

# **City of Scottsbluff, Nebraska**

**Monday, April 8, 2013**

**Regular Meeting**

**Item Appr. Min.1**

**2/11/13**

**Staff Contact: Annie Urdiales**

**Planning Commission Minutes**  
**Regular Scheduled Meeting**  
**February 11, 2013**  
**Scottsbluff, Nebraska**

The Planning Commission of the City of Scottsbluff, Nebraska met in a regular scheduled meeting on Monday, February 11, 2013, 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 4, 2013. 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, Glen Vandenberghe called the meeting to order. Roll call consisted of the following members: Henry Huber, Jim Zitterkopf, Angie Aguillo, Dana Weber, Anita Chadwick, and Becky Estrada. Absent: Gary Hutzler. City officials present: Annie Urdiales, Planning Administrator, City Planner, Marlon Johnson, Gary Batt, Code Administrator I.

**ITEM 2:** Chairperson Vandenberghe 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 Conference Room on the north wall, 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 1/11/12 were reviewed and approved as distributed. A motion was made by Estrada, and seconded by Huber. "YEAS": Huber, Chadwick, Weber, and Estrada. "NAYS": None. ABSTAIN: Vandenberghe, Zitterkopf, & Aguillo. ABSENT: Hutzler. Motion carried.

**ITEM 7A:** The Planning Commission opened a public hearing for a rezone request from Platte Valley Bank on two parcels of property described as Lot 2, Block 9, Subdivision of Block 9, East Portal Addition (2.11 acres) and Block 4, East Portal Village Addition (12,000 s.f.), situated in the SE ¼ of Section 24, T22N, R55W of the 6<sup>th</sup> p.m., Scotts Bluff County. The parcels are located between 16<sup>th</sup> & 17<sup>th</sup> Avenue and between 17<sup>th</sup> & 18<sup>th</sup> Street. Lot 2 is addressed as 1702 17<sup>th</sup> Avenue and previously known as the Orange Bowl, this property is zoned PBC (planned business center). The second parcel abuts the Orange Bowl property directly north and is vacant. This property is zoned R-4 (heavy density multiple family) and described as Block 4, East Portal Village Addition, this parcel was originally platted and developed by Platte Valley Community Development as part of East Portal Village, which was for low to medium income families. The property to the west has been developed with single family residential homes the property to the north has been developed with seven to eight apartment complexes. Block four has remained undeveloped and is now owned by the bank. Platte Valley would like to change the zoning on both properties to C-2 Neighborhood and Retail Commercial. The C-2 zoning would be a good fit for the neighborhood. To the east of 17<sup>th</sup> Avenue the

52 area is zoned C-3 Heavy Commercial. To the north and west of the parcels the zoning is R-4 Heavy  
53 Density Multiple Family.

54

55 Marlin Johnson, City Planner, gave a brief report to the Planning Commission the Comprehensive Plan  
56 Future Land use map designates the PBC parcel as light commercial, and the R-4 parcel as multi family.  
57 Because the undeveloped R-4 parcel abuts commercial zoning on two sides and is separated from other R-  
58 4 parcels by streets it is reasonable to consider the rezone to C-2. No comments were received from other  
59 departments or agencies, minimal comment and no objections were received from the public. The C-2 is  
60 a reasonable and transitional zoning of the properties based upon existing zoning and existing land uses in  
61 the neighborhood. Staff recommends approval of the rezone of both parcels to C-2 Neighborhood &  
62 Retail Commercial.

63

64 Hunter Kosman, representing Platte Valley Bank, spoke in favor of the rezone, the bank is looking to sell  
65 the properties and the C-2 designation would allow the use to remain a bowling alley, it will also allow  
66 for other permitted uses that could fit in with a residential neighborhood.

67

68 **Conclusion:** A motion was made by Estrada and seconded by Chadwick to make positive  
69 recommendation to City Council on the rezone of Lot 2, Block 9, subdivision of Block 9, East Portal  
70 Addition (PBC), and Block 4, East Portal Village Addition (R-4) to C-2 "YEAS": Estrada, Weber,  
71 Huber, Zitterkopf, Chadwick, Aguillo, and Vandenberg. "NAYS": None. ABSTAIN: None. ABSENT:  
72 Hutz. Motion carried.

73

74 **Agenda Item 7B:** The Planning Commission opened a public hearing regarding a final plat which was  
75 approved at last month meeting for Block 3, Barbour's Third Subdivision. Marlin addressed the Planning  
76 Commission and explained at the last meeting Staff had reported and recommended approval with the  
77 addition of a non-access easement. This included an access road on the farm ground above the five acres  
78 that was platted out as Block 3. The motion for approval did not specifically mention this additional  
79 requirement. The applicant and the surveyor missed this recommendation as well; as they would have  
80 objected to the requirement of the non-access easement include the farm ground entrance located near the  
81 Highway of the un-platted farm ground. At the Council meeting, Council approved the reading of the  
82 rezone. Staff reported that the applicant objected to the non-access easement on the farm ground. City  
83 Council tabled the preliminary and final plat and asked to get specific comment from the Planning  
84 Commission.

85

86 Staff reassessed the situation and send out additional emails to the State, City Engineer, & Transportation  
87 Department for further comments, no further comments or objections were received. If and when the  
88 farm ground is developed in the future the development will again come before the Planning Commission  
89 and they will be able to review the farm access along with all other parties involved.

90

91 **Conclusion:** A motion was made by Weber and seconded by Aguillo to make positive recommendation  
92 to City Council to allow for the farm access until future development of the farm ground on the final plat  
93 of Block 3, Barbour's Third Subdivision, City of Scottsbluff, Scotts Bluff County. "YEAS": Huber,  
94 Zitterkopf, Chadwick, Weber, Estrada, and Vandenberg. "NAYS": None. ABSTAIN: None. ABSENT:  
95 Hutz. Motion carried.

96

97 **Agenda Item 7C:** The Planning Commission had previously discussed wireless telecommunication  
98 facilities and was asked by Council to take another look into the possibly of updating the current City  
99 Code for Wireless facilities. Current code regulations for telecommunication facilities are listed in our  
100 Commercial and Industrial zones as a permitted use by right with a maximum of 150' in height. They are  
101 listed as communication facilities, no guy wires, out rigging, or other supporting structures may extend  
102 beyond the foundation of the tower.

103

104 Marlin introduced Henry Jacobsen, an Engineering Specialist in Wireless Communication  
105 Towers/Facilities. Mr. Jacobsen gave a history on telecommunication facilities which started back in  
106 1876 with the telephone company at that time it became a regulated monopoly. In 1996 it was rewritten  
107 to allow for some competition, the competitive local exchange carriers continued until cell phones. At  
108 that time the economics completely changed. The demand for wireless capacity is increasing and in the  
109 next fifteen to twenty years land lines will be discontinued. Tall towers are not the norm now; short  
110 utility towers are what wireless technology is working with. The co-locations on towers do not work well  
111 as the more services on the tower the taller the towers need to be.

112

113 Local zoning should be specific and defensible in all zoning districts and not become so onerous that they  
114 prohibit the building of a tower. The 1996 rules state that neither state nor local government can  
115 discriminate.

116

117 Some of the things to consider when working on the requirements for towers facilities are abandoned  
118 towers, making sure that when the towers are removed the property is put back in same condition as  
119 before tower was installed. Setbacks - that will allow towers to be tucked in to different areas throughout  
120 the city. Review and consult with City before towers are approved with either a conditional use permit or  
121 permitted use by right. Require anti-climb on all towers. Towers should be 20' above tree line; 75'  
122 should be sufficient height for towers.

123

124 A recommendation was made by Estrada and agreed on by Planning Commission for staff to create a new  
125 Chapter or Article for Wireless Communication Facilities guidelines and regulations.

126

127 **ITEM 8. Unfinished Business:** Annie informed the Planning Commission of the date and schedule of  
128 the annual Nebraska Planning and Zoning Conference which will be held in Kearney this year. If any of  
129 the Planning Commission members would like to attend they should let her know and she will get them  
130 registered for the conference.

131

132 There being no further business the Planning Commission with a motion to adjourn made by Estrada and  
133 seconded by Weber the meeting was adjourned at 7:20 p.m. "YEAS": Huber, Aguillo, Estrada,  
134 Chadwick, Weber, and Vandenberg. NAYS: none. ABSENT: Hutzl (Zitterkopf left at 7:00 p.m. for another  
135 meeting). Motion carried.

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Glen Vandenberg, Chairperson

139

140 Attest: \_\_\_\_\_

141 Annie Urdiales