City of Scottsbluff, Nebraska
Monday, March 14, 2022
Regular Meeting

Item Appr. Min.1

February 14, 2022 Meeting.

Staff Contact: Zachary Glaubius, Planning Administrator

PLANNING COMMISSION MINUTES
REGULAR SCHEDULED MEETING
February 14, 2022
SCOTTSBLUFF, NEBRASKA

The Planning Commission for the City of Scottsbluff met in regular scheduled meeting on Monday, February 3, 2022 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 February 3, 2022. 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, Becky Estrada, Dave Gompert, Mark Westphal, Henry Huber, Jim Zitterkopf, Anita Chadwick. "Absent": Angie Aguallo, Callen Wayman, Linda Redfern (Alternate). City Officials present were Zachary Glaubius, Secretary/Planning Administrator, Taylor Stephens, GIS Analyst, Gary Batt, Code Administrator II, and Kent Hadenfedlt, City Attorney.

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 January 10, 2022 meeting were reviewed. Conclusion: a motion was made by Westphal and seconded by Zitterkopf to approve the minutes from January 10, 2022 meeting. "Yeas" Westphal, Estrada, Weber, Gompert, Zitterkopf, Chadwick "Abstain": Huber "Absent": Aguallo, Wayman, Redfern (alt.) The motion carried.

6 Chairman Weber opened the public hearing at 6:03 PM for Item 6A for a Rezone of Block 7, Five Oaks Subdivision situated in the northwest quarter of the Section 14, Township 22 North, Range 55 West of the 6th P.M. Glaubius stated the property owner, C&T Holdings, are requesting a rezone from Agricultural to R-4 Heavy Density Multiple-Family. Glaubius stated the Comprehensive Plan identified this area for residential use, and therefore the request is in accordance with future land use planning. Glaubius stated that staff recommends a positive recommendation on the approval of the rezone by Planning Commission. Larry Gion, a resident who lives near W. 40th Street and Avenue G, asked the Planning Commission if the rezone would result in the extension of W. 40th Street to Highway 71. Glaubius stated there is a developer's agreement that requires W. 40th Street to be completed prior to the issuance to a building permit. Gion asked if the section of W. 40th Street between Avenue G and Avenue D which is only a half-width would be completed as well. Westphal inquired if the State of Nebraska would permit access onto Highway 71 from W. 40th Street. Property owner Bill Trumbull stated the Nebraska Department of Transportation has already approved an access at the location as well as another access directly north of the Scottsbluff Drain. Trumbull stated the developer's agreement will cause the completion of W. 40th Street upon the development of any adjacent land. Weber closed the public hearing at 6:08 PM.

7 **Conclusion:** Motion by Westphal, seconded by Estrada to make a positive recommendation on the approval of the rezone request for Block 7, Five Oaks Subdivision. “Yeas” Westphal, Estrada, Weber, Gompert, Chadwick, Zitterkopf, Huber “Absent”: Aguallo, Wayman, Redfern (alt.). The motion carried.

8 Weber opened the public hearing at 6:09 PM for Item 6B regarding Tax Increment Financing redevelopment plan by Javier and Martha Parra for the El Torito Restaurant Project located at 2809 Avenue I. Hadenfeldt stated the Planning Commission is to reviewed and discuss if the redevelopment plan fits with the Comprehensive Plan. Hadenfeldt stated the project does fit as can be seen on the included memo. Westphal asked about the percentage of TIF funds. Glaubius stated there are no percentages related to TIF funds, and stated the total percentage of the City which can be blighted is 35%. Glaubius stated this property is already located in a blighted area. Applicant Javier Parra stated he is moving his restaurant from W. 27th Street to Avenue I, and TIF will help him complete the project. Weber closed the public hearing at 6:11 PM.

9 **Conclusion:** Motion by Estrada, seconded by Chadwick to make a positive recommendation on the approval of the redevelopment plan for the El Torito Restaurant Project. “Yeas” Westphal, Estrada, Weber, Gompert, Chadwick, Zitterkopf, Huber “Absent”: Aguallo, Wayman, Redfern (alt.). The motion carried.

10 Weber introduced Item 6C regarding an Agricultural Estate Dwelling Site (AEDS) at 180821 Highway L79G and opened the public hearing at 6:12 PM. Glaubius stated the owners Doug and Julie Shuey are requesting the creation of an Agricultural Estate Dwelling Site with an area of 6.86 acres. Glaubius stated the current parcel of land is 14 acres, and the applicants want to decrease the size to sell the house and keep the land. Glaubius stated the land and surrounding land is all zoned Agricultural, and the comprehensive plan identifies the area as Rural. Glaubius stated access to the AEDS is via Highway L79G. Glaubius stated the AEDS has a width of 600 feet and the minimum width of an AEDS per 25-3-19 is 150 feet. Glaubius stated that the reserved land for the AEDS is approximately 77 acres and does not meet the 80-acre requirement. Glaubius stated that per 25-3-19.10d, the Planning Commission has the authority to approve an AEDS with a smaller reserve land area so long as the intent of an AEDS is maintained. Glaubius stated staff recommends the Planning Commission make a positive recommendation on the approval of the AEDS to City Council. Weber asked if there were AEDS in the city jurisdiction, and Glaubius stated there were. Glaubius stated an AEDS was approved in 2021 with a reserved land of around 40 acres. Weber inquired the history behind the 80 acre requirement, and Hadenfeldt stated it is tied to sections. Hadenfeldt stated the intent of the 80 acre reserve is to preserve the most agricultural land as possible. Westphal inquired about AEDS size and purpose. Glaubius stated AEDS provide a way for landowners to subdivide land without having to plat. Weber closed the public hearing at 6:16 PM.

11 **Conclusion:** Motion by Zitterkopf, seconded by Westphal to make a positive recommendation on the approval of the Agricultural Estate Dwelling Site request for181015 Highway L79G. “Yeas” Westphal, Estrada, Weber, Gompert, Chadwick, Zitterkopf, Huber “Absent”: Aguallo, Wayman, Redfern (alt.). The motion carried.

12 Weber introduced Item 6D regarding a special permit use application for 1004 Avenue I to for “Auto Sales and Service” in the C-2 Neighborhood and Retail Commercial District and opened the public hearing at 6:18 PM. Glaubius stated the applicant Ruben Saenz is requesting a special use permit to sell cars and motorcycles at 1004 Avenue I. Glaubius stated the property is surrounded by commercial zoning, and is part of an extension of the C-2 District into a C-3 Heavy Commercial District. Glaubius stated the Comprehensive Plan identifies the area as Automobile Commercial. Glaubius stated there are currently 7 stalls, and will need 14 stalls for the proposed use. Glaubius stated staff believes there is adequate open space on the lot to address this

deficit. Glaubius stated the applicant intends to pave the turfgrass areas which will allow for more parking. Glaubius read the guidelines the Planning Commission shall follow when considering the issuance of a special use permit under 25-13-3. Glaubius stated staff recommends the approval of a special use permit to Ruben Saenz for auto sales and service at 1004 Avenue I. Weber closed the public hearing at 6:21 PM.

13 **Conclusion:** Motion by Westphal, seconded by Estrada to grant a special use permit to Ruben Saenz for auto sales and service at 1004 Avenue I. "Yeas" Westphal, Estrada, Weber, Gompert, Chadwick, Zitterkopf, Huber "Absent": Aguallo, Wayman, Redfern (alt.). The motion carried. Following the issuance of the special use permit, Weber informed the Saenz that the special use permit only applies to Saenz and not the property.

14 Weber introduced Item 6E regarding a proposed ordinance text change to Chapter 25 Article 22 regarding landscaping and opened the public hearing at 6:23 PM. Glaubius stated that last fall the Landscaping Article and Gateway Green Overlay Zone overlap and there are interpretation difficulties due to this. Glaubius stated this subject was brought up at the December 2021 and January 22 Planning Commission meetings, and was tabled for more research and analysis. Glaubius stated staff has reviewed the landscaping article of Gering, Kearney, Omaha, Norfolk, Bellevue and Fremont. Glaubius stated the revised landscaping article includes nearly all requirements of the Gateway Green Overlay Zone. Glaubius stated he included the current landscaping code with staff comments. Glaubius stated one noticeable change is the sections of Article 22 have increased an additional section. Glaubius stated the original sections being Definitions, Purposes, Applicability, Landscaping Requirements, Material, and installation standards, bufferyard provisions, screening standards, parking lot landscaping, tree plantings, and general provisions. Glaubius stated the new sections are Intent, Definitions, Applicability, Materials, Installation, and Maintenance Standards, Tree Plantings, Street Yard Landscape Provisions, Bufferyard & Screening Provisions, Parking Lot Landscaping, Nature-Based Stormwater Best Management Practices, Performance Guarantee, and General Provisions. Glaubius stated the Definitions section was moved to be the second section rather than first, the purpose section was renamed to Intent, and the Intent section is now first section. Glaubius stated the Applicability section has been modified to exempt single-family and two- family dwellings, removal of the authority for staff to permit exceptions on landscaping areas, and removed the requirement of the landscaping article to be applied to preliminary plats, final plats and planned unit developments. Glaubius stated Landscaping Requirements has been renamed to Streetyard Landscaping Provisions to clarify what the section covers. Glaubius stated the exemption of these requirements to the C-1 District were removed. Glaubius stated that staff included an addition which permits staff to a reduction in streetyard landscaping to no less than 5' if necessary to meet parking requirements. Glaubius stated this authority is significantly reduced from what was permitted under the original Applicability section. Glaubius stated the addition of a reference to Chapter 20 Article 7 regarding placement of street trees is now included, and the prohibition of fence obstructions is maintained.

15 Glaubius stated the Materials and Installation Standards is now titled Materials, Installation, and Maintenance Standards. Glaubius stated the minimum tree sizes have been reduced in the revised landscaping code to reflect that of the Gateway Green Overlay Zone and those of the City of Gering. Glaubius stated a 33% maximum of a single species per development which there was a similar requirement under the GG-O requirements. Glaubius stated he incorporated the xeriscaping themes of the GG-O into the revised landscaping article. Glaubius stated that a requirement of 50% minimum of drought tolerant or native plants. Glaubius stated there is a clarification for what pavement can be permitted in required landscaping area. Glaubius stated maintenance requirements under the original General Provisions section were moved to this

section. Glaubius stated the original Bufferyard Provisions and Screening Standards sections were consolidated into one section titled Bufferyard and Screening Provisions. Glaubius stated he found the two original sections significantly overlapped and that other city's combined the two into single section. Glaubius stated the recently approved change to bufferyard requirements was incorporated into the revised landscaping article. Glaubius stated the blanket 20 feet wide bufferyard requirement was replaced with a table showing different bufferyard widths dependent on the adjoining zoning districts. Glaubius stated the table should be less burdensome to developers while allowing the city to maintain the expected standard. Glaubius stated there is an inclusion in the section which permits the Planning Commission to grant exceptions to bufferyard widths to be reduced to a minimum of 10 feet wide. Glaubius stated this exception only applies to C-3, M-1, and M-2 Districts. Glaubius stated he added a screening requirement for rear elevations of building visible from a less intensive zoning district. Glaubius stated he removed the original wording which explicitly states bailing and stockpiling of cardboard as well as 150 stall parking lots shall be screened. Glaubius stated these were already covered under the original broad screening standards. Glaubius stated chain-link fences with an opaque barrier as a permitted screening material, and the requirement of screening be located in or close to the bufferyard.

16 Glaubius stated the Parking Lot Landscaping section has been expanded. Glaubius stated the revised Parking Lot Landscaping section added the requirement of a perimeter landscaping bed to parking lots between 2,000 and 6,000 square feet and the requirement of perimeter landscaping bed and interior landscaping beds to parking lots over 6,000 square feet. Glaubius stated there is an exception to reduce the width of perimeter landscaping if necessary to meet parking requirements. Glaubius stated the bufferyard requirement for parking lots adjacent to a residential district was moved from the GG-O to the revised Landscaping Article, and a screening standard for this situation was added. Glaubius stated the 5% interior landscaping requirement was retained. Glaubius stated standards for interior islands, endcap islands, corner islands, and perimeter landscaping was added. Glaubius stated a section on landscaping strips was included in the revised landscaping article to provide developers with another option for interior parking lot landscaping. Glaubius stated the Tree Plantings section was retained. Glaubius stated the large tree bonus was removed. Glaubius stated the original Landscaping Article only specified parking lot tree standards, and this was replaced with tree standards in all required landscaping. Glaubius stated the General Provisions article was kept as well. Glaubius stated the maintenance requirements were moved to the maintenance section, underground irrigation installation requirements were removed to comply with xeriscaping principles, performance guarantees were moved to an independent section, and the requirement of screening for waste collection points was added. Glaubius stated a new section title Nature Based Stormwater Best Management Practices was added. Glaubius stated this section was created under the advisement of Stormwater Specialist Leann Sato. Glaubius stated this section comes into effect when on-site stormwater collection is required under Chapter 24 of the Municipal Code. Glaubius stated the Performance Guarantee section was created to better enforce the requirement. Glaubius stated this will serve as a mechanism to require landscaping be installed, and it was modelled off of other cities. Glaubius stated the section required a performance guarantee to be submitted and approved in order if landscaping is not installed in order to receive a certificate of occupancy. Glaubius stated that staff is recommendation a positive recommendation on the adoption of the revised Chapter 25 Article 22 regarding Landscaping. Glaubius stated the intent of the revised landscape code is to simplify interpretation and enforcement as landscaping requirements are currently found in two sections. Trumbull inquired about the performance guarantee for residences. Glaubius and Hadenfeldt stated

single-family and two-family dwellings are exempt from Landscaping Article. Weber closed the public hearing at 6:36 PM.

17 **Conclusion:** Motion by Westphal, seconded by Chadwick to make a positive recommendation on the adoption of the revised Chapter 25 Article 22 and repeal of the existing Chapter 25 Article 22. "Yeas" Westphal, Estrada, Weber, Gompert, Chadwick, Zitterkopf, Huber "Absent": Aguallo, Wayman, Redfern (alt.). The motion carried.

18 Weber introduced Item 6F regarding a zoning text amendment to Chapter 25 Article 3 regarding the Gateway Green Overlay Zone and opened the public hearing at 6:40 PM. Glaubius stated this public hearing is for the repeal of the GG-O as it has been incorporated into the revised Landscaping Article. Glaubius stated the majority of the GG-O has been incorporated into the revised Article 22. Glaubius stated the requirement for Planning Commission approval on development plans was removed in order to expedite review time. Glaubius stated the sign requirements of the GG-O are similar to that of the current Sign Article, and that City Manager Dustin Rief has requested a review and rework of the sign code this year. Glaubius stated the sign code review is in process presently. Glaubius stated the requirement to bury overhead lines was removed. Glaubius stated the lighting requirements of the GG-O are adequately covered under Chapter 25 Article 5 regarding off-street parking. Glaubius stated the parking lot standard in the GG-O were less strict than that of the original and revised landscaping article. Glaubius stated the bufferyard requirements for parking lots visible from major streets and buffer requirements for parking lots adjacent to residential districts were moved to the revised Landscaping Article. Glaubius stated the xeriscaping principles of the GG-O were incorporated into the Landscaping Article such as removing the requirement of underground irrigation and addition of planting native plant species. Glaubius stated the mulching standards were moved to the revised Landscaping Article. Glaubius stated the specific screening standards found under the GG-O were already covered under the broad screening standards of the landscaping article. Glaubius stated the prohibition of outdoor storage was removed, while the bufferyard maintenance standards were moved to the revised landscaping article. Glaubius stated the impractical building screening standard was removed as well as the complex 3% payment requirement for remodels. Glaubius stated the stormwater landscaping requirement of the GG-O has been expanded and included in the revised landscaping article. Glaubius stated the minimum plant size requirements for shrubs and perennials were removed, but the tree standards of the GG-O were adopted into the revised landscaping article. Glaubius stated the maintenance standards of the GG-O and definitions sections were moved to the revised landscaping article. Glaubius stated the approved species list of the GG-O will be used when creating a list of recommended and approved species list. Glaubius stated staff is recommending a positive recommendation on the repeal of 25-3-22.1 regarding the Gateway Green Overlay zone. Weber inquired about the signage standards of the GG-O. Glaubius stated the standards are very similar to those of the general Sign article. Weber closed the public hearing at 6:48 PM.

19 **Conclusion:** Motion by Zitterkopf, seconded by Westphal to make a positive recommendation on the repeal of 25-3-22.1 regarding the repeal of the Gateway Green Overlay zone. "Yeas" Westphal, Estrada, Weber, Gompert, Chadwick, Zitterkopf, Huber "Absent": Aguallo, Wayman, Redfern (alt.). The motion carried.

20 Item 7: Glaubius reported that past Planning Commission minutes showed periodic review of the Comprehensive Plan and Subdivision/Zoning Codes. Weber asked if there was any set date. Glaubius stated there was not a set date. Hadenfeldt stated the Comprehensive Plan was completed in 2016, and comprehensive plans are typically reviewed every 10 years. Weber inquired how the process is initiated. Hadenfeldt stated it is initiated with the recommendation of the Planning Commission. Hadenfeldt stated there are usually grants to help with updating

comprehensive plans. Weber inquired how much an update would cost. Hadenfeldt estimated $20,000-$25,000 thousand, but grants typically cover $10,000 to $15,000. Weber stated an update should not be done frivolously. Weber stated the Planning Commission will look further into this. Weber inquired about the update on the implementation of new permitting and asset management software. Glaubius stated City Council recently awarded the bid for new permitting and asset management software to Novotx dba Elements XS. Glaubius stated the new software will allow citizens to apply for permits online and better track permits inhouse. Stephens added the implementation will take three to four months.

Item 8: No Other Business

Weber introduced Item 9 regarding scheduling the next Planning Commission meeting on March 14, 2022.

Adjournment: Motion by Estrada, seconded by Westphal to adjourn the meeting at 6:56 PM. "Yeas" Westphal, Estrada, Weber, Gompert, Chadwick, Zitterkopf, Huber "Absent": Aguallo, Wayman, Redfern (alt.). The motion carried.

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Chairman Dana Weber

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Zachary Glaubius, Secretary