

City of Scottsbluff, Nebraska

Monday, October 19, 2015

Regular Meeting

Item Consent2

**Council to set a public hearing for November 2, 2015 at 6:05 p.m.
to consider an Ordinance text change regarding placement of alleys
in commercial zones.**

Staff Contact: Annie Urdiales, Planning Administrator

Agenda Statement

Item No.

For meeting of: October 19th, 2015

AGENDA TITLE: Council to set a public hearing for November 2, 2015 to consider an ordinance text change regarding placement of alleys in commercial zones

SUBMITTED BY DEPARTMENT/ORGANIZATION: Development Services

PRESENTATION BY:

SUMMARY EXPLANATION: In reviewing several developments in recent months, the issue of alleys in commercial zones has come up. Our current subdivision code requires alleys to be provided at the rear of every lot to be used for business purposes, with no exceptions. For large-scale developments that already provide fire lands and access for utilities and trash pickup, it may not always be necessary to require an alley. This code change would allow for exceptions from the alley requirement while still ensuring that the Public Works, Planning, and Fire Departments all have a chance to review the subdivision and ensure that sufficient access exists for public safety and utilities.

BOARD/COMMISSION RECOMMENDATION: The Planning Commission recommended approval of this ordinance (see attached minutes).

STAFF RECOMMENDATION: Staff recommends approval of this ordinance.

EXHIBITS

Resolution ☐ Ordinance ☒ Contract ☐ Minutes ☒ Plan/Map ☐

Other (specify) ☐ _____

NOTIFICATION LIST: Yes ☐ No ☒ Further Instructions ☐

APPROVAL FOR SUBMITTAL: _____
City Manager

Rev 3/1/99CClerk

**Planning Commission Minutes
Regular Scheduled Meeting
October 12, 2015
Scottsbluff, Nebraska**

The Planning Commission of the City of Scottsbluff, Nebraska met in a regular scheduled meeting on Monday, October 12, 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 October 2, 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, Angie Aguillo, Callan Wayman, David Gompert, Jim Zitterkopf, Henry Huber, and Becky Estrada. Absent: Dana Weber, Mark Westphal, & Jim Zitterkopf. 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 September 14, 2015 were reviewed and approved. A motion was made to accept the minutes by Wayman, and seconded by Gompert. **"YEAS"**: Huber, Wayman, Gompert, Chadwick, and Estrada. **"NAYS"**: None. **ABSTAIN**: Aguillo. None. **ABSENT**: Weber, Westphal, and Zitterkopf. Motion carried.

ITEM 7A: The Planning Commission opened a public hearing for an Ag Estate Dwelling Site (AEDS). This AEDS is located on West 42nd street. The Jean Pieper Family Trust applied for a variance from the Board of Adjustment for an AEDS on the southwest corner of their farm. The farm property is addressed as 1605 W. 42nd Street. The variance requested was to allow for two (2) Agricultural Estate Dwellings sites (AEDS) on the farm ground. The property is situated in our extra territorial jurisdiction northwest of the City and zoned Agricultural, our code allows for one Agricultural Estate Dwelling is allowed in an A - Agricultural zoning district. The Pieper Family was approached about buying a separate two acres of land on the southwest corner which is cut off by the Scottsbluff drain which makes the area difficult & unproductive to farm. In the future, if the property were to be subdivided, this area would remain cut off from the rest of the property by the Scottsbluff Drain the family asked for the variance to allow them to do two Ag Estate Dwellings on the farm land. The Board of Adjustment approved the variance at their meeting of August 10, 2015. Both areas front West 42nd Street (an existing dedicated public road) and will have a width of 150 feet; they will also meet the two acre minimum lot size requirement for an AEDS. City sewer runs along 42nd Street and to the back of the area on the SW corner. A well will be used for this Ag dwelling site. The second AEDS will come before the Planning Commission at one of our future Planning Commission meetings.

56 **Conclusion:** A motion was made by Huber and seconded by Wayman to make a positive
57 recommendation to approve the Ag Estate Dwelling – a tract of land situated in the east half of the SW ¼
58 of Section 10, T22N, R55W of the 6th P.M., Scotts Bluff County, Nebraska located in an A – Agricultural
59 zoning district. “**YEAS**”: Aguillo, Chadwick, Gompert, Wayman, Huber, and Estrada. “**NAYS**”: None.
60 **ABSTAIN:** None. **ABSENT:** Weber, Westphal, & Zitterkopf. Motion carried.

61
62 **ITEM 7B:** The Planning Commission re-opened a public hearing for a proposed text amendment change
63 to Chapter 21 of the Subdivision Code 21-1-20 alley location – an alley shall be provided at the rear of
64 every lot proposed for business purposes. At the last meeting we discussed how we have had a few
65 commercial developments/subdivisions come before the Planning Commission and discussed is the
66 placement of alleys on these developments. These alley requirements have hindered some of the
67 proposed developments and the developers have asked for variances to this requirement. We checked
68 with legal and they proposed some language to the code. The Planning Commission asked if there was
69 anyway stronger language could be added that would allow for stronger enforcement on the maintenance
70 of the easements and alleys. When the City reviews new commercial development and subdivisions
71 alleys and easements are shown on the plats/plats this is when we can ask for changes and requirements
72 from the owners/developers, there are city wide alleys and easements and the City maintains what's
73 required by us (grading, gravel & general maintenance) and if the property owner is responsible we have
74 our code enforcement send notices if and when we get complaints. The change to code adds more
75 flexibility to new development allowing for the best plan for each type of development and puts the burden
76 on the developer on how access will be provided for the best plan for all types of maintenance and
77 emergency vehicles.

78
79 The following language was added to the code - *An alley shall be provided at the rear of every lot used or*
80 *proposed to be used for business purposes. Provided, however, a subdivision may be approved without*
81 *an alley at the rear of a lot, if the following conditions are met:*

82
83 *(1) The applicant has provided and will maintain access sufficient for emergency vehicles and City*
84 *vehicles needed for trash, sewer, water or other City services, as well as access for delivery vehicles; or*
85

86 *(2) The applicant has provided and will maintain an access easement(s) sufficient for the City to use for*
87 *emergency vehicles, other city vehicles for trash, sewer or water.*

88
89 *If the Owner agrees to provide access under subparagraph (1) or subparagraph (2), in either situation,*
90 *the City, through its Planning and Development Department, Public Works Department and Fire*
91 *Department (“Departments”), will conduct a review of the proposed subdivision to determine if sufficient*
92 *access or easements are present, if the Departments make such a determination they will recommend*
93 *the Mayor or Council President sign a written waiver on behalf of the City for the required alley and its*
94 *location.*

95
96 **Conclusion:** A motion was made by Wayman and seconded by Aguillo to approve the ordinance
97 amendment change to 21-1-20 alley location on commercial development. “**YEAS**”: Huber, Aguillo,
98 Chadwick, Gompert, Wayman, and Estrada. “**NAYS**”: None. **ABSTAIN:** None. **ABSENT:** Weber,
99 Westphal, & Zitterkopf. Motion carried.

100
101 **ITEM 8: Unfinished Business:** Annie Folck, reminded the Planning Commission about the Planning
102 Conference to be held on Thursday, October 15th, we hope to see some of the members there. Also the
103 open houses for the public hearings regarding updates to the Comprehensive Development, she will
104 email the information for the website which is scottsbuffplanning.org. The open houses are scheduled for
105 October 17th at the Winter Farmers Market, parent teacher conferences will be held on October 27th at
106 Bluff's Middle School 4:00 p.m. to 7:30 p.m., the 28th Roosevelt Elementary School 4:00 p.m. to 7:30
107 p.m., and the 29th Westmoor Elementary from 8:00 a.m. to 11:00 a.m. Information will be available to
108 the public and we will have a survey people can do on line; the schools have also agreed to have their
109 computer labs open and made available to the public who do not have access to a computer, we hope
110 that they will take the time while at the conference and fill out the surveys.

There being no further business, a motion to adjourn was made by Aguillo and seconded by Chadwick. The meeting was adjourned at 6:25 p.m. **"YEAS"**: Gompert, Aguillo, Wayman, Chadwick, Huber, and Estrada. **"NAYS"**: None. **ABSTAIN**: None. **ABSENT**: Weber, Westphal, and Zitterkopf. Motion carried.

Becky Estrada, Chairperson

Attest: _____
Annie Urdiales

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA AMENDING THE SCOTTSBLUFF MUNICIPAL CODE AT CHAPTER 21, ARTICLE 1, RELATING TO SUBDIVISION REQUIREMENTS AND SPECIFICALLY ALLEYS, AMENDING SECTION 21-1-20 RELATING TO REQUIRED ALLEYS AND ALLOWING AN EXCEPTION, REPEALING FORMER SECTIONS, PROVIDING FOR PUBLICATION IN PAMPHLET FORM AND PROVIDING FOR AN EFFECTIVE DATE.

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

Section 1. Section 21-1-20 of the Scottsbluff Municipal Code is amended to provide as follows:

“21-1-20. Alleys; location; exception.

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 will maintain an access easement(s) sufficient for the City to use for emergency vehicles, other city vehicles for trash, sewer or water.

If the Owner agrees to provide access under subparagraph (1) or subparagraph (2), in either situation, the City, through its Planning and Development Department, Public Works Department and Fire Department (“Departments), will conduct a review of the proposed subdivision to determine if sufficient access or easements are present, If the Departments make such a determination they will recommend the Mayor or Council President sign a written waiver on behalf of the City for the required alley and its location.”

Section 2. All other Ordinances and parts of Ordinances passed and approved and in conflict herewith are now repealed.

Section 3. This Ordinance shall be published in pamphlet form and shall become effective upon its passage and approval.

PASSED AND APPROVED on _____, 2015.

Mayor

ATTEST:

City Clerk (Seal)