

City of Scottsbluff, Nebraska
Monday, October 13, 2014
Regular Meeting

Item Appr. Min.1

Minutes

Approve minutes of 9/8/14

Staff Contact: Annie Urdiales

Planning Commission Minutes
Regular Scheduled Meeting
September 8, 2014
Scottsbluff, Nebraska

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The Planning Commission of the City of Scottsbluff, Nebraska met in a regular scheduled meeting on Monday, September 8, 2014, 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 29, 2014. 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, Becky Estrada called the meeting to order. Roll call consisted of the following members: Callan Wayman, Angie Aguallo, Henry Huber, Mark Westphal, and Becky Estrada. Absent: Dana Weber, Anita Chadwick, Jim Zitterkopf, and David Gompert. 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 August 11, 2014 were reviewed and approved. A motion was made to accept the minutes by Westphal, and seconded by Wayman. "YEAS": Wayman, Aguallo, Westphal, Huber, and Estrada. "NAYS": None. ABSTAIN: None. ABSENT: Weber, Gompert, Zitterkopf, and Chadwick. Motion carried.

ITEM 7A: The Planning Commission opened a public hearing to review a request for a special use permit submitted by NE Colorado Cellular Inc. d/b/a Viero Wireless. The request is for a 75' monopole type tower and supporting equipment, to be located at 1807 West Overland. This area is just outside the City corporate limits and is zoned R-1A – Single Family Residential. The property is approximately 83 acres and zoned Agricultural and farmed, the area where the cell tower will be placed is approximately 4,500 sq. ft. and will be leased from the owner(s) DVS Properties LLC (Dave Schueths). This area is located on the north side of West Overland just west of Avenue R. Representative, Henry Jacobsen, from Viero answered questions from the P.C. in the next five years they think they will have maybe two more towers in the Scottsbluff area, they hope to have other towers co-locate on existing towers in the City. Viero has also provided copy of letter from the Federal Aviation Administration approving this location. An elevation certificate was also provided as the property is in an AO flood zone and will be build three feet above highest adjacent grade. No protests were filed against the granting of the cell tower and property owner, Dave Schueths, spoke in favor of the tower.

Conclusion: A motion was made by Huber and seconded by Aguallo to approve the special use permit to allow a Wireless Communication Facility - 75' cell tower to NE Colorado Cellular Inc. d/b/a Viero Wireless to be located at 1807 West Overland. "YEAS": Wayman, Aguallo, Westphal, Huber, and Estrada. "NAYS": None.

ABSTAIN: None. **ABSENT:** Weber Chadwick, Zitterkopf, and Gompert. Motion carried.

ITEM 7B: The Planning Commission opened a public hearing for a request from property owner(s) Judson & Susan Martin, represented by Paul Reed Construction for a rezone of proposed Lots 1-9, Block 1, and Lots 1-3, Block 2, Premier Estates, Scott Bluff County, Nebraska, situated in the East half of the SW ¼ of Section 3, T22N, R55W of

57 the 6th P.M., Scotts Bluff County, Nebraska. The request is to rezone from A-Agricultural to R-1B- Rural
58 Residential. This zone change will meet the guidelines of the proposed development of 40 acres which is to be
59 developed into twelve three acre lots.

60

61 **Conclusion:** A motion was made by Westphal and seconded by Huber to approve the request to rezone proposed
62 Lots 1-9, Block 1, and Lots 1-3, Block 2, Premier Estates, situated in the East half of the SW ¼ of Section 3, T22N,
63 R55W of the 6th P.M., Scotts Bluff County, Nebraska. **“YEAS”:** Wayman, Aguallo, Westphal, Huber, and
64 Estrada. **“NAYS”:** None. **ABSTAIN:** None. **ABSENT:** Chadwick, Zitterkopf, Weber, and Gompert. Motion
65 carried.

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67 **ITEM 7C:** The Planning Commission opened a public hearing for a request from property owner(s) Judson & Susan
68 Martin, represented by Paul Reed Construction for a Preliminary Plat of Lots 1-9, Block 1, and Lots 1-3, Block 2,
69 Premier Estates, Scott Bluff County, Nebraska, situated in the East half of the SW ¼ of Section 3, T22N, R55W of
70 the 6th P.M., Scotts Bluff County, Nebraska. The property is composed of forty acres and will consist of twelve
71 (12) three acre lots for residential development, each lot will have a well and septic system. Access to the lots will
72 be from County Road H onto a private street in the subdivision. A couple of neighbors asked about the development
73 and how it would affect their property. The developer answered their questions the change in zoning to the lots will
74 not change their zoning; the surrounding land will remain Agricultural. A Hydrology (drainage) report will need to
75 be submitted to Planning Commission and City Council before final plat approval of any of the lots. A SWPP
76 permit will have to be acquired through the State as this is not within our city limits.

77

78 **Conclusion:** A motion was made by Wayman and seconded by Aguallo to approve the preliminary plat of Lots 1-9,
79 Block 1, and Lots 1-3, Block 2, Premier Estates, situated in the E ½ of the SW ¼ of Section 3, T22N, R55W of the
80 6th P.M., Scott Bluff County, Nebraska. **“YEAS”:** Wayman, Aguallo, Westphal, Huber, and Estrada. **“NAYS”:**
81 None. **ABSTAIN:** None. **ABSENT:** Chadwick, Zitterkopf, Gompert, and Weber. Motion carried.

82

83 **ITEM 7D:** The Planning Commission opened a public hearing to adopt an Energy Element plan into the City’s
84 Comprehensive Development Plan. The Plan will keep our current Comprehensive Plan valid and in compliance.
85 LB 997 was introduced in 2010 and required all municipalities, except villages to adopt an Energy Element into
86 their Comprehensive Development Plan by January 1, 2015. The City hired Marvin Consultants to draft a plan for
87 the City of Scottsbluff.

88

89 The Energy Element is to be used as tool for reducing energy use, a way for communities to save money & energy,
90 an opportunity to eliminate barriers to energy efficiency and a chance to increase energy independence and
91 educating the public.

92

93 **Conclusion:** A motion was made by Wayman and seconded by Aguallo to make positive recommendation to the
94 City Council to approve and adopt the Energy Element Plan into our Comprehensive Development Plan. **“YEAS”:**
95 Wayman, Aguallo, Westphal, Huber, and Estrada. **“NAYS”:** None. **ABSTAIN:** None. **ABSENT:** Chadwick,
96 Zitterkopf, Gompert, and Weber. Motion carried.

97

98 **Item 7E:** The Planning Commission opened a public hearing regarding text changes to the zoning code. Recently
99 staff reviewed height requirements in all zoning districts, a variance was requested on the height limit in the C-2
100 Neighborhood Commercial and Retail zoning district which is set at 25’. The residential zoning districts are 35’ and
101 other commercial, office, and industrial areas vary from 35’ to 70’. The twenty-five foot height limit in the C-2
102 district was found to be confusing, since all residential and rural areas have the 35’ requirement. The C-1 is 70’ and
103 C-3 Heavy Commercial is 35’. The Board of Adjustment asked that the Planning Commission review these
104 requirements and consider changing the C-2 zoning district to 35’ which seems to be the maximum in residential
105 and commercial zones.

106 Staff researched height requirements in residential, commercial and industrial zoning districts in a few other cities.
107 The 35’ height limit is shown in residential zones; residential zones for multi-family - apartments and hotels are 45’
108 to 75’; Agricultural zones are shown as 35’; Industrial areas are 55’ to 75’. Commercial areas vary anywhere from
109 28’ in the suburban office zone to 75’ in Highway commercial zones.

110

111 The Planning Commission also considered adding language under general requirements or commercial districts for a
112 45' maximum height for hotels and apartments, anything above the 45' height would require a special use permit
113 from the Planning Commission.

114

115 Other changes/corrections in this code include: in our R-4 performance guidelines, (numbers do not line up
116 correctly). Add height requirement in the R-1B performance guidelines as only the accessory building is shown, and
117 set at 35' to match the other residential districts. Under the PBC zone #4 building structures, height is listed as 45'
118 we would like to add this under the performance guidelines chart.

119

120 **Conclusion:** A motion was made by Wayman and seconded by Aguallo to approve the proposed text
121 changes/corrections to zoning code in the C-2, R-1B, R-4, and PBC zones. **"YEAS":** Wayman, Aguallo,
122 Westphal, Huber, and Estrada. **"NAYS":** None. **ABSTAIN:** None. **ABSENT:** Chadwick, Zitterkopf, Gompert, and
123 Weber. Motion carried.

124

125 **ITEM 8. Unfinished Business:** Annie Folck updated the Planning Commission on the planning seminar the date
126 has been set for Friday, October 10, 2014, at the John Harms Center, there will be two tracts one for beginning
127 planning covering the basics and an advanced tract covering TIF, flood plain, hazard mitigation , etc. The class will
128 be from 9:30 a.m. to 4:30 p.m., no fees will be charged. We will send out an agenda as soon as the final
129 arrangements are made. We hope to see all our Commissioners there.

130

131 There being no further business the Planning Commission with a motion to adjourn made by Huber and seconded by
132 Aguallo the meeting was adjourned at 6:50 p.m. **"YEAS":** Wayman, Aguallo, Huber, Westphal, and Estrada.
133 **NAYS:** none. **ABSENT:** Chadwick, Gompert, Zitterkopf, and Weber. Motion carried.

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136 _____
Becky Estrada, Chairperson

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138 Attest: _____

139 Annie Urdiales