

City of Scottsbluff, Nebraska
Monday, August 14, 2017
Regular Meeting

Item Appr. Min.1

Approve Minutes from May 8th Meeting

Staff Contact:

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Planning Commission Minutes
Regular Scheduled Meeting
May 8, 2017
Scottsbluff, Nebraska

The Planning Commission of the City of Scottsbluff, Nebraska met in a regularly scheduled meeting on Monday, May 8, 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 28, 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 Aguallo, Jim Zitterkopf, and Becky Estrada. Absent: Henry Huber, Callan Wayman, Mark Westphal, and Dana Weber. 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 24, 2017 meeting were reviewed. Because Jim Zitterkopf was not present for the April 24th meeting and had to abstain from voting, there was not a quorum present that could approve the minutes. This item was tabled until the next meeting.

ITEM 7A: Planning Commission opened a public hearing for the review of a Final Plat for Lots 1-6, Menards Subdivision Replat No. 1. Annie Folck gave a staff review of the project, stating that the purpose of the replat is to incorporate all of the known utilities into appropriate easements. When the project was built, some utilities ended up being placed outside of the originally platted easements, so now the applicant just wants to make sure that all utilities are protected by easements. There are no changes proposed to the lot lines.

Conclusion: A motion was made by Zitterkopf and seconded by Aguallo to recommend approval of the Final Plat for Lots 1-6, Menards Subdivision Replat No. 1. **“YEAS”:** Gompert, Zitterkopf, Chadwick, Aguallo, and Estrada. **“NAYS”:** None. **ABSTAIN:** None **ABSENT:** Weber, Huber, Wayman, and Westphal. Motion carried.

ITEM 7B: The Planning Commission opened a public hearing for the Preliminary Plat of Fairacres Addition. Annie Folck gave a staff review of the project, stating that the property is located north of 24th St between Ave E and Ave F. The area is residential, and the lot being subdivided was formerly a hospital. Dividing the lot will create four smaller lots that are very similar in size to all of the surrounding residential lots. All four proposed lots have access to streets and water, but only the two west lots have access to

56 sewer. A sewer easement was added to allow the two east lots access to the sewer line on Ave F. The
57 developer will be responsible for extending the sewer line to these lots.

58

59 **Conclusion:** A motion was made by Zitterkopf and seconded by Aguallo to recommend approval of the
60 Preliminary Plat Lots 1-4, Fairacres Addition. **"YEAS":** Gompert, Zitterkopf, Chadwick, Aguallo, and
61 Estrada. **"NAYS":** None. **ABSTAIN:** None **ABSENT:** Weber, Huber, Wayman, and Westphal. Motion
62 carried.

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64 **ITEM 7C:** The Planning Commission opened a public hearing for the Final Plat of Fairacres Addition.

65 Annie Folck gave a staff review of the project, stating that this is the same property for which they had just
66 approved the preliminary plat. Dennis Sullivan, representing the applicant, stated that they are aware that
67 the sewer line will need to be extended to the east two lots, and that they are working on a developer's
68 agreement that would state that they will be responsible for those costs. This will be approved by Council
69 before the Final Plat is considered.

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71 **Conclusion:** A motion was made by Zitterkopf and seconded by Gompert to recommend approval of the
72 Final Plat Lots 1-4, Fairacres Addition. **"YEAS":** Gompert, Zitterkopf, Chadwick, Aguallo, and Estrada.
73 **"NAYS":** None. **ABSTAIN:** None **ABSENT:** Weber, Huber, Wayman, and Westphal. Motion carried.

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75 **ITEM 7D:** The Planning Commission opened a public hearing for a Special Use Permit for a 24 Hour

76 Daycare located at 1717 12th Ave. Annie Folck gave a staff review of the project, stating that the City's
77 zoning code had recently been changed to allow for 24-hour daycare with approval of a Special Use
78 Permit. This is a need for families with parents that work night shifts. The property is located in an R-1a
79 Single Family Zoning District, where in-home daycares are a permitted use by right. The applicants
80 applied for a Special Use Permit so that they could provide services to parents at night as well as during
81 the day. The daycare is still an in-home daycare, so would never have more than 12 children there at any
82 one time.

83

84 Richard Lockman, resident at 1716 12th Avenue, addressed the Planning Commission, stating that he had
85 concerns for kids in that area as it is a dangerous neighborhood and in his opinion is not a good location
86 for a daycare. He stated that there have been shots fired in the area in the past, and that three bodies
87 had been pulled out of the ditch (the Scottsbluff Drain) to the east. He also said that people drive too
88 quickly down the street and run stop signs.

89

90 Ashley Hill-Frederick, one of the applicants, stated that they are already operating a daycare out of their
91 home, as it is a permitted use in that zone. Their request for a Special Use Permit is simply to allow them
92 to provide services to watch kids 24 hours a day. She stated that the kids would be kept inside the
93 fenced backyard, and not allowed on the sidewalk or street, and that at night, they would be sleeping.
94 They also are having alarm systems installed, and the kids will always be under adult supervision. She
95 said that it should be up to the parents to decide if they are comfortable leaving their kids there.

96

97 Commissioner Gompert asked about the height of the fence. Gary Batt stated that it could not be more
98 than 6' in a residential zone. Commissioner Zitterkopf asked how long they had been operating as a
99 daycare. Hill-Frederick stated that they had been open since January, but since they have not yet
100 received their state license as an in-home daycare, they were limited to 3 kids per adult, so with two
101 caregivers, they currently only have 6 children there. They have submitted paperwork and should be able
102 to accept up to 12 children at a time once they receive their license as an in-home daycare. She stated
103 that she felt as though they have good neighbors in the immediate vicinity and have not had any issues
104 since opening in January.

105

106 Amber Swanson, the other applicant, stated that she believed that the neighborhood is getting better, and
107 that a lot of properties have been cleaned up, and it is her hope that by locating their daycare there, they
108 could continue to help improve the area. She stated that they would not located a daycare in the area if
109 they had any reason to believe that it wasn't safe.

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111 Gompert asked Anthony Murphy if they were taking care of everything they needed to do from the fire
112 marshal's perspective. Murphy stated that they are still working through a few small things but that the
113 applicants had been very good about being responsive to all of the requirements for their daycare. He
114 anticipated that they would be able to work through the last few details fairly quickly so that they could
115 receive their state licensing.

116
117 **Conclusion:** A motion was made by Zitterkopf and seconded by Gompert to approve the Special Use
118 Permit for a 24-hour Daycare located at 1717 12th Ave. **"YEAS":** Gompert, Zitterkopf, Chadwick,
119 Aguallo, and Estrada. **"NAYS":** None. **ABSTAIN:** None **ABSENT:** Weber, Huber, Wayman, and
120 Westphal. Motion carried.

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122 **ITEM 8: Unfinished Business:** None.

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

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133 Becky Estrada, Chairperson
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135 Attest: _____
136 Annie Folck