



SCOTTSBLUFF CITY
PLANNING COMMISSION AGENDA
Monday, June 10, 2013, 6:00 PM
City Hall, 2525 Circle Drive, Scottsbluff, NE 69361

**PLANNING
COMMISSIONERS**

GLEN VANDENBERGE
CHAIRMAN

BECKY ESTRADA
VICE CHAIRMAN

ANGIE AGUALLO

DANA WEBER

HENRY HUBER

GARY HUTZEL

JIM ZITTERKOPF

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:**
A May 13, 2013
- 7. NEW BUSINESS:**
 - A Rezone:Aulicks Ag to Ag Residential**
Rezone: From Agricultural to Ag Residential
Applicant: Shane Aulick, M.C. Schaff & Associates
Owner: Shane Aulick
Location: W of C.R. 22 & N of 42nd St.
 - B Rezone King Ag to Ag Residential**
Rezone: From Agricultural to Ag Residential
Applicant: Gerald King, M.C. Schaff & Assoc.
Owner: Gerald King
Location: E of Hwy 71, across from SB Country Club & N of Mountain View Ave
 - C Code Amendment Subdivisions**
Code text Amendment: Subdivisions
Code Section: Chapter 21, 21-1-10 Sub lots
Applicant: City of Scottsbluff
Owner: N/A
Location: N/A
- 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, 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

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 Hutzal, 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 Hutzal. 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, Hutzal 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, Aguillo, Vandenberg, and Estrada. "NAYS": None. ABSTAIN: None.
99 ABSENT: Huber and Hutzell. 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, Aguillo, 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: Hutzal and Huber. Motion carried.

151

152

153 _____
Glen Vandenberg, Chairperson

154

155 Attest: _____

156 Annie Urdiales

City of Scottsbluff, Nebraska

Monday, June 10, 2013

Regular Meeting

Item NewBiz1

Rezone:Aulicks Ag to Ag Residential

Rezone: From Agricultural to Ag Residential

Applicant: Shane Aulick, M.C. Schaff & Associates

Owner: Shane Aulick

Location: W of C.R. 22 & N of 42nd St.

Staff Contact:

SCOTTSBLUFF CITY

PLANNING COMMISSION STAFF REPORT

To:	Planning Commission	Zoning:	Ag currently
From:	Development Services Department	Property Size:	14.88 acres ±
Date:	June 10, 2013	# Lots/Units:	1
Subject:	Rezone parcel from Ag to A-R		
Location:	County Road 22 & North of East 42 nd St.		

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 and a notice was posted on the property

Background

The applicant(s), Shane Aulick, has requested a rezone for proposed Lot 1, Spengler Subdivision a survey plat of lot 1, Hessler Subdivision and un-platted lands situated in the north half of the SE ¼ of Section 11, T22N, R55W. This parcel is in the City's extraterritorial jurisdiction and situated north of County Road J (42nd St.) and west of C.R.22 (5th Ave.) Mr. Aulick is requesting a change from Ag – Agricultural to AR – Agricultural Residential. The applicant is proposing to subdivide 14 areas± of their parcel the remaining acreage will remain agricultural. The purpose of the rezone & subdivision is to allow for sale of the larger un-platted property.

The proposed rezone is in compliance with the City's comprehensive development plan (residential).

Property to the north and south is zoned A – Agricultural. Property to the east and west is R-1A – Residential.

Planner's report and recommendation.

REZONE REQUEST - To AR Agricultural Residential from A Agricultural

The applicant, Shane Aulick, representing the owner of record, HVS, LLP, has a 79 acre parcel and a one acre parcel lying 1/4-1/2 mile north of 42nd Street on the west side of County Road 22/5th Avenue. The plan is to adjust the property line to create parcels of approximately 15 and 65 acres, with the 15 acres being the portion of the land that is outside the pivot irrigated land. The subdivision is exempt from the regulations but the 15 acre parcel will not meet the minimum lot size requirements of the A District. AR is the only residential zone that allows livestock. The number of animals is limited as is the location and size of any enclosures.

There is one parcel of R-1, Single Family Zone, with an established residence to the east side of the proposed rezone and there is R-1a zoning at the southwest and southeast corners of the

Rezone Request, Page 1

proposed rezone. Otherwise, the property is bordered by Agricultural zoning and sparsely developed.

The Comprehensive Plan Future Land Use Map designates the entire acreage owned by the applicant as Single Family Residential. There has been no comment received from the public.

Staff Recommendation: Approve the rezone of proposed Lot 1, Spengler Subdivision, to AR Agricultural Residential, subject to the rezone becoming effective upon filing of the Plat.

Findings of Fact could include; Agricultural Residential is a logical transition from Agricultural to Single Family Residential; the zoning is compatible with the Comprehensive Plan;

RECOMMENDATION

Approve

Make a POSITIVE RECOMMENDATION to the City Council to rezone proposed Lot 1, Spengler Subdivision (14 acres±) from A- Agricultural to AR Agricultural Residential subject to the following condition(s):

Deny

Make a NEGATIVE RECOMMENDATION to the City Council to rezone proposed Lot 1, Spengler Subdivision (14 acres±) from A- Agricultural to AR Agricultural Residential for the following reason(s):

Table

Make the motion to TABLE the rezone request to rezone proposed Lot 1, Spengler Subdivision (14 acres±) from A- Agricultural to AR Agricultural Residential for the following reason(s):

EXISTING QUARTER SECTION CORNER,

AS NOTED

EXISTING SIXTEENTH SECTION CORNER,
AS NOTED

SET 5/8" X 24" REBAR W/CAP

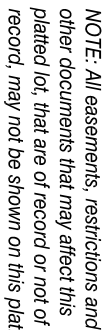
ROW RIGHT OF WAY

EXCEPTED OUT TRACT OF LAND
DESCRIBED IN DEED BK 116, PG 29
(OWNER: KANSAS-NEBRASKA NATURAL
GAS CO., INC. 0.17 AC.)

LOT 1, SPENGLER SUBDIVISION

A REPLAT OF LOT 1, HESSLER SUBDIVISION AND UNPLATTED LAND

**SITUATED IN THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 11,
TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH P.M.,
SCOTTS BLUFF COUNTY, NEBRASKA**



City of Scottsbluff, Nebraska

Monday, June 10, 2013

Regular Meeting

Item NewBiz2

Rezone King Ag to Ag Residential

Rezone: From Agricultural to Ag Residential

Applicant: Gerald King, M.C. Schaff & Assoc.

Owner: Gerald King

Location: E of Hwy 71, across from SB Country Club & N of Mountain View Ave

Staff Contact:

SCOTTSBLUFF CITY

PLANNING COMMISSION STAFF REPORT

To:	Planning Commission	Zoning:	Ag currently
From:	Development Services Department	Property Size:	11.47 acres ±
Date:	June 10, 2013	# Lots/Units:	1
Subject:	Rezone parcel from Ag to A-R		
Location:	East of Hwy 71 & North of Mountain View Ave.		

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 and a notice was posted on the property

Background

The applicant(s), Gerald King, has requested a rezone for proposed Block 1, Kings Acres Subdivision a survey plat situated in the NW¼ of Section 11, T22N, R55W. This parcel is in the City's extraterritorial jurisdiction and situated north of Mountain View Avenue and East of Highway 71. Mr. King is requesting a change from Ag – Agricultural to AR – Agricultural Residential. The applicant is proposing to subdivide 14 areas± of their parcel the remaining acreage will remain agricultural. The purpose of the rezone & subdivision is to allow for sale of the larger un-platted property.

Property to the north is Ag, south and west is zoned R1A, east is both Agricultural and Residential.

Planner's Report and Recommendation.

June 10, 2013

REZONE REQUEST - To AR Agricultural Residential from Ag Agricultural

The applicant, Gerald King, representing Gerald King & JoAnn King Revocable Trust, has a 34 acre parcel lying east of Highway 71 and north of Mountain View Avenue. The plan is to split an 11.74 acre parcel that is pasture land from the farmed land. The subdivision is exempt from the regulations but the smaller parcel will not meet the minimum lot size requirements of the A District. AR is the only residential zone that allows livestock. The number of animals is limited as is the location and size of any enclosures.

There is R-1a, Single Family Zone, on the west, south and part of the east sides of the proposed rezone, primarily developed with residences. Otherwise, the property is bordered by Agricultural zoning.

The Comprehensive Plan Future Land Use Map designates this property as Single Family Residential. There has been no comment received from the public.

Rezone Request, Page 1

Staff Recommendation: Approve the rezone of proposed Block 1, Kings Acres Subdivision, to AR Agricultural Residential, subject to the rezone becoming effective upon filing of the Plat.

Findings of Fact could include; Agricultural Residential is a logical transition from Agricultural to Single Family Residential; the zoning is compatible with the Comprehensive Plan.

RECOMMENDATION

Approve

Make a POSITIVE RECOMMENDATION to the City Council to rezone proposed Block 1, King's Acres Subdivision (11 acres±) from A- Agricultural to AR Agricultural Residential subject to the following condition(s):

Deny

Make a NEGATIVE RECOMMENDATION to the City Council to rezone proposed Block 1, King's Acres Subdivision (11 acres±) from A- Agricultural to AR Agricultural Residential for the following reason(s):

Table

Make the motion to TABLE the rezone request to rezone proposed Block 1, King's Acres Subdivision (11 acres±) from A- Agricultural to AR Agricultural Residential for the following reason(s):

BLOCK 1, KING'S ACRES SUBDIVISION

City of Scottsbluff, Nebraska

Monday, June 10, 2013

Regular Meeting

Item NewBiz3

Code Amendment Subdivisions

Code text Amendment: Subdivisions

Code Section: Chapter 21, 21-1-10 Sub lots

Applicant: City of Scottsbluff

Owner: N/A

Location: N/A

Staff Contact:



SCOTTSBLUFF PLANNING COMMISSION Staff Report

To: Planning Commission
From: Development Services Department
Date: June 10, 2013
Subject: Chapter 21, General Provisions
Location:

Zoning:
Property Size:
Lots/Units:
Units/Acre

Background

Staff recently drafted an article regarding Wireless Communication Facilities; the ordinance was approved by the Planning Commission, forwarded to City Council at their meeting of June 3, 2013 they approved the ordinance and will have second reading at their next regular meeting.

Part of this new article is placement of sub lots in residential areas. Chapter 21 Subdivisions (B) General Provisions. **Section 21-1-10 Provisions: applicability. The provisions of this Article shall be applicable to all lots, tracts of land, and parts thereof within the corporate limits of the City and, except as hereinafter otherwise specified, to all lots, *utility sublot*, lot tracts of land, and parts thereof outside but with two (2) miles of the corporate limits of any other incorporated city or village.** Utility sub-lot will be added to the current language, along with an updated definition of a plat (21-1-2).

This is a small change to the subdivision code; Development Services Staff will be reviewing Chapter 21 for additional changes, updates, and corrections and will bring these suggestions to the Planning Commission for review.

RECOMMENDATION

Approve

Positive recommendation for ordinance text amendment adding *utility sub-lot* to language in Chapter 21, Subdivisions, General Provisions 21-1-10 to the City Council subject to the following condition(s):

Deny

Negative recommendation for ordinance text amendment adding *utility sub-lot* to language in Chapter 21, Subdivisions, General Provisions 21-1-10 to the City Council for the following reason(s):

Table

TABLE the ordinance text amendment adding *utility sub-lot* to language in Chapter 21 Subdivisions, General Provisions 21-1-10 zoning district for the following reason(s):