

City of Scottsbluff, Nebraska
Monday, June 10, 2013
Regular Meeting

Item Appr. Min.1

May 13, 2013

Staff Contact:

Planning Commission Minutes
Regular Scheduled Meeting
May 13 2013
Scottsbluff, Nebraska

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The Planning Commission of the City of Scottsbluff, Nebraska met in a regular scheduled meeting on Monday, May 13 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 May 3, 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: Vice Chairman, Becky Estrada called the meeting to order. Roll call consisted of the following members: Jim Zitterkopf, Dana Weber, Angie Aguallo, Anita Chadwick, and Becky Estrada. Absent: Henry Huber, Gary Hutzel, and Glen Vandenberg. City officials present: Annie Urdiales, Planning Administrator, Marlon Johnson, City Planner, and Gary Batt, Code Administrator I.

ITEM 2: Vice 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 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 4/8/13 were reviewed and approved as distributed. A motion was made to accept the minutes by Aguallo, and seconded by Chadwick. “YEAS”: Aguallo, Chadwick, and Estrada. “NAYS”: None. ABSTAIN: Weber, and Zitterkopf. ABSENT: Huber and Hutzel. Motion carried.

ITEM 7A: The Planning Commission opened a public hearing for a proposed ordinance to vacate a building setback line on Lot 5, Block 3, Sitzman Subdivision (001 E. 35th St.). Property owner, Curt Mecklem, has requested a removal of a building setback line on the west side of lot 5. The lot is located on the NE corner of 35th Street and Ross Avenue and has a 25’ building setback lines platted on both the west and south sides of the lot. These setback lines along with an easement on the north side of the property greatly reduce the buildable lot size. By vacating the west building setback line he will be able to follow the zoning districts (R1A) line for the side street which is 12.5’ and allow him to build a residential residence with the performance guidelines of the R-1A zoning district.

Conclusion: A motion was made by Weber and seconded by Zitterkopf to make positive recommendation to City Council on the ordinance to vacate building setback line on the west side of Lot 5, Block 3, Sitzman Subdivision. “YEAS”: Weber, Zitterkopf, Chadwick, Aguallo, and Estrada. “NAYS”: None. ABSTAIN: None. ABSENT: Huber, Hutzel and Vandenberg. Motion carried.

52 **Agenda Item 7B:** The Planning Commission opened a public hearing for a proposed ordinance
53 amendment to the municipal zoning code with the addition of guidelines/requirements for Wireless
54 Communication Facilities (WCF).

55
56 **NOTE:** Glen Vandenberg Planning Commissioner arrived at 6:10 p.m.
57

58 Marlin Johnson, City Planner, gave an overview of the proposed ordinance and additions he made to the
59 first draft. This is the third public hearing before the Planning Commission, staff tried to receive as much
60 public input as possible with the meeting and a front page article in the local paper. Staff received limited
61 public input. The ordinance adds definitions and outlines districts where a WCF will be allowed by right
62 and districts which need a Special Use Permit (residential zoning districts and other zoning districts).
63 Changes made to the first draft include the following:

64
65 Adding - "C" that towers in Agricultural and Agricultural Residential may be considered with a
66 CUP without a particular height restriction.

67
68 Adding - less preferred locations to include; subdivisions with underground utilities.

69
70 Adding language such that "Required setbacks will be determined on individual site bases
71 through review of each Conditional Use Permit. Collapsible tower design may be required in
72 certain instances."

73
74 Adding - that towers may be required to blend in and enhance compatibility with adjacent land
75 uses as reasonably feasible.

76
77 Adding to 8. - an appropriate privacy-type fence may be required to improve compatibility in
78 residential neighborhoods

79
80 Adding a definition. Utility Sub-lot means a lot that may be smaller than the minimum allowed
81 in a District or otherwise out of standard compliance. A Utility Sub-lot must have legal
82 vehicular access. Water may be allowed for property maintenance, but there shall be no sewer
83 service allowed.

84
85 If this ordinance is approved we will at a future meeting amend our subdivision code to allow for
86 sub-lots in our code.

87
88 Henry Jacobsen, an Engineering Specialist in Wireless Communication Towers/Facilities
89 addressed the Planning Commission. Tall towers are not the norm now; short utility towers are
90 what wireless technology is working with, short towers reuse same frequencies. All
91 communities are facing these same issues. Local zoning tends to over regulate and changes
92 should be specific and defensible in all zoning districts. All requests for towers should be
93 reviewed and approved before tower is allowed to be placed. Prefer areas where they do not
94 have to request a special use permit.

95 **Conclusion:** A motion was made by Weber and seconded by Vandenberg to make positive
96 recommendation to City Council to approve the proposed ordinance to amend the zoning code with an
97 addition (article) for guidelines/requirements for Wireless Communication Facilities. "YEAS": Weber,
98 Zitterkopf, Chadwick, Aguallo, Vandenberg, and Estrada. "NAYS": None. ABSTAIN: None.
99 ABSENT: Huber and Hutzel. Motion carried.

100

101 **Agenda Item 7C:** The Planning Commission opened a public hearing on a proposed ordinance text
102 change for off street parking requirements in the C-1 Central Business District zoning district, 25-1-1 (13)
103 Residential – multi dwelling units – one & one half spaces per family. * Provided in a C-1 zone, off street
104 parking spaces are required only for residences, hotels and motels.

105

106 Marlin reviewed the background on the proposed text change. The Planning Commission had tabled this
107 text change at their meeting of August 13, 2012 and asked for more complete information and specific
108 language for the off street parking & hours listed on the municipal lots.

109

110 Staff sent history of the parking issues discussion over the course of the last year and asked for
111 some thoughts and comments from different committees and citizens we thought might have an
112 interest in the subject matter.

113

114 Comments were limited and those received were to leave it simple and free without any
115 administration of parking passes. There was a comment to remove the 2 hour parking signs on
116 Broadway and to put some educational efforts into residents, employees, and students so they
117 understand that parking in the prime spaces is not beneficial to anyone in the downtown, and
118 thereby the health of their City.

119

120 The City needs to amend the Code to allow residential uses in the Downtown District without
121 any required off-street parking. This needs to be done to make our Code meet our actual
122 process.

123

124 The Code requires that the Planning Commission act on a proposed amendment to the Code
125 within 70 days, or essentially three meetings. It has been nine months, or more, since the
126 discussion officially began and this will be the third Planning Commission meeting on the
127 matter. The City Council desires a recommendation from the Planning Commission as they
128 value your opinion, the matter must move forward. City Code states that no action shall
129 constitute a recommendation of approval of the proposal. This item will move forward to City
130 Council with or without recommendation from the Planning Commission.

131

132 Staff recommends that the off-street parking requirements be removed from 25-5-1 for C-1
133 Zoning, to read: **provided in a C-1 Zone, no off-street parking spaces are required.*

134

135 This language is similar to what other cities require for their Central Business Districts, Downtown
136 Business Districts & Parking Districts regarding residential units. (Grand Island, Kearney, North Platte
137 and Alliance).

138

139 **Conclusion:** A motion was made by Weber and seconded by Zitterkopf to make a positive
140 recommendation to City Council for the text change in 25-5-1 zoning regarding off street parking in the
141 Central Business District (C-1) and asking that the City enforce existing parking codes. “YEAS”: Weber,
142 Zitterkopf, Chadwick, Aguallo, and Vandenberg. “NAYS”: Estrada. ABSTAIN: None. ABSENT:
143 Huber and Hutz. Motion carried.

144

145

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

147

148 There being no further business the Planning Commission with a motion to adjourn made by Estrada and
149 seconded by Weber the meeting was adjourned at 7:40 p.m. "YEAS": Weber, Aguallo, Estrada,
150 Chadwick, Zitterkopf, and Vandenberg. NAYS: none. ABSENT: Hutzel and Huber. Motion carried.

151

152 _____

153 Glen Vandenberg, Chairperson

154

155 Attest: _____

156 Annie Urdiales