# City of Scottsbluff, Nebraska
## Monday, December 13, 2021
## Regular Meeting

## Item New Bus7

## Public Hearing-Ordinance Text Change

***Zoning Text Change to Chapter 25 Article 2 regarding the Gateway Green Overlay Zone.***

**Staff Contact: Zachary Glaubius, Planning Administrator**

## City of Scottsbluff Planning Commission

**Development Services Staff Report** – Zachary Glaubius

**Prepared on:** November 29, 2021 **For Hearing of:** December 13, 2021

City of SCOTTSBLUFF A Place of Opportunity

**I. GENERAL INFORMATION**

- **A.** Due to several complaints from developers, Economic Development staff and Development Services staff have reviewed the efficiency of the Gateway Green Overlay Zone.
- **B.** The Gateway Green Overlay Zone (25-3-22.1) is an overlay zone that is 2,000 ft wide along Highway 26, Highland Road, Highway L-79-G(or Highway 92), Highway 71, and the southernmost portions of Avenue I and Broadway.
- **C.** The GG-O's purpose is to:
  - **i.** Promote the general health, safety, and welfare of the community
  - **ii.** Create a sense of continuity throughout the corridor with harmonious design standards for public improvements and private development.
  - **iii.** Preserve and enhance the historical attractions and landmarks of Scottsbluff and the surrounding areas.
- **D.** As with the Tidal Wave Car Wash, all plans for development in the GG-O must be reviewed and approved by the Planning Commission.
- **E.** Aspects of the GG-O are centered on landscaping design standards. Landscape design standards can also be found in Articles 5, 6, and 22 in the City of Scottsbluff Zoning Code.

**II. STAFF COMMENTS**

- **A.** The GG-O overlaps with the Landscaping Code (Chapter 25 Article 22) significantly. It also overlaps with the Off-Site Parking Code (Chapter 25 Article 5), and the Sign Code (Chapter 25 Article 6). This suggests the GG-O is redundant.
- **B.** Staff found 15 aspects of the GG-O not found elsewhere in the Zoning Code. Attached is a document highlighting requirements of the GG-O not found elsewhere in the Zoning Code.
- **C.** The GG-O minimally deviates from the Landscaping Code. It should be noted the Landscaping Code encompasses the city's entire jurisdiction.
- **D.** The GG-O has been found to be less restrictive in some instances, which is counterintuitive.
- **E.** The GG-O has been found to deter development along Highway 26 recently. This is due to:
  - **a.** Increased review time as a result of the Planning Commission approval requirement.
  - **b.** Perception of additional development requirements
- **F.** The GG-O is a burden on City staff. Some requirements found in it are impractical to enforce and time consuming to review.
- **G.** Following the repeal of the GG-O, staff will review and perform comprehensive review and update to the Landscaping Code (Chapter 25 Article 22).
- **H.** Variances/exceptions have been granted in the past within the overlay zone that contradict the intent of the GG-O.
- **I.** Departments, Divisions, and Offices consulted with regarding the repeal of 25-3-22.1 (GG-O) are:
  - **a.** Development Services Department

**b.** Economic Development Department
**c.** Stormwater Division
**d.** City Attorney
**e.** City Manager

**III. STAFF RECCOMENDATION**

**A.** Staff recommends the Planning Commission make a positive recommendation to City Council to repeal 25-3-22.1 regarding the Gateway Green Overlay Zone.

**City of Scottsbluff Planning Commission**

**Development Services Supplemental Report** – Zachary Glaubius

**Prepared on:** November 23, 2021 **For Hearing of:** December 13, 2021

## Aspects of the GG-O not covered elsewhere in the Zoning Code

1. Landscaping Requirements for entire lot
2. Burying Overhead Powerlines
3. Requiring parking areas to be placed between or behind buildings
4. Xeriscaping Suggestion
   a. Design Low-Water Using Plants Mulch depth
   b. Appropriate Use of Turf Soil Preparation
5. Requiring screening of loading/service areas within 50 ft of a side or rear lot line
6. Requiring screening for dumpsters, garbage cans, and grease containers to be located in the rear or side of lot and no more than 20' from R zones.
7. Requiring screening of rooftop mechanical equipment from sidewalks, streets, R districts, and public uses
8. Requiring screening of mechanical equipment from sidewalks, streets, R districts, and public uses
9. Complete prohibition of outdoor storage
10. *Buffer yard reduction to 10' with incorporation of fence*
11. Requirement of shrubs to be planted within 10' of primary structure foundation at a density that will obscure 60% of building foundation after 5 years except sides and rear if used for service/loading
12. Planting layout requirements for landscape strips
13. Perennials and ornamental grass plant required sizes
    - Plant Species diversity
14. Required paved off-street parking
15. Stormwater retention pond landscaping design requirements
16. 3% Impact fee if landscaping cannot be installed
17. Site plan review and approval by the Planning Commission

## § 25-3-22.1 GG-O GATEWAY GREEN OVERLAY.

(A) *Purpose.* The Gateway Green Overlay (GG-O) District is intended to:

(1) Promote the general health, safety, and welfare of the community;

(2) Create a sense of continuity throughout the corridor with harmonious design standards for public improvements and private property development; and

(3) Preserve and enhance the historical attractions and landmarks of the city and the surrounding area.

(B) *Design guidelines.* The GG-O District is an overlay zone that supersedes those of any other zoning district to which a tract of land may be subject and shall be read together and incorporated in §§ 25-22-1 through 25-22-10 of this chapter, referred to as the “Landscaping Article”. All new development and redevelopment must conform to the design guidelines. All plans shall be reviewed and approved for design, landscaping, and architectural detail and compatibility. No design plans that have been approved by the Planning Commission may be altered without approval of the Planning Commission.

(C) *Boundaries.* The GG-O District shall consist of all land located within 1,000 feet measured perpendicular from the right-of-way of the following transportation corridors:

(1) U.S. Highway 26, extending from the east extraterritorial boundary to the west extraterritorial boundary;

(2) Highland Road, extending from the intersection with Airport Road to the intersection with U.S. Highway 26;

(3) McClellan Expressway (East Bypass Highway 71) from the North Platte River to its intersection with U.S. Highway 26;

(4) Broadway Avenue from the North Platte River to its intersection with South Beltline Highway;

(5) Avenue I from the North Platte River to its intersection with South Beltline Highway;

(6) Highway 71 from the intersection with Highway 26 to the north extraterritorial boundary; and

(7) Highway L-79-G (West 20th Street extended) from the west extraterritorial boundary to the west corporate limits of the city.

(D) *Development action.* There shall be no development action within the GG-O District without permission of the Planning Commission. Any person or entity desiring a development action within the GG-O District must submit plans to the Planning Commission for review and approval.

(E) *Development standards.* The development standards were formulated to create a visually pleasing GG-O District and to convey the values of the city.

(1) *Signs.*

(a) *Monument signs.* One ground sign, monument type with a maximum height of six feet shall be permitted on each lot. Total area of sign not to exceed 250 square feet. Sign structure materials shall be comparable with materials used on the facade of the principal building.

(b) *Wall signs and marquee signs.* One wall sign or marquee sign shall be permitted per building side.

(c) *Pole signs.* One 25-foot pole sign will be allowed in the GG-O District per development.

(d) *Other signs.* Other signs may be permitted, in the sole discretion of the Planning and Development Director, if the sign is small in scale, is directional in nature and meets the intent of this section.

(2) *Lighting.* Lighting on private property shall be in harmony with poles and lanterns within specified corridors. Lights shall provide safe and efficient lighting and be without glare for pedestrians and motorists passing by. All lighting shall be designed to avoid intrusion on adjacent properties and adjacent roads.

(3) *Overhead lines.* Eliminate the need for power cables by burying cables underground.

(4) *Parking lot design.*

(a) All parking areas shall be paved to meet current ordinance requirements, including those in §§ 25-22-1 through 25-22-10 in this chapter.

(b) All developments shall have off-street parking.

(c) Parking areas over 50 spaces shall include landscape islands. All landscape islands shall have a minimum of 100 square feet of open ground and at least 300 cubic foot of good soil rooting volume for each tree. One-half of all landscape islands must include a deciduous canopy tree. Understory plantings of shrubs/perennials/groundcover shall be durable and able to withstand foot traffic and frequent breakage from pedestrian traffic. Landscape islands shall be evenly distributed to the maximum extent possible.

(d) Parking areas should be placed between or behind buildings unless lot layout does not allow. If layout does not allow for parking between or behind buildings, then conceptual parking design may be approved by the Planning Commission.

(e) All parking areas visible from the transportation corridors shall have a complete visual buffer of four feet minimum height.

(f) Where parking lots abut adjacent residential zoned areas, a buffer yard of 20 feet minimum is required.

(5) *Landscaping and screening standards.* Landscaping is critical in creating a visually pleasing appearance of the transportation corridors in the city. Landscape design and development shall be priority in the planning process. To the extent reasonably feasible, all landscape plans shall be designed to incorporate water conservation materials and techniques in order to comply with each of the xeriscape landscaping principles listed below. Xeriscape landscaping principles do not include or allow artificial turf or plants, mulched (including gravel) beds or areas without landscape plant material, paving of areas not required for walkways, plazas or parking lots, bare ground, weed covered or infested surfaces, or any landscaping that does not comply with the standards of this section. See Appendix A at the end of this section for recommended species.

(a) Xeriscape landscaping principles are as follows:

1. *Design.* Identify zones of different water requirements and group plants together that have similar water needs;

2. *Appropriate use of turf.* Limit high-irrigation turf and plantings to appropriate high use areas with high visibility and functional needs;

3. *Low-water-using plants.* Choose low-water-demanding plants and turf where practicable;

4. *Irrigation.* Design, operate, and maintain an efficient irrigation system. Drip irrigation shall be used in all landscape beds. If sprinklers are used for turf, no water shall be sprayed over sidewalks, streets, or parking lots. Areas of low water use landscaping may be included but must be indicated on

the plans. Irrigation water must be available for the initial two years after planting to establish low-water use landscapes;

5. *Soil preparation.* Incorporate soil amendments before planting;

6. *Mulch.* Add mulch to planting beds to a minimum depth of three inches around trees and shrubs and one-inch around perennials and ornamental grasses. Organic mulch is preferred.

Rock mulch may be used only if pre-approved by the Planner; and

7. *Maintenance.* Provide regular and attentive maintenance.

(b) *Screening.*

1. All loading and service areas that are within 50 feet of a side or rear lot line abutting property that is residentially zoned shall be surrounded by a six-foot high masonry wall or solid wood or PVC fence with opaque gate.

2. Waste receptacles, including dumpsters, garbage cans, or grease containers shall be located in the rear or side yard of lot and no more than 20 feet from residentially zoned areas. All waste receptacles shall be screened from view from all property lines and public areas of the site by a minimum six-foot high evergreen planting, masonry wall, or wood or PVC fence.

3. Rooftop mechanical equipment, including HVAC and utility equipment shall be screened from adjacent streets, sidewalks, residential, public, and institutional uses. Screening shall consist of parapet walls or an opaque enclosure around the equipment that is constructed of one of the materials used on the primary facade of the principal structure.

4. Ground or wall mounted mechanical equipment, such as HVAC equipment, transformers, generators, and gangs of multiple utility meters shall be screened from adjacent streets, sidewalks, residential, public, and institutional uses. Screening shall consist of evergreen planting, masonry wall, wood or PVC fencing, or other opaque enclosure around the equipment that is constructed of one of the permanent and durable materials used on the primary facade of the building. The height of the planting or fence shall be sufficient to effectively screen the equipment from view.

5. Outdoor storage shall be prohibited.

(c) *Buffer yards.*

1. Buffer yards are developed for the purpose of providing an effective visual screen between two dissimilar uses.

2. Buffer yards shall be required along and inside the property line of commercial property abutting a residentially zoned property.

3. Buffer yards shall be 20 feet minimum in depth and shall meet the following criteria: be planted with a staggered double row of evergreen trees at least six feet in height, or be planted with a single row of deciduous shade trees two-inch caliper trunk minimum and two staggered rows of evergreen shrubs at least three feet in height, planted a maximum of four feet on center.

4. If a six-foot high solid wood or PVC fence or masonry wall is incorporated into the design, the buffer yard may be reduced by ten feet. Finished side of fencing will face abutting property. A row of evergreen trees at least six feet in height, or a single row of deciduous shade trees two inches caliper trunk minimum and a staggered row of evergreen shrubs at least three feet in height, planted a maximum of four feet on center must accompany the fence.

(d) *Maintenance of buffer yard.* The buffer yard shall be maintained so as to provide an effective visual screen. If plant material shall die or be removed such that the buffer yard no longer functions, the plant material shall be replaced by the property owner.

(e) *Landscaping.*

1. Building perimeter walls: shrubs shall be planted within ten feet of the foundation of the primary structure along each building facade at a density that will obscure 60% of the building foundation after five years, except for sides or rear of building used for loading or service area.

2. Along each street frontage, there shall be, at a minimum, a ten-foot wide landscape strip, continuous along the frontage except for the perpendicular crossings for driveways and utilities. The landscape strip shall be planted with shade trees at a rate of one per 40 feet of linear frontage or evergreen trees at a rate of one per 20 feet of linear frontage. Evergreens may only be planted if planting bed is a minimum of 20 feet wide. Trees may be spread irregularly in informal groupings or be uniformly spaced, as consistent with large overall planting patterns and organization. Trees shall be spread a minimum of 15 feet apart for large shade trees and evergreens, and a minimum of ten feet apart for small ornamentals (list provides). Grouping of trees may be no more than 150 feet apart. The space between the trees should be planted and maintained to aid the health and growth of the trees. There must be a maintained, non-turf grass landscape bed under and around trees, to be a minimum of 40 square feet per large shade tree or evergreen and 30 square feet per small or medium tree. The landscape zone must be planted to appropriate and compatible shrubs or herbaceous grasses or perennials to cover at least 50% of the bed. The remainder may be mulch. Organic mulch should be used if possible. Screen standards shall comply with §§ 25-22-7 and 25-22-8 of this chapter. Where overhead wires exist directly over tree planting area, small ornamental trees shall be substituted for required shade trees at an equal number.

3. Plant material, wall, or fencing in any required landscaped area shall not obstruct the view from the off-street parking facility to any driveway approach, street, alley, or sidewalk. Landscaping shall further not obstruct any views among parking spaces and circulation ways, or visibility between vehicles and pedestrians.

4. Stormwater retention ponds shall be landscaped and developed in such a way as to enhance or be in harmony with the surrounding site landscape.

a. Retention basins should be “free form” following the natural contours of the land. If land lacks contour, the basins shall be created to look like a natural depression. Side slopes should vary to give the appearance of a natural condition.

b. Trees and shrub groupings shall be planted intermittently along the ridge of the retention pond to create the appearance of the plants naturally occurring.

c. Approved erosion control measures will be required on all slopes. Use of inorganic landscape materials is prohibited. No artificial trees, shrubs, plants, or turf shall be used to fulfill the minimum requirements for landscaping. Inorganic materials such as stone or decorative pavers, may be used provided that such material does not compromise more than 25% of the minimum required landscaped area. When calculating the area to determine how much inorganic material may be used, the area of driveways and walkways shall not be counted. Loose rock and cobblestones shall not be permitted within any required landscaped area which is within ten feet of a traveled street surface.

5. Minimum tree and shrub sizes:

a. All deciduous shade trees shall be a minimum one and one- half inch caliper measured 12 inches from above the root ball;

b. All evergreen trees shall be a minimum five feet in height measured from the top of the root ball to the top of the tree;

c. All ornamental deciduous trees shall be a minimum one and one-half inch caliper measured 12 inches from above the root ball;

d. Shrubs shall be two gallon size or greater or 15 inches in height if balled or burlapped; and

e. All perennials and ornamental grasses shall be one quart size or greater.

6. Upon installation of required landscape materials, each owner shall take appropriate actions to ensure their continued health and maintenance. Required landscaping that does not remain healthy shall be replaced consistently with this section and the approved landscaping plan for the project.

(6) *Minimum species diversity.* To prevent uniform insect or disease susceptibility and eventual uniform senescence on a development site or in the adjacent area or the district, species diversity is required and expansive monocultures are prohibited. The following minimum requirements shall apply to any development plan.

| ***Number of Trees on Site*** | ***Maximum Percentage of One Species*** |
|---|---|
| 10-19 | 33% |
| 30-39 | 25% |
| 40 or more | 15% |

(7) *Use of approved species.* Regionally native plants should be used when possible to help aid biodiversity and convey a sense of place with the natural context of our community. Ninety percent of all required trees planted must be from the approved list provided in Appendix A of this section.

(8) *Redevelopment.* In the event any property owner or occupant owning or possessing property located within the GG-O Overlay District commences a remodel or redevelopment project, the cost of which exceeds $100,000 based upon the building permit issued by the city's Planning and Development Department, upon property that does not then meet the requirements of this section, then the property owner or occupant will be required to spend 3% of any remodel or redevelopment project toward bringing the property and landscaping up to the development standards in this section. Once the property and landscaping meet the requirements of this section, the property owner or occupant will no longer have to spend a portion of the remodel or redevelopment project to make improvements in order to comply with this section. In addition, if the property owner or occupant is able to show they are unable to bring the property into compliance because of the property's topography or features, then the property owner or occupant may appear before the city's Planning Commission to explain why they cannot comply. If the Planning Commission finds the property owner or occupants are unable to comply with the requirements of this section for the reasons stated above, then it may excuse the property owner or occupant from attempting to comply and instead allow them to pay an amount equal to 3% of their project directly to the city for use by the city on Gateway Green projects within the GG-O Overlay District or other Gateway and Green projects on city improvements or parks.

(F) *Definitions.* For the purpose of this section, certain terms and words are hereby defined.

***BUFFER YARD.*** A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from on another.

***EVERGREEN PLANTING.*** Dense planting of evergreen plant material that creates an opaque barrier.

***GATEWAY.*** An intersection designated as an entrance into the city or into the downtown area that is planned for additional design elements to "announce" the arrival to a special place.

***LANDSCAPED AREA.*** The area within the boundaries of a given lot, site, or common development consisting primarily of plant material, including but not limited to grass, trees, shrubs, vines, ground cover, and other organic plant materials; or grass paver masonry units installed such that the appearance of the area is primarily landscaped.

***STORMWATER RETENTION PONDS.*** Ponds or basins designed to hold rainwater that has run-off the surrounding landscape of lawns, roads, and rooftops.

| **Appendix A** | |
|---|---|
| ***Botanical Name*** | ***Common Name*** |


| **Appendix A** | |
|---|---|
| ***Botanical Name*** | ***Common Name*** |


| **Approved Deciduous Shade Trees** | |
|---|---|
| Aesculus glabra | Ohio Buckeye |
| Catalpa speciosa | Northern Catalpa |
| Celtis occidentalis | Common Hackberry |
| Ginkgo biloba | Ginkgo |
| Gleditsia triacanthos var. inermis | Honeylocust (avoid “Sunburst”; other varieties okay) |
| Gymnocladus dioicus | Kentucky Coffeetree |
| Populus deltoieds | Eastern Cottonwood (only on very large sites; may not be used for parking lot plantings) |
| Quercus alba | White Oak |
| Quercus macrocarpa | Bur Oak |
| Quercus macrocarpa x robur | Heritage Oak |
| Quercus muehlenbergii | Chinkapin Oak |
| Quercus robur | English Oak |
| Tilia americana | American Linden |
| Tilia cordata | Littleleaf Linden |
| Tilia tomentosa | Silver Linden |
| Ulmus americana | American Elm (Dutch Elm Disease resistant varieties only) |
| Ulmus x sp. | Hybrid Elm (check with Development Services for specific varieties) |
| Due to the Emerald Ash Borer destroying large quantities of Ash trees in the Eastern United States and its progressive movement west, Ash trees will be prohibited in GG-O Districts | |
| **Approved Small Ornamental Trees** | |
| Amelanchier x grandiflora | Serviceberry |
| Crataegus crusgalli x intermis | Thornless Cockspur Hawthorn (horizontally branching-not for use in parking lots or near sidewalks) |

| | |
|---|---|
| Crataegus ambigua | Russian Hawthorn |
| Malus spp. | Crabapple (choose varieties with small and persistent fruit) |
| Syringa reticulate | Japanese Tree Lilac |
| Viburnum lentago | Nannyberry Viburnum |
| Acer tataricum | Tatarian Maple “Hot Wings” |
| Prunus americana | American Plum “Princess Kay” |
| Quercus gambelii | Gambel Oak |
| **Approved Evergreen Trees** | |
| Abies concolor | Concolor fir |
| Juniperus spp. | Juniper (columnar junipers may only be used for screening purposes; will not count as required tree on street frontages) |
| Juniperus scopulorum | Rocky Mountain Juniper |
| Juniperus virginiana | Eastern Redcedar |
| Picea glauca var. densata | Black Hills Spruce |
| Picea pungens | Colorado Spruce |
| Pinus aristata | Bristle Cone Pine |
| Pinus cembroides | Pinyon Pine |
| Pinus contorta | Lodgepole Pine |
| Pinus flexilis | Limber Pine (not salt tolerant; avoid use near parking lots and roadways) |
| Pinus nigra | Austrian Pine |
| Pinus ponderosa | Ponderosa Pine (not salt tolerant; avoid use near parking lots and roadways) |

(Ord. 4072, passed - -2012; Ord. 4151, passed - -2015)