply. The Commission must investigate all complaint that are filed, make a determination of probable cause and then make recommendations to the City Council for efforts to remedy the alleged discrimination if they cannot obtain voluntary compliance. A copy of Kent Hadenfeldt's memo and duties set forth in the Scottsbluff Municipal code will be forwarded to the Planning Commission.

Anthony Murphy was introduced to the Planning Commission as our new Fire Prevention Officer. Anthony addressed the Commission regarding his duties, he reviews new commercial development and inspects properties to make sure all fire requirements are met. He will also review preliminary plat maps of new development reviewing for fire access, fire hydrant location, etc.

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, Westphal, Aguallo, Chadwick, Huber, and Estrada. **"NAYS":** None. **ABSTAIN:** None. **ABSENT:** Weber, Zitterkopf, and Wayman. Motion carried.

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Becky Estrada, Chairperson

Attest: \_\_\_\_\_  
Annie Urdiales