

**City of Scottsbluff, Nebraska**  
**Monday, September 9, 2013**  
**Regular Meeting**

**Item Appr. Min.1**

**Minutes**

*Approve minutes of 8/12/13*

**Minutes:**

**Staff Contact: Annie Urdiales**

**Planning Commission Minutes**  
**Regular Scheduled Meeting**  
**August 12 2013**  
**Scottsbluff, Nebraska**

The Planning Commission of the City of Scottsbluff, Nebraska met in a regular scheduled meeting on Monday, August 12, 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 August 2, 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 Vandenberg called the meeting to order. Roll call consisted of the following members: Jim Zitterkopf, Henry Huber, Angie Aguallo, Anita Chadwick, Becky Estrada, and Glen Vandenberg. Absent: Gary Hutzler and Dana Weber. City officials present: Annie Urdiales, Planning Administrator, and Gary Batt, Code Administrator II.

**ITEM 2:** Chairman Vandenberg 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 7/8/13 were reviewed and approved with correction noted. A motion was made to accept the minutes with correction by Zitterkopf, and seconded by Chadwick. "YEAS": Zitterkopf, Aguallo, Chadwick, Estrada, Huber, and Vandenberg. "NAYS": None. ABSTAIN: None. ABSENT: Hutzler and Weber. Motion carried.

**ITEM 7A:** The Planning Commission reviewed a landscape plan for Wolf Auto. Wolf Auto is planning to relocate to 2216 14<sup>th</sup> Avenue. At their last meeting of July 8, 2013 the Planning Commission approved a special use permit to Wolf Auto to allow for auto sales in a C-2 zoning district. The property is located within our Gateway Greenway Overlay zone. They are requesting a waiver of the amount of trees required in the Overlay zone, they also asking that the Planning Commission allow for a three year time limit to finish proposed landscaping. They propose to complete their landscaping in two phases as follows:

- Phase 1: Install planting irrigation system, Seed all grass areas, Seed or provide rock or mulch in landscaping beds, and plant 21 medium shrubs around exterior of lot.
- Phase 2: plant remainder of shrubs and six trees.

Shane Cochran, project engineer, from Paul Reed Construction, representing property owner Dave Wolf, addressed the Planning Commission. Mr. Cochran asked that the Planning Commission consider

51 approving the change to allow them to cut back on the GGO landscaping requirements regarding the  
52 number of trees and shrubs. They would like to cut back on the trees to allow for a visual view of the  
53 vehicles from the Highway, the lot is an irregular shaped lot and has approximately 700 sq. ft. of frontage.  
54 The reason they are asking for the three year allowance for the installation of the landscaping is because  
55 of budgetary issues.

56  
57 The Planning Commission discussed Gateway requirements and whether or not the landscaping would be  
58 similar to what was required for Inland Trucks, Menards or the landscaping at O'Reilly's on Avenue I.  
59 O'Reilly's is not in the GGO district but meets the landscaping requirements for the City's landscaping  
60 codes for commercial development. The Planning Commission asked if it was possible to complete the  
61 landscaping in two years instead of three. Mr. Cochran agreed to have the landscaping done within two  
62 years of the completion of the construction.

63  
64 **Conclusion:** A motion was made by Estrada and seconded by Aguallo to approve the landscape plan for  
65 Wolf Auto with the condition that they finish the landscaping within two years of completion of their  
66 construction – which will be planting season of 2016. “YEAS”: Zitterkopf, Chadwick, Huber, Aguallo,  
67 and Estrada. “NAYS”: Vandenberg. ABSTAIN: None. ABSENT: Hutzal, and Weber. Motion carried.

68  
69 **ITEM 7B:** The Planning Commission opened a public hearing for a final plat of Lots 18A and 19A,  
70 Weber's Tracts, a replat of Tracts 17, 18, and 19, Weber's Tracts, and replat of Tracts 16 and 17, Weber's  
71 Tracts. Property owners, Rick and Victoria Bentley and Linda Abernethy are adjusting lot lines and  
72 removing easements. These parcels are located within the City's two mile extra territorial jurisdiction  
73 and located southwest of town on Fort Mitchell Drive. Mr. Bentley requested and was approved for a  
74 variance through the Board of Adjustment to allow for a detached garage to encroach into the front  
75 setback line of the lot, with the condition of the approval of the final plat. The parcels in this subdivision  
76 are geographically challenged the only place that would allow for the proposed garage was along the  
77 property line and existing easements. This subdivision is complete with all infrastructure installed the  
78 existing easement do not serve any utilities.

79  
80 Kelly Beatty, with M.C. Schaff and Associates addressed the Planning Commission and explained that  
81 the easements are located on each of the lots on Weber Tracts they do not serve any utilities, the utility  
82 companies were notified of the removal of easements and did not enter any protests. A ten foot utility  
83 easement will remain in front of the lots.

84  
85 **Conclusion:** A motion was made by Zitterkopf and seconded by Estrada to approve and make positive  
86 recommendation to City Council for the final plat of Lots 18A and 19A, Weber's Tracts, a replat of  
87 Tracts 17, 18, and 19, Weber's Tracts, and replat of Tracts 16 and 17, Weber's Tracts. “YEAS”:  
88 Zitterkopf, Chadwick, Huber, Aguallo, Estrada, and Vandenberg. “NAYS”: None. ABSTAIN: None.  
89 ABSENT: Hutzal, and Weber. Motion carried.

90  
91 **ITEM 7C:** The Planning Commission opened a public hearing for a request from Panhandle Health  
92 Properties to rezone properties described as Part of Block 2, Blocks 3, 4, 5, 6, 7, and 8, Rugger Hospital  
93 Addition and proposed Lots 1, 2, and 3, Block 4, and Block 5, COPPOM Subdivision (75± acres total).

94  
95 Panhandle Health Properties, desires to rezone a number of parcels that total approximately 75 acres from  
96 R-1A to O-P. The properties are east of the Regional West Medical Center and south of 42<sup>nd</sup> Street and  
97 northwest of the Medical Center, north of 42<sup>nd</sup> Street.

98 Neighboring zoning of the parcels south of East 42<sup>nd</sup> Street is O-P to the west, R-1a to the south, R-1 to  
99 the east and R-1 and A Agricultural to the north. Neighboring zoning of the property north of West 42<sup>nd</sup>  
100 Street is O-P and R-4 Heavy Density Multiple Family Residential to the south, R-4 and R-1a to the west  
101 and A to the north and east.

102

103 The existing land uses on the parcels south of East 42<sup>nd</sup> Street include Hospital-related facilities, Heavy  
104 Density Multiple Family and undeveloped land. The property north of West 42<sup>nd</sup> Street is undeveloped.

105

106 The Comprehensive Plan Future Land Use Map designates the parcels south of East 42<sup>nd</sup> Street as  
107 Business Center and Multi-Family Residential. The property north of West 42<sup>nd</sup> Street is designated as  
108 Single-Family Residential. As Multi-Family and Single Family Residential are allowed uses, with  
109 Planning Commission review and approval, the proposal is in accordance with the Comprehensive Plan.

110

111 The change in zoning to O & P will bring numerous existing uses on the south side of East 42<sup>nd</sup> Street  
112 into compliance. In addition, current and future development along this section of 42<sup>nd</sup> Street seems  
113 poised for additional growth for professional offices, particularly medically related uses. Access to 42<sup>nd</sup>  
114 Street via Avenue I/Highway 71, Avenue B and 5<sup>th</sup> Avenue portends future expansion of the street.

115

116 Neighbors in the area Ron Wegelin, Helen Cline, and William McKenzie spoke in opposition to the  
117 rezone. Concerns were about light pollution, property values, allowable height (70') in the O & P zoning  
118 district. They questioned what the hospital will allow on the parcels and whether the hospital will sell in  
119 the future. A list of permitted uses in O & P zoning district was distributed to neighbors and Board  
120 members. There are thirty permitted uses by right in this district with 14 permitted used with a special  
121 permit from the Planning Commission. These concerns were for the undeveloped property on the north  
122 side of 42<sup>nd</sup> Street.

123

124 Kevin Ott also spoke in opposition of the change his concerns are that past promises have not been kept  
125 and the hospital has not maintained the Heliport area as promised. A few trees that were planted have  
126 died and not been removed or replaced, weeds and other concerns about what is stored in barrels stored in  
127 this area.

128

129 David Griffith with the hospital addressed the Planning Commission and answered some of the questions.  
130 Some interest has been expressed about a proposed medical clinic on the south side of 42<sup>nd</sup> street, which  
131 would be approximately 10,000 sq. ft. The north side of 42<sup>nd</sup> street was proposed to be final platted,  
132 annexed, and rezoned to have this parcel ready for future development; they have no plans to develop at  
133 this time. The preliminary work will save time in the future as property will be ready to go without time  
134 restrictions, as the paper work and public notices will have been applied and approved for future  
135 development, he does not foresee any circumstances where the hospital would sell the property. Property  
136 is taxed on the highest and best use of the land. Mr. Griffith will check into the complaints regarding the  
137 Heliport area and clean the area of weeds, debris, etc.

138 Rezoning the Blocks on the south side of 42<sup>nd</sup> Street will bring the area into compliance with the uses on  
139 the properties. These are all ancillary uses to the hospital which is situated to the west of these parcels.

140

141 **Conclusion:** A motion was made by Aguallo to approve and recommend the zone change from R-1A -  
142 Single Family Residential to O & P- Office & Professional to the parcels on the south side of 42<sup>nd</sup> Street  
143 only, these parcels are part of Block 2, and Blocks 3, 4, 5, 6, 7, & 8, Rugger Hospital Addition and  
144 excluding proposed Block 4 and 5, COPPOM Subdivision, seconded by Estrada to City Council.  
145 "YEAS": Zitterkopf, Chadwick, Aguallo, Estrada, and Vandenberge. "NAYS": Huber. ABSTAIN:  
146 None. ABSENT: Hutzler, and Weber. Motion carried.

147 **Agenda Item 7D:** Preliminary and Final Plat with annexation for Block 4 and Block 5, COPPOM  
148 Subdivision was verbally withdrawn by David Griffith, Finance Director for RWMC.

149

150 **Agenda Item 7E:** Review of Blight and Substandard Study area # 7. This study includes several areas  
151 some of the areas include are the NW corner of East 27<sup>th</sup> Street and Highway 26, the Mall area, property  
152 south of 27<sup>th</sup> Street and west of Erwin Street, and the Kmart building area, a map is included showing the

153 complete area. Proposed Development in these areas will allow property owners to improve  
154 infrastructure and improve the area overall, updating older and deteriorating buildings and infrastructure.  
155 Also, with the area designated as blighted and substandard developers will be able to apply for TIF funds  
156 for redevelopment. With TIF funding available there may be more interest in these areas with more  
157 buildings being renovated or replaced with new construction. Zoning in these areas includes C-2 –  
158 Neighborhood Commercial, C-3, R-1A Residential, and Agricultural. The Planning Commission may  
159 make a positive recommendation of this area to be forwarded to the City Council for their review and  
160 approval at their next meeting of August 19, 2013.

161  
162 Dave Schaff, with M.C. Schaff and Associates spoke in favor of the Study, the Study was done by Mike  
163 Bacon, an attorney, from Omaha who works with this Tax Increment Financing.

164  
165 Tim Reganis, property owner, of an area west of the College addressed the Commission and if able to is  
166 planning on relocating his business (Reganis Auto) to this new location. Other possible development is a  
167 hotel. The TIF funds will be used to develop the streets, water, sewer lines which will improve the area  
168 which is vacant at this time. Several others have expressed interest in this property and developing the  
169 area.

170  
171 **Conclusion:** A motion was made by Huber and seconded by Zitterkopf to make positive recommendation  
172 to City Council to approve the Blight and Substandard Study of Area # 7 “YEAS”: Zitterkopf, Huber,  
173 Chadwick, Aguallo, and Vandenberg. “NAYS”: Estrada. ABSTAIN: None. ABSENT: Hutzel, and  
174 Weber. Motion carried.

175  
176 There being no further business the Planning Commission with a motion to adjourn made by Estrada and  
177 seconded by Huber the meeting was adjourned at 7:25 p.m. “YEAS”: Huber, Aguallo, Estrada,  
178 Chadwick, Zitterkopf, and Vandenberg. NAYS: none. ABSENT: Hutzel, and Weber. Motion carried.

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181 \_\_\_\_\_  
182 Glen Vandenberg, Chairperson

183

184 Attest: \_\_\_\_\_

185 Annie Urdiales