

City of Scottsbluff, Nebraska

Monday, May 15, 2017

Regular Meeting

Item Pub. Hear.1

Council to conduct a Public Hearing to consider Annexation by Plat of Hilltop Estates situated South of 42nd Street and East of Fairview Cemetery.

Staff Contact: Annie Folck, City Planner

Agenda Statement

Item No.

For meeting of: May 1, 2017

AGENDA TITLE: Annexation of Hilltop Estates Subdivision

SUBMITTED BY DEPARTMENT/ORGANIZATION: Development Services Department

PRESENTATION BY:

SUMMARY EXPLANATION: As part of the Final Plat for Hilltop Estates, the property owner has requested annexation of the property. As outlined in the Developer's Agreement, all street, water, and sewer improvements are to be constructed by the developer, ensuring that all lots have access to City services.

BOARD/COMMISSION RECOMMENDATION: At a regular meeting held on April 24, 2017 the Planning Commission recommended approval of the Annexation of Hilltop Estates Subdivision

STAFF RECOMMENDATION: Approve annexation of Hilltop Estates Subdivision

EXHIBITS

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

Other (specify) ☐ _____

NOTIFICATION LIST: Yes ☐ No ☐ Further Instructions ☐

APPROVAL FOR SUBMITTAL: _____
City Manager

Proposed Hilltop Annexation

The map displays a residential area with a blue line indicating the proposed annexation boundary. A yellow callout points to a specific area within this boundary, which is shaded with orange diagonal lines. The area is bounded by E 42nd St to the north, E 39th St to the south, and 12th Ave to the east. The shaded area is located between 12th Ave and 13th Ave, and between E 39th St and E 42nd St.

Streets shown on the map include:

- E 42nd St
- E 39th St
- E 38th St
- 12th Ave
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Other streets shown include:

- Juniper Dr
- Evergreen Dr
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Legend

Parcels
Corporate_Limits

**Planning Commission Minutes
Regular Scheduled Meeting
April 24, 2017
Scottsbluff, Nebraska**

The Planning Commission of the City of Scottsbluff, Nebraska met in a regularly scheduled meeting on Monday, April 24, 2017, 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 April 14, 2017. 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, David Gompert, Angie Aguillo, Callan Wayman, Mark Westphal, Henry Huber, Dana Weber, and Becky Estrada. Absent: Jim Zitterkopf. City officials present: Annie Folck, Planning Coordinator, Gary Batt, Code Administrator II, Jordan Diedrich, Deputy Public Works Director, and Anthony Murphy, Fire Prevention Officer.

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 the April 10, 2017 meeting were reviewed. **Conclusion:** A motion was made by Wayman and seconded by Gompert to approve the minutes for the April 10th meeting. **"YEAS":** Estrada, Westphal, Wayman, Huber, Gompert, Aguillo, and Chadwick. **"NAYS":** None **Abstain:** Weber **Absent:** Zitterkopf

ITEM 7A: Planning Commission opened a public hearing for the review of a Final Plat for Hilltop Estates. Annie Folck gave a staff review of the project, stating that it included 41 residential lots in 5 blocks. The lots are configured to allow some existing structures to remain in place after the property is divided. The lots will be large for a residential area, varying from 15,000-25,000 square feet, with the majority around 25,000 sq ft.

The City is going to be working with the developer on stormwater retention. In the past, developers have been required to provide retention on-site, and historically, those retention areas have not been well-maintained. Once the lots of a subdivision are sold off, there is typically no one who wants to retain responsibility for maintaining the retention areas long-term, and homeowners' associations have not been successful in the community. Due to new regulatory requirements through the City's NPDES MS4 (municipal separate storm sewer system) permit, the City will soon be responsible for ensuring that all of these retention areas are inspected and maintained on a regular basis. In order to alleviate the maintenance burden on developers and the City, and to minimize the amount of developable land that must be sacrificed in order to create these retention areas, the City is pursuing a new policy that would allow developers to direct stormwater runoff to regional retention facilities that would be owned and maintained by the City. In return for accepting their stormwater, the City would charge developers an

57 impact fee. The fee that is currently proposed is \$1.50 per square foot of impervious area, to be paid as
58 each lot is developed. Hilltop Estates will be the first subdivision that will use this model. This would
59 mean that before a building permit can be issued for a lot, the property owner will have to pay \$1.50 per
60 square foot of impervious surface, i.e. for a lot with a 2000 sq ft house and a 500 sq ft driveway, there
61 would be a total of 2500 sq ft of impervious surface, so the charge would be \$3,750. The Developer's
62 Agreement will outline this fee in lieu of the developer constructing individual retention ponds on site.

63
64 Commissioner Westphal asked when the fee would be paid. Folck answered that it would be paid at the
65 time that a building permit was issued. This allows the City to accurately charge each lot for the amount
66 of impervious area they are installing, and provides a small incentive to reduce impervious cover, which in
67 turn reduces the amount of runoff from the development. Commissioner Wayman stated this seems like
68 a good model, as it doesn't make sense to have individual retention ponds on each development, which
69 can take up a lot of developable property.

70
71 **Conclusion:** A motion was made by Wayman and seconded by Gompert to recommend approval of the
72 Final Plat for Hilltop Estates Subdivision. **"YEAS":** Wayman, Gompert, Huber, Chadwick, Aguallo,
73 Westphal, Weber, and Estrada. **"NAYS":** None. **ABSTAIN:** None **ABSENT:** Zitterkopf. Motion carried.

74
75 **ITEM 7B:** The Planning Commission opened a public hearing for the annexation of Hilltop Estates. This
76 annexation is being done as part of the final plat. The developer will be providing streets, water, and
77 sewer to all of the lots, which will be outlined in the Developer's Agreement. Staff recommended approval
78 of annexation.

79
80 **Conclusion:** A motion was made by Westphal and seconded by Aguallo to recommend approval of the
81 annexation of Hilltop Estates. **"YEAS":** Wayman, Gompert, Huber, Chadwick, Aguallo, Westphal,
82 Weber, and Estrada. **"NAYS":** None. **ABSTAIN:** None **ABSENT:** Zitterkopf. Motion carried.

83
84 **ITEM 7C:** The Planning Commission opened a public hearing for a Final Plat for the Melroy Addition, a
85 replat of Lots 12 and 13 of Wildy and Lana Commercial Tracts. The applicant is Steve Melroy,
86 represented by Baker and Associates. The property is situated south of 15th Street, between 19th and
87 21st Ave. The preliminary plat includes 6 commercial lots, which are all part of the same block. The
88 property is zoned C-3, Heavy Commercial, and the properties to the north, west, and south are also C-3,
89 with M-1 zoning to the east.

90
91 The preliminary plat was approved by the Planning Commission at their April 10th meeting. Infrastructure
92 is already available to each lot, and no streets, water, or sewer improvements are proposed. The
93 developer will be required to install sidewalks and landscaping to meet City code as the lots are
94 developed. Commissioner Gompert asked if they were already building on the property. Folck answered
95 that they do have a couple of buildings going up, and that because it is zoned C-3, it is allowable for them
96 to do so. The way they are dividing the property meets the requirements for the existing buildings to each
97 be on their own lots.

98
99 **Conclusion:** A motion was made by Aguallo and seconded by Gompert to approve the Final Plat for the
100 Melroy Addition, a replat of lots 12 and 13 of Wildy and Lana Commercial Tracts. **"YEAS":** Wayman,
101 Gompert, Huber, Chadwick, Aguallo, Westphal, Weber, and Estrada. **"NAYS":** None. **ABSTAIN:** None
102 **ABSENT:** Zitterkopf. Motion carried.

103
104 **ITEM 8: Unfinished Business:** None.

105
106 There being no further business, a motion to adjourn was made by Weber and seconded by Westphal.
107 The meeting was adjourned at 6:15 p.m. **"YEAS":** Wayman, Gompert, Aguallo, Chadwick, Huber,
108 Westphal, Weber, and Estrada. **"NAYS":** None. **ABSTAIN:** None. **ABSENT:** Zitterkopf. Motion carried.

113
114 _____
115 Becky Estrada, Chairperson
116
117 Attest: _____
118 Annie Folck