

**City of Scottsbluff, Nebraska**  
**Monday, February 8, 2016**  
**Regular Meeting**

**Item Appr. Min.1**

**Minutes**

*Approve minutes of 1/11/16*

Staff Contact: Annie Urdiales

**Planning Commission Minutes  
Regular Scheduled Meeting  
January 11, 2016  
Scottsbluff, Nebraska**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56

The Planning Commission of the City of Scottsbluff, Nebraska met in a regular scheduled meeting on Monday, January 11, 2016, 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 1, 2016. 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, Callan Wayman, Mark Westphal, Angie Aguallo, David Gompert, Henry Huber, Dana Weber, and Becky Estrada. Absent: 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: Item 7B Rezone request from Ag to C-2 (Neighborhood & Retail Commercial) request changed to from Ag to O & P (Office & Professional).

**ITEM 4:** Business not on agenda: None

**ITEM 5:** Citizens with items not scheduled on regular agenda: None

**ITEM 6:** The minutes of November 23, 2015 were reviewed and approved. A motion was made to accept the minutes by Gompert, and seconded by Huber. **"YEAS"**: Huber, Gompert, Chadwick, and Estrada. **"NAYS"**: None. **ABSTAIN**: Wayman, Westphal, & Aguallo. **ABSENT**: Zitterkopf. Motion carried.

**ITEM 7A:** The Planning Commission opened a public hearing for a final plat request of Lots 1 & 2, Tracts B & C, Block 10, Five Oaks Subdivision. Baker and Associates have requested approval of a final plat for the applicant(s), C & T Holdings. The property is situated on the southwest corner of 42nd Street and Avenue G. These lots are located directly east of the Webb property which is currently being developed as Elite Health. Sewer lines to serve the two lots can be connected to existing lines along 40th Street and 42nd Street (see attached exhibit). A water line will need to be constructed between 42nd street and 40th Street for fire protection.

The sewer main along 42nd Street across from Avenue G will have to be extended, with another manhole installed on the west side of Avenue G that could then be tapped for these lots. Since there isn't anything developed to the south of Avenue G yet, for the time being it would be reasonable to complete the street to the south edge of Block 11 (the City would like to have a commitment that once 40th Street develops, Ave G will also be completed to the intersection with 40th Street, if it hasn't been completed by then). These things will be addressed in the developer's agreement.

Staff met with C & T Holding's representatives, Bill and Jim Trumbull and Baker and Associates, regarding comments from the City Consultant about the final plat, and adjustments were made. Baker and Associates will draft plans showing proof of feasibility for the sewer connection, and include it as part of

57 the developer's agreement the language for the water connection and fire protection (hydrant placement)  
58 will also be addressed in the developer's agreement.

59

60 Bill Trumbull, representative, for C & T Holdings, spoke in favor of the plat; proposed lot 1 will be  
61 developed first as a professional office building, the proposed developers will also purchase lot 2 and will  
62 be able to have input on what and how the lot is developed in the future.

63

64 **Conclusion:** A motion was made by Westphal and seconded by Aguillo to approve the final plat of Lots  
65 1 & 2, Tracts B & C, Block 10, Five Oaks Subdivision. "YEAS": Huber, Aguillo, Westphal, Wayman,  
66 Chadwick, Gompert, Weber, and Estrada. "NAYS": None. ABSTAIN: None. ABSENT: Zitterkopf. Motion  
67 carried.

68

69 **ITEM 7B:** The Planning Commission opened a public hearing for request to rezone Lots 1 & 2, Tracts B  
70 & C, Block 10, Five Oaks Subdivision from Agricultural to O & P Office and Professional. The  
71 original request was to change to C-2 Neighborhood and Retail Commercial. After some feedback from  
72 the public the requested change was changed to O & P Office and Professional. The O & P zoning  
73 district is a good transitional zone for this area as the properties to the north and east are residential and  
74 the O & P zone is more restrictive in the permitted uses than the C-2 commercial zoning district, making it  
75 a good transition from the abutting zoning districts. The C-2 property to the west is being developed as a  
76 health facility and the proposed use for lot 1, will be for a professional office building as well.

77

78 Glen Vandenberg, property owner, of Townhomes to the east of Avenue G, addressed the Planning  
79 Commission with concerns regarding the traffic. The townhomes and duplexes they manage see a lot of  
80 traffic from the hospital. He would like to make sure this is something that is looked into before it is  
81 developed by considering how traffic will flow through the area. There is a street to the east of Avenue G  
82 which is a private street for the residential development. Avenue G and 40<sup>th</sup> Street are half streets and  
83 unable to handle heavy traffic. Diane Vandenberg also expressed her concerns regarding the hospital  
84 traffic on 40<sup>th</sup> Street and Avenue G.

85

86 Larry Gion a property owner on the corner of 40<sup>th</sup> & Avenue G, is also concerned about the traffic in this  
87 area and would like to see things improved to accommodate better traffic flow. The Ag land to the  
88 southwest has a hard time with the larger trucks used for the farm ground and at times drive over his  
89 property to make the corner.

90

91 Mr. Trumbull addressed some of the traffic concerns, when lot 1 is developed Avenue G will be extended  
92 south and when lot 2 is developed will be continued to 40<sup>th</sup> Street, the developer's agreement will have  
93 language addressing both the half streets which will have to be developed before building development  
94 will be approved on these lots, 40<sup>th</sup> Street will continue west to Avenue I, and curves a bit to slow traffic  
95 down in this area. The development of lot 1 should have little impact on traffic. The other option to  
96 develop this property would be as multi-family and multi-story development this would create more traffic  
97 than a professional office. Mr. Trumbull believed that the office and professional designation would  
98 create the least amount of traffic of all other options for the property. Mr. Trumbull also, indicated that the  
99 Ag land may not be farmed this year with the development of Elite Health and the other professional  
100 office building. With the widening of the streets and landscaping requirements the area should add to the  
101 property values of the neighborhood. The intention is to enhance property values for the area.

102

103 Annie Folck, City Planner, noted that the preliminary plat for Five Oaks was approved with additional  
104 access onto the subdivision from Avenue I, one will be 40<sup>th</sup> Street and the second will be to the south  
105 which will be a cul-de-sac these access points have been approved by the State Highway Department.  
106 Thus once the property is built out, Avenue G will no longer be the only outlet to the neighborhood. The  
107 proposed O & P zone for the property will make a good transition between the residential zone to the east  
108 and the C-2 zone to the west, and once the area is developed it will eliminate many of the current traffic  
109 issues that result from the half street and the lack of other traffic outlets. The City recommends Lots 1 &  
110 2, Tracts B & C, Block 10, Five Oaks Drive be rezoned to an O & P Office & Professional zoning district.

111

112 **Conclusion:** A motion was made by Weber and seconded by Chadwick to approve the proposed  
113 rezoned for Lots 1 & 2, Tracts B & C, Block 10, Five Oaks subdivision from A – Agricultural to O & P  
114 Office and Professional. “YEAS”: Weber, Westphal, Wayman, Aguillo, Chadwick, and Estrada.  
115 “NAYS”: Gompert, and Huber. ABSTAIN: None. ABSENT: Zitterkopf. Motion carried.

116 **ITEM 7C:** The Planning Commission opened a public hearing for a proposed text amendment to  
117 Chapter 25, Article 3, Section 25 of the zoning code dealing with miscellaneous regulations, by including  
118 regulations for shipping containers. The language added is as follows:

119

120 **25-3-25(16) Shipping Containers.**

121 **A. Shipping containers defined.** For the purposes of this Chapter, a shipping container shall mean any  
122 container, which may otherwise be known as a container, freight container, ISO container, shipping  
123 container, high-cube container, box, C container or container van, designed to store and move materials  
124 and products across various modes of the Intermodal Freight Transportation System.

125 **B. General restrictions for shipping containers:**

126 1. A shipping container may be placed in the front yard setback only if being used for moving or relocating  
127 purposes.

128 2. A shipping container may not be placed within the site triangle as defined in Section 25-2-104.1 of the  
129 Scottsbluff Municipal Code.

130 3. A shipping container may not exceed 8 feet in width, 9 feet in height or 40 feet in length.

131 4. A shipping container must be kept out of easements, public rights-of-way, and setbacks except as  
132 otherwise provided for in this Code.

133 5. A shipping container may be placed on a lot without a permit if it is incidental to the permitted  
134 construction activities on the same lot. The shipping container must be removed at the completion of the  
135 construction project or expiration of the building permit.

136 **C. Residential and commercial zoning districts.** No shipping container shall be allowed, except on a  
137 temporary basis for moving, in all residential and commercial zoning districts. A shipping container may  
138 be allowed on a developed lot for a period of 30 days if used for moving purposes. If additional time is  
139 required, the owner of the lot may apply for one 30 day extension.

140 **D. In Ag, M-1 and M-2 zoning districts,** no shipping containers shall be allowed except as provided:

141 1. A building permit is required for a shipping container which will remain on the lot for a period greater  
142 than six months and used for onsite storage of material incidental to the permitted or accessory use of the  
143 lot. The building permit must be procured through the Planning and Development Department of the  
144 City.

145 2. A shipping container located in a front or side yard must be painted so no signage or language is  
146 visible.

147 3. A shipping container may not be connected to any City utility.

148 4. A shipping container must be kept in good repair with no holes or rust.

149 5. A shipping container must be placed on a level surface with a base of rock or concrete so as to prevent  
150 any settling of the shipping container while it is on the lot.

151

152 **Conclusion:** A motion was made by Westphal and seconded by Chadwick to approve the proposed  
153 ordinance text amendment to Chapter 25, adding Section 25-3-25(16) definition and regulations for  
154 shipping containers. “YEAS”: Gompert, Huber, Weber, Westphal, Wayman, Aguillo, Chadwick, and  
155 Estrada. “NAYS”: None. ABSTAIN: None. ABSENT: Zitterkopf. Motion carried.

156

157 **ITEM 7D:** Daniel Bennet, Regional Planner with PAD and Annie Folck, City Planner, addressed the  
158 Planning Commission, regarding updates to the Comprehensive Development Plan. Previous updates  
159 were strategic economic development plans, and demographic trends. Since then have had some public  
160 input as community participation is key to the updates of the plan. The online survey conducted had 186  
161 responses, the three open houses held during parent teacher’s conferences providing a lot of good  
162 feedback from the public. Focus groups included the Senior Center, Lakota Church, and Southeast  
163 Scottsbluff – Guadalupe Center where Pastor Jon Sorenson was able to help with interpretation for the  
164 Spanish speaking community. The Survey information and other updates are on online at the  
165 Scottsbluffplanning.org website. Several of the comments asked for clean, safe neighborhoods, they like  
166 the small town friendly community. We want Scottsbluff to be a place where current and future  
167 generations want to pursue aspirations and see Scottsbluff as a place of opportunity. In the next ten

168 years would like to see interconnections of neighborhoods and amenities, sustainable development,  
169 access to entertainment and recreation, and strong neighborhoods.

170

171 A Utility study was done, as the previous plan was lacking in utility updates, the study shows where  
172 existing areas in town have existing infrastructure and could possibly develop first, the study also shows  
173 where major improvements should be, along with water towers, lift stations, and treatment upgrades. This  
174 gives the City a road map for future development and helps us to know where we can get the most value  
175 for our investments in expanded infrastructure.

176

177 Annie F. and Daniel went through some highlights for vision development (why, how, what) and the future  
178 land use maps. The new future land use map shows some new districts added, including mixed use  
179 development and, Institutional (parks, hospitals, schools). This will allow more flexibility in certain areas  
180 and allow for zoning codes that can reflect the unique existing or aspirational character of certain  
181 neighborhoods. This information is currently posted on Scottsbluffplanning.org for the public to review.  
182 The next step after the Comprehensive Plan is completed will be to look at our current zoning code and  
183 see how it needs to be adjusted to allow the City to implement the vision that has been developed based  
184 on public input. The implementation of the land use changes will be posted for public review and  
185 feedback.

186

187 **ITEM 8: Unfinished Business:** The 2016 NPZA/APA conference is set for March 9<sup>th</sup>, 10<sup>th</sup>, and 11<sup>th</sup> in  
188 Kearney, NE.

189

190 There being no further business, a motion to adjourn was made by Weber and seconded by Huber. The  
191 meeting was adjourned at 7:40 p.m. “**YEAS**”: Gompert, Wayman, Westphal, Aguillo, Chadwick, Huber,  
192 Weber, and Estrada. “**NAYS**”: None. **ABSTAIN**: None. **ABSENT**: Zitterkopf. Motion carried.

193

194

195 \_\_\_\_\_  
Becky Estrada, Chairperson

196

197 Attest: \_\_\_\_\_

198 Annie Urdiales