

**City of Scottsbluff, Nebraska**  
**Monday, December 8, 2014**  
**Regular Meeting**

**Item Appr. Min.1**

**Minutes**

*Approve minutes of 11/10/14*

**Staff Contact: Annie Folck**

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**Planning Commission Minutes**  
**Regular Scheduled Meeting**  
**November 10, 2014**  
**Scottsbluff, Nebraska**

The Planning Commission of the City of Scottsbluff, Nebraska met in a regular scheduled meeting on Monday, November 10, 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 October 31, 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: Anita Chadwick, Henry Huber, Angie Aguallo, Jim Zitterkopf, and Becky Estrada. Absent: Dana Weber, Mark Westphal, David Gompert, and Callan Wayman. City officials present: 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 October 13, 2014 were reviewed and approved. A motion was made to accept the minutes by Huber, and seconded by Chadwick. "YEAS": Zitterkopf, Aguallo, Chadwick, and Estrada. "NAYS": None. ABSTAIN: Huber. ABSENT: Gompert, Wayman, Westphal, and Weber. Motion carried.

**ITEM 7A:** The Planning Commission opened a public hearing to review a request for a special permit submitted by Lady of Guadalupe Church. The request is for a 65' radio tower and supporting equipment, to be located at 1131 East 8<sup>th</sup> Street. The property is zoned Residential and towers are a permitted use within Residential districts with the approval of a special use permit through the Planning Commission. There is a vacant building on the lot that was previously used for boxing. The communication facility will generally fit in with the community oriented facilities that the church offers in this neighborhood. The tower will be fenced with 6' chain link fence with two strand barbed wire.

Lee Trautman was present to represent Our Lady of Guadalupe Church. He stated that because the building on the lot has not been in use for several years, the Church became interested in leasing it to the radio station. Huber asked if this tower would help improve coverage. Trautman stated that this is actually going to be serving a new radio station for Valley Catholic Radio to help support its education mission.

**Conclusion:** A motion was made by Zitterkopf and seconded by Huber to approve the special use permit to allow a 65' radio tower and supporting equipment at 1131 East 8<sup>th</sup> Street "YEAS": Huber, Chadwick, Zitterkopf, Aguallo, and Estrada. "NAYS": None. ABSTAIN: None. ABSENT: Wayman, Gompert, Weber, and Westphal. Motion carried.

**ITEM 7B:** The Planning Commission opened a public hearing for a request from applicant(s) Paul Reed Construction, representing property owners Judson and Susan Martin for a final plat of Lot 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, R55W of the 6<sup>th</sup> P.M., Scotts

57 Bluff County, Nebraska. This area includes twelve lots which are approximately a little over three acres each. The  
58 property owners have recently re-zoned the property from Agricultural to R-1B, Rural Residential. These parcels  
59 are located north west of the Scottsbluff Country Club and is in the City's extraterritorial zoning jurisdiction.  
60 Access onto the parcels will be from County Road H (56<sup>th</sup> St.), a private road serving the twelve proposed lots.

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62 Staff and the City Consultants have reviewed the final plat. The plat meets the requirements for right of way widths  
63 and easements, curves and tangents, and drainage requirements for the development. However, staff and legal and  
64 engineering consultants have concerns about this development because the developer is not planning on making  
65 improvements to the development that would be necessary for the development to eventually become annexed into  
66 the City. Section 21-1-27 of the City's code, addressing subdivision improvements, states "The provisions of this  
67 Article shall apply also to subdivisions hereafter platted that are within two (2) miles of, but are not proposed to be  
68 annexed to, the corporate limits of the City; and every such subdivisions shall be so laid out and platted that, if it  
69 subsequently is annexed to the City, the improvements referred to in this Article may be constructed in the  
70 subdivision in accordance with the requirements in those sections. Such improvements shall be constructed by the  
71 person proposing the subdivision at his or her own expense." Engineering and legal consultants have advised that if  
72 the development is allowed to go forward without these improvements, it should be under the condition that the  
73 developer's agreement contain language that would create a covenant preventing future lot owners in the  
74 development from protesting the creation of improvement districts if and when the City grows out in that area and  
75 the development is annexed.

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77 Adam Reed, representing Paul Reed Construction, stated that he does not have a problem with the possibility of the  
78 City annexing the subdivision in the future, but that any improvements necessary to do so should be done at the  
79 City's cost, not the property owners. He stated that to require the developer or the property owner to agree to such a  
80 provision would be too much of a risk, and they would not be able to sell the lots. He believes that because they  
81 have provided rights-of-way and easements for future improvements, they are meeting the requirement that the plat  
82 allows for these improvements to be made in the future. The houses that would be built would be very high-end,  
83 with values ranging from \$500,000 to \$1,000,000. The lots would be served by wells and septic, and Reed stated  
84 that the property owners would have no interest in connecting to City utilities.

85  
86 Aguallo stated that this situation would be similar to areas around Cheyenne where large lots were developed with  
87 no city utilities, which has effectively stopped Cheyenne from being able to grow around these areas. Zitterkopf  
88 stated that he could see both sides of the issue. Huber asked if this issue needed to be voted on in order to proceed  
89 with the final plat. Folck stated that staff was advising that the final plat be recommended with the condition that  
90 the developer's agreement contain language that allow for the creation of improvement districts in the future, but  
91 that the final plat could also be approved without such a condition. Aguallo stated that this is a topic that should be  
92 discussed more in the future, and Estrada requested that it be put on the agenda for the next Planning Commission  
93 meeting. Huber stated that the developer's agreement was an issue that would have to go before Council anyway,  
94 and that it would be best to vote only on the final plat.

95  
96 **Conclusion:** A motion was made by Huber and seconded by Chadwick to approve the final plat of Lots 1-9, Block  
97 1, and Lots 1-3, Block 2, situated in the East half of the SW ¼ of Section 3, T22N, R55W of the 6<sup>th</sup> P.M., Scotts  
98 Bluff County, Nebraska. "YEAS": Huber, Chadwick, Zitterkopf, Aguallo, and Estrada. "NAYS": None.  
99 **ABSTAIN:** None. **ABSENT:** Gompert, Wayman, Weber, and Westphal. Motion carried.

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

102  
103 There being no further business, a motion to adjourn was made by Gompert and seconded by Aguallo. The meeting  
104 was adjourned at 6:58 p.m. "YEAS": Huber, Chadwick, Zitterkopf, Aguallo, and Estrada. "NAYS": None.  
105 **ABSTAIN:** None. **ABSENT:** Gompert, Wayman, Weber, and Westphal. Motion carried.

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109 Becky Estrada, Chairperson

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111 Attest: \_\_\_\_\_  
112 Annie Folck