

City of Scottsbluff, Nebraska

Monday, January 10, 2022

Regular Meeting

Item New Bus3

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: January 3, 2022

For Hearing of: January 10, 2022



I. GENERAL INFORMATION

- A. At the December 13, 2021 regular Planning Commission meeting, the P.C. reviewed and discussed staff's proposal to repeal the Gateway Green Overlay Zone.
- B. The P.C. tabled the proposal to further review the implications of repealing the GG-O and to update the landscaping, off-street parking, and sign codes to include desired aspects of the GG-O prior to a repeal.

II. STAFF COMMENTS

- A. History of the GG-O – See packet for copies of ordinances.
 - a. First passed in 2005 (Ordinance 3882)
 - b. Revised in 2009 (Ordinance 3986)
 - c. Revised in 2012 (Ordinance 4072)
 - d. Revised in 2015 (Ordinance 4151)
- B. Extensive changes were made with the 2009 revision. The 2012 and 2015 revisions were relatively minor.
- C. Further review of the GG-O by staff shows the large majority of the GG-O is already incorporated elsewhere in the code or can be incorporated to other parts of the code.
 - a. See packet
- D. The GG-O minimally deviates from the Landscaping Code. It should be noted the Landscaping Code encompasses the city's entire jurisdiction.
- E. The GG-O has been found to be less restrictive in some instances than the Landscaping Code.
- F. 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
- G. The GG-O is a burden on City staff. Some requirements found in it are impractical to enforce and time consuming to review.
- H. Staff requests additional time to draft the revised landscaping ordinance prior to the full repeal of the GG-O.

III. STAFF RECOMMENDATION

- A. Staff recommends the Planning Commission table the repeal of the GG-O to further research and discussion regarding repealing of the GG-O and updating the landscaping code (Article 22) and off-street parking code (Article 5).



CITY OF SCOTTSBLUFF
Scottsbluff City Hall Council Chambers
2525 Circle Drive, Scottsbluff, NE 69361
PLANNING COMMISSION AGENDA
Monday, December 13, 2021
6:00 PM

1. Roll Call:

2. Nebraska open Meetings Act: For all interested parties, a copy of the Nebraska Open Meetings Act is posted on a bulletin board at the south wall of the council chambers.

3. Notice of Changes in the Agenda by the City Manager: Additions may not be made to this agenda less than 24-hours before the beginning of the meeting unless added under item 4 of this agenda.

4. Citizens with Items not Scheduled on the Regular Agenda: As required by State Law, no item may be considered under this item unless the Planning Commission determines that the matter requires an emergency action.

5. Approval of the Planning Commission Minutes From:

A. November 8, 2021 Meeting

6. New Business :

B. Public Hearing-Ordinance Text Change

Zoning Text Change to Chapter 25 Article 3 regarding the additions of Vineyards & Wineries, Golf Courses, and Agricultural Attractions as principle permitted uses in the Agricultural Zoning District.

C. Public Hearing-Ordinance Text Addition

Zoning Text Addition of Chapter 25 Article 2 regarding the definition of Agricultural Attractions.

D. Public Hearing-Ordinance Text Change

Zoning Text Change to Chapter 25 Article 22 regarding buffer yard requirements in the City of Scottsbluff zoning jurisdiction.

E. Public Hearing-Ordinance Text Change

Zoning Text Change to Chapter 4 Article 1 regarding Section 107 of the 2018 International Building Code.

F. Public Hearing-Preliminary Plat

Preliminary Plat of Five Oaks Subdivision situated in the Northwest Quarter of Section 14, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska.

G. Public Hearing-Rezone

Rezone of Lot 2A, Block 8, East Portal Addition from C-3 Heavy Commercial to R-4 Heavy Density Multiple Family.

H. Public Hearing-Ordinance Text Change

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

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7. Staff Reports:

I. (informational only):

Upcoming Panhandle Planning Workshop on January 25, 2022.

8. Other Business:

J. (informational only):

9. Schedule Meeting:

K. Confirm net meeting date of January 10, 2022.

10. Adjourn

City of Scottsbluff Planning Commission

Development Services Staff Report – Zachary Glaubius

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



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

PLANNING COMMISSION MINUTES
REGULAR SCHEDULED MEETING
December 13, 2021
SCOTTSBLUFF, NEBRASKA

The Planning Commission for the City of Scottsbluff met in regular scheduled meeting on Monday, December 13, 2021, at 6:00 PM in the Scottsbluff City Council Chambers at 2525 Circle Drive, Scottsbluff, Nebraska. A notice of the meeting was published in the Star-Herald, a newspaper of general circulation in the city, on December 3, 2021. The notice stated the date, time, and location of the meeting, that the meeting was open to the public, and that anyone with a disability desiring reasonable accommodation to attend should contact the Development Services office. An agenda was kept current and available for public inspection at the Development Services office, provided the Planning Commission can modify the agenda at the meeting if it is determined that an emergency so required. A copy of the agenda packet was delivered to each Planning Commission member.

- 1 Chairman Dana Weber called the meeting to order at 6:00 PM. Roll call consisted of the following members being present, Dana Weber, Angie Aguallo, Becky Estrada, Callen Wayman, Dave Gompert, Linda Redfern (Alternate) "Absent": Anita Chadwick, Mark Westphal, Henry Huber, Jim Zitterkopf. City Officials present were Zachary Glaubius, Secretary/Planning Administrator, Taylor Stephens, GIS Analyst, and Tom Schingle, Fire Chief.
- 2 Chairman Weber informed those present of the Nebraska Open Meetings Act and that a copy was located on the south wall of the Council Chambers.
- 3 Acknowledgement of any changes in the agenda: None.
- 4 Business not on the agenda: None.
- 5 The minutes from the November 8, 2021 meeting were reviewed. Conclusion: a motion was made by Wayman and seconded by Gompert to approve the minutes from November 8, 2021 meeting. "Yeas" Wayman, Estrada, Weber, Aguallo, Gompert, Redfern "Absent": Chadwick, Zitterkopf, Huber, Westphal. The motion carried.
- 6 Chairman Weber opened the public hearing at 6:03 PM for Items 6A a zoning text change to Chapter 25 Article 3 regarding the addition of Vineyards & Wineries, Golf Courses, and Agricultural Attractions as principle permitted uses in the Agricultural Zoning District. Glaubius stated the applicant, Ryan Massey of Papa Moon Vineyards, received a cease letter from the city regarding holding events at the winery. Event venues is not a principle permitted use in the Ag District. Glaubius stated he and Massey met and came to an agreement to add vineyards & wineries as a principle permitted use in the Ag District. Glaubius stated city staff reviewed other Nebraska communities with vineyards & wineries, and concluded this was best route. Glaubius stated staff included golf courses and agricultural attractions to be added as principle permitted uses in the Ag District as well. Glaubius stated by adding these uses, it would make clarify whether these are permitted uses or not. Glaubius stated city staff reviewed Lancaster County, Nebraska's agricultural attraction use which includes pumpkin patches and corn mazes. Glaubius stated staff recommends a positive recommendation on the zoning text change by the Planning Commission to the City Council. Applicant Ryan Massey stated that when the winery began, he was informed that Papa Moon Vineyards was within Scotts Bluff County's zoning jurisdiction, however it has now come apparent that the winery is within the City of Scottsbluff's zoning jurisdiction. Massey stated all inspections in the past were handled by the County and state and would like to have this use added to the Ag District. Weber closed the public hearing at 6:07 PM.

requirements. Gompert asked Chief Schingle if the Fire Department supported the zoning text change, and Schingle stated the Fire Department does support the change. **Conclusion:** Motion by Wayman, seconded by Aguallo to make a positive recommendation on the buffer yard text change to City Council. Yeas": Wayman, Estrada, Weber, Aguallo, Gompert, Redfern "Nays" None "Abstained": None, "Absent": Chadwick, Westphal, Zitterkopf, Huber.

- 10 Weber opened the public hearing for Item 6D regarding zoning text change to Chapter 4 Article 1 regarding the inclusion of Section 107 of the 2018 International Building Code to the Municipal Code at 6:20 PM. Glaubius stated that Code Administrator II Gary Batt found an oversight in the adoption of the 2018 International Building Code into the Municipal Code. Glaubius stated that Section 107 was listed as one of the excluded sections in the Municipal Code. Glaubius stated that Section 107 allows the city code administrators to require a registered design official prepare construction documents when a construction project has special conditions. Glaubius stated that the city has been enforcing Section 107 although the Municipal Code excluded it. Weber closed the public hearing at 6:21 PM. Weber asked Glaubius if the zoning text change was to make the requirement legal since the city had been incorrectly enforcing it. Glaubius concurred. **Conclusion:** Motion by Estrada, seconded by Wayman to make a positive recommendation on the zoning text change regarding Section 107 to the City Council. Yeas": Wayman, Estrada, Weber, Aguallo, Redfern, Gompert "Nays" None "Abstained": None, "Absent": Chadwick, Huber, Westphal, Zitterkopf
- 11 Weber opened the public hearing for Item 6E regarding a preliminary plat for the Five Oaks Subdivision at 6:22 PM. Glaubius informed the Planning Commission that the preliminary plat is nearly identical with the exception of the three originally planned commercial lots along Highway 71 are consolidated into two multiple family dwelling lots. Glaubius stated all applicable city departments have reviewed the preliminary plat. Glaubius stated that since Block 7 of the preliminary plat exceeds the maximum block length of 1,320 feet, they are required to dedicate a 20' utility easement and 10' crosswalk per Code 21-1-22. Bill Trumbull of C&T Holdings partnership which owns the land spoke to the Planning Commission. Trumbull stated the reason for the new preliminary plat is due to the previous preliminary plat expiring. Trumbull stated there is an interested party looking to purchase Block 7 for multiple family dwelling. Weber closed the public hearing at 6:25 PM. Glaubius informed the Planning Commission that a positive recommendation by the commission would need to be conditional on the approval of the crosswalk and utility easement by City Council. **Conclusion:** Motion by Estrada, seconded by Wayman to make a positive recommendation on the preliminary plat of Five Oaks conditional on City Council's approval of the crosswalk and utility easement. Yeas": Wayman, Estrada, Weber, Aguallo, Redfern, Gompert "Nays" None "Abstained": None, "Absent": Chadwick, Huber, Westphal, Zitterkopf
- 12 Weber opened the public hearing for Item 6F regarding a rezone of Lot 2A, Block 8, East Portal Addition from C-3 Heavy Commercial to R-4 Heavy Density Multiple Family Residential at 6:26 PM. Glaubius stated the property is owned by Dick Meyer, and Meyer is seeking a rezone in order to building a multiple family dwelling complex on the lot. Glaubius stated the 2016 Comprehensive Plan Future Land Use Map identifies the area as being residential. Glaubius stated staff recommends a positive recommendation by the Planning Commission to City Council on the approval of the rezone request. Weber closed the public hearing at 6:28 PM. Redfern stated the property to be rezoned is essentially surrounded by residential zoning, and Glaubius confirmed. Glaubius stated a sign was posted on the property and letters were sent to all property owners within 300 feet. Glaubius stated he did receive some calls from neighbors, and they did not have an issue with the rezone. **Conclusion:** Motion by Estrada, seconded by Gompert to make a positive recommendation on the rezone of Lot 2A, Block 8, East Portal

pictures of other community entrances when the GG-O was proposed for adoption. Weber stated that the Planning Commission obviously wanted an attractive city entrance, and a balance needs to be found between having an attractive community and not burdening developers. Weber stated the GG-O was to cover the first impressions of the city while the landscaping code was to cover the rest of the city. Weber asked if the GG-O repeal would limit enforcement in the future, and if the Planning Commission should rather amend the GG-O. Weber stated he believes the intent to have attractive looking entrances to the city still exist, and perhaps the GG-O was the first attempt to do this. Weber suggested the landscaping, off-street parking, and sign code be revised prior to the repeal of the GG-O. Weber asked Reichert and Trumbull how they would like to see the code from the developer's side. Reichert stated as a developer, the simpler the code the better. Reichert stated it is challenging to interpret which parts of the code overrides another such as buffer yard requirements versus off-street parking stall requirements. Trumbull stated the GG-O covers a lot of things that are also covered in other areas of codes. Trumbull stated it is difficult to ensure all requirements are being met in both the GG-O and the respective other codes. Trumbull stated that with the GG-O being so broad currently, it is easy for both the city and the developer to miss something. Trumbull stated this leads to uncomfortable situation where the city must determine whether to penalize a developer or accept the oversight. Trumbull stated that if the requirements are in the intended sections such as landscaping requirements being only in the landscaping code, then it is easier for interpretation. Trumbull stated the GG-O was thoughtfully thought out when it was originally approved, but since then other parts of the code have been improved and now there are duplications in the GG-O. Trumbull stated that large developers are use to a streamlined simple formula compared to scattered requirements. Aguallo inquired to Glaubius that staff's intent is to repeal the GG-O, maintain the GG-Os expectations into other sections of the zoning code, and eliminate doublespeak. Glaubius concurred and stated this expectation would be moved to the landscaping code, sign code, and off-street parking code. Redfern suggested the Planning Commission and staff review the other applicable sections of the code prior to outright repealing the GG-O. Redfern stated that once the landscaping, off-street parking, and sign codes have been enhanced, the GG-O could be considered unnecessary and be repealed. Glaubius reviewed the supplement report again with the Planning Commission and inquired which aspects would the Planning Commission like to retain. Wayman stated that he understands the desire for a good-looking community, but the GG-O seems like another barrier for growth, and Aguallo agreed. Wayman used the example of Reichert's fuel station freestanding sign height at Highway 26 and E. Overland Drive. Wayman stated the Planning Commission had to determine whether the sign needed to meet the sign code requirements or the GG-O requirements. Reichert concurred that it was difficult to interpret. Wayman stated he felt that a change to the GG-O needs to happen sooner than later in case it deters potential development. Redfern stated that some of the listed aspects on the supplemental report should not be considered barriers such as screening dumpsters. Wayman and Redfern agreed that most business already want to do this. Redfern stated that most of the aspects of the supplemental report should be incorporated into other parts of the code prior to the repeal of the GG-O. Glaubius reviewed the supplemental report again. Glaubius stated that having landscaping requirements for an entire lot is not reasonable citywide. Glaubius stated that the requirement to bury overhead powerlines is not reasonable either and is one that developers balk at due to the high cost of burying powerlines. Glaubius stated the requirement of having parking behind or between buildings has a good intent, however the wording is inadequate. Glaubius stated that this could be incorporated into the off-street parking code, however questioned whether this requirement should remain. Glaubius used the example of Menards as this requirement would have led to

Chairman Dana Weber

Zachary Glaubius, Secretary

ORDINANCE RECORD

ORDINANCE NO. 4151

AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA DEALING WITH THE GATEWAY/GREEN OVERLAY ZONE, REPEALING PRIOR §25-3-22.01 OF THE SCOTTSBLUFF MUNICIPAL CODE AND REPLACING THE ENTIRE SECTION, REPEALING ALL PRIOR ORDINANCES AND PROVIDING FOR AN EFFECTIVE DATE.

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

Section 1. Chapter 25, Article 3 of the Scottsbluff Municipal Code is amended by repealing the existing language and substituting the following language:

25-3-22.01. GG-O Gateway Green Overlay Zone (GG-O).

Purpose.

The Gateway Green Overlay (GGO) Zone is intended to:

- A. Promote the general health, safety and welfare of the community
- B. Create a sense of continuity throughout the corridor with harmonious design standards for public improvements and private property development.
- C. Preserve and enhance the historical attractions and landmarks of Scottsbluff and the surrounding area.

Design Guidelines

The GGO Zone 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 with the Landscaping Article of this Chapter found at Section 25-22-1 through 25-22-10 of the Municipal Code, 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.

Boundaries

The GGO Zone shall consist of all land located within one thousand feet measured perpendicular from the right-of-way of the following transportation corridors:

- A. U.S. Highway 26, extending from the East Extraterritorial Boundary to the West Extraterritorial Boundary
- B. Highland Road, extending from the intersection with Airport Road to the intersection with U.S. Highway 26
- C. McClellan Expressway (East Bypass Highway 71) from the North Platte River to its intersection with U.S. Highway 26,
- D. Broadway Avenue from the North Platte River to its intersection with South Beltline Highway
- E. Avenue I from the North Platte River to its intersection with South Beltline Highway
- F. Highway 71 from the intersection with Highway 26 to the north Extraterritorial Boundary
- G. Highway L-79-G (West 20th Street extended) from the west Extraterritorial boundary to the West corporate limits of the city.

Development Action

There shall be no development action within the GGO Zone without permission of the Planning Commission. Any person or entity desiring a development action within the GGO Zone must submit plans to the Planning Commission for review and approval.

Development Standards

The development standards were formulated to create a visually pleasing GGO Zone and to convey the values of the City of Scottsbluff.

A. Signs

1. Monument Signs - One ground sign, monument type with a maximum height of 6' 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.
2. Wall Signs and Marquee Signs - One wall sign or marquee sign shall be permitted per building side.
3. One 25' pole sign will be allowed in the GGO zone per development.
4. 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.

ORDINANCE RECORD

- c. 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.
 - d. 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.
 - e. Outdoor storage shall be prohibited.
3. Buffer Yards
- a. Developed for the purpose of providing an effective visual screen between two dissimilar uses.
 - b. Buffer Yards shall be required along and inside the property line of commercial property abutting a residentially zoned property.
 - c. Buffer Yards shall be 20' minimum in depth and shall meet the following criteria:
 - Be planted with a staggered double row of evergreen trees at least 6' in height, or be planted with a single row of deciduous shade trees 2" caliper trunk minimum and two staggered rows of evergreen shrubs at least 3' in height, planted a maximum of 4' on center.
 - d. If a 6' high solid wood or PVC fence or masonry wall is incorporated into the design the buffer yard may be reduced by 10'. Finished side of fencing will face abutting property. A row of evergreen trees at least 6' in height, or a single row of deciduous shade trees 2" caliper trunk minimum and a staggered row of evergreen shrubs at least 3' in height, planted a maximum of 4' on center must accompany the fence.
4. Maintenance of Buffer Yard
- a. 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.
5. Landscaping
- a. Building Perimeter Walls
 - 1. Shrubs shall be planted within 10' of the foundation of the primary structure along each building facade at a density that will obscure 60% of the building foundation after 5 years, except for sides or rear of building used for loading or service area.
 - b. Along each street frontage there shall be, at a minimum, 10' 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' of linear frontage or evergreen trees at a rate of one per 20' 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' apart for large shade trees and evergreens, and a minimum of 10' apart for small ornamentals (list provides). Grouping of trees may be no more than 150' 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 Sections 25-22-7 and 25-22-8 of this Code. Where overhead wires exist directly over tree planting area, small ornamental trees shall be substituted for required shade trees at an equal number.

ORDINANCE RECORD

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 GGO overlay zone or other Gateway and Green projects on City improvements or parks.

Definitions

1. Buffer Yard: A landscaped area intended to separate and partially obstruct the view of two (2) adjacent land uses or properties from one another.
2. 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.
3. 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.
4. Storm Water Retention Ponds: Ponds or basins designed to hold rain water that has run off the surrounding landscape of lawns, roads, and rooftops.
5. Evergreen Planting: Dense planting of evergreen plant material that creates an opaque barrier.

Appendix A

Approved Deciduous Shade Trees

<u>Botanical Name</u>	<u>Common Name</u>
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 dioica	Kentucky Coffeetree
Populus deltoides	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 Dev. 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 GGO Zones.

Approved Small Ornamental Trees

<u>Botanical Name</u>	<u>Common Name</u>
Amelanchier x grandiflora	Serviceberry
Crataegus crusgalli x intermis	Thornless Cockspur Hawthorn (Horizontally)

CERTIFICATE OF PASSAGE

I, Cynthia A. Dickinson, City Clerk of the City of Scottsbluff, Scotts Bluff County, Nebraska, hereby certify that the annexed Ordinance purporting to be Ordinance No. 4151 of said City was passed as such by the Mayor and City Council of the City of Scottsbluff, Scotts Bluff County, Nebraska, pursuant to the rules and regulations prescribed by general law and by said City for the passage of Ordinances, and was duly approved by the Mayor of said City, passage and approval having been made on the 6th day of April, 2015 with respect to said Ordinance aforesaid which said Ordinance No. 4151 has been published in pamphlet form by authority of the Mayor and Council of said City under direction of its duly constituted authorities pursuant to resolution of the Mayor and Council thereof with copies made available to the public on such date at the office of the City Clerk.

IN WITNESS WHEREOF, I have hereto affixed my hand and the seal of the City of Scottsbluff, Scotts Bluff County, Nebraska, this 6th day of April, A. D., 2015.

Gynthia A. Jenkins
City Clerk

Subscribed and sworn to before me this 6th day of April, 2015.



Christine Burbach
Notary Public



SCOTTSBLUFF CITY

PLANNING COMMISSION AGENDA

Monday, February 9, 2015, 6:00 PM

PLANNING COMMISSIONERS

BECKY ESTRADA
CHAIRPERSON

ANGIE AGUALLO
VICE CHAIRPERSON

DANA WEBER

HENRY HUBER

MARK WESTPHAL

CALLAN WAYMAN

DAVID GOMPERT

JIM ZITTERKOPF

ANITA CHADWICK

LINDA REDFERN
ALTERNATE

1. **WELCOME TO THE PLANNING COMMISSION MEETING:** Chairman
2. **NEBRASKA OPEN MEETINGS ACT:** For all interested parties, a copy of the Nebraska Open Meetings Act is posted on a bulletin board at the back of the council chambers in the west corner.
3. **ROLL CALL:**
4. **NOTICE OF CHANGES IN THE AGENDA:** Additions may not be made to this agenda less than 24-hours prior to the beginning of the meeting unless added under item 5 of this agenda.
5. **CITIZENS WITH ITEMS NOT SCHEDULED ON THE REGULAR AGENDA:** As required by State Law, no item may be considered under this item unless the Planning Commission determines that the matter requires an emergency action.
6. **APPROVAL OF THE PLANNING COMMISSION MINUTES FROM:**
 - A **Minutes**
Approve Minutes of January 14, 2014
7. **NEW BUSINESS:**
 - ✓ A **Gateway Greenway Ordinance**
Ordinance: Text changes to GGO Zoning District
Applicant(s): N/A
Owner(s): N/A
Location: N/A
 - ✓ B **Ordinance Floodway**
Ordinance: Floodway text changes
Applicant(s): N/A
Owner(s): N/A
Location: N/A
 - ✓ C **Ordinance text changes in C-1 Zoning**
Ordinance: C-1 Central Business District
Applicant: N/A
Owner(s): N/A
Location: Broadway 14th St north to 20th St.
8. **ADJOURN**

The public is invited to participate in all Planning Commission Meetings. If you need special accommodations to participate in the meeting, please contact the Development Services Department at (308) 630-6243, 24-hours prior to the meeting.

City of Scottsbluff, Nebraska
Monday, February 9, 2015
Regular Meeting

Item NewBiz1

Gateway Greenway Ordinance

Ordinance: Text changes to GGO Zoning District

Applicant(s): N/A

Owner(s): N/A

Location: N/A

Staff Contact: Annie Folck

Use	Minimum Lot Size (sq. ft.)	Minimum Lot Width (ft.)	Maximum Coverage (%)	Maximum # Dwelling Units	Front (ft.)	Rear (ft.)	Setbacks Interior Side (ft.)	Side Street (sq.ft.) SP	Floor Area (ft.)	Maximum Height
SP = special permit	none	A	A	none	A	A	A	A	A	

- A. No height and area regulations are specified for a F Zone. Preliminary and final site plans must be submitted to the Commission for review and approval.
2. Accessory building/garage; detached
 - A. A detached accessory building must be located at least ten (10) feet from the main building.
 - B. On an existing reversed corner lot, a detached accessory building or garage may project into the side yard nearest the rear lot line if it does not extend beyond the front yard setback of the main structure, and if entrance to the garage is from the side street the garage must be set back from the side street property line a distance of not less than twenty (20) feet.
3. Accessory building, attached.
 - A. A building which if detached from the main building would constitute an accessory building may be connected to the main building by a breezeway or similar structure, and in such event shall meet all requirements for the main building. (Ord. 3951, 2007)

25-3-22.1. GG-O Gateway Green Overlay Zone (GG-O).

Purpose.

The Gateway Green Overlay (GGO) Zone is intended to:

- A. Promote the general health, safety and welfare of the community
- B. Create a sense of continuity throughout the corridor with harmonious design standards for public improvements and private property development.
- C. Preserve and enhance the historical attractions and landmarks of Scottsbluff and the surrounding area.

Design Guidelines

The GGO Zone 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 with the Landscaping Article of this Chapter found at Section 25-22-1 through 25-22-10 of the Municipal Code, 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.

Boundaries

The GGO Zone shall consist of all land located within one thousand feet measured perpendicular from the right-of-way of the following transportation corridors:

- A. U.S. Highway 26, extending from the East Extraterritorial Boundary to the West Extraterritorial Boundary
- B. Highland Road, extending from the intersection with Airport Road to the intersection with U.S. Highway 26
- C. McClellan Expressway (East Bypass Highway 71) from the North Platte River to its intersection with U.S. Highway 26,

5. All parking areas visible from the transportation corridors shall have a complete visual buffer of 4' minimum height.
6. Where parking lots abut adjacent residential zoned areas a buffer yard of 20' minimum is required.

E. Landscaping and Screening Standards

Landscaping is critical in creating a visually pleasing appearance of the transportation corridors in the City of Scottsbluff. 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 for recommended species.

1. Xeriscape landscaping principles are as follows:

- a. Design. Identify zones of different water requirements and group plants together that have similar water needs;
- b. Appropriate use of Turf. Limit high-irrigation turf and plantings to appropriate high-use areas with high visibility and functional needs;
- c. Low-Water-Using Plants. Choose low-water-demanding plants and turf where practicable;
- d. 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 park 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;
- e. Soil Preparation. Incorporate soil amendments before planting;
- f. Mulch. Add mulch to planting beds to a minimum depth of 3" around trees and shrubs and 1" around perennials and ornamental grasses. Organic mulch is preferred. Rock mulch may be used only if pre-approved by the Planner;
- g. Maintenance. Provide regular and attentive maintenance.

2. Screening

- a. All loading and service areas that are within a 50' of a side or rear lot line abutting property that is residentially zoned shall be surrounded by a 6' high masonry wall or solid wood or PVC fence with opaque gate.
- b. 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' 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 6' high evergreen planting, masonry wall, wood or PVC fence.
- c. 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

groupings or be uniformly spaced, as consistent with large overall planting patterns and organization. Trees shall be spread a minimum of 15' apart for large shade trees and evergreens, and a minimum of 10' apart for small ornamentals (list provides). Grouping of trees may be no more than 150' 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 Sections 25-22-7 and 25-22-8 of this Code. Where overhead wires exist directly over tree planting area, small ornamental trees shall be substituted for required shade trees at an equal number.

- c. 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.

- d. Storm water retention ponds shall be landscaped and developed in such a way as to enhance or be in harmony with the surrounding site landscape.

1. 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.
2. Trees and shrub groupings shall be planted intermittently along the ridge of the retention pond to create the appearance of the plants naturally occurring.
3. 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 10' of a traveled street surface.

- e. Minimum Tree and Shrub Sizes

1. All deciduous shade trees shall be a minimum 1 1/2 " caliper measured 12" from above the root ball.
2. All evergreen trees shall be a minimum 5' in height measured from the top of the root ball to the top of the tree.

Removed
3-BEC
as discussed
in other areas

to the City for use by the City on Gateway Green projects within the GGO overlay zone or other Gateway and Green projects on City improvements or parks.

Definitions

1. Buffer Yard: A landscaped area intended to separate and partially obstruct the view of two (2) adjacent land uses or properties from one another.
2. 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.
3. 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.
4. Storm Water Retention Ponds: Ponds or basins designed to hold rain water that has run off the surrounding landscape of lawns, roads, and rooftops.
5. Evergreen Planting: Dense planting of evergreen plant material that creates an opaque barrier.

Appendix A

Approved Deciduous Shade Trees

<u>Botanical Name</u>	<u>Common Name</u>
Aesculus glabra	Ohio Buckeye
Celtis occidentalis	Common Hackberry
Ginkgo biloba	Ginkgo
Gleditsia triacanthos var. inermis	Shademaster Honeylocust
	Skyline Honeylocust (Additional varieties must be approved by Planning Commission)
Gymnocladus dioica	Kentucky Coffeetree
Populus deltoides	Eastern Cottonwood (only on very large sites, may not be used for parking lot plantings)
Quercus alba	White Oak
Quercus macrocarpa	Bur Oak
Quercus muehlenbergii	Chinkapin Oak
Quercus robur	English Oak
Tilia americana	American Linden
Tilia cordata	Littleleaf Linden

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 GGO Zones.

Approved Small Ornamental Trees

<u>Botanical Name</u>	<u>Common Name</u>
Amelanchier x grandiflora	Apple Serviceberry
Crataegus crusgalli x intermis	Thornless Cockspur Hawthorn
Malus spp.	Crabapple varieties:

Planning Commission Minutes
Regular Scheduled Meeting
February 9, 2015
Scottsbluff, Nebraska

The Planning Commission of the City of Scottsbluff, Nebraska met in a regular scheduled meeting on Monday, February 9, 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 January 30, 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, Dana Weber, Jim Zitterkopf, Angie Aguallo, Callan Wayman, David Gompert, Henry Huber, and Becky Estrada. Absent: Mark Westphal. 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 January 12, 2015 were reviewed and approved. A motion was made to accept the minutes by Weber, and seconded by Zitterkopf. "YEAS": Zitterkopf, Weber, Chadwick, Aguallo, and Estrada. "NAYS": None. ABSTAIN: Wayman, Huber, and Gompert. ABSENT: Westphal. Motion carried.

NOTE: Commissioner Mark Westphal arrived at 6:05 p.m.

ITEM 7A: The Planning Commission opened a public hearing for proposed ordinance text changes in **Chapter 25-3-22.1 - Gateway Greenway Overlay zone**. Staff has been working on changes/additions since 2014 this is the third draft for the Planning Commission to review before sending on to City Council. Annie Folck, City Planner, went through and outlined the proposed changes and additions to the code. Under design guidelines language was added stating that the GG overlay zone shall be read together and incorporated with the Landscaping Article in Section 25-22-1 through 25-22-10 of the City's Municipal Code, referred to as the "Landscaping Article". Other changes are as follows:

Section 25-3-22.1 Development Standards – A. Signs - # 2. One wall sign or marquee sign shall be permitted per building side. Also added was **# 4.** Other signs may be permitted, in the sole discretion of the Planning and Development Director, if the sign is small scale, is directional in nature and meets the intent of this section.

Section 25-3-22.1 Development Standards – D. Parking Lot Designs # 1. – All parking areas shall be paved to meet current ordinance requirements, *including those in the Landscaping Article. #3.* –*added 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 & landscape islands shall be evenly distributed to the maximum extent possible.*

E. Landscaping and Screening Standards – added – 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. **#1.d.** 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; **e.** Soil Preparation - Incorporate soil amendments before planting; **f.** Mulch - Add mulch to plantings beds to a minimum depth of 3" around trees and shrubs and 1: around perennials and ornamental grasses. Organic mulch is preferred; rock mulch may be used only if pre-approved by the Planner. **g.** Maintenance - Provide regular and attentive maintenance.

5. Landscaping – under building perimeter Walls typo X% needs changed to 60%. **b.** trees at a rate of one per 20' 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 plantings patterns and organization. Trees shall be spread a minimum of 15' apart for large shade trees and evergreens, and a minimum of 10' apart for small ornamentals (list provides). Groupings of trees may be no more than 150' 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 trees. 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. **e.** Minimum Tree & Shrub sizes changed sizes – 4. Shrubs shall be two gallon size or greater or 15" (previously 18"-24") in height if balled or bur lapped. 5. Perennials & ornamental grasses shall be one quart (previously 1 gallon) size or greater.

Also, added to Development standards: **F. 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 extensive monocultures are prohibited. The following minimum requirements shall apply to any development plan.

Number of trees on site, Maximum percentage of any one species

10-19: 33%

30-39: 25%

40 or more: 15%

G. Use of Approved Species

150 Section 25-19-18 (2) h – Review all subdivision proposals and other proposed new development,
151 including manufactured home parks or subdivisions to determine whether such proposal will reasonably
152 be safe from flooding.
153 Reworded Section 25-19-29 – Standards for flood fringe overlay zone; manufactured homes part two (2)
154 for clarification regarding elevation requirements. (Shall be elevated on a permanent foundation such that
155 the lowest floor of the manufactured home is at or above one foot above the base flood elevation; and be
156 securely anchored to an adequately anchored foundation system).
157 Adding to definitions - 25-19-51.1 - Expansion to an existing Manufactured Home Park and Subdivision,
158 25-19-66.1 - New Manufactured Home Park or Subdivision, and 25-19-77 - Violation.

159
160 When the study is completed over the next year we hope to submit the information and have the
161 Floodplain maps updated as they were last done in 1979 for the City. We are hoping to do a workshop in
162 the future for Realtors and other interested parties on requirements within the floodways.

163
164 **Conclusion:** A motion was made by Westphal and seconded by Weber to make a positive
165 recommendation to City Council to approve the proposed ordinance amendment changes of Chapter 25,
166 Article 19 Amending Sections 25-19-18(2), 25-19-29(2), and to clarify definitions in Sections 25-
167 19.51.1, 25-19-66.1 & 25-19-77 relating to Floodways within the City of Scottsbluff and its extra
168 territorial jurisdiction. “YEAS”: Weber, Chadwick, Zitterkopf, Aguillo, Westphal, Gompert, Wayman,
169 Huber, and Estrada. “NAYS”: None. ABSTAIN: None. ABSENT: None. Motion carried.

170
171 **ITEM 7C.** The Planning Commission opened a public hearing for proposed ordinance text change in the
172 C-1 Zoning district revising 25-3-13 relating to principle permitted uses & special permit uses, 25-5-2
173 related to parking requirements for residential uses and 25-7-38 relating to off street parking requirements
174 and excepting condominium used in the Central Business District which is located along Broadway,
175 Avenue A, and 1st Avenue from 14th Street north to 20th Street.

176
177 City Staff had a request asking about a condominium final plat to allow separation of a business and
178 residential unit in a building located in the C-1 zoning district. This has been done in the past in an O & P
179 zoning district, and is an allowable use in several of our zoning districts but was not in the C-1 Central
180 Business District on Broadway. The changes are the addition of 20.5 Condominium which will allow
181 for condominiums of three or less units as a permitted use by right in the C-1 district. This will enable a
182 person to apply for a condominium final plat allowing for separation within a building to allow separate
183 units which can be sold separately. The units/structures will have to meet building, fire, and safety codes.
184 The addition of 27.5 - Dwelling units, brings all the existing apartments in the C-1 zoning district into
185 compliance with City code.

186
187 The other changes bring the condominium parking and off street parking requirements into compliance
188 meeting the requirements of the Nebraska Condominium Act. This change will give the condominiums
189 the same parking rights as the other residential units in the Central Business District.

190
191 **Conclusion:** A motion was made by Weber and seconded by Chadwick to make a positive
192 recommendation to City Council to approve the revisions in 25-3-13 relating to principle permitted uses
193 & special permit uses, 25-5-2 related to parking requirements for residential uses and 25-7-38 relating to
194 off street parking requirements and excepting condominium used in the Central Business District
195 “YEAS”: Weber, Chadwick, Zitterkopf, Aguillo, Westphal, Gompert, Wayman, Huber, and Estrada.
196 “NAYS”: None. ABSTAIN: None. ABSENT: None. Motion carried.

197
198 **ITEM 8. Unfinished Business:** Updated the Planning Commission on the map for our comprehensive
199 development plan allowing for large lot development in the extra territorial jurisdiction. City Council
200 approved the ordinance for the changes in code and will have the three readings of the ordinance this will



SCOTTSBLUFF CITY PLANNING COMMISSION AGENDA

Monday, June 9, 2014, 6:00 PM
City Hall, 2525 Circle Drive

PLANNING COMMISSIONERS

BECKY ESTRADA
CHAIRPERSON

ANGIE AGUALLO
VICE CHAIRPERSON

DANA WEBER

HENRY HUBER

MARK WESTPHAL

CALLAN WAYMAN

DAVID GOMPERT

JIM ZITTERKOPF

ANITA CHADWICK

LINDA REDFERN
ALTERNATE

1. **WELCOME TO THE PLANNING COMMISSION MEETING:** Chairman
2. **NEBRASKA OPEN MEETINGS ACT:** For all interested parties, a copy of the Nebraska Open Meetings Act is posted on a bulletin board at the back of the council chambers in the west corner.
3. **ROLL CALL:**
4. **NOTICE OF CHANGES IN THE AGENDA:** Additions may not be made to this agenda less than 24-hours prior to the beginning of the meeting unless added under item 5 of this agenda.
5. **CITIZENS WITH ITEMS NOT SCHEDULED ON THE REGULAR AGENDA:** As required by State Law, no item may be considered under this item unless the Planning Commission determines that the matter requires an emergency action.
6. **APPROVAL OF THE PLANNING COMMISSION MINUTES FROM:**
 - A **Minutes**
Approve Minutes of 5/12/14
7. **NEW BUSINESS:**
 - A **Ordinance**
Ordinance to Vacate
Applicant: Tim & Virginia Reganis (Schaff's)
Owner(s): Tim & Virginia Reganis
Location: N of Scottsbluff Drain, W of 12th Ave
 - B **Final Plat**
Final Plat: Block 2, Reganis Subdivision
Applicant(s): Tim & Virginia Reganis - M.C. Schaff & Associates
Owner(s): Tim & Virginia Reganis
Location: N of 27th St., W of 12th Ave, projected South from Talisman Dr.
 - C **Ordinance Text Change**
Ordinance Text Change: GGO Zone
Applicant(s): n/a
Owner(s): n/a
Location: City corridors
8. **ADJOURN**

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SCOTTSBLUFF CITY

PLANNING COMMISSION STAFF REPORT

To: Planning Commission
From: Development Services Department
Date: June 9, 2014
Subject: Proposed Ordinance Text Changes to Gateway
 Greenway Overlay zone (25-3-22.1)

Procedure

1. Open Public Hearing
2. Overview of petition by city staff
3. Presentation by applicant
4. Solicitation of public comments
5. Questions from the Planning Commission
6. Close the Public Hearing
7. Render a decision (recommendation to the City Council)
8. Public Process: City Council determine final approval

Public Notice: This item was noticed in the paper

Background

City Staff has been reviewing the Gateway Greenway Overlay zoning district. A few things looked at were changes in language regarding signage regulations for commercial development in the GGO area and the requirements for trees and grouping of plants/trees in the district. Annie Folck has met with legal on the proposed changes and a draft ordinance is attached for your review.

RECOMMENDATION

Approve

Make the motion to give a POSITIVE recommendation for the requested zone text change of Gateway Greenway Overlay Zone, code section 25-3-22.1 to the City Council subject to the following condition(s):

Deny

Make the motion to give a NEGATIVE recommendation for the requested zone text change of the Gateway Greenway Overlay Zone, code section 25-3-22.1 to the City Council for the following reason(s):

Table

Make the motion to TABLE the request for zone text change of the Gateway Greenway Overlay Zone, code section 25-3-22.1 for the following reason(s):

Request, Page 1

Gateway Greenway additions and suggestions

Ordinance 25-3-22.1

Sections to amend:

D. Parking Lot Design

- Reference our requirement in landscaping ordinance of interior landscaped area equal to no less than five percent of the total paving area
- Require each island to have a minimum of 100 square feet of open ground and at least 300 cubic feet of good soil rooting volume per tree.
- Landscaped islands shall be evenly distributed to the maximum extent feasible
- One half of all required islands must include a large canopy tree

E.4.b

- 10' landscape strip is currently required- change to *minimum* of 10' landscape strip required
- Shade trees to be planted *at a rate of one per 40'* of linear frontage or evergreen trees at a rate of one per 20' of linear frontage rather than requiring that they be spaced exactly 40' or 20' apart. Trees may be spaced irregularly in informal groupings or be uniformly spaced, as consistent with larger overall planting patterns and organization. Trees shall be spaced a minimum of 15' apart for large shade trees and evergreens, and a minimum of 10' apart for small ornamentals (list is provided). Groupings of trees may be no more than 150' apart.
- Currently requires intermittent hedge not less than 4' in height- change to reference screening requirements in landscaping ordinance- 25-22-7 and 25-22-8
- Add requirement: The space between the trees should be planted and maintained to aid the health/growth of the trees. Thus there must be a maintained, non-turfgrass landscape bed under and around the trees, to be a minimum of 40 sq ft per large canopy tree or evergreen and 30 sq.ft per small/medium tree. The landscape zone must be planted to appropriate and compatible shrubs or herbaceous grasses/perennials to cover at least 50% of the bed. The remainder may be mulch. Organic mulch should be used if possible.

Sections to add:

Water conservation

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.

(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;
5. Soil Preparation. Incorporate soil amendments before planting;
6. Mulch. Add mulch to planting beds to a minimum depth of three (3) inches around trees and shrubs and 1" around perennials and ornamental grasses;
7. Maintenance. Provide regular and attentive maintenance.

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 extensive monocultures are prohibited. The following minimum requirements shall apply to any development plan.

Number of trees on site

Maximum percentage of any one species

10-19: 33%

20-39: 25%

40 or more: 15%

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. Any required planting should include at least 50% regionally native plants suitable for the purpose (we will include a recommended list).

Redevelopment

Any properties located within the GGO overlay zone will be required to spend X% (still working with local landscapers and architects to determine what this number should be) of any remodel or redevelopment project on bringing their landscaping up to code. Once the landscaping meets the requirements of this ordinance, they no longer have to make improvements to it.

Use	Minimum Lot Size (sq. ft.)	Minimum Lot Width (ft.)	Maximum Coverage (%)	Maximum # Dwelling Units	Front (ft.)	Rear (ft.)	Setbacks Interior (ft.)	Side (ft.)	Side Street (sq. ft.)	Floor Area (ft.)	Maximum Height
none	none	none	A	none	A	A	A	A	SP	A	

SP = special permit

- A. No height and area regulations are specified for a F Zone. Preliminary and final site plans must be submitted to the Commission for review and approval.
2. Accessory building/garage; detached
 - A. A detached accessory building must be located at least ten (10) feet from the main building.
 - B. On an existing reversed corner lot, a detached accessory building or garage may project into the side yard nearest the rear lot line if it does not extend beyond the front yard setback of the main structure, and if entrance to the garage is from the side street the garage must be set back from the side street property line a distance of not less than twenty (20) feet.
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 - A. A building which if detached from the main building would constitute an accessory building may be connected to the main building by a breezeway or similar structure, and in such event shall meet all requirements for the main building. (Ord. 3951, 2007)

25-3-22.1. GG-O Gateway Green Overlay Zone (GG-O).

Purpose.

The Gateway Green Overlay (GGO) Zone is intended to:

- A. Promote the general health, safety and welfare of the community
- B. Create a sense of continuity throughout the corridor with harmonious design standards for public improvements and private property development.
- C. Preserve and enhance the historical attractions and landmarks of Scottsbluff and the surrounding area.

Design Guidelines

The GGO Zone 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 with the Landscaping Article of this Chapter found at Section 25-22-1 through 25-22-10 of the Municipal Code, 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.

Boundaries

The GGO Zone shall consist of all land located within one thousand feet measured perpendicular from the right-of-way of the following transportation corridors:

- A. U.S. Highway 26, extending from the East Extraterritorial Boundary to the West Extraterritorial Boundary
- B. Highland Road, extending from the intersection with Airport Road to the intersection with U.S. Highway 26
- C. McClellan Expressway (East Bypass Highway 71) from the North Platte River to its intersection with U.S. Highway 26,

- D. Broadway Avenue from the North Platte River to its intersection with South Beltline Highway
- E. Avenue I from the North Platte River to its intersection with South Beltline Highway
- F. Highway 71 from the intersection with Highway 26 to the north Extraterritorial Boundary
- G. Highway L-79-G (West 20th Street extended) from the west Extraterritorial boundary to the West corporate limits of the city.

Development Action

There shall be no development action within the GGO Zone without permission of the Planning Commission. Any person or entity desiring a development action within the GGO Zone must submit plans to the Planning Commission for review and approval.

Development Standards

The development standards were formulated to create a visually pleasing GGO Zone and to convey the values of the City of Scottsbluff.

- A. Signs
 - 1. Monument Signs - One ground sign, monument type with a maximum height of 6' 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.
 - 2. Wall Signs and Marquee Signs – One wall sign or marquee sign shall be permitted for each building or tenant in multi-tenant building. Signs shall only be permitted on the side of building with main public entrance.
 - 3. One 25' pole sign will be allowed in the GGO zone per development.
- B. Lighting
 - 1. 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.
- C. Overhead lines
 - 1. Eliminate the need for power cables by burying cables underground.
- D. Parking Lot Design
 - 1. All parking areas shall be paved to meet current ordinance requirements, including those in the Landscaping Article.
 - 2. All developments shall have off-street parking.
 - 3. Parking areas over 50 spaces shall include landscape islands. All landscape islands shall have a minimum of 10 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 large shade 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.
 - 4. 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.
 - 5. All parking areas visible from the transportation corridors shall have a complete visual buffer of 4' minimum height.

6. Where parking lots abut adjacent residential zoned areas a buffer yard of 20' minimum is required.

E. Landscaping and Screening Standards

Landscaping is critical in creating a visually pleasing appearance of the transportation corridors in the City of Scottsbluff. 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 invested surfaces or any landscaping that does not comply with the standards of this section. See appendix A for recommended species.

1. Xeriscape landscaping principles are as follows:
 - a. Design. Identify zones of different water requirements and group plants together that have similar water needs;
 - b. Appropriate use of Turf. Limit high-irrigation turf and plantings to appropriate high-use areas with high visibility and functional needs;
 - c. Low-Water-Using Plants. Choose low-water-demanding plants and turf where practicable;
 - d. Irrigation. Design, operate and maintain an efficient irrigation system;
 - e. Soil Preparation. Incorporate soil amendments before planting;
 - f. Mulch. Add mulch to planting beds to a minimum depth of 3" around trees and shrubs and 1" around perennials and ornamental grasses;
 - g. Maintenance. Provide regular and attentive maintenance.
2. Screening
 - a. All loading and service areas that are within a 50' of a side or rear lot line abutting property that is residentially zoned shall be surrounded by a 6' high masonry wall or solid wood or PVC fence with opaque gate.
 - b. 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' 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 6' high evergreen planting, masonry wall, wood or PVC fence.
 - c. 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.
 - d. 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.

e. Outdoor storage shall be prohibited.

3. Buffer Yards

a. Developed for the purpose of providing an effective visual screen between two dissimilar uses.

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

c. Buffer Yards shall be 20' minimum in depth and shall meet the following criteria:

Be planted with a staggered double row of evergreen trees at least 6' in height, or be planted with a single row of deciduous shade trees 2" caliper trunk minimum and two staggered rows of evergreen shrubs at least 3' in height, planted a maximum of 4' on center.

d. If a 6' high solid wood or PVC fence or masonry wall is incorporated into the design the buffer yard may be reduced by 10'. Finished side of fencing will face abutting property. A row of evergreen trees at least 6' in height, or a single row of deciduous shade trees 2" caliper trunk minimum and a staggered row of evergreen shrubs at least 3' in height, planted a maximum of 4' on center must accompany the fence.

4. Maintenance of Buffer Yard

a. 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.

5. Landscaping

a. Building Perimeter Walls

1. Shrubs shall be planted within 10' of the foundation of the primary structure along each building facade at the rate of at least 20 shrubs per 100 linear feet of building facade except for sides or rear of building used for loading or service area.

b. Along each street frontage there shall be, at a minimum, 10' 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' of linear frontage or evergreen trees at a rate of one per 20' of linear frontage. Trees may be spread irregularly in informal grouping or be uniformly spaced, as consistent with large overall planting patterns and organization. Trees shall be spread a minimum of 15' apart for large shade trees and evergreens, and a minimum of 10' apart for small ornamentals (list provides). Grouping of trees may be no more than 150' 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 Sections 25-22-7 and 25-22-8 of this Code. Where overhead wires exist directly over tree planting area, ornamental trees shall be substituted for required shade trees at an equal number.

- c. 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.
- d. Storm water retention ponds shall be landscaped and developed in such a way as to enhance or be in harmony with the surrounding site landscape.
 - 1. 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.
 - 2. Trees and shrub groupings shall be planted intermittently along the ridge of the retention pond to create the appearance of the plants naturally occurring.
 - 3. Approved erosion control measures will be required on all slopes.
 - a. 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 10' of a traveled street surface.
 - b. Underground irrigation shall be provided for all required landscaped areas. Areas of low water use landscaping may be included but must be indicated on plans. Irrigation water must be available for the initial two years after planting to establish low-water use landscapes.
 - c. All landscaped beds are to mulched with a 4" layer of wood mulch or rock mulch.
 - d. Minimum Tree and Shrub Sizes
 - 1. All deciduous shade trees shall be a minimum 2" caliper measured 12" from above the root ball.
 - 2. All evergreen trees shall be a minimum 5' in height measured from the top of the root ball to the top of the tree.
 - 3. All ornamental deciduous trees shall be a minimum 1½" caliper measured 12" from above the root ball.

4. Shrubs shall be two gallon size or greater or 18"-24" in height if balled and burlapped.
 5. All perennials and ornamental grasses shall be 1 gallon size or greater.
 - e. 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.
5. 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 expensive 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%
6. 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. Any required planting should include at least 50% regionally native plants suitable for the purpose (we will include a recommended list).
7. Redevelopment.
Any properties located within the GGO overlay zone will be required to spend X% (still working with local landscapers and architects to determine what this number should be) of any remodel or redevelopment project on bringing their landscaping up to code. Once the landscaping meets the requirements of this ordinance, they no longer have to make improvements to it.
- G. Definitions
1. Buffer Yard: A landscaped area intended to separate and partially obstruct the view of two (2) adjacent land uses or properties from one another.
 2. 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.
 3. 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.
 4. Storm Water Retention Ponds: Ponds or basins designed to hold rain water that has run off the surrounding landscape of lawns, roads, and rooftops.
 5. Evergreen Planting: Dense planting of evergreen plant material that creates an opaque barrier.

Appendix A

Approved Deciduous Shade Trees

<u>Botanical Name</u>	<u>Common Name</u>
Aesculus glabra	Ohio Buckeye
Celtis occidentalis	Common Hackberry
Ginkgo biloba	Ginkgo
Gleditsia triacanthos var. inermis	Shademaster Honeylocust
	Skyline Honeylocust (Additional varieties must be approved by Planning Commission)
Gymnocladus dioicus	Kentucky Coffeetree
Populus deltoides	Eastern Cottonwood (only on very large sites, may not be used for parking lot plantings)
Quercus alba	White Oak
Quercus macrocarpa	Bur Oak
Quercus muehlenbergii	Chinkapin Oak
Quercus robur	English Oak
Tilia americana	American Linden
Tilia cordata	Littleleaf Linden

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 GGO Zones.

Approved Small Ornamental Trees

<u>Botanical Name</u>	<u>Common Name</u>
Amelanchier x grandiflora	Apple Serviceberry
Crataegus crusgalli x intermis	Thornless Cockspur Hawthorn
Malus spp.	Crabapple varieties:
	Bechtal
	Brandywine (prohibited in parking areas and around walkways)
	Indian Magic
	Indian Summer
	Pink Spire
	Red Barron
	Red Jade
	Spring Snow
Prunus virginiana 'Canada Red'	Canada Red Chokecherry
Syringa reticulata	Japanese Tree Lilac
Viburnum lentago	Nannyberry Viburnum

Approved Evergreen Trees

<u>Botanical Name</u>	<u>Common Name</u>
Picea pungens	Colorado Spruce
Pinus aristata	Bristle Cone Pine

Pinus cembroides
Pinus contorta
Pinus flexilis
Pinus nigra
Pinus ponderosa
Pinus sylvestris

Pinyon Pine
Lodgepole Pine
Limber Pine
Austrian Pine
Ponderosa Pine
Scotch Pine (Ord. 4072, 2012)

25-3-23 General requirements

(1) Accessory buildings. Accessory buildings, regardless of the direction they face, may not project beyond the rear of the main building. Accessory structures under two hundred square feet

**Planning Commission Minutes
Regular Scheduled Meeting
June 9, 2014
Scottsbluff, Nebraska**

The Planning Commission of the City of Scottsbluff, Nebraska met in a regular scheduled meeting on Monday, June 9, 2014, 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 June 6, 2014. 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, Angie Aguallo, Jim Zitterkopf, and Becky Estrada. Absent: Henry Huber, Dana Weber, Dave Gompert, and Mark Westphal. 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 the bulletin board 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 May 12, 2014 were reviewed and approved. A motion was made to accept the minutes by Wayman, and seconded by Chadwick. "YEAS": Wayman, Aguallo, Chadwick, and Estrada. "NAYS": None. ABSTAIN: Zitterkopf. ABSENT: Weber, Westphal, Huber and Gompert. Motion carried.

ITEM 7A: The Planning Commission opened a public hearing for a request from property owners, Tim and Virginia Reganis, to vacate Lots 1 and 2, Block 1, Idlewylde Addition. These parcels are situated just south of the Reganis Subdivision and north of Highway 26. The lots are zoned C-2 neighborhood retail and commercial and basically unbuildable with different easements dividing the lots. The land will be considered as unplatted lands until the owners replat possibly as part of Reganis Subdivision and may consider the area for a green space or extra parking for their business.

Conclusion: A motion was made by Wayman and seconded by Zitterkopf to make positive recommendation to City Council to approve the ordinance to vacate Lots 1, and 2, Block 1, Idlewylde Addition. "YEAS": Wayman, Chadwick, Zitterkopf, Aguallo, and Estrada. "NAYS": None. ABSTAIN: None. ABSENT: Westphal, Huber, Weber and Gompert. Motion carried.

51 **Agenda Item 7B:** The Planning Commission opened a public hearing on a Final plat of Block 2, Reganis
52 Subdivision situated in the SE quarter of the SW quarter of Section 13, T22N, R55W of the 6th Principal
53 Meridian City of Scottsbluff, Scotts Bluff County, NE.

54
55 The property owners, Tim and Virginia Reganis, represented by M.C. Schaff and Associates have
56 submitted a final plat of Block 2, Reganis Subdivision. This lot is located north of 27th Street, west of
57 12th Avenue and south of Talisman Drive. Block 2 has been modified from the preliminary plat which
58 was recently approved with an addition of approximately .94 acres to the lot, which makes the parcel 3.38
59 acres in size. The City Council will approve this modification for approval of the final plat. The final
60 plat has access to existing infrastructure sewer on the south side and water to the west. The approval of
61 the final plat will allow for commercial development on the parcel. The developers are also working with
62 WNCC in the creation of a Paving District for Winter Creek Drive and 12th Avenue the streets will be
63 completed before final occupancy of any building are completed. The final plat was reviewed by City
64 Staff and Baker & Associates reviewed the preliminary plat. Adjustments were made to the plat and it
65 meets all the subdivision codes and City standards of our subdivision code for final plats.

66
67 **NOTE:** Planning Commission member David Gompert arrived at the meeting at 6:09 p.m.

68
69 **Conclusion:** A motion was made by Aguillo and seconded by Wayman to approve the final plat of
70 Block 2, Reganis Subdivision with the modification on the parcel size. **"YEAS":** Aguillo, Chadwick,
71 Wayman, Zitterkopf, and Estrada. **"NAYS":** None. **ABSTAIN:** Gompert. **ABSENT:** Huber, Weber, and
72 Westphal. Motion carried.

73
74 **Item 7C:** The Planning Commission reviewed a draft ordinance for proposed changes and additions to the
75 City's Gateway Greenway Overlay zoning district (GGO).

76
77 Annie Folck, City Planner, addressed the Planning Commission, about the proposed changes and
78 additions. A draft ordinance was included for review. Since we've had the GGO zoning district it has
79 been a work in progress as new development in the overlay zone have different needs, when reviewing
80 the landscape plan for the Reganis development some of the existing requirements didn't work and the
81 City is looking for some flexibility in what is required for new development and redevelopment of
82 existing parcels in the GGO zoning district (25-3-22.1). Listed below are the changes and additions
83 Annie F. has worked on and researched.

84
85 **Sections to amend:** D. Parking Lot Design

- 86 -Reference our requirement in landscaping ordinance of interior landscaped area equal to no
87 less than five percent of the total paving area
88 -Require each island to have a minimum of 100 square feet of open ground and at least 300
89 cubic feet of good soil rooting volume per tree.
90 -Landscaped islands shall be evenly distributed to the maximum extent feasible
91 -One half of all required islands must include a large canopy tree
92
93 -10' landscape strip is currently required- change to *minimum* of 10' landscape strip required
94 -Shade trees to be planted *at a rate of* one per 40' of linear frontage or evergreen trees at a rate
95 of one per 20' of linear frontage rather than requiring that they be spaced exactly 40' or 20'
96 apart. Trees may be spaced irregularly in informal groupings or be uniformly spaced, as
97 consistent with larger overall planting patterns and organization. Trees shall be spaced a

minimum of 15' apart for large shade trees and evergreens, and a minimum of 10' apart for small ornamentals (list is provided). Groupings of trees may be no more than 150' apart.
-Currently requires intermittent hedge not less than 4' in height- change to reference screening requirements in landscaping ordinance- 25-22-7 and 25-22-8
-Add requirement: The space between the trees should be planted and maintained to aid the health/growth of the trees. Thus there must be a maintained, non-turf grass landscape bed under and around the trees, to be a minimum of 40 sq. ft. per large canopy tree or evergreen and 30 sq. ft. per small/medium tree. The landscape zone must be planted to appropriate and compatible shrubs or herbaceous grasses/perennials to cover at least 50% of the bed. The remainder may be mulch. Organic mulch should be used if possible.

Sections to add:

Water conservation

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.

(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;
5. Soil Preparation. Incorporate soil amendments before planting;
6. Mulch. Add mulch to planting beds to a minimum depth of three (3) inches around trees and shrubs and 1" around perennials and ornamental grasses;
7. Maintenance. Provide regular and attentive maintenance.

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 extensive monocultures are prohibited. The following minimum requirements shall apply to any development plan.

Number of trees on site

Maximum percentage of any one species

10-19: 33%

20-39: 25%

40 or more: 15%

140 Use of Approved Species

141 Regionally native plants should be used when possible to help aid biodiversity and convey a sense of
142 place with the natural context of our community. Any required planting should include at least 50%
143 regionally native plants suitable for the purpose (we will include a recommended list).

144

145 Redevelopment

146 Any properties located within the GGO overlay zone will be required to spend X% (still working with
147 local landscapers and architects to determine what this number should be) of any remodel or
148 redevelopment project on bringing their landscaping up to code. Once the landscaping meets the
149 requirements of this ordinance, they no longer have to make improvements to it.

150

151 This a first draft of the ordinance and there are several changes that staff will continue to research, and
152 more discussion on how to handle properties that are unable to conform with the redevelopment
153 requirement without undue hardship and/or expense.

154

155 The Planning Commission discussed different options on what to require for redevelopment properties
156 and what would be fair. They asked that staff to keep working on different options and they would think
157 on it to for the next meeting.

158

159 Signage in the GGO zone was also discussed and for now we will leave the existing language for signage
160 with directional signage considered exempt as they are not advertising signs.

161

162 **Conclusion:** Recommended more research on percentage of landscaping required for redevelopment in
163 the GGO zoning district.

164

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

166

167 There being no further business the Planning Commission with a motion to adjourn made by Zitterkopf
168 and seconded by Wayman the meeting was adjourned at 6:35 p.m. "YEAS": Wayman, Aguallo,
169 Gompert, Chadwick, Weber, and Estrada. NAYS: none. ABSENT: Zitterkopf and Westphal. Motion
170 carried.

171

172

173 _____
Becky Estrada, Chairperson

174

175 Attest: _____

176 Annie Urdiales

ORDINANCE NO. 4072

AN ORDINANCE DEALING WITH ZONING, REMOVING PROVISIONS DEALING WITH DEVELOPMENT ACTION IN GGO ZONES; ALLOWING ONE 25' POLE SIGN IN GGO NEW CONSTRUCTION/DEVELOPMENT; CORRECTING A TYPOGRAPHICAL ERROR FOUND IN THE PERFORMANCE GUIDELINES OF R-1, R-1A, R-1B, R-6 AND A ZONES; ADDING AGRICULTURAL ESTATE DWELLINGS AS A PERMITTED USE IN A - AGRICULTURAL ZONE; ADDING HEIGHT SPECIFICATIONS TO COMMUNICATION FACILITIES IN O&P AND PBC ZONES; CORRECTING A TYPOGRAPHICAL ERROR IN SPECIAL PERMITTED USES IN O&P ZONES; CHANGING THE DEFINITION OF MOBILE HOMES; EXCLUDING MOBILE HOME PARKS FROM GUIDELINES DEALING WITH MANUFACTURED HOMES; ADDING GUIDELINES FOR REAR AREA FENCES, WALLS AND HEDGES; ADDING REVIEW AND APPROVAL PROVISIONS FOR LOTS UNABLE TO MEET MINIMUM REQUIREMENTS FOR LANDSCAPING; PROVIDING AN EFFECTIVE DATE; AND REPEALING PRIOR SECTIONS.

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

Section 1. Section 25-3-2 of the Municipal Code is amended to provide as follows:

25-3-2. R-1 Single Family.

Intent: The intent of the R-1 Single Family Zone is to:

1. Provide for low density residential areas where the predominant uses are single family detached houses.
2. Protect these areas from incompatible uses.

Principle Permitted Uses.

1. Church
2. Colleges
3. Community Center
4. Family child care home
5. Fire station
6. Home Occupations in accordance with Article 8
7. Municipal Uses
8. Parks (public) including campgrounds
9. Public utility lines & substations
10. Rooming/boarded house with no more than two (2) guests
11. Single family detached dwelling units
12. School
13. Water wells

Special Permit Uses.

1. Cemeteries
2. Cluster housing
3. College dormitories
4. Condominium
5. Hospital
6. Library
7. Public utility facilities
8. Temporary building or contractor's storage and construction yard, incidental to the construction of a residential development or a real estate sales office to be used in marketing lots in a new subdivision, may be permitted if such a building or structure complies with all height and area requirements for the zone in which it is located.
9. Townhouses (single family attached) dwelling units
10. Two-family dwellings
11. Utility plants
12. Water storage

Performance Standards.

1. Area & bulk regulations.

Use	Minimum Lot Size (sq. ft.)	Minimum Lot Width (ft.)	Maximum Coverage (%)	Maximum # Dwelling Units	Front (ft.)	Rear (ft.)	Setbacks Interior Side (ft.)	Side Street (ft.)	Floor Area Min (sq. ft.)	Height (ft.)
Single										

ORDINANCE RECORD

13. Public utilities and substations
14. Two family dwellings
15. Water wells

Special Permit Uses.

1. Cluster housing
2. Condominium
3. Funeral home
4. Hair salons
5. Hospital
6. Library
7. Lodge or club
8. Nursery school or day care center
9. Public utility facilities
10. Retirement facilities
11. Rooming or boarding house for not more than six (6) roomers or boarders.
12. Temporary building or contractor's storage and construction yard, incidental to the construction of a residential development or a real estate sales office to be used in marketing lots in a new subdivision, may be permitted if such a building or structure complies with all height and area requirements for the zone in which it is located.
13. Tourist information booths
14. Townhouses (single family attached) dwelling units
15. Utility plants
16. Water storage
17. Retirement facilities

Performance Standards.

1. Area & bulk regulations.

Use	Minimum Lot Size (sq ft.)	Minimum Lot Width (ft.)	Maximum Coverage (%)	Maximum # Dwelling Units	Front (ft.)	Rear (ft.)	Setbacks Interior Side (ft.)	Side Street (ft.)	Floor Area Min (sq ft.)	Height (ft.)
Single Family	5,500	55	60	1	A	B	5	C	700	35
Two Family	7,000	70	50	2	25	15	5	12.5	600/DU	35
Multi Family	7,000	70	50		25	25	5	12.5	400/DU	35
(Minimum 2500 sq. ft. per dwelling unit)										
Accessory Building						3	2	C	900	1 story
Garage						3	2	C	900	18

- A. Minimum front yard setback to front facing garage shall be twenty (20) feet; to front of dwelling face shall be twelve (12) feet; to front of porch shall be seven (7) feet. If buildings have been built on lots which comprise more than twenty-five (25) percent of the front footage of any block, no building or structure may be built or structurally altered which projects beyond the average front yard setback already established.

If the only building is one on an adjoining lot, the minimum front yard setback shall be the greater of twenty (20) feet or the setback of such building.

If buildings have been built on lots which comprise twenty-five (25) or less percent of the front footage of any block, the minimum front yard setback shall be twenty (20) feet.

No front yard setback shall exceed fifty (50) feet.

- B. Minimum rear yard setback to the dwelling shall be fifteen (15) feet. Minimum rear yard setback to a deck shall be ten (10) feet.

- C. Minimum side yard setback from a side street shall be twelve and one-half (12.5) feet. Minimum side yard setback from a side street for a side-loading garage shall be twenty (20) feet.

2. Accessory building; detached

- A. A detached accessory building must be located:

- (1) to the rear of the main building,
- (2) at least ten (10) feet from the main building, or a distance of at least five (5) feet from the main dwelling building if the interior wall of the accessory building adjacent to the main building complies with the international 1&2 Family Dwelling Code Section 309.2, which has been adopted by this Municipal Code, provided a detached accessory building constructed prior to June 26, 1974, to the rear of and at a distance not less than five (5) feet from the main building shall not be deemed to be in violation of this requirement;
- (3) at least three (3) feet from the rear lot line if the lot line is a common lot line abutting a lot;

ORDINANCE RECORD

Single	3 acres	200	30	50	50	20	15	900	1 story
Family					3	2	15	900	25
Accessory Building					3	2	15	900	
Garage									

2. Accessory building; detached
- A. A detached accessory building must be located:
- (1) to the rear of the main building,
 - (2) at least ten (10) feet from the main building, or a distance of at least five (5) feet from the main dwelling building if the interior wall of the accessory building adjacent to the main building complies with the international 1&2 Family Dwelling Code Section 309.2, which has been adopted by this Municipal Code, provided a detached accessory building constructed prior to June 26, 1974, to the rear of and at a distance not less than five (5) feet from the main building shall not be deemed to be in violation of this requirement;
 - (3) at least three (3) feet from the rear lot line if the lot line is a common lot line abutting a lot;
 - (4) at least two (2) feet from the interior side lot line; provided, this requirement shall not apply where the interior side lot lines is over which the main building extends. If the lot abuts a side street, an accessory building must comply with the setback requirements applicable to the lot or tract of land upon which the main building is located. Setbacks shall be measured from the nearest eve of the building or buildings; and
 - (5) Minimum rear yard setback to a garage with an alley entrance shall be five (5) feet.
- B. On an existing reversed corner lot, a detached accessory building or garage may project into the side yard nearest the rear lot line if it does not extend beyond the front yard setback of the main structure, and if entrance to the garage is from the side street the garage must be set back from the side street property line a distance of not less than twenty (20) feet.
- C. A detached garage may be located in the side yard if the following requirements are met:
- (1) The garage must meet the performance guidelines in the residential zone.
 - (2) The garage must observe the same front yard setbacks required for the main structure.
 - (3) Garages shall not be placed over easements.
 - (4) Lot coverage will meet requirements in the zoning district.

Section 4. Section 25-3-9 of the Municipal Code is amended to provide as follows:

25-3-9. R-6 Mobile Home.

Intent: The intent of an R-6 mobile home district is to:

1. Allow mobile homes outside a mobile home park.
2. Allow the mix of single family detached dwellings.
3. Require greater lot sizes than mobile home parks.
4. Allow a mix of uses other than residential uses which are compatible with the district.

Principle Permitted Uses.

1. Church
2. Community Center
3. Family child care home
4. Home occupation
5. Mobile homes
6. Municipal Uses
7. Rooming/Boarding house (not more than 2 quests)
8. School
9. Single family detached dwelling

Special Permit Uses.

1. Cluster housing, condominiums and townhouses provided all planned unit development standards are met pursuant to Article 7 and the density does not exceed the density level permitted in the zoning district in which the planned unit development is proposed to be located.
2. Mobile home parks with the following performance standards.
3. Nursery school or day care center.
4. Temporary building or contractor's storage and construction yard, incidental to the construction of a residential development or a real estate sales office to be used in marketing lots in a new

Section 5. Section 25-2-80 of the Municipal Code is amended to provide as follows:

25-2-80. Mobile home.

A movable or portable dwelling which:

- (1) is not less than eight (8) feet in width,
- (2) is not less than forty (40) feet in length,
- (3) is so constructed as to be towable on its own chassis, and to function without a permanent foundation,
- (4) can be connected to utilities, and
- (5) has kitchen and sanitary facilities.

A mobile home may consist of one (1) or more units which can be telescoped when being towed and later expanded to create additional capacity, or it may consist of two (2) or more units which can be towed separately but are designed to be joined into an integral unit. A dwelling so constructed shall be deemed to be a mobile home whether or not mounted upon a temporary or a permanent foundation. Mobile homes must meet HUD standards.

Section 6. Section 25-3-11 of the Municipal Code is amended to provide as follows:

25-3-11. O-P Office and Professional.

Intent: The intent of an O-P office and professional zone is to:

1. Allow for a mixture of professional office and some residential occupancies with limited other compatible commercial uses.

Principle Permitted Uses.

1. Accounting, auditing, bookkeeping services
2. Arts & crafts studio
3. Bank automated teller facilities, indoor
4. Bank & Saving & Loan
5. Barber/Beauty shop
6. Church
7. Clinic
8. Communication facilities including communication tower, such tower not to exceed one hundred fifty (150) feet in height. No guy wires, outrigging, or other supporting structures may extend beyond the foundation of the tower.
9. Community Center
10. Educational or charitable institutions & educational or scientific research services
11. Florist
12. Gift shop
13. Home Occupations
14. Hospital
15. Insurance agency/services
16. Laboratory, medical, dental, optical
17. Library
18. Marriage and family counseling
19. Mortuary
20. Multi-family dwellings. Whenever a lot or tract of land is used in whole or part for residential purposes, preliminary and final site plans of a proposed development must be submitted to the Planning Commission for review and approval.
21. Municipal Uses
22. Offices, professional services
23. Pharmacy
24. Professional membership organizations
25. Professional schools
26. Rooming/boarding house
27. School
28. Single family dwelling. Whenever a lot or tract of land is used in whole or part for residential purposes, preliminary and final site plans of a proposed development must be submitted to the Planning Commission for review and approval.
29. Tourist information booth
30. Two family dwelling

Special Permit Uses.

1. Ambulance service
2. Animal clinic (indoor only): Residential use is permitted above the ground floor and within the confines of a business building. The entire business must be conducted within a building.

3. Coordinate a vehicular and pedestrian traffic circulation system and carefully design access that is compatible with surrounding uses.

Principle Permitted Uses.

1. Accounting, auditing, bookkeeping services
2. Ambulance service
3. Amusement centers, indoor only
4. Animal clinic, indoor only
5. Arts & crafts studio
6. Automated or coin-operated car wash
7. Bakery or bakery goods store
8. Bank automated teller facilities, outdoor
9. Bank automated teller facilities, indoor
10. Bank & savings & loan
11. Barber, beauty shop
12. Book & stationary store
13. Business college, trade school
14. Church
15. Cleaning, laundry agency
16. Clinic
17. Communication facilities including communication tower, such tower not to exceed one hundred fifty (150) feet in height. No guy wires, outrigging, or other supporting structures may extend beyond the foundation of the tower.
18. Community center (public)
19. Confectionery stores
20. Convenience stores w/o dispensing gasoline
21. Convenience stores with dispensing gasoline
22. Dance, music or voice studio
23. Day care center (child care center) or preschool
24. Delicatessen
25. Drive-thru photo facility
26. Drive-thru (fast food) restaurant
27. Educational and scientific research service
28. Florist
29. Food store, delicatessen
30. Furniture/appliance store
31. Gift shop
32. Grocery store
33. Hardware store
34. Hospital
35. Insurance agency/services
36. Jewelry store
37. Laboratory, medical, dental, optical
38. Laundromat, self-service
39. Library
40. Marriage and family counseling
41. Mortuary
42. Multi-family dwelling units. Living quarters for watchman of commercial or industrial use property, or for hotels and motels, are the only permitted residential uses in this zone.
43. Municipal Uses
44. Offices, professional and service
45. Pharmacy
46. Photographic studio
47. Printing & blueprinting
48. Professional membership organizations
49. Professional schools
50. Reducing/Suntanning
51. Restaurant, bar, tavern
52. Retail stores and services
53. Service station-full service
54. Service station-mixed use
55. Single family dwelling units. Living quarters for watchman of commercial or industrial use property, or for hotels and motels, are the only permitted residential uses in this zone.

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A center may be located only in a PBC Zone established in accordance with this Article, and only on a lot or tract of land abutting one (1) or more arterial streets.

Off-street parking.

Adequate off-street parking must be provided in a center to accommodate all motor vehicles of employees, customers, and other persons reasonably expected to use the center, and for vehicles used in the conduct of businesses in the center. At least one (1) parking space must be provided for each two hundred (200) square feet of floor area used for selling or offices. Areas designed primarily for loading and unloading or standing space are not parking spaces within the meaning of this section. Floor area designed for selling or office may not include areas used for storage, utilities or restrooms. Parking spaces and areas must meet the requirements of Chapter 25, Article 5.

Setbacks.

No building or structure may be constructed or maintained in a center within one hundred (100) feet of the boundary line of an abutting lot or tract of land located in an R Zone nor within twenty-five (25) feet of the right-of-way of a public street or road. No roadway or parking area in a center may be constructed or maintained within twenty-five (25) feet of the right-of-way line.

Storage: outdoor: restrictions.

Merchandise, materials or equipment may not be stored in an open area except for immediate sale or temporary display not exceeding seven (7) days.(Ord. 3639, 2000; Ord. 3985, 2009)

Section 8. Section 25-3-19 of the Municipal Code is amended to provide as follows:

25-3-19. Agricultural.

Intent: The intent of an A agricultural zone is a zone in which land is permitted to be used for raising of crops and pasturing cattle and related activities.

Principle Permitted Uses.

1. Agriculture uses, general
2. Home Occupations
3. Irrigation facilities
4. Kennel, dog
5. Municipal Uses
6. Public utility facilities
7. Single family dwelling
8. Stable
9. Tourist information booth
10. Agricultural Estate Dwelling Site.

The intent of this subsection is not to encourage the creation of a large number of agricultural estate dwelling sites (AEDS) but such intent is to allow the "subdivision" or sale, of a portion of a larger tract of land, whereby the smaller parcel created is to be used primarily for dwelling site purposes, upon the following more specific requirements:

a. The AEDS must consist of one or more of the following: (1) An existing farmstead site (an existing vacant home, and accessory unit of buildings, on farm-ranch land; (2) a parcel which would allow a conveyance of property to be used for dwelling purposes; (3) a parcel of marginal usage land ("marginal usage" defined as "land with little, or relatively little, agricultural productivity capability").

b. Each AEDS with frontage on an existing dedicated public road, shall have a minimum width of 150 feet (as a "front lot" width). In the event such AEDS is of an interior-section type, it shall have a dedicated access road, at least 25 feet in width, to a dedicated public road. Access road(s) serving an AEDS shall be separated by a distance of no less than 1000 feet from another access road, along a dedicated public road. Exception: Less than 1000 feet shall be approved by the State Department of Roads or City of Scottsbluff Development Services Department, whichever is applicable.

c. Each AEDS shall be a minimum of 2.0 acres and a maximum of 20.

d. For each AEDS, the owner shall reserve the balance of the 80 acres of vacant or agricultural land (such 80 acres may, however, have dwelling permitted by 10.a. above). This reservation shall be required (reserved) for as long as the reserved land is zoned Agricultural (A) District. The City Planning Commission and the City Council may permit the creation of an AEDS out of less than 80 acres of reserved land, in certain situations, in the event that the intent of this subsection is maintained. Each 80-acre tract (or less) shall serve the reservation requirements of only one AEDS.

e. Each AEDS shall be shaped and located so as to allow accurate plotting on the official zoning map of the city (i.e.: abutting on lines identifiable as a segment of section, such as a section line or a 1/4 section line, or upon other readily identifiable features). Additionally, each AEDS shall be subject to the provisions for preliminary plat procedure and requirements from Chapter 21 of the Municipal Code.

f. In reviewing an application for an AEDS, the Planning Commission and the City Council shall take into consideration the effect of such an AEDS upon utilities, roads, drainage, terrain, usage,

Garage

12.5

Minimum Lot Area / Dwelling Unit - 20 acres

2. Accessory building/garage; detached
 - A. A detached accessory building must be located at least ten (10) feet from the main building.
 - B. On an existing reversed corner lot, a detached accessory building or garage may project into the side yard nearest the rear lot line if it does not extend beyond the front yard setback of the main structure, and if entrance to the garage is from the side street the garage must be set back from the side street property line a distance of not less than twenty (20) feet.
3. Accessory building, attached.
 - a. A building which if detached from the main building would constitute an accessory building may be connected to the main building by a breezeway or similar structure, and in such event shall meet all requirements for the main building.

Section 9. Section 25-3-22.1 of the Municipal Code is amended to provide as follows:

25-3-22.1. Gateway Green Overlay Zone (GGO).

Purpose.

The Gateway Green Overlay (GGO) Zone is intended to:

- A. Promote the general health, safety and welfare of the community
- B. Create a sense of continuity throughout the corridor with harmonious design standards for public improvements and private property development.
- C. Preserve and enhance the historical attractions and landmarks of Scottsbluff and the surrounding area.

Design Guidelines

The GGO Zone is an overlay zone that supersedes those of any other zoning district to which a tract of land may be subject. 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.

Boundaries

The GGO Zone shall consist of all land located within one thousand feet measured perpendicular from the right-of-way of the following transportation corridors:

- A. U.S. Highway 26, extending from the East Extraterritorial Boundary to the West Extraterritorial Boundary
- B. Highland Road, extending from the intersection with Airport Road to the intersection with U.S. Highway 26
- C. McClellan Expressway (East Bypass Highway 71) from the North Platte River to its intersection with U.S. Highway 26,
- D. Broadway Avenue from the North Platte River to its intersection with South Beltline Highway
- E. Avenue I from the North Platte River to its intersection with South Beltline Highway
- F. Highway 71 from the intersection with Highway 26 to the north Extraterritorial Boundary
- G. Highway L-79-G (West 20th Street extended) from the west Extraterritorial boundary to the West corporate limits of the city.

Development Action

There shall be no development action within the GGO Zone without permission of the Planning Commission. Any person or entity desiring a development action within the GGO Zone must submit plans to the Planning Commission for review and approval.

Development Standards

The development standards were formulated to create a visually pleasing GGO Zone and to convey the values of the City of Scottsbluff.

- A. Signs
 1. Monument Signs - One ground sign, monument type with a maximum height of 6' 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.
 2. Wall Signs and Marquee Signs – One wall sign or marquee sign shall be permitted for each building or tenant in multi-tenant building. Signs shall only be permitted on the side of building with main public entrance.
 3. One 25' pole sign will be allowed in the GGO zone per development.
- B. Lighting

- evergreen shrubs at least 3' in height, planted a maximum of 4' on center must accompany the fence.
3. Maintenance of Buffer Yard
 - a. 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.
 4. Landscaping
 - a. Building Perimeter Walls
 1. Shrubs shall be planted within 10' of the foundation of the primary structure along each building facade at the rate of at least 20 shrubs per 100 linear feet of building facade except for sides or rear of building used for loading or service area.
 - b. Along each street frontage there shall be a 10' 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 planted not less than 40' on center or evergreen trees no less than 20' on center and shrubbery forming an intermittent hedge not less than 4' in height designed to provide an adequate screen. Where overhead wires exist directly over tree planting area, ornamental trees shall be substituted for required shade trees at an equal number.
 - c. 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.
 - d. Storm water retention ponds shall be landscaped and developed in such a way as to enhance or be in harmony with the surrounding site landscape.
 1. 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.
 2. Trees and shrub groupings shall be planted intermittently along the ridge of the retention pond to create the appearance of the plants naturally occurring.
 3. Approved erosion control measures will be required on all slopes.
 - a. 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 twenty-five percent 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 10' of a traveled street surface.
 - b. Underground irrigation shall be provided for all required landscaped areas. Areas of low water use landscaping may be included but must be indicated on plans. Irrigation water must be available for the initial two years after planting to establish low-water use landscapes.
 - c. All landscaped beds are to mulched with a 4" layer of wood mulch or rock mulch.
 - d. Minimum Tree and Shrub Sizes
 1. All deciduous shade trees shall be a minimum 2" caliper measured 12" from above the root ball.
 2. All evergreen trees shall be a minimum 5' in height measured from the top of the root ball to the top of the tree.
 3. All ornamental deciduous trees shall be a minimum 1½" caliper measured 12" from above the root ball.
 4. Shrubs shall be two gallon size or greater or 18"-24" in height if balled and burlapped.

ORDINANCE RECORD

Approved Evergreen Trees	
<u>Botanical Name</u>	<u>Common Name</u>
Picea pungens	Colorado Spruce
Pinus aristata	Bristle Cone Pine
Pinus cembroides	Pinyon Pine
Pinus contorta	Lodgepole Pine
Pinus flexilis	Limber Pine
Pinus nigra	Austrian Pine
Pinus ponderosa	Ponderosa Pine
Pinus sylvestris	Scotch Pine

Section 10. Section 25-3-25 of the Municipal Code is amended to provide as follows:

25-3-25. Miscellaneous regulations.

No provisions of this section, except sections 25-3-22 (1) and 25-3-22 (2) are applicable to a PBC Zone. Any provisions in the aforementioned sections which conflict with any of the provisions of Article 13 shall, to the extent of the conflict, constitute exceptions to and modify the conflicting provisions of such Article.

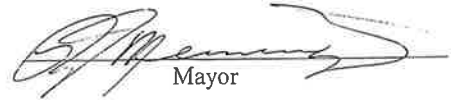
- (1) Basement garages: grade. No basement garage may be constructed with a front entrance below the established grade nor may such an entrance be constructed in an existing building or structure, unless proper drainage, as determined by the development Services Director, is provided.
- (2) Buildings, structure: design: construction. No building or structure may be erected or structurally altered unless its architectural design and construction conforms to applicable provisions of this Chapter insofar as such conformity may be accomplished without unreasonable hardship or substantial interference with the lawful intended use of such building or structure.
- (3) Dwelling unit: inside entrance. Rooms within a dwelling unit must have their principal entrance from inside the dwelling unit.
- (4) Grades: flood requirements. No building may be built, rented, or occupied which is located on a lot or other tract of land that does not comply with all lawful grade requirements for flood purposes.
- (5) Ground cover, surfacing. Front yard and side yard setback areas may be landscaped and maintained with low ground cover, except in the case of an approved offstreet parking area. Asphaltic concrete, masonry, rock, gravel or other forms of artificial surfacing may not be used as a principal ground cover.
- (6) Manufactured Homes.
 - a. A manufactured home shall be located and installed according to the same standards for foundation system, permanent utility connections, setback, and minimum square footage which would apply to a site-built, single-family dwelling on the same lot.
 - b. Manufactured homes shall meet the following standards:
 1. The home shall have no less than nine hundred square feet of floor area;
 2. The home shall have no less than an eighteen-foot exterior width;
 3. The roof shall be pitched with a minimum vertical rise of two and one-half inches for each twelve inches of horizontal run;
 4. The exterior material shall be of a color, material, and scale comparable with those existing in residential site-built, single-family construction.
 5. The home shall have a nonreflective roof material which is or simulates asphalt or wood shingles, tile, or rock; and
 6. The home shall have wheels, axles, transporting lights, and removable towing apparatus removed.

Mobile Home Parks shall be excluded from these guidelines. All manufactured (mobile) homes shall meet the standards set forth in the HUD - Manufactured Housing & Standards or Verification of HUD Standard Upgrades.

- (7) Multiple unit buildings: exits. Each dwelling unit in a multiple unit residence building, or in a multiple use building, shall have a front and rear exit, or an exit to a corridor on the same level which has a front and rear exit.
- (8) Public storage garages: location. No public garage used only for storing motor vehicles may have either a motor vehicle entrance or exit which is within two hundred (200) feet of an entrance or exit of any existing public or private school playground, public library, church, hospital, children's or old people's home, or a similar public or private institution. No public or private school playground, public library, church, hospital, children's or old people's home, or a similar public or private institution may be built within two hundred (200) feet of either the motor vehicle entrance or exit to a public garage used for storing motor vehicles.
- (9) Public street: abut: necessity. No building or structure shall be so constructed on a lot or tract of land which does not abut on a public street for a distance of at least twenty (20) feet.

ORDINANCE RECORD

PASSED AND APPROVED on March 5, 2012.


Mayor

Attest:


City Clerk





SCOTTSBLUFF CITY

PLANNING COMMISSION AGENDA

Monday, December 12, 2011, 6:00 p.m.
City Hall Conference Room, 2525 Circle Drive

PLANNING COMMISSIONERS

GLEN VANDENBERGE
CHAIRMAN

JACKIE GREENMAN
VICE CHAIRMAN

ANGIE AGUALLO

BECKY ESTRADA

DANA WEBER

HENRY HUBER

DAN RAMSEY

GARY HUTZEL

JIM ZITTERKOPF

(ALT.) ANITA CHADWICK

1. **WELCOME TO THE PLANNING COMMISSION MEETING: Chairman**
2. **NEBRASKA OPEN MEETINGS ACT:** For all interested parties, a copy of the Nebraska Open Meetings Act is posted on a bulletin board at the back of the council chambers in the west corner.
3. **ROLL CALL:**
4. **NOTICE OF CHANGES IN THE AGENDA:** Additions may not be made to this agenda less than 24-hours prior to the beginning of the meeting unless added under item 5 of this agenda.
5. **CITIZENS WITH ITEMS NOT SCHEDULED ON THE REGULAR AGENDA:** As required by State Law, no item may be considered under this item unless the Planning Commission determines that the matter requires an emergency action.
6. **APPROVAL OF THE PLANNING COMMISSION MINUTES FROM: 11/14/11.**
7. **NEW BUSINESS :**
 - ✓A. **Rezone request:** Pt SW (N of Bypass) Tract in NE NW, 30-22-54 (15.52 acres) from Agricultural to M-1 Light Manufacturing & Industrial
Applicant(s): TranSystems Corporation (Mike Pollard)
Owner(s): Inland Truck Parts Company (Greg Klein, CFO)
Location: East of Hwy 26, just south of Heilbruns
 - ✓B. **Final Plat:** Lot 7A, Block 1, Clemens-Reinhardt Subdivision, replat of Lots 7 & 8, Block 1, Clemens-Reinhardt Subdivision & Part of abutting alley.
Applicant(s): M.C. Schaff & Associates
Owner(s): Aldo & Donna Gonzales
Location: Revise plat to adjust property lines and alley right of way
 - ✓C. **Proposed Text Changes:** GG Overlay Zone, Landscape, and Sign Code
Applicant(s): N/A
Owner(s): N/A
Location: N/A
8. **UNFINISHED BUSINESS: NONE**
9. **ADJOURN**

The public is invited to participate in all Planning Commission Meetings. If you need special accommodations to participate in the meeting, please contact the Development Services Department at (308) 630-6243, 24-hours prior to the meeting.

2525 CIRCLE DRIVE • SCOTTSBLUFF, NEBRASKA 69361 • (308) 630-6243 • FAX (308) 630-6294

25-3-22.1 - Gateway Greenway Overlay Zone:

When the GGO was first established we knew it was a work in progress and changes would have to be made. As we continue to work with requests for development in the overlay zone we have come across problems with a few of the requirements in this zone. Signage, plan review, and area of development are some we have dealt with recently.

I have listed a few things I noticed that we have not done according to our code. Would like to remove these items under Development Action, *or add language-stating review by Planning Commission will be at the discretion of Development Services Department.* Below I have noted examples.

Development Action: There shall be no development action within the GG-O zone without permission of the Planning Commission. Any person or entity desiring a development action within the GG-O zone must submit plan to the Planning Commission for review and approval. Development action means the following: **Would like to remove the following six items listed under development action.**

1. New principal building. *Maverik - City Staff and public utilities reviewed Maverik's plans. The permit was issued without review/approval from the Planning Commission.*
2. Expansion of a non-single family residential principal building by more than 2,000 sq. ft.
3. Development of five or more parking spaces. *(Has not happened that I am aware of).*
4. Construction of a sign, which requires a sign permit. *(We have issued sign permits for Chili's & Maverik - Maverik applied for and was approved for a variance)*
5. Any grading, excavation, paving or earthwork of greater than 2,000 sq. ft. *(this is all reviewed with our storm water permit by our storm water specialist, before any excavation begins).*
6. Storage of equipment, machinery or materials, including outdoor manufacturing equipment. *Staff reviews all building permit applications in the Gateway Greenway Zone, all departments are included in the review along with the City's Planning/Engineering Construction. Having the P.C. review these requests delays the beginning of the construction, because of public hearing requirements, and submittal and review before the p.c. which is thirty days before the meeting is held.*

The GGO along with our Landscape ordinance has created a few lots, which are too small to build on because of requirements for separation in Commercial lots that abut residential zones. With a ten-foot landscape requirement in the front, buffer zones required for separation from the residential zones and parking requirements it does not leave much area for the building. We've had a few situations where a developer has shown interest and when informed of all the setback requirements along with parking requirements etc., decide against it and do not follow through. *Possible language for this could be added stating that pre-existing commercial lots would be landscaped accordingly.*

Development Standards - were formulated to create a visually pleasing GG-O Zone & to convey the values of the City of Scottsbluff.

A. Signs - *would like to add #3. Pole Signs - one twenty-five foot (25') pole sign.* This will allow one 25' pole sign in the Gateway Greenway Overlay zone. Currently there are several existing pole signs, which were put in place before the original 2005 and updated 2009 GG-O zone were approved. In driving the GG-O corridor the 25' pole signs are less intrusive than the taller signage and billboards in the GGO zoning areas.



SCOTTSBLUFF CITY

PLANNING COMMISSION AGENDA

Monday, January 23, 2012, 6:00 p.m.

City Hall Conference Room, 2525 Circle Drive

PLANNING COMMISSIONERS

GLEN VANDENBERGE
CHAIRMAN

JACKIE GREENMAN
VICE CHAIRMAN

ANGIE AGUALLO

BECKY ESTRADA

DANA WEBER

HENRY HUBER

DAN RAMSEY

GARY HUTZEL

JIM ZITTERKOPF

(ALT.) ANITA CHADWICK

1. **WELCOME TO THE PLANNING COMMISSION MEETING: Chairman**
2. **NEBRASKA OPEN MEETINGS ACT:** For all interested parties, a copy of the Nebraska Open Meetings Act is posted on a bulletin board at the back of the council chambers in the west corner.
3. **ROLL CALL:**
4. **NOTICE OF CHANGES IN THE AGENDA:** Additions may not be made to this agenda less than 24-hours prior to the beginning of the meeting unless added under item 5 of this agenda.
5. **CITIZENS WITH ITEMS NOT SCHEDULED ON THE REGULAR AGENDA:** As required by State Law, no item may be considered under this item unless the Planning Commission determines that the matter requires an emergency action.
6. **APPROVAL OF THE PLANNING COMMISSION MINUTES FROM: 12/12/11.**
7. **NEW BUSINESS :**
 - A. **Public Hearing:** 2012 One & Six Year Street Plan
Applicant(s): City of Scottsbluff Public Works Dept.
Owner(s): N/A
Location: N/A
 - B. **Proposed Text Changes/additions/corrections:** GG Overlay Zone (25-3-22.1), Landscape Ordinance (Chapter 25, Article 22), Agricultural (25-3-19), and Sign Code (Chapter 25, Article 6), miscellaneous corrections/changes
Applicant(s): N/A
Owner(s): N/A
Location: N/A
8. **UNFINISHED BUSINESS: NONE**
9. **ADJOURN**

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Department of Roads for an access off of Highway 26. There is an existing access easement along Highway 26. Inland Trucks would like to move it further to the north if at all possible, they have met with the representatives from the Department of Roads and will know if the change will be allowed, if not they will use the existing easement.

Conclusion: A motion was made by Huber and seconded by Hutzel to approve the zone change request for part of the NE corner of the NW ¼ of Section 30, T22N, R54W of the 6th p.m. (15.52 acres) to M-1 Light Manufacturing and Industrial. "YEAS": Zitterkopf, Estrada, Huber, Hutzel, Aguallo, Ramsey, Chadwick (alternate) and Vandenberg. "NAYS": None. ABSTAIN: None. ABSENT: Greenman and Weber. Motion carried

ITEM 7B: The Planning Commission opened a public hearing on a final plat for property owners, Aldo and Donna Gonzales, represented by M.C. Schaff and Associates. The final plat is for Lot 7A, Block 1, Clemens-Reinhardt Subdivision a replat of Lots 7 and 8, Block 1, Clemens-Reinhardt Subdivision, and part of abutting alley, in the City of Scottsbluff, Scotts Bluff County, Nebraska, situated in the NW ¼ of Section 14, T22N, R54W of the 6th P.M. This lot is located on the south side of 36th Street, north of the Scottsbluff Drain and west of Aspen Drive. The existing lot 8 is irregular and too small; it also does not meet existing R-1A zoning guidelines. Combining lots 7 and 8, and moving the abutting alley to the west side of the new lot, will allow for a bigger lot which will allow for a nice residential home sometime in the future. The alley access will still be assessable to utility trucks.

Conclusion: A motion was made by Estrada and seconded by Ramsey to approve the final plat of Lot 7A, Block 1, Clemens-Reinhardt Subdivision a replat of Lots 7 and 8, Block 1, Clemens-Reinhardt Subdivision, and part of abutting alley, in the City of Scottsbluff, Scotts Bluff County, NE. "YEAS": Zitterkopf, Estrada, Huber, Hutzel, Aguallo, Ramsey, Chadwick (alternate) and Vandenberg. "NAYS": None. ABSTAIN: None. ABSENT: Weber and Greenman. Motion carried.

ITEM 7C: The Planning Commission opened a public hearing and continued discussion about proposed zoning code changes from their meeting of October 10th. Several areas were discussed starting with the Gateway Greenway Overlay zone, the landscaping ordinance, agricultural residential dwellings, & sign code ordinance.

25-3-22.1 Gateway Greenway Overlay Zone was discussed under **Development Action** items one through six is reviewed by Staff and does not need to be reviewed by the Planning Commission. These items listed are reviewed by the Planning Commission during the preliminary plat process and bringing these items back for a second review delays the building process for the developer. The items listed below are what would be removed from the ordinance.

1. The construction of a new principal building or use;
2. The expansion of a non-single family residential principal building by more than 2,000 sq. ft.
3. Development of five or more parking spaces.
4. Construction of a sign, which requires a sign permit.
5. Any grading, excavation, paving or earthwork of greater than 2,000 sq. ft.
6. Storage of equipment, machinery or materials, including outdoor manufacturing equipment.

Under **Development Standards** we would like to **add** under A. Signs - add a #3. Stating one 25' pole sign will be allowed in the GGO zone for new construction/development.

25-22-3 Landscaping ordinance; Applicability add the following:

ORDINANCE RECORD

ORDINANCE NO. 3986

AN ORDINANCE DEALING WITH ZONING, SPECIFICALLY THE GATEWAY GREEN OVERLAY ZONE (GG-O), SUBSTANTIALLY REVISING CHAPTER 25, ARTICLE 3, PERTAINING TO THE GATEWAY GREEN OVERLAY ZONE PROVISIONS, AND REPEALING PRIOR SECTIONS.

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

Section 1. Section 25-3-22.1 of the Scottsbluff Municipal Code is amended to provide as follows:

25-3-22.1. GATEWAY GREEN OVERLAY ZONE (GG-O).

Purpose.

The Gateway Green Overlay (GG-O) Zone is intended to:

- A. Promote the general health, safety and welfare of the community
- B. Create a sense of continuity throughout the corridor with harmonious design standards for public improvements and private property development.
- C. Preserve and enhance the historical attractions and landmarks of Scottsbluff and the surrounding area.

Design Guidelines

The GG-O Zone is an overlay zone that supersedes those of any other zoning district to which a tract of land may be subject. 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.

Boundaries

The GG-O Zone shall consist of all land located within one thousand 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
7. Highway L-79-G (West 20th Street extended) from the west Extraterritorial boundary to the West corporate limits of the city.

Development Action

There shall be no development action within the GG-O Zone without permission of the Planning Commission. Any person or entity desiring a development action within the GG-O Zone must submit plans to the Planning Commission for review and approval. Development action means the following:

1. The construction of a new principal building or use;
2. The expansion of a non-single family residential principal building by more than 2,000 square feet;
3. The development of 5 or more parking spaces;
4. Construction of a sign requiring an "Application for Sign Erection Permit";

ORDINANCE RECORD

5. Any grading, excavation, paving or earthwork of greater than 2,000 square feet;

6. Storage of any equipment, machinery or materials, including outdoor manufacturing equipment.

Development Standards

The development standards were formulated to create a visually pleasing GG-O Zone and to convey the values of the City of Scottsbluff

A. Signs

1. Monument Signs - One ground sign, monument type with a maximum height of 6' 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.

2. Wall Signs and Marquee Signs - One wall sign or marquee sign shall be permitted for each building or tenant in multi-tenant building. Signs shall only be permitted on the side of building with main public entrance.

B. Lighting

1. 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.

C. Overhead lines

1. Eliminate the need for power cables by burying cables underground.

D. Parking Lot Design

1. All parking areas shall be paved to meet current ordinance requirements.

2. All developments shall have off-street parking.

3. Parking areas over 50 spaces shall include landscape islands planted with 1 large shade tree or 2 small ornamental trees. Understory plantings of shrubs/perennials/groundcovers shall be durable and able to withstand foot traffic and frequent breakage from pedestrian traffic.

4. 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.

5. All parking areas visible from the transportation corridors shall have a complete visual buffer of 4' minimum height.

6. Where parking lots abut adjacent residential zoned areas a buffer yard of 20' minimum is required.

E. Landscaping and Screening Standards

Landscaping is critical in creating a visually pleasing appearance of the transportation corridors in the City of Scottsbluff. Landscape design and development shall be priority in the planning process. It is strongly encouraged that all design be based on xeriscape concepts. Drought tolerant turfgrasses, trees and shrubs will help to preserve our water resources. See appendix A for recommended species.

1. Screening

a. All loading and service areas that are within a 50' of a side or rear lot line abutting property that is residentially zoned shall be surrounded by a 6' high masonry wall or solid wood or PVC fence with opaque gate.

b. 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' 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 6' high evergreen planting, masonry wall, wood or PVC fence.

ORDINANCE RECORD

- c. 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 façade of the principal structure.
 - d. 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.
 - e. Outdoor storage shall be prohibited.
2. Buffer Yards
- a. Developed for the purpose of providing an effective visual screen between two dissimilar uses.
 - b. Buffer Yards shall be required along and inside the property line of commercial property abutting a residentially zoned property.
 - c. Buffer Yards shall be 20' minimum in depth and shall meet the following criteria:
 - Be planted with a staggered double row of evergreen trees at least 6' in height, or be planted with a single row of deciduous shade trees 2" caliper trunk minimum and two staggered rows of evergreen shrubs at least 3' in height, planted a maximum of 4' on center.
 - d. If a 6' high solid wood or PVC fence or masonry wall is incorporated into the design the buffer yard may be reduced by 10'. Finished side of fencing will face abutting property. A row of evergreen trees at least 6' in height, or a single row of deciduous shade trees 2" caliper trunk minimum and a staggered row of evergreen shrubs at least 3' in height, planted a maximum of 4' on center must accompany the fence.
3. Maintenance of Buffer Yard
- a. 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.
4. Landscaping
- a. Building Perimeter Walls
 - 1. Shrubs shall be planted within 10' of the foundation of the primary structure along each building facade at the rate of at least 20 shrubs per 100 linear feet of building facade except for sides or rear of building used for loading or service area.
 - b. Along each street frontage there shall be a 10' 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 planted not less than 40' on center or evergreen trees no less than 20' on center and shrubbery forming an intermittent hedge not less than 4' in height designed to provide an adequate screen. Where overhead wires exist directly over tree planting area, ornamental trees shall

ORDINANCE RECORD

- be substituted for required shade trees at an equal number.
- c. 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.
 - d. Storm water retention ponds shall be landscaped and developed in such a way as to enhance or be in harmony with the surrounding site landscape.
1. 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.
 2. Trees and shrub groupings shall be planted intermittently along the ridge of the retention pond to create the appearance of the plants naturally occurring.
 3. Approved erosion control measures will be required on all slopes.
 - a. 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 twenty-five percent 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 10' of a traveled street surface.
 - b. Underground irrigation shall be provided for all required landscaped areas. Areas of low water use landscaping may be included but must be indicated on plans. Irrigation water must be available for the initial two years after planting to establish low-water use landscapes.
 - c. All landscaped beds are to mulched with a 4" layer of wood mulch or rock mulch.
 - d. Minimum Tree and Shrub Sizes
 1. All deciduous shade trees shall be a minimum 2" caliper measured 12" from above the root ball.
 2. All evergreen trees shall be a minimum 5' in height measured from the top of the root ball to the top of the tree.
 3. All ornamental deciduous trees shall be a minimum 1½" caliper measured 12" from above the root ball.
 4. Shrubs shall be two gallon size or greater or 18"-24" in height if balled and burlapped.
 5. All perennials and ornamental grasses shall be 1 gallon size or greater.
 - e. 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.

F. Definitions

1. Buffer Yard: A landscaped area intended to separate and partially obstruct the view of two (2) adjacent land uses or properties from one another.

ORDINANCE RECORD

2. 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.
3. 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.
4. Storm Water Retention Ponds: Ponds or basins designed to hold rain water that has run off the surrounding landscape of lawns, roads, and rooftops.
5. Evergreen Planting: Dense planting of evergreen plant material that creates an opaque barrier.

ORDINANCE RECORD

Appendix A

Approved Deciduous Shade Trees

<u>Botanical Name</u>	<u>Common Name</u>
Aesculus glabra	Ohio Buckeye
Celtis occidentalis	Common Hackberry
Ginkgo biloba	Ginkgo
Gleditsia triacanthos var. inermis	Shademaster Honeylocust Skyline Honeylocust (Additional varieties must be approved by Planning Commission)
Gymnocladus dioicus	Kentucky Coffeetree
Populus deltoides	Eastern Cottonwood (only on very large sites, may not be used for parking lot plantings)
Quercus alba	White Oak
Quercus macrocarpa	Bur Oak
Quercus muehlenbergii	Chinkapin Oak
Quercus robur	English Oak
Tilia americana	American Linden
Tilia cordata	Littleleaf Linden

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 Zones.

Approved Small Ornamental Trees

<u>Botanical Name</u>	<u>Common Name</u>
Amelanchier x grandiflora	Apple Serviceberry
Crataegus crusgalli x intermis	Thornless Cockspur Hawthorn
Malus spp.	Crabapple varieties: Bechtal Brandywine (prohibited in parking areas and around walkways) Indian Magic Indian Summer Pink Spire Red Barron Red Jade Spring Snow
Prunus virginiana 'Canada Red'	Canada Red Chokecherry
Syringa reticulata	Japanese Tree Lilac
Viburnum lentago	Nannyberry Viburnum

Approved Evergreen Trees

<u>Botanical Name</u>	<u>Common Name</u>
Picea pungens	Colorado Spruce
Pinus aristata	Bristle Cone Pine
Pinus cembroides	Pinyon Pine
Pinus contorta	Lodgepole Pine
Pinus flexilis	Limber Pine
Pinus nigra	Austrian Pine
Pinus ponderosa	Ponderosa Pine
Pinus sylvestris	Scotch Pine

ORDINANCE RECORD

Section 2. Previously existing Section 25-3-22.1 of the Municipal Code and all other Ordinances and parts of Ordinances in conflict with this Ordinance are repealed. Provided, this Ordinance shall not be construed to affect any rights, liabilities, duties or causes of action, either criminal or civil, existing or actions pending at the time when this Ordinance becomes effective.

Section 3. This Ordinance shall become effective upon its passage, approval and publication as provided by law.

PASSED AND APPROVED on March 16, 2009.


Mayor

ATTEST:


City Clerk (Seal)



Approved as to form:

Deputy City Attorney

ORDINANCE RECORD

CERTIFICATE OF PASSAGE



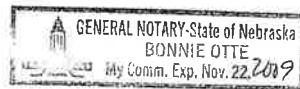
State of Nebraska)
County of Scotts Bluff) §
City of Scottsbluff)


I, Cynthia A. Dickinson, City Clerk of the City of Scottsbluff, Scotts Bluff County, Nebraska, hereby certify that the annexed Ordinance purporting to be Ordinance No. 3986 of said City was passed as such by the Mayor and City Council of the City of Scottsbluff, Scotts Bluff County, Nebraska, pursuant to the rules and regulations prescribed by general law and by said City for the passage of Ordinances, and was duly approved by the Mayor of said City, passage and approval having been made on the 16th day of March, 2009 with respect to said Ordinance aforesaid which said Ordinance No. 3986 has been published in pamphlet form by authority of the Mayor and Council of said City under direction of its duly constituted authorities pursuant to resolution of the Mayor and Council thereof with copies made available to the public on such date at the office of the City Clerk.

IN WITNESS WHEREOF, I have hereto affixed my hand and the seal of the City of Scottsbluff, Scotts Bluff County, Nebraska, this 16th day of March A. D., 2009.


City Clerk

Subscribed and sworn to before me this 16th day of March, 2009.




Notary Public



SCOTTSBLUFF CITY PLANNING COMMISSION AGENDA

Monday, February 9, 2009, 6:00 p.m.
City Council Chambers, 1818 Avenue A

PLANNING COMMISSIONERS

DANA WEBER
CHAIRMAN

GLEN VANDENBERGE
VICE CHAIRMAN

FRANCIS CLARKSON

BECKY ESTRADA

RON WINCHELL

HENRY HUBER

DAN RAMSEY

GARY HUTZEL

JIM ZITTERKOPF

(ALT.)

1. **WELCOME TO THE PLANNING COMMISSION MEETING: Chairman**
2. **NEBRASKA OPEN MEETINGS ACT:** For all interested parties, a copy of the Nebraska Open Meetings Act is posted on a bulletin board at the back of the council chambers in the west corner.
3. **ROLL CALL:**
4. **NOTICE OF CHANGES IN THE AGENDA:** Additions may not be made to this agenda less than 24-hours prior to the beginning of the meeting unless added under item 5 of this agenda.
5. **CITIZENS WITH ITEMS NOT SCHEDULED ON THE REGULAR AGENDA:** As required by State Law, no item may be considered under this item unless the Planning Commission determines that the matter requires an emergency action.
6. **APPROVAL OF THE PLANNING COMMISSION MINUTES FROM: 1/12/09**
7. **NEW BUSINESS**
Public Hearings:
 - ✓A. **Ordinance:** Text Changes/Additions to GGO Zoning District
Applicant(s): N/A
Owner(s): N/A
Location: City Entry Corridors
 - ✓B. **Ordinance:** Text Changes & Corrections - to Chapter 25 zoning code.
8. **UNFINISHED BUSINESS:**
9. **ADJOURN**

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SCOTTSBLUFF CITY

PLANNING COMMISSION STAFF REPORT

To: Planning Commission
From: Development Services Department
Date: February 09, 2009
Subject: Proposed Ordinance Text Changes Gateway
Greenway Overlay zone

Procedure

1. Open Public Hearing
2. Overview of petition by city staff
3. Presentation by applicant
4. Solicitation of public comments
5. Questions from the Planning Commission
6. Close the Public Hearing
7. Render a decision (recommendation to the City Council)
8. Public Process: City Council determine final approval

Public Notice: This item was noticed in the paper

Background

The City asked our Planning Consultants to work on the Gateway Greenway Overlay zones. The existing ordinance does not have specific requirements on what it wants in the entryways into the City.

Amy Zieler is the landscaping consultant with M.C. Schaff and Associates; she researched other city requirements in their gateway areas. Amy reviews landscaping plans that come through the City office for commercial development and is aware of what will work in our City. With the information she researched and the existing ordinance she has come up with the attached proposed ordinance. It takes what we currently have in place along with some more definite guidelines listed under the development standards. The City Attorney and City Staff have reviewed these additions and are asking the Planning Commission for their thoughts on the proposed ordinance.

RECOMMENDATION

Approve

Make a POSITIVE RECOMMENDATION to the City Council to approve the Gateway Greenway ordinance text changes with the following condition(s):

Deny

Make a NEGATIVE RECOMMENDATION to the City Council to disapprove the Gateway Greenway ordinance text changes with the following condition(s):

Table

Make the motion to TABLE the Gateway Greenway Overlay Ordinance text changes with the following condition(s):

Request, Page 1

ARTICLE 1

25-3-22.1

Purpose.

The Gateway Green Overlay (GG-O) Zone is intended to:

- A. Promote the general health, safety and welfare of the community
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- C. Preserve and enhance the historical attractions and landmarks of Scottsbluff and the surrounding area.

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 - e. Outdoor storage shall be prohibited.
2. Buffer Yards
- a. Developed for the purpose of providing an effective visual screen between two dissimilar uses.
 - b. Buffer Yards shall be required along and inside the property line of commercial property abutting a residentially zoned property.
 - c. Buffer Yards shall be 20' minimum in depth and shall meet the following criteria:
Be planted with a staggered double row of evergreen trees at least 6' in height, or be planted with a single row of deciduous shade trees 2" caliper trunk minimum and two staggered rows of evergreen shrubs at least 3' in height, planted a maximum of 4' on center.
 - d. If a 6' high solid wood or PVC fence or masonry wall is incorporated into the design the buffer yard may be reduced by 10'. Finished side of fencing will face abutting property. A row of evergreen trees at least 6' in height, or a single row of deciduous shade trees 2" caliper trunk minimum and a staggered row of evergreen shrubs at least 3' in height, planted a maximum of 4' on center must accompany the fence.
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Appendix A

Approved Deciduous Shade Trees

Botanical Name

Aesculus glabra
Celtis occidentalis
Ginkgo biloba
Gleditsia triacanthos var. inermis

Gymnocladus dioica
Populus deltoides

Quercus alba
Quercus macrocarpa
Quercus muehlenbergii
Quercus robur
Tilia americana
Tilia cordata

Common Name

Ohio Buckeye
Common Hackberry
Ginkgo
Shademaster Honeylocust
Skyline Honeylocust
(Additional varieties must be approved by Planning Commission)
Kentucky Coffeetree
Eastern Cottonwood
(only on very large sites, may not be used for parking lot plantings)
White Oak
Bur Oak
Chinkapin Oak
English Oak
American Linden
Littleleaf Linden

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 Zones.

Approved Small Ornamental Trees

Botanical Name

Amelanchier x grandiflora
Crataegus crusgalli x intermis
Malus spp.

Prunus virginiana 'Canada Red'
Syringa reticulata
Viburnum lentago

Common Name

Apple Serviceberry
Thornless Cockspur Hawthorn
Crabapple varieties:
Bechtal
Brandywine (prohibited in parking areas and around walkways)
Indian Magic
Indian Summer
Pink Spire
Red Barron
Red Jade
Spring Snow
Canada Red Chokecherry
Japanese Tree Lilac
Nannyberry Viburnum

Gateway Green Overlay Zone

City of Scottsbluff



Legend

Zoning



C-3



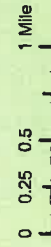
M-1



M-2



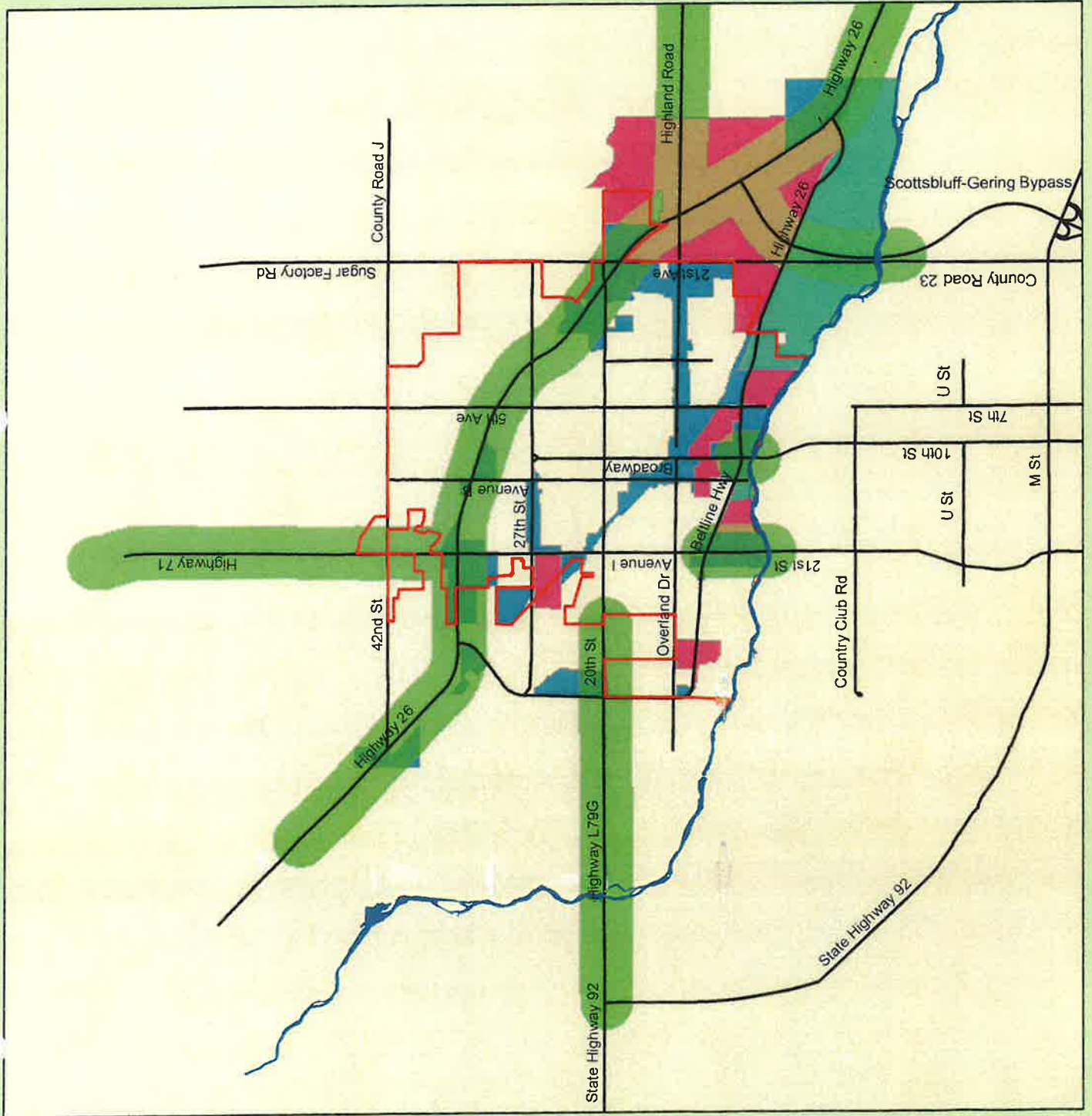
GG-O



January 30, 2009

J. Reller, City of Scottsbluff GIS
Coordinate System:
NAD 1983 StatePlane Nebraska FIPS 2600 Feet
Lambert Conformal Conic

The City makes no representation or warranty as to the accuracy, timeliness, or completeness, and in particular, its accuracy in labeling or displaying dimensions, contours, property boundaries, or placement or location of any map features shown.



**Planning Commission Minutes
Regular Scheduled Meeting
February 9, 2009
Scottsbluff, Nebraska**

The Planning Commission of the City of Scottsbluff, Nebraska met in a regular scheduled meeting on Monday, February 9, 2009 at 6:00 p.m. in the City Hall Council Chambers, 1818 Avenue A, Scottsbluff, Nebraska. A notice of the meeting had been published in the Star-Herald, a newspaper of general circulation in the City, on January 30, 2009. 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: Chairperson Dana Weber called the meeting to order. Roll call consisted of the following members: Jim Zitterkopf, Becky Estrada, Gary Hutzel, Francis Clarkson, Dan Ramsey, and Dana Weber. Absent: Henry Huber, Ron Winchell, and Glen Vandenberg. City officials present: Annie Urdiales, Planning Administrator and Gary Batt, Code Administrator II. The City's Planning/Engineering Consultant, Dave Schaff, and Amy Sieler were also present at the meeting.

ITEM 2: Chairperson, Dana Weber informed all those present of the Nebraska Open Meetings Act and that a copy of such is posted on a bulletin board at the back of the Council Chambers in the west corner, for those interested parties.

ITEM 3: Acknowledgment of any changes in the agenda: No changes.

ITEM 4: Business not on agenda: None.

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

ITEM 6: The minutes of January 12, 2008 were distributed and approved as distributed. Motion by Clarkson, seconded by Zitterkopf. "YEAS": Estrada, Zitterkopf, Hutzel, Clarkson, & Weber. "NAYS": None. ABSTAIN: Ramsey. ABSENT: Winchell, Huber, & Vandenberg.

ITEM 7A: The Planning Commission opened a public hearing for a proposed ordinance text change for the Gateway Greenway Overlay zoning district.

The existing GGO (gateway greenway overlay) zoning district was established in November of 2005 by the Planning Commission. At that time the Planning Commission did not have any guidelines to follow and established some very simple guidelines. The thought was that as developers came to the planning commission for preliminary and final plat application in this overlay zone landscaping would be required using the landscape ordinance as a guideline with added requirements in the overlay zone. Since that time we have had a couple of big scale developments one on the east side of town (Menards) and one on the west side (Chili's). Both of these developers had questions in regards to the requirements in the GGO zone, as they were vague. The City's Planning Consultant reviewed landscape plans for both

Staff gave a brief review of the changes and corrections, which include the following:

The performance standards for mobile home parks were added back to the ordinance. Mobile Home Parks are listed as a permitted use with a special permit under the R-6 zoning district. The standards are as follows: Mobile home parks need to have a minimum 4.5 acres, no required lot width, maximum lot coverage of seven (7) dwelling units per gross acre. Mobile home parks shall have a front setback of 15 feet from the interior drive or curb, 20 feet from the property lines (rear) 18 feet from any other mobile home and 12.5 feet from any side street setback. Mobile homes cannot be any closer than 18 feet from any service or any other mobile home park permanent building. Last, mobile homes within the park shall be no less than 700 square feet and a 35-foot height limit.

The R1B – Rural Residential zone performance guidelines were changed to match the County's performance guidelines. Lot width 200', currently 150'; Front Yard 50'(A) Notwithstanding any other setback requirements in these regulations, currently 30'; Side yard 20', currently 5'; Rear yard 50', currently 25'.

Conclusion: A motion was made by Jim Zitterkopf and seconded by Dan Ramsey to approve Zoning Code text changes residential and commercial districts Chapter 25 with recommendation to City Council. "YEAS": Zitterkopf, Clarkson, Hutzel, Ramsey, Estrada, and Weber. "NAYS": None. ABSENT: Vandenberg, Huber, & Winchell. Motion carried.

8. Unfinished Business: None.

ITEM 7C: There being no further business the Planning Commission with a motion to adjourn made by Gary Hutzel, and seconded by Becky Estrada meeting was adjourned at 7:20 p.m. "YEAS": Ramsey, Estrada, Zitterkopf, Hutzel, Clarkson, and Weber. NAYS: none. ABSENT: Huber, Vandenberg, and Winchell. Motion carried.

Dana Weber
Chairperson

Attest: _____
Annie Urdiales

ORDINANCE RECORD

ORDINANCE NO. 3882

AN ORDINANCE DEALING WITH ZONING, ESTABLISHING ZONING DISTRICT GG-O, GATEWAY GREEN OVERLAY ZONE, ESTABLISHING REGULATIONS FOR SUCH ZONE, AND ESTABLISHING THE BOUNDARIES OF SUCH ZONE.

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

Section 1. Section 25-3-1 of the Scottsbluff Municipal Code is amended to provide as follows:

25-3-1. Establishment of districts.

In order to carry out the purpose and intent of this Ordinance, the City of Scottsbluff and its land outside the city limits over which the City exercises zoning jurisdiction is hereby divided into the following zoning district classifications:

- R-1 Single Family.
- R-1a Single Family.
- R-1b Rural Residential Estate Zone.
- R-2 Two-Family.
- R-3 Light Density Multiple Family.
- R-4 Heavy Density Multiple Family.
- R-5 Mobile Home Park.
- R-6 Mobile Home.
- R-7 Mobile Home.
- O-P Office and Professional.
- PBC Planned Business Center.
- C-1 Central Business District.
- C-2 Neighborhood Commercial.
- C-3 Heavy Commercial.
- M-1 Light Manufacturing and Industrial.
- M-1(s) Light Manufacturing and Industrial.
- M-2 Heavy Manufacturing and Industrial.
- A Agricultural.
- AR Agricultural Residential.
- AR-1 Agriculture Residential.
- F Flood Plain.
- GG-O Gateway Green Overlay.

Section 2. Chapter 25, Article 13 of the Municipal Code is amended by adding the following new section:

25-3-22.1. GG-O Gateway Green Overlay

1. Purpose. The Gateway Green Overlay (GG-O) Zone is intended to:

- a. Protect the character and attractiveness of traditional transportation corridors and major entryways to the City; and
- b. Promote an enhanced character of development consistent with the high level of community impact and influence due to the prominent location of this area; and
- c. Ensure that the design of sites and buildings set a favorable tone for development of the remainder of Scottsbluff.

2. Applicability. The GG-O zone is an overlay zone and imposes requirements in addition to those of any other zoning district to which a tract of land may be subject. The GG-O Zone shall consist of all land located within one thousand feet measured perpendicular from the right-of-way of the following transportation corridors:

- a. U.S. Highway 26, extending from the East Extraterritorial Boundary to the West Extraterritorial Boundary,
- b. Highland Road, extending from the intersection with Airport Road to the intersection with U.S. Highway 26;
- c. McClellan Expressway (East Bypass Highway 71) from the North Platte River to its intersection with U. S. Highway 26

ORDINANCE RECORD

- h. Public art, water features and recreational facilities (i.e. paths, benches, exercise equipment for employees) within landscaped areas should be incorporated where possible.

Section 3. Previously existing Section 25-3-1 of the Municipal Code and all other Ordinances and parts of Ordinances in conflict with this Ordinance are repealed. Provided, this Ordinance shall not be construed to affect any rights, liabilities, duties or causes of action, either criminal or civil, existing or actions pending at the time when this Ordinance becomes effective.

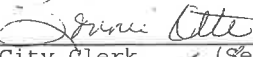
Section 4. This Ordinance shall become effective upon its passage, approval and publication as provided by law.

PASSED AND APPROVED on November 21, 2005.



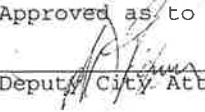
Mayor

ATTEST:



City Clerk (Seal)

Approved as to form:



Deputy City Attorney



**CITY OF SCOTTSBLUFF, NEBRASKA
PLANNING COMMISSION AGENDA
City Hall Council Chambers
1818 Avenue A
Scottsbluff, NE 69361
Monday November 14, 2005
Regular meeting 6:00 p.m.**

1. Roll Call: (Alternate- Gonzales), Frizzell, Vandenberg, Huber, Neu, Ramsey, Estrada, Sorensen, Clarkson, and Weber. Excused absences, if applicable.
2. Notice of changes in the agenda. (Additions may not be made to this agenda less than 24 hours before the beginning of the meeting unless added under item 3 of this agenda).
3. Citizens with business not scheduled on the agenda. (As required by state law, no matter may be considered under this item unless the Planning Commission determines that the matter requires emergency action).
4. Approval of Planning Commission meeting minutes of October 10, 2005.
5. NEW BUSINESS:
 - ✓A. Public hearing ordinance to amend comprehensive development plan map # 10-9 future land uses.
 - ✓B. Public hearing: SKH Holdings & Alyssa Frank zone change - R-1A to C-2 for properties described as Lot 5, Baptist Acres, Lots 1 & 2, Smith Addition, and Lot 2A, Heights Replat.
 - ✓C. Public hearing: Cinda Munoz and Bob Unzicker zone change – R-2 to C-2, and annexation in City's corporate limits – Block 2, Crown West Apartments Addition Amended.
 - ✓D. Public hearing proposed ordinance for final plat submittal - two years after approval of preliminary plat after two years require extension and approval from planning commission.
 - ✓E. Public hearing proposed zone text ordinance change for C-3, M-1, M-1(s) and M-2 zones regarding billboard signs.
 - ✓F. Public hearing regarding proposed ordinance for Gateway Green Overlay Zone for entryways into the City.
6. Unfinished business:
7. Adjournment

Staff Analysis

Planning Commission Date: November 14, 2005

Agenda Item: 5F

Project Title: Gateway Green Overlay (GG-O) Zone

This ordinance would allow the formation of a new overlay zone along the major transportation corridors into the City of Scottsbluff.

- I. **Location:** Within Extra-Territorial Limits and Corporate Limits, the GG-O Zone would be located along:
Highway 26;
Highway 71, from north Extra-territorial boundary to Highway 26;
Avenue I, from North Platte River to S. Beltline Highway;
Broadway Ave, from North Platte River to S. Beltline Highway;
McClellan Expressway (East 71 Bypass) from N. Platte River to Hwy 26;
Highland Road, from Airport Road to Highway 26.
- II. **Current Zoning of Site:** Varies. Underlying zoning does not change.
- III. **Adjacent Zoning:** Varies, all adjacent zoning remains unchanged.
- IV. **Proposed Zoning:** Gateway Green Overlay (GG-O), underlying zoning remains unchanged.
- V. **2004 Comprehensive Plan:** The section of the Comprehensive Plan titled "Land Use" with a sub-heading of "Key Land Development Issues" (page 10-1) contains the following statement:

- "the community image/aesthetic character has been eroded at community entrances and along primary corridors due to strip development patterns and inadequate land use regulations."

Under the section titled "Development Plan" is an entire section titled "Create Impressions That Entice Community Exploration" (page 2-4). Some of the key ideas in this section include:

- "Create strongly defined community entrances using monument style entrance signs, landscaping and directional information. Priority areas include US 26 intersections with East Overland, Highway #71N, and the future east and west bypass intersections. The motorist should feel a sense of arrival upon reaching these features."

Also included under "Create Unique Residential & Commercial Neighborhoods" is the statement:

- "Landscape and architectural design requirements should be implemented to ensure high quality developments, particularly in commercial areas"

It is clear from all of these statements that the Comprehensive Plan supports the identification of gateway corridors, and strengthening the community image through land use regulations in these areas.

- VI. **Existing Conditions:** No land use regulations currently define gateway areas. Existing zoning in key intersections varies from residential to commercial to manufacturing.
- VII: **Constraints Considered:** Enhanced site design regulations can be the basis for increased initial design cost (architecture, engineering and landscape), decreased site/building coverage, and an increase in construction costs. Increased construction costs can be due to many factors such as: use of higher quality materials, installation of underground irrigation, installation and maintenance of landscaping. Site design regulations can also restrict use, such as outside material storage or outside manufacturing.

Some property owners may be prevented from developing their properties because they are unable to fund these types of improvements. The community must balance these concerns with the public welfare, and the need to guide development in order to create an environment that will maintain it's attractiveness and economic value for generations to come.

- VII. **Staff Recommendation:** Approval of ordinance.

- VIII. **Suggested Language:**

For Recommendation to Council (Approval):

- 1) A motion is made to recommend the proposed ordinance.

**Planning Commission
Regular Meeting
November 14, 2005
Scottsbluff, Nebraska**

The Planning Commission of the City of Scottsbluff, Nebraska met in a regular meeting on Monday, November 14, 2005 at 6:00 p.m. in the City Hall Council Chambers, 1818 Avenue A, Scottsbluff, Nebraska. A notice of the meeting had been published in the Star-Herald, a newspaper of general circulation in the City, on November 4, 2005. 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: Chairperson, Dan Ramsey, presided over the proceedings. The following members were present: Becky Estrada, Clark Sorensen, Dan Ramsey, Dana Weber, Glen Vandenberg, and Francis Clarkson. Absent: Jacque Neu, Nellie Frizzell, Henry Huber, and Raymond Gonzales. City officials present: Suzanne Bassinger, Annie Urdiales, and John Simmons, Deputy City Attorney.

ITEM 2: Chairperson Ramsey asked if there were any corrections to the minutes of the October 10, 2005 meeting. The minutes were approved as distributed.

ITEM 3: Acknowledgment of any changes in the agenda. Items 5B and 5C are requests for zone changes pertaining to item 5A; public hearings will be heard concurrently noting the map change with the requests for changes in zoning. Also, would like to show slide show before Item 5E.

ITEM 4: Business not on agenda: None.

ITEM 5A & 5B: The Planning Commission opened the public hearing for a proposed zone change request from SKH Holdings and Alyssa Frank properties located on Avenue I and amending comp plan map # 10-9 adding this area in future zoning. These properties consist of four lots on the east side of Avenue I, north of 29th Street. The properties are consistent with the current commercial zoning on the west side of Avenue I.

Steve Herron, representative, of SKH Holdings addressed the planning commission in favor of the zone change.

The planning commission held discussion on the proposed rezoning and map amendment.

Conclusion: At the conclusion of the public hearing the Planning Commission, upon motion by Glen Vandenberg and seconded by Dana Weber to amend comprehensive development plan map 10-9 adding these parcels to map. "YEAS": Weber, Clarkson, Vandenberg, Sorensen, Estrada, and Ramsey. "NAYS": None. ABSENT: Frizzell, Neu, Huber, and Gonzales. Motion carried

Motion number two was made by Francis Clarkson and seconded by Glen Vandenberg to recommend proposed zone change to City Council from R-1A to C-2 allowing for the City to limit accesses on to Avenue I. "YEAS": Clarkson, Weber, Vandenberg, Sorensen, Estrada, and Ramsey. "NAYS": None. ABSENT: Frizzell, Huber, Neu, and Gonzales. Motion carried

ITEMS 5A & 5C: The Planning Commission conducted public hearings regarding amendment to comprehensive development plan map 10-9, proposed zone change R-2 to C-2, and annexation of property at 2030 Avenue I (Block 2, Crown West Apartments Addition).

Bob Unzicker, property owner, addressed planning commission expressing he is in favor of the proposed zone change and annexation.

Annexation of this property is recommended. This parcel consists of approximately 1.5 acres completely surrounded within the City Limits. Fire Department reviewed and noted that they will have no problems as it relates to fire codes and emergency response. The Police Department expressed that the annexation will have minimal impact on their Department as they already provides services to the surrounding area.

Conclusion: At the conclusion of the public hearing the Planning Commission, upon motion by Dana Webber and seconded by Becky Estrada to amend the comprehensive development map adding this parcels to map. "YEAS": Weber, Clarkson, Vandenberg, Sorensen, Estrada, and Ramsey. "NAYS": None. ABSENT: Frizzell, Neu, Huber, and Gonzales. Motion carried

Motion number two was made by Dana Webber and seconded by Becky Estrada to recommend proposed zone change to City Council from R-2 to C-2 allowing for the City to maintain control of accesses on to Avenue I. "YEAS": Clarkson, Weber, Vandenberg, Sorensen, Estrada, and Ramsey. "NAYS": None. ABSENT: Frizzell, Huber, Neu, and Gonzales. Motion carried

Motion number three was made by Becky Estrada and seconded by Francis Clarkson to recommend approval of annexation to City Council. "YEAS": Clarkson, Weber, Estrada, Vandenberg, Sorensen, and Ramsey. "NAYS": None. ABSENT: Frizzell, Neu, Huber, and Gonzales.

ITEM 5D: The Planning Commission opened public hearing for proposed ordinance dealing with subdivisions providing that the final plat be submitted within two years of the preliminary plat and providing an extension to be granted by the planning commission after the two year time frame.

Planning commission discussed proposed ordinance and tabled until next regular meeting in December. They would like more information from staff.

Planning commission viewed short slide show illustrating effect of a sign code on “before” and “after” pictures taken of Ft. Collins, Colorado. “Before” pictures taken in ‘70’s and ‘80’s with “after” pictures taken in early 2000’s.

ITEM 5E: The planning commission opened a public hearing for a zone text change ordinance eliminating billboards in C-3 (heavy commercial), M-1, M-1(s), and M-2 zones. This ordinance would remove billboards as a permitted use in these manufacturing and commercial zones. The existing billboards would become pre-existing non-conforming and given a fifteen year time period in which they would be phased out.

Opponents: Ron Repasky, Joe Hendren, and Tom Holyoke all representing Lamar Outdoor Advertising.

Kevin Howard, Stan Slater, and Karen Anderson spoke in favor of keeping Scottsbluff beautiful, and for the need of directional signs on the McClellan Expressway.

Dick Ross, planning commission member from Gering addressed planning commission noting that the City of Gering changed their ordinance and does not allow any billboards along Highway 71.

The planning commission tabled proposed ordinance and will work at creating an ordinance that will be effective and responsible for everyone – with certain guidelines and restrictions on height, size, lighting, and placement.

ITEM 5F: The planning commission opened a public hearing for a proposed ordinance of a Gateway Green Overlay zone. The existing underlying zones will remain the same; any construction done in the proposed overlay zone would require the planning commission to review a site plan. The overlay would be 1000’ behind the right-of-way. This line will fluctuate because of different right of ways along the different highways.

A motion was made by Dana Weber and seconded by Becky Estrada acknowledging that planning commission members Glen Vandenberg and Francis Clarkson disclosed their possible conflict as developers in the overlay zone. Both members have properties, which are located in the overlay zone all required permitting has been approved and issued. Vote was as follows: “YEAS”: Estrada, Sorensen, Weber, Clarkson, Vandenberg, and Ramsey. “NAYS”: None. ABSENT: Frizzell, Neu, Huber, and Gonzales.

Conclusion: At the conclusion of the public hearing the Planning Commission, upon motion by Dana Webber and seconded by Glen Vandenberg to recommend Gateway Green Overlay Zone ordinance to City Council with the following changes: eliminate # 6A from the ordinance and add Highway 92 (20th St.) west of town as an entryway, starting from the City's extra territorial property to the City's corporate limits. "YEAS": Weber, Clarkson, Vandenberg, Sorensen, Estrada, and Ramsey. "NAYS": None. ABSENT: Frizzell, Neu, Huber, and Gonzales. Motion carried.

ITEM 6: There being no further business the Planning Commission adjourned at approximately 8:30 p.m.

Dan Ramsey
Chairperson

**CITY OF SCOTTSBLUFF, NEBRASKA
PLANNING COMMISSION AGENDA
City Hall Council Chambers
1818 Avenue A
Scottsbluff, NE 69361
Monday October 10, 2005
Regular meeting 6:00 p.m.**

1. Roll Call: (Alternate), Frizzell, Vandenberg, Huber, Neu, Gonzales, Ramsey, Estrada, Sorensen, and Weber. Excused absences, if applicable.
2. Notice of changes in the agenda. (Additions may not be made to this agenda less than 24 hours before the beginning of the meeting unless added under item 3 of this agenda).
3. Citizens with business not scheduled on the agenda. (As required by state law, no matter may be considered under this item unless the Planning Commission determines that the matter requires emergency action).
4. Approval of Planning Commission meeting minutes of September 12, 2005.
5. NEW BUSINESS:
 - A. Public Hearing: Steve Herron representative for SKH Holdings, and Alyssa Frank, zone change – R-1A to C-2. ***Pulled from Agenda***
 - B. Public Hearing: Cinda Munoz and Bob Unzicker zone change – R-2 to C-2. ***Pulled From Agenda****
 - ✓C. Public Hearing: Final Plat Clemens Reinhardt property
 - ✓D. Public Hearing: Ordinance - Extra Territorial Jurisdiction
 - ✓E. Proposed Gateway Green Zone Overlay for entryways to City.
 - ✓F. Discussion item: Notification of County subdivision outside of Extra Territorial Area.
6. Unfinished business:
7. Adjournment

MEMO

TO: Scottsbluff Planning Commission
FROM: Suzanne C. Bassinger, City Planner
DATE: September 29, 2005

RE Agenda Item 5E: Discussion on Gateway Green Zone Overlay District

Staff shall present suggested criteria for a Gateway Green Zone at the October 24 planning topic meeting. Additional input and discussion is sought from Planning Commission tonight. The following are some of the issues to be addressed with an overlay zone:

- A. Potential Locations:
 - Highway 26/Heartland Express/Future West Bypass
 - All of Highway 26 through City
 - Adjacent to off-ramp from Heartland Express onto Beltline Highway
 - Avenue I North Entrance: Avenue I north of Highway 26
 - Avenue I South Entrance: North of River, south of Beltline
 - Broadway Entrance: South of 8th Street
- B. Sign controls
- C. Enhanced Landscaping
- D. Building Setbacks
- E. Building Facades/Architectural Review
- F. Temporary Adoption Period; Funding/Schedule for Completion
- G. Partnerships: City of Gering, Scotts Bluff County, Chamber of Commerce (attend October 24 meeting?)
- H. Depth of overlay zone...200'/500'/1000' from Right-of-Way?
- I. Any development or redevelopment in this area by Special Use Permit reviewed and granted by Planning Commission only – note that Special Use permits currently do not go to City Council...Planning Commission has final approval. May request differing classification to be suggested from Legal Dept. so that final approval still reserved for City Council?

**Planning Commission
Regular Meeting
October 10, 2005
Scottsbluff, Nebraska**

The Planning Commission of the City of Scottsbluff, Nebraska met in a regular meeting on Monday, October 10, 2005 at 7:00 p.m. in the City Hall Council Chambers, 1818 Avenue A, Scottsbluff, Nebraska. A notice of the meeting had been published in the Star-Herald, a newspaper of general circulation in the City, on September 30, 2005. 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: Chairperson, Dan Ramsey, presided over the proceedings. The following members were present: Nellie Frizzell, Henry Huber, Dan Ramsey, Dana Weber, Glen Vandenberg, and Francis Clarkson. Absent: Jacque Neu, Clark Sorensen, Becky Estrada, and Raymond Gonzales. City officials present: Suzanne Bassinger, and Annie Urdiales.

ITEM 2: Chairperson Ramsey asked if there were any corrections to the minutes of the September 12, 2005 meeting. The minutes were approved as distributed.

ITEM 3: Acknowledgment of any changes in the agenda. Items 5A & 5B were withdrawn from the agenda they will be presented at the November regular meeting.

ITEM 4: Business not on agenda: Francis Clarkson, was introduced as a new member of the Planning Commission.

ITEM 5C: The Planning Commission opened the public hearing for a final plat of Lots One through Eight, Block 1, Clemens-Reinhardt Subdivision.

Jack Baker, representative for Baker and Associates, addressed the planning commission giving some background on the final plat.

Conclusion: At the conclusion of the public hearing the Planning Commission, upon motion by Dana Weber recommended approval of the final plat, contingent upon the finalization of the Development Agreement and Stormwater Easement for the property, seconded by Nellie Frizzell, "YEAS": Weber, Clarkson, Vandenberg, Huber, Frizzell,

and Ramsey. "NAYS": None. ABSENT: Estrada, Gonzales, Sorensen, and Neu.
Motion carried

ITEMS 5D: The Planning Commission conducted a public hearing regarding a new map with boundary lines of our extra-territorial jurisdiction. Staff has completed a new map, which used established physical features to delineate the limits of the City's jurisdiction. The proposed limits extend beyond the actual 2-mile limit in several places. If approved the City will seek approval from the County Planning Commission and the Scotts Bluff County Commissioners.

Conclusion: At the conclusion of the public hearing the Planning Commission, upon motion by Nellie Frizzell and seconded by Glen Vandenberg that they recommend approval of the new boundary map of the City's extra territorial jurisdiction. "YEAS": Frizzell, Huber, Clarkson, Weber, Vandenberg, and Ramsey. "NAYS": None. ABSENT: Neu, Gonzales, Sorensen, and Estrada.

ITEM 5E: The Planning Commission discussed possible requirements for the creation of a new gateway green zone as an overlay zone to districts within the entryways into the City which will control signage, landscaping, etc. in areas within the 200' or more of the highway entries into Scottsbluff. Staff will prepare a presentation with proposed guidelines at the next planning commission meeting.

The City received notification from the County Planning Commission about a proposed development abutting the City's jurisdiction. Staff is to write a letter of thanks for the update

ITEM 6: There being no further business the Planning Commission adjourned at approximately 7:05 p.m.

Dan Ramsey
Chairperson

CITY OF SCOTTSBLUFF, NEBRASKA
PLANNING COMMISSION AGENDA
City Hall Council Chambers
1818 Avenue A
Scottsbluff, NE 69361
Monday July 11, 2005
Regular meeting 7:00 p.m.

1. Roll Call: Winchell (Alternate), Frizzell, Vandenberg, Huber, Neu, Gonzales, Ramsey, Estrada, Sorensen, and Weber. Excused absences, if applicable.
2. Notice of changes in the agenda. (Additions may not be made to this agenda less than 24 hours before the beginning of the meeting unless added under item 3 of this agenda).
3. Citizens with business not scheduled on the agenda. (As required by state law, no matter may be considered under this item unless the Planning Commission determines that the matter requires emergency action).
4. Approve Planning Commission meeting minutes of June 13, 2005.
5. NEW BUSINESS:
 - ✓A. Public Hearing Preliminary and Final Plat of Lots One, through Eleven, Block One and Block Two, Stoney Creek Estates a replat of Community Christian Fellowship Addition submitted by M.C. Schaff & Associates.
 - ✓B. Public hearing for special permit application for a Planned Unit Development (P.U.D.) of Lots One through Eleven, Block One, and Block Two, Stoney Creek Estates a replat of Community Christian Fellowship Addition.
 - ✓C. Public hearing regarding an amended plat for Lots One through Four, Block One, Lots One through Twenty-two, Block Two, Lots One through Thirteen, Block Three, Lots One through Thirteen, Block Four, Lots One through Twelve, Block Five, and Block Twenty-two, Five Oaks Subdivision
 - D. Public hearing regarding extra territorial jurisdiction
 - ✓E. Presentation of conceptual commercial zoning Highway ²⁶27 and Highway ²⁶27 intersection - gateway green zone.
 - F. Discussion of Planning Commission retreat.
6. Unfinished business:
7. Adjournment

MEMO

TO: Scottsbluff Planning Commission

FROM: Suzanne C. Bassinger, City Planner

DATE: June 28, 2005

RE: Agenda Item 6E: Proposed zoning along Highway 26 & Highway 71 intersection

This is a discussion item for review by the Planning Commission. Staff will present an exhibit showing conceptual use of the new proposed commercial zoning along the new east entrance to the City created by the intersection of the Heartland Express with Highway 26. An additional zone: the "Gateway Green Zone" has been added to represent an area of enhanced landscaping and aesthetic considerations. This Green Zone would be applicable to other identified Gateway areas of the City.

This item is presented for discussion and input from the Planning Commission to the Staff.

Scottsbluff



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**Planning Commission
Regular Meeting
July 11, 2005
Scottsbluff, Nebraska**

The Planning Commission of the City of Scottsbluff, Nebraska met in a regular meeting on Monday, July 11, 2005 at 7:00 p.m. in the City Hall Council Chambers, 1818 Avenue A, Scottsbluff, Nebraska. A notice of the meeting had been published in the Star-Herald, a newspaper of general circulation in the City, on July 1, 2005. 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: Chairperson, Nellie Frizzell, presided over the proceedings. The following members were present: Nellie Frizzell, Jacque Neu, Glen Vandenberg, Clark Sorensen, Dana Weber, Henry Huber, Raymond Gonzales, Becky Estrada, and Ron Winchell. Absent: Dan Ramsey. City officials present: Suzanne Bassinger, and Annie Urdiales.

ITEM 2: Chairperson Frizzell asked if there were any corrections to the minutes of the June 13, 2005 meeting. The minutes were approved as distributed.

ITEM 3: Acknowledgment of any changes in the agenda. Suzanne asked that items 5A and 5B pertaining to Stoney Creek Estates be addressed at the same time.

ITEM 4: Business not on agenda: The Planning Commission agreed to listen to the Business Task Force and Downtown Business Association in reference to a special permit issued to Monument Family Connections for a homeless shelter.

Mike Downey representing both groups addressed the planning commission with concerns the group has with the location of the shelter (1921 Avenue A). Mr. Downey stated that the Business Task Force formed on April 13, 2005 and met with MFC on that date in an effort to possibly come up with an alternative location for the shelter. The task force over the past few months has worked on alternative locations including, old water utility building on Broadway, Cottonwood Inn on East Overland, vacant lot across from Cottonwood Inn, and old Farm Credit Building on S. Beltline Hwy W. The group has also pledged \$75,000 to be used for an alternate location. MFC board did not like any of alternate choices and the task force would like them to consider alternatives offered.

ITEM 4C: The Planning Commission opened the public hearings for an amended Final plat of lots 1 –4, Block 1, lots 1-22, Block 2, lots 1-13, Block 3, lots 1-13 Block 4, and lot 1, Block 22, Five Oaks Subdivision.

Clint Taylor of Baker and Associates reviewed the changes in the plat, which include 5' easements for additional utilities - electrical access to the northeast corner of the subdivision. This will allow them to utilize the electricity with shorter runs. The other changes are increased lot sizes in block three and block four, they eliminated two lots in Block Three and one lot in Block Four. They, also, changed lot sizes in the P.U.D. lot 3, 4, 18, and 20 of Block were increased to 70' x 42' from 65' x 42'.

Conclusion: At the conclusion of the public hearing the Planning Commission, upon motion by Becky Estrada and seconded by Ron Winchell, recommend approval of the amended final plat, Lots 1-4, Block 1, Lots 1-22, Block 2, Lots 1-13, Block 3, Lots 1-13, Block 4, Lots 1-12, Block 5, and Lot 1, Block 22, Five Oaks Subdivision "YEAS": Gonzales, Huber, Estrada, Neu, Vandenberge, Weber, Sorensen, Winchell, and Frizzell. "NAYS": None. ABSENT: Ramsey. Motion carried.

ITEM 4F: Suzanne Bassinger reviewed a proposed map to extend the city's extra territorial zoning area. The City is by law able to enforce zoning two miles outside the corporate city limits. The map shows what the city currently enforces, with another line showing the complete two-mile zone. The city will have more control over future development and will be able to control large lot development, which could block growth for the City in the future. Planning commission recommend the City go out the full two miles. Staff will work on map and ordinance to present to planning commission's next regular meeting and then make recommendation to council.. Staff will also, check with Lon Darnall, zoning director with county for approval.

ITEM 4G: Suzanne Bassinger presented an exhibit showing conceptual use of the new proposed commercial zoning along the new east entrance to the City created by the intersection the Heartland Express with Highway 26. An additional zone: the Gateway Green Zone has been added to represent areas of enhanced landscaping and aesthetic considerations. The Green Zone would be applicable to other identified Gateway areas of the City. Staff will check with Panhandle Area Development on completion of our proposed zone changes.

ITEM 4H: Suzanne proposed possibly setting up a retreat for planning commission members to attend and receive information and legal guidelines for duties required of a planning commission. Planning commission members agreed that they would like to have something set up and possibly have council attend along with the County and possibly boards from the City of Gering. This would help the council and planning commissions understand what duties they each do and could help with communication between each entity.

§ 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. **Recommend removal. This requirement adds a minimum of 4 weeks to review time. Average review time for a building permit is 2-3 weeks.**

(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. – Recommend move this to sign code

(c) Pole signs. One 25-foot pole sign will be allowed in the GG-O District per development. - Recommend move this to sign code. Current regulations are signs can be no taller than max height in respective zoning district. Potentially a problem with M-1 as sign could be 70' tall for example.

(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. – Recommend removal. This is covered in the sign code.

(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. – Recommend removal. Lighting regulations can be found under 25-5-14 for off-street parking.

(3) Overhead lines. Eliminate the need for power cables by burying cables underground. Recommend removal. This requirement places large financial burden on developers. Additionally, any powerlines over Highway 26 would require State of Nebraska approval.

(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. Recommend removal. This is redundant language.

(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. – Recommend removal of majority. Parking lot landscaping is covered under 25-22-8, which is stricter. 25-22-8 requires parking lots over 6,000 square feet to have landscaping. With the GG-O requirement, parking lots could be larger than 9,000 square feet before landscaping is required. For example, fifty 90-degree parking stalls (10' x 18') equals 9,000 sq. ft. This calculation excludes the required minimum 26' required maneuvering width (parking aisles). 25-22-8 also requires parking lot over 6,000 sq. ft. have no less than 5% of the total paved area as interior landscaped areas. Recommend the addition of the GG-O requirement for landscape islands to have a minimum area of 100 sq feet.

(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. Recommend removal. This concept is acceptable in theory, but would not result in the desired outcome in practice. (e) All parking areas visible from the transportation corridors shall have a

complete visual buffer of four feet minimum height.– Recommend removal. This requirement contradicts with 25-22-8(E), which states required screening and landscaping shall not obstruct the view from the off-street parking facility to any driveway approach, street, alley or sidewalk. For locations with major on-site traffic circulation, the screening requirements of 25-22-7 would come into effect.

(f) Where parking lots abut adjacent residential zoned areas, a buffer yard of 20 feet minimum is required. Recommend removal. 25-22-8 (B) states each parking facility that abuts a residential district shall provide a 20-foot landscaped buffer along its common property line with the residential district. 25-22-8 (C) states a 4' tall fence, wall, landscape screen, or earth berm shall be provided when a parking facility abuts a residential district. Additionally, the screening requirements of 25-22-7 would come into effect.

(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.

Recommend rewording and placing under 25-22-5. For example, add a requirement for 33% of plants be native species. Additionally, a xeriscaping program by the City could be implemented.

(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. –Recommend removal. 25-22-7 is stricter as screening is required when similar conditions are visible from a street ROW or face a boundary of a less intensive zoning district. Six-foot screen requirement is redundant as it can be found under 25-2-7 (B).

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. Recommend adding screening requirements for waste receptacles, including dumpsters, garbage cans, or grease containers to 25-22-7 (A). Recommend adding the requirement of such features to be located in the side or rear yard of a lot to 25-3-23.

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. Recommend adding screening requirements for rooftop mechanical and utility equipment to 25-22-7 (A).

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. –Recommend adding to 25-22-7 (A). Listed screening requirements are redundant as they are listed under 25-22-7 (B).

5. Outdoor storage shall be prohibited. Recommend removal and potential incorporation into 25-4 as it is difficult to determine what is outdoor storage. In regards to shipping containers, building permits are required for shipping containers to stay on a site for more than 6 months. Additionally, 25-22-7 requires screening of outdoor storage areas.

(c) Buffer yards.

1. Buffer yards are developed for the purpose of providing an effective visual screen between two dissimilar uses. Recommend removal as redundant. See 25-22-6.

2. Buffer yards shall be required along and inside the property line of commercial property abutting a residentially zoned property. Recommend removal as redundant. See 25-22-6.

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. Recommend removal as both redundant and overly specific for design layout.

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. – **Planning Commission made positive recommendation on adding this caveat to 25-22-6 at the December 13, 2021 meeting.**

(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.

Recommend removal as it is redundant. Maintenance requirements are listed under 25-22-10 (B).

(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. **Recommend removal as this requirement is impractical to enforce.**

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. **Recommend removal of majority of requirements. The 10' depth of landscaping is listed under 25-22-4. Recommend adding requirement for evergreen trees only to be planted in 20' wide beds to 25-22-5. 25-3-25 (E) prohibits the use of inorganic materials as a principal groundcover in landscaping areas along streets.**

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. **Recommend removal as redundant. See 25-22-8 (E).**

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. **Recommend removal. Recommend adding another subsection to the landscaping code to provide requirements for stormwater management landscaping. Stormwater Specialist Leann Sato has provided a preliminary subsection.**

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. – **Recommend consolidation into 25-22-5. Uses GG-O minimum sizes instead of those listed currently under 25-22-5 as GG-O minimum sizes allow smaller plants to be installed. Smaller plants are typically more available and cost less. Add minimum size requirements for perennials and ornamental grasses to 25-22-5.**

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. **Recommend removal. See 25-22-10**

(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. **Recommend adding diversity requirements to 25-22-5.**

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. **Recommend removal. See 25-22-5 (A). Recommend using approved GG-O plant list as part of a new Official Plant List of recommended and prohibited plants. Staff intends to work with the Park, Tree, and Cemetery Board to create a new plant list.**

(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. **Recommend removal. This requirement has not been enforced, and the Finance Department has no associated fund.**

(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 one 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 dioica

Kentucky Coffeetree

Populus deltoides

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 reticulata

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)