

City of Scottsbluff, Nebraska
Monday, October 12, 2015
Regular Meeting

Item Appr. Min.1

Minutes

Approve Minutes of 9/14/15

Staff Contact: Annie Urdiales

**Planning Commission Minutes
Regular Scheduled Meeting
September 14, 2015
Scottsbluff, Nebraska**

The Planning Commission of the City of Scottsbluff, Nebraska met in a regular scheduled meeting on Monday, September 14, 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 September 4, 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, Mark Westphal, Dana Weber, Callan Wayman, David Gompert, Jim Zitterkopf, Henry Huber, and Becky Estrada. Absent: Angie Aguillo. City officials present: Annie Urdiales, Planning Administrator, and Annie Folck, City Planner.

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 August 10, 2015 were reviewed and approved. A motion was made to accept the minutes by Gompert, and seconded by Zitterkopf. **"YEAS":** Zitterkopf, Huber, Wayman, Gompert, Chadwick, and Estrada. **"NAYS":** None. **ABSTAIN:** Weber, & Westphal. None. **ABSENT:** Aguillo. Motion carried.

ITEM 7A: The Planning Commission opened a public hearing for a special use permit request from Darwin Adams, property owner of 210 East Overland. Mr. Adams recently purchased the building along with empty lots to the east of the building. These lots have been used as a parking lot for the previous business. The building has an existing apartment on the top floor (approximately 800 sq. ft.) and Mr. Adams would like to renovate the existing apartment in the upper level of the building and possibly extend the apartment to the ground floor (upper & lower area would be approximately 1600 sq. ft.).

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 and apartments to the north on East Overland. Findings include: 1) 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 area; 5) The use is in accordance with the intents and purposes of the code.

A building permit must be issued within one year of approval of the Special Use Permit or the Permit expires and per 25-13-11 the permit may not be transferred with change of ownership of the land.

A couple of property owners to the south along 3rd Avenue (Sam Rose, and Terry Schaub representing Gary Schaub) expressed concerns about the alley along the building property and the vacant lots. If Mr. Adams were to request that the City vacate the alley in would have to go before the Planning Commission and the City Council. The City would recommend that the alley remain in place as this access would be necessary for the existing commercial lots along the west side of 3rd Avenue. Mr. Rose and Mr. Schaub expressed no opposition to the apartment in the commercial building, as long as the business use remains.

Conclusion: A motion was made by Gompert and seconded by Chadwick to make a positive recommendation to approve the special use permit to allow residential use within the business located at 210 East Overland located in a C-3 - Heavy Commercial zoning district. **"YEAS":** Weber, Zitterkopf, Chadwick, Gompert, Wayman, Westphal, and Huber. **"NAYS":** Estrada. **ABSTAIN:** None. **ABSENT:** Aguillo. Motion carried.

ITEM 7B: The Planning Commission opened a public hearing for a proposed text amendment change to Chapter 21 of the Subdivision Code 21-1-20 alley location – an alley shall be provided at the rear of every lot proposed for business purposes. Lately we have had a few commercial developments/subdivisions come before the Planning Commission and one of the things we have discussed is the placement of alleys on these developments. We have approved a couple of different plans for the developments - access easements or a plan showing how emergency and maintenance vehicles will access the site. These alley requirements have hindered some of the proposed developments and the developers have asked for variances to this requirement. We checked with legal and they proposed some language to the code. The proposed ordinance will add three exceptions to this code. 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 signs a written waiver on behalf of the City for the required alley and its location."

The Planning Commission questioned what would be done if the access easements and utility easements were not maintained as stated in the ordinance, they would like some language put in place to define accountability if the easements are not sufficiently maintained, also who will be responsible for checking that the access/easements are maintained? If it is an alley the City will usually maintain to a point – property owners are usually responsible to the center of the alley regarding weeds, trash, etc. Access easements would be the property owner's responsibility if they are being used daily maintenance should not be a problem as the traffic will keep weeds down; hopefully the business owner would want their development to look nice. If these easements are not maintained code enforcement could write notices as they do now when we get complaints on property, the City has one code enforcement employee and they cannot monitor all easements within the City. Staff will ask legal for suggestions on how to enforce the maintenance of the easements if they are not maintained as a suitable access for emergency and maintenance vehicles.

Conclusion: A motion was made by Westphal and seconded by Chadwick to table the ordinance amendment change to 21-1-20 until language can be added on disciplinary action or accountability on the maintenances of the access easements and alleys on commercial development. **"YEAS":** Huber,

111 Weber, Westphal, Chadwick, Gompert, Zitterkopf, Wayman, and Estrada. **"NAYS"**: None. **ABSTAIN**:
112 None. **ABSENT**: Aguillo. Motion carried.

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114 **ITEM 7C:** The Planning Commission was addressed by Annie Folck, progress has been made on the
115 Comprehensive Development, utility studies show that there are existing areas within the City with
116 existing infrastructure that could be developed now, consultants have reviewed and have some options
117 on where the City can develop in the future. Annie F. and Daniel Bennett with PADD have also been
118 working on setting up some public hearings, hoping to get feedback from the public. Usually we have the
119 same people show up for our public hearings so they have decided to team up with the schools and have
120 public hearings when parent-teacher conference are being held in October. The hope is to have
121 volunteers from the Planning Commission along with Daniel Bennett, Annie F. and Annie U. at each
122 conference to answer questions from the public regarding the comprehensive plan; we hope to have
123 information on transportation, parks, quality of life, capital improvement projects. We also plan to set up a
124 booth and the Winter Farmers Market with information available to the public we will also have an on line
125 survey people can do on line; the media will help get information out for us. The schools have also agree
126 to have their computer labs open and made available to the public who do not have access to a
127 computer, they will be able to take a few minutes and fill out the survey when they are at parent-teacher
128 conferences, we will also have (Spanish) interpreters available at Roosevelt School. Parent teacher
129 conference will be held on October 27th at Bluff's Middle School 4:00 p.m. to 7:30 p.m., the 28th
130 Roosevelt Elementary School 4:00 p.m. to 7:30 p.m., and the 29th Westmoor Elementary from 8:00 a.m.
131 to 11:00 a.m.

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133 **ITEM 8. Unfinished Business:** The Planning Commission was also reminded about the conference in
134 Kearney on September 28th and 29th. Annie Folck will be attending. This conference is to help
135 boards/commissions to make good decisions for zoning and development within Cities and Counties. A
136 bill had been introducing which would allow the State to overturn decisions made by local boards. The
137 APA/NPZA was able to address this bill and it did not pass. The conference is meant to train the boards
138 to make decisions according to code and findings of fact, and not to be pressured by public opposition.

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140 Annie F. also mentioned the workshop we will hold here on October 15th at the Civic Center and will get
141 more information out when the final agenda is ready.

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143 There being no further business, a motion to adjourn was made by Gompert and seconded by Chadwick.
144 The meeting was adjourned at 6:45 p.m. **"YEAS"**: Gompert, Zitterkopf, Wayman, Weber, Westfield,
145 Chadwick, Huber, and Estrada. **"NAYS"**: None. **ABSTAIN**: None. **ABSENT**: Aguillo. Motion carried.

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148 Becky Estrada, Chairperson

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150 Attest: _____

151 Annie Urdiales