

City of Scottsbluff, Nebraska

Monday, June 9, 2014

Regular Meeting

Item Appr. Min.1

Minutes

Approve Minutes of 5/12/14

Staff Contact: Annie Urdiales

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Planning Commission Minutes
Regular Scheduled Meeting
May 12, 2014
Scottsbluff, Nebraska

19 The Planning Commission of the City of Scottsbluff, Nebraska met in a regular scheduled meeting on
20 Monday, May 12, 2014, 6:00 p.m. in the City Hall Council Chambers, 2525 Circle Drive, Scottsbluff,
21 Nebraska. A notice of the meeting had been published in the Star-Herald, a newspaper of general
22 circulation in the City, on May 2, 2014. The notice stated the date, hour and place of the meeting, that the
23 meeting would be open to the public, that anyone with a disability desiring reasonable accommodation to
24 attend the Planning Commission meeting should contact the Development Services Department, and that
25 an agenda of the meeting kept continuously current was available for public inspection at Development
26 Services Department office; provided, the City Planning Commission could modify the agenda at the
27 meeting if the business was determined that an emergency so required. A similar notice, together with a
28 copy of the agenda, also had been delivered to each Planning Commission member. An agenda kept
29 continuously current was available for public inspection at the office of the Development Services
30 Department at all times from publication to the time of the meeting.

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ITEM 1: Chairman, Becky Estrada called the meeting to order. Roll call consisted of the following members: David Gompert, Anita Chadwick, Henry Huber, Dana Weber, Callan Wayman, Angie Aguallo, and Becky Estrada. Absent: Jim Zitterkopf, and Mark Westphal. City officials present: Annie Urdiales, Planning Administrator, Annie Folck, City Planner, and Gary Batt, Code Administrator II.

ITEM 2: 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 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 4/14/14 were reviewed and approved. A motion was made to accept the minutes by Aguallo, and seconded by Gompert. "YEAS": Wayman, Aguallo, Chadwick, Gompert, and Estrada. "NAYS": None. ABSTAIN: Huber, & Weber. ABSENT: Zitterkopf, & Westphal. Motion carried.

ITEM 7A: The Planning Commission opened a public hearing for a rezone request from property owners, Frank Enterprises and Hiner Lease Company, for parcels described as Lots 8 and 9, Subdivision of Enterprise Tracts 13-15 Addition, and Lots 2 and 3, Subdivision of Enterprise Tracts 13-15 Addition. These lots are situated south of 27th Street between Avenue F and Avenue G. The applicants are requesting a change from R-1A Single Family Residential to C-2 Neighborhood & Retail Commercial. Surrounding property is zoned C-2 to the North, East, and West, to the South the area is zoned R-1A.

Both property owners also own property directly north, which are zoned C-2 and face West 27th Street. Lots 8 and 9 are vacant and previously used as commercial lots, (Shell Station & Carwash). Lots 2 and 3 have been and are currently used as commercial lots (All about Autos), the use is considered pre-existing non-conforming. Rezoning to commercial use will bring the lots up to zoning code guidelines. Lots 8 and 3 border a residential zone to the south and will have to comply with buffer area requirements between residential and commercial lots.

52

53 Connie Frank spoke in favor of the rezone.

54

55 **Conclusion:** A motion was made by Weber and seconded by Gompert to make positive recommendation
56 to City Council to approve the rezone of Lots 2, 3, 8 and 9 Subdivision of Enterprise Tracts 13-15
57 Addition from R-1A to C-2. "YEAS": Wayman, Chadwick, Gompert, Huber, Weber, Aguillo, and
58 Estrada. "NAYS": None. ABSTAIN: None. ABSENT: Westphal, and Zitterkopf. Motion carried.

59

60 **Agenda Item 7B:** The Planning Commission opened a public hearing for an Ag Estate Dwelling, the
61 request for property owner(s), Rod Adams Farms, represented by M.C. Schaff & Associates, is requesting
62 an Agricultural Estate Dwelling plat of property described as part of the east half of the Southeast Quarter
63 of Section 19, Township 22 North, Range 54 West of the 6th P.M Scotts Bluff County, Nebraska,
64 EXCEPT for those tracts described as "Except" in Instrument 2007-667. The property is not shown in
65 the Comprehensive Development Plan future land use map and is in our two mile extra territorial
66 jurisdiction. The property is approximately 2.60 acres in size. Properties to the west, south, and north
67 are zoned Agricultural, further east property is in the County's jurisdiction. This type of Ag Estate
68 Dwelling is a permitted use in our Agricultural zoning districts.

69

70 The property owner is proposing to separate the 2.60 acres more or less of the farmland to allow for a
71 home and out buildings and also allow for the parcel to sell separately. Access into the site will be from
72 County Road 24. The Development Services staff has reviewed the application and the lot will meet the
73 necessary requirements of an Agricultural Estate Dwelling (AED) in an Agricultural Zoning District.

74

75 Greg Schliz, from M.C. Schaff and Associates, representing Rod Adams Farms spoke in favor of the Ag
76 Estate Dwelling, and indicated that the AED will be developed after approval by City Council of the plat.

77

78 **Conclusion:** A motion was made by Huber and seconded by Gompert to make positive recommendation
79 to City Council to approve the Ag Estate Dwelling described as part of the east half of the SE ¼ of
80 Section 19, T22N, R54W of the 6th p.m. Scotts Bluff County. "YEAS": Wayman, Chadwick, Gompert,
81 Huber, Weber, Aguillo, and Estrada. "NAYS": None. ABSTAIN: None. ABSENT: Westphal, and
82 Zitterkopf. Motion carried.

83

84 **Agenda Item 7C:** The Planning commission opened a public hearing for annexation of Block 9, Five
85 Oaks Subdivision, Scotts Bluff County, NE situated in the NW ¼ of Section 14, T22N, R55W of the 6th
86 p.m. This parcel is located on the southeast corner of Avenue I and West 42nd Street. The property
87 owners, Jason & Sami Webb, are requesting annexation of their property into the City of Scottsbluff
88 corporate limits; the property is approximately 7.82 acres and was recently final platted and rezoned to C-
89 2 Neighborhood & Retail Commercial. The parcel will have access on 42nd Street and Avenue I with
90 future streets abutting the parcel to the east and south. Existing infrastructure is in place for this area and
91 the Webb's plan to develop the property in the near future.

92

93 Carl Gilbert, representing the Webb's spoke in favor of the annexation which is a cornfield now the
94 commercial development on this corner will benefit the City.

95

96 **Conclusion:** A motion was made by Gompert and seconded by Weber to make positive recommendation
97 to City Council to approve the Annexation request of Block 9, Five Oaks Subdivision into the City's
98 corporate limits. "YEAS": Aguillo, Wayman, Chadwick, Gompert, Huber, Weber, and Estrada.
99 "NAYS": None. ABSTAIN: None. ABSENT: Zitterkopf & Westphal. Motion carried.

100 **Agenda Item 7D:** The Planning Commission opened a public hearing for a revised preliminary plat for
101 Five Oaks Subdivision. The property is located south of 42nd Street, east of Avenue I, north of the
102 Scottsbluff Drain and west of Avenue D. The preliminary plat was last revised in 2008.

103

104 City staff and Consultants have reviewed the preliminary plat and proposed infrastructure to the property.
105 The revised preliminary plat has been scaled back eliminating one of two streets on the west side of Five
106 Oaks Drive. Water and sewer is in place, the stubs to the west going to the previous proposed streets will
107 be abandoned, we have checked with Public works to make sure this is okay. Also the new line to extend
108 infrastructure into the new proposed street will be done with the construction of the paving district, all
109 these improvements will be covered under the Developer's Agreement which will be submitted to City
110 Council for approval. The Developer has also submitted three final plats within the revised preliminary
111 plat along with annexation of the seven lots into the corporate boundary of the City. The preliminary plat
112 meets the subdivision codes and city standards. Staff has met with the Engineer and discussed a few
113 corrections and concerns of the preliminary plat and those changes have been addressed.

114

115 Bill Trumbull addressed the Planning Commission explained the changes in the plan the biggest change is
116 in the street layout where they will have one street instead of the two previously planned, their intention is
117 to final lots as needed.

118

119 **Conclusion:** A motion was made by Weber and seconded by Chadwick to approve the revised
120 preliminary Plat for the Five Oaks Subdivision 2014. "YEAS": Aguillo, Gompert, Weber, Huber,
121 Chadwick, Wayman, and Estrada. "NAYS": None. ABSTAIN: None. ABSENT: Zitterkopf, & Westphal.
122 Motion carried.

123

124 **Agenda Item 7E:** The Planning Commission opened a public hearing for a rezone request of Lots 1-3,
125 and Tract 2, Block 6, Lot 8 & Tract 1, Block 14, and Lot 7, Block 13, Five Oaks Subdivision from
126 Agricultural to R-1A Single Family Residential. The request was made by property owners and
127 developers, C & T Holdings. The parcels are situated on the west and east sides of Five Oaks Drive.
128 Surrounding property is zoned Ag to the west and Residential to east and south. The change in zoning is a
129 logical transition from Agricultural to Single Family Residential; the zoning is compatible with the
130 Comprehensive Plan.

131

132 **Conclusion:** A motion was made by Weber and seconded by Chadwick to approve the zone change of
133 proposed Lot 7, Block 13, Lots 1-3, & Tract 2, Block 6, and Lot 8 and Tract 1, Block 14, Five Oaks
134 Subdivision, City of Scottsbluff, Scotts Bluff County, Nebraska.

135

136 **Item 7F:** The Planning Commission opened a public hearing on a Final plat of Lot 7, Block 13, Five
137 Oaks Subdivision situated in the NW quarter of Section 14, T22N, R55W of the 6th Principal Meridian
138 City of Scottsbluff, Scotts Bluff County, NE.

139

140 The property owners, C & T Holding, represented by Baker and Associates have submitted a final plat of
141 Lot 7, Block 13 Five Oaks Subdivision. This lot is located north of 38th Street and east of proposed Five
142 Oaks Drive. This final plat includes a resolution for annexation of the parcel into the City's corporate
143 limits. It is approximately 12,915 sq. ft. City Staff and City Consultants, M.C. Schaff and Associates,
144 have reviewed the final plat. Adjustments were made to the plat and it meets all the subdivision codes and
145 City standards of our subdivision code for final plats.

146

147 **Conclusion:** A motion was made by Gompert and seconded by Weber to approve the final plat with
148 annexation for Lot 7, Block 13, Five Oaks Subdivision. "YEAS": Aguillo, Gompert, Weber, Huber,
149 Chadwick, Wayman, and Estrada. "NAYS": None. ABSTAIN: None. ABSENT: Westphal and
150 Zitterkopf. Motion carried.

151

152 **Item 7G:** The Planning Commission opened a public hearing for an annexation request from property
153 owners C & T Holdings. The properties are described as proposed Lots 1-3, & Tract 2, Block 6, Five

154 Oaks Subdivision, and Lot 8 and Tract 1, Block 14, Five Oaks Subdivision. These parcels are located on
155 the west side of proposed Five Oaks Drive and north of the Scottsbluff Drain. The description for these
156 parcels cleans up the existing corporate limit line on the west side of the subdivision. These lots are part
157 of the preliminary plat that will be final platted and rezoned.

158

159 **Conclusion:** A motion was made by Weber and seconded by Aguallo to approve the annexation request
160 for proposed Lots 1-3 & Tract 2, Block 6, and Lot 8, & Tract 1, Block 14, Five Oaks Subdivision.

161 “YEAS”: Aguallo, Gompert, Weber, Huber, Chadwick, Wayman, and Estrada. “NAYS”: None.

162 ABSTAIN: None. ABSENT: Zitterkopf and Westphal. Motion carried.

163

164 **Item 7H:** The Planning Commission opened a public hearing for a Final Plat of Lots 1-3 and Tract 2,
165 Block 6, Five Oaks Subdivision. The applicant(s) and property owners, C & T Holdings, represented by
166 Baker and Associates submitted an application for the final plat. The plat meets the subdivision
167 requirements of the R-1A zoning district, and will also be annexed into the City’s corporate city limits
168 with an ordinance for annexation.

169

170 **Conclusion:** A motion was made by Weber and seconded by Huber to approve the final plat of Lots 1-3
171 and Tract 2, Block 6 Five Oaks Subdivision. “YEAS”: Aguallo, Gompert, Weber, Huber, Chadwick,
172 Wayman, and Estrada. “NAYS”: None. ABSTAIN: None. ABSENT: Zitterkopf and Westphal. Motion
173 carried.

174

175 **Item 7I:** The Planning Commission opened a public hearing for a Final Plat of Lot 8, and Tract 1, Block
176 14, Five Oaks Subdivision. The applicant(s), and property owners, C & T Holding, represented by Baker
177 and Associates submitted an application for the final plat. The plat meets all the requirements of the R-
178 1A zoning district, and will also be annexed into the City’s corporate limits with an ordinance for
179 annexation.

180

181 **Conclusion:** A motion was made by Gompert and seconded by Chadwick to approve the Final Plat of
182 Lot 8, and Tract 1, Block 14, Five Oaks Subdivision. “YEAS”: Aguallo, Gompert, Weber, Huber,
183 Chadwick, Wayman, and Estrada. “NAYS”: None. ABSTAIN: None. ABSENT: Zitterkopf and
184 Westphal. Motion carried.

185

186 **Item 7J:** The Planning Commission reviewed a proposed ordinance and permitting process to allow
187 businesses to utilize a portion of the City’s Right of Way for outdoor seating, dining, and display areas.
188 The ordinance includes rules and regulation and permitting process.

189

190 Annie Folck, City Planner, addressed the Planning Commission, the proposed ordinance was reviewed by
191 the Business Improvement Board District and they gave positive recommendation to City Council. City
192 Council asked that the Planning Commission review also before giving their final recommendation. The
193 ordinance was modeled after the City of Grand Island ordinance and will allow for this type of Right of
194 Way obstruction throughout the City. The rules and regulations will allow them to set up sidewalk cafes,
195 planters, etc. in the right of way; they will have to leave five feet of clear space to comply with ADA
196 codes. The permit fee covers the review and inspection done by the City to make sure their site plan
197 complies with all the rules and regulations, to ensure that fire codes are met and that the obstructions
198 will not hinder pedestrian traffic. With the \$50 permit, everything on the sidewalk has to be
199 removable. If a business owner wants a more permanent setup, they will be required to sign a
200 license agreement with the City and get all the necessary building permits in addition to the \$50
201 permit. The permits will expiration on of December 31st. tracking permits this way is easier than tracking
202 a year from issue.

203

204 **Conclusion:** A motion was made by Weber and seconded by Wayman to give positive recommendation
205 to City Council allowing for Obstruction of Right of Way with Rules and Regulations. "YEAS":
206 Aguillo, Weber, Chadwick, Gompert, Huber, Wayman, and Estrada. "NAYS": None. ABSTAIN: None.
207 ABSENT: Zitterkopf and Westphal. Motion carried.

208

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

210

211 There being no further business the Planning Commission with a motion to adjourn made by Chadwick
212 and seconded by Weber the meeting was adjourned at 7:45 p.m. "YEAS": Wayman, Aguillo, Huber,
213 Gompert, Chadwick, Weber, and Estrada. NAYS: none. ABSENT: Zitterkopf and Westphal. Motion
214 carried.

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216

217 _____
Becky Estrada, Chairperson

218

219 Attest: _____

220 Annie Urdiales