



SCOTTSBLUFF CITY
PLANNING COMMISSION AGENDA
Monday, December 8, 2014, 6:00 PM
City Hall, 2525 Circle Drive

**PLANNING
COMMISSIONERS**

BECKY ESTRADA
CHAIRPERSON

ANGIE AGUALLO
VICE CHAIRPERSON

DANA WEBER

HENRY HUBER

MARK WESTPHAL

CALLAN WAYMAN

DAVID GOMPERT

JIM ZITTERKOPF

ANITA CHADWICK

LINDA REDFERN
ALTERNATE

- 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 Minutes**
Approve minutes of 11/10/14
- 7. NEW BUSINESS:**
 - A Final Plat**
Final Plat: Eisele Subdivision
Applicant: M.C. Schaff & Associates/Darwin Adams
Owner: Darwin Adams
Address: 1005 S. Beltline Hwy West
Location: N of S. Beltline Hwy W & West of Ave I
 - B Rural Residential Requirements**
Discussion: Rural Residential Developments
 - C Comp Plan**
Update: City's Comprehensive Development Plan
- 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, December 8, 2014
Regular Meeting

Item Appr. Min.1

Minutes

Approve minutes of 11/10/14

Staff Contact: Annie Folck

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

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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 8th 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 8th 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 6th 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 (56th St.), a private road serving the twelve proposed lots.

61
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.

76
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 6th 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.

106
107
108 _____
109 Becky Estrada, Chairperson

110
111 Attest: _____
112 Annie Folck

City of Scottsbluff, Nebraska

Monday, December 8, 2014

Regular Meeting

Item NewBiz1

Final Plat

Final Plat: Eisele Subdivision

Applicant: M.C. Schaff & Associates/Darwin Adams

Owner: Darwin Adams

Address: 1005 S. Beltline Hwy West

Location: N of S. Beltline Hwy W & West of Ave I

Staff Contact:

SCOTTSBLUFF CITY

PLANNING COMMISSION STAFF REPORT

To:	Planning Commission	Zoning:	C-3
From:	Development Services Department	Property Size:	3.83 ± acres
Date:	December 8, 2014		
Subject:	Lots 1C, 1D, & 1E, Eisele Subdivision a replat of Lot 1A, Eisele Subdivision in the City of Scottsbluff, Scotts Bluff County, NE.		
Location:	North of South Beltline Hwy W & West of Avenue I		

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), Darwin Adams, has requested approval of a final plat prepared by M.C. Schaff and Associates. They are re-platting Lot 1A, Eisele Subdivision a replat of Lot 1, Eisele subdivision. This property is located in a C-3, heavy commercial zoning district. Property to the west is ABC nursery and properties to the east include a car wash, business offices, and a realty company. Mr. Adams is asking to divide Lot 1A, into three separate lots, currently a building is under construction on proposed lot 1D. Potentially another building will be constructed on Lot 1E sometime in the near future; this leaves Lot 1C which abuts an alley on the north a 30' access easement on the north end of lot 1D will also allow access back and forth between lots 1C & 1E.

Analysis

City Staff met with Mr. Adams and discussed several options on dividing the lot. This plan seemed to be the best option for the division of the lots, and will allow for future boundary changes of the lots if surrounding property is sold. The lots meet the standards of the C-3 Heavy Commercial district.

RECOMMENDATION

Approve

Make a POSITIVE RECOMMENDATION to the City Council to approve a final plat of Lots 1C, 1D, 1E, Eisele Subdivision, a replat of Lot 1A, Eisele Subdivision, a subdivision of Lot 1, Eisele Subdivision, a Subdivision in the City of Scottsbluff, Scots Bluff County, Nebraska, situated in the NE ¼ of Section 27, T22N, R55 W of the 6th P.M. with the following condition(s):

Deny

Make a NEGATIVE RECOMMENDATION to the City Council to disapprove final plat Lots 1C, 1D, 1E, Eisele Subdivision, a subdivision of Lot 1A, Eisele Subdivision, a subdivision of Lot 1, Eisele Subdivision, a Subdivision in the City of Scottsbluff, Scots Bluff County, Nebraska, situated in the NE ¼ of Section 27, T22N, R55 W of the 6th P.M. for the following reason(s):

Table

Make the motion to TABLE the final plat of Lots 1C, 1D, 1E, Eisele Subdivision, a subdivision of Lot 1A, Eisele Subdivision, , a subdivision of Lot 1, Eisele Subdivision, a Subdivision in the City of Scottsbluff, Scots Bluff County, Nebraska, situated in the NE ¼ of Section 27, T22N, R55 W of the 6th P.M. for the following reason(s):

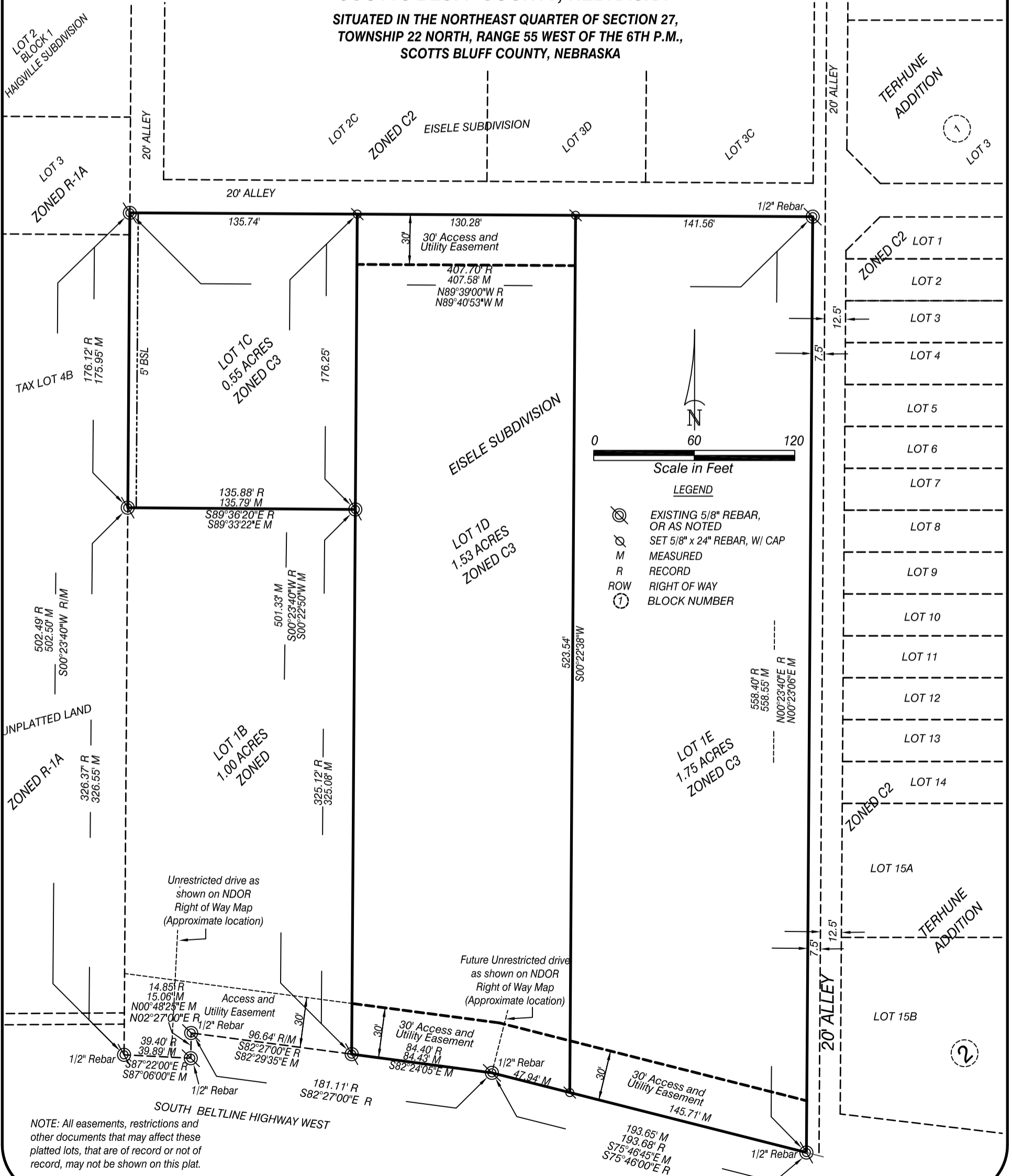
Final Plat Request, Page 1

FINAL PLAT

LOTS 1C, 1D AND 1E, EISELE SUBDIVISION,

A REPLAT OF LOT 1A, EISELE SUBDIVISION,
 A SUBDIVISION OF LOT 1, EISELE SUBDIVISION
 A SUBDIVISION IN THE CITY OF SCOTTSBLUFF,
 SCOTTS BLUFF COUNTY, NEBRASKA

SITUATED IN THE NORTHEAST QUARTER OF SECTION 27,
 TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH P.M.,
 SCOTTS BLUFF COUNTY, NEBRASKA



City of Scottsbluff, Nebraska

Monday, December 8, 2014

Regular Meeting

Item NewBiz2

Rural Residential Requirements

Discussion: Rural Residential Developments

Staff Contact: Annie Urdiales



SCOTTSBLUFF
PLANNING COMMISSION
Staff Report

To: Planning Commission
From: Development Services Department
Date: December 8, 2014
Subject: Rural Residential Development
Location: Scottsbluff Municipal Subdivision Code Chapter 21

Background

The Planning Commission requested that Rural Development be placed on the December agenda. Chapter 21 of the Scottsbluff Municipal Code lists the requirements for development in the City of Scottsbluff and the two mile extra territorial zoning jurisdiction. When unplatted property is developed there is a process that the City has to follow, these requirements are listed in our Subdivision code Chapter 21. Streets, sidewalks curb, gutter, water and sewer infrastructure are all part of the development. A Developers Agreement is required for all new subdivisions and outlines how the improvement will be done; either the Developer pays for the improvements or Districts are formed.

Section **21-1-27** has language regarding the extra territorial properties as follows:

Improvements; requirements; general. The requirements for improvements set forth in this Article shall apply in every subdivision hereafter platted that is within or is proposed to be annexed to the corporate limits of the City, and every existing street or alley of the City that abuts such subdivision. The provisions of this **Article shall apply also to subdivisions hereafter platted that are within two (2) miles of**, but are not proposed to be annexed to, the corporate limits of the City; and every such subdivision shall be so laid out and platted that, if it subsequently is annexed to the City, the improvements referred to in this Article may be constructed in the subdivision in accordance with the requirements in those sections. Such improvements shall be constructed by the person proposing the subdivision at his or her own expense. Construction shall not be commenced until after plans and specifications, and contracts, if any, therefor have been approved by the Planning and Building Official, and shall be completed in accordance with the plans, specifications and contracts. Provided, anything in the foregoing provisions of this section to the contrary notwithstanding, the requirements in this section are subject to the exceptions and other requirements stated in sections 21-1-28 to 21-1-30, inclusive, and section 21-1-40.

Under section 21-1-34 the City Planner is allowed to waive the paving – the language reads as - Provided further, that the City Planner may waive the requirements of this section for areas outside of the City limits if in the judgment of the City Planner the density of the population and the volume of traffic are sufficiently low that gravel streets are appropriate. (Ord. 3858, 2005)

If a developer is unable to put the infrastructure in they can request that the City create districts for paving, water, sewer, storm sewer. The districts assess the cost to each lot in the subdivision according to frontage and the assessments are paid back usually within a 15 year time period. After the infrastructure improvements have been installed, inspected, and meet City specifications. The City takes over the maintenance of the public streets and utilities.

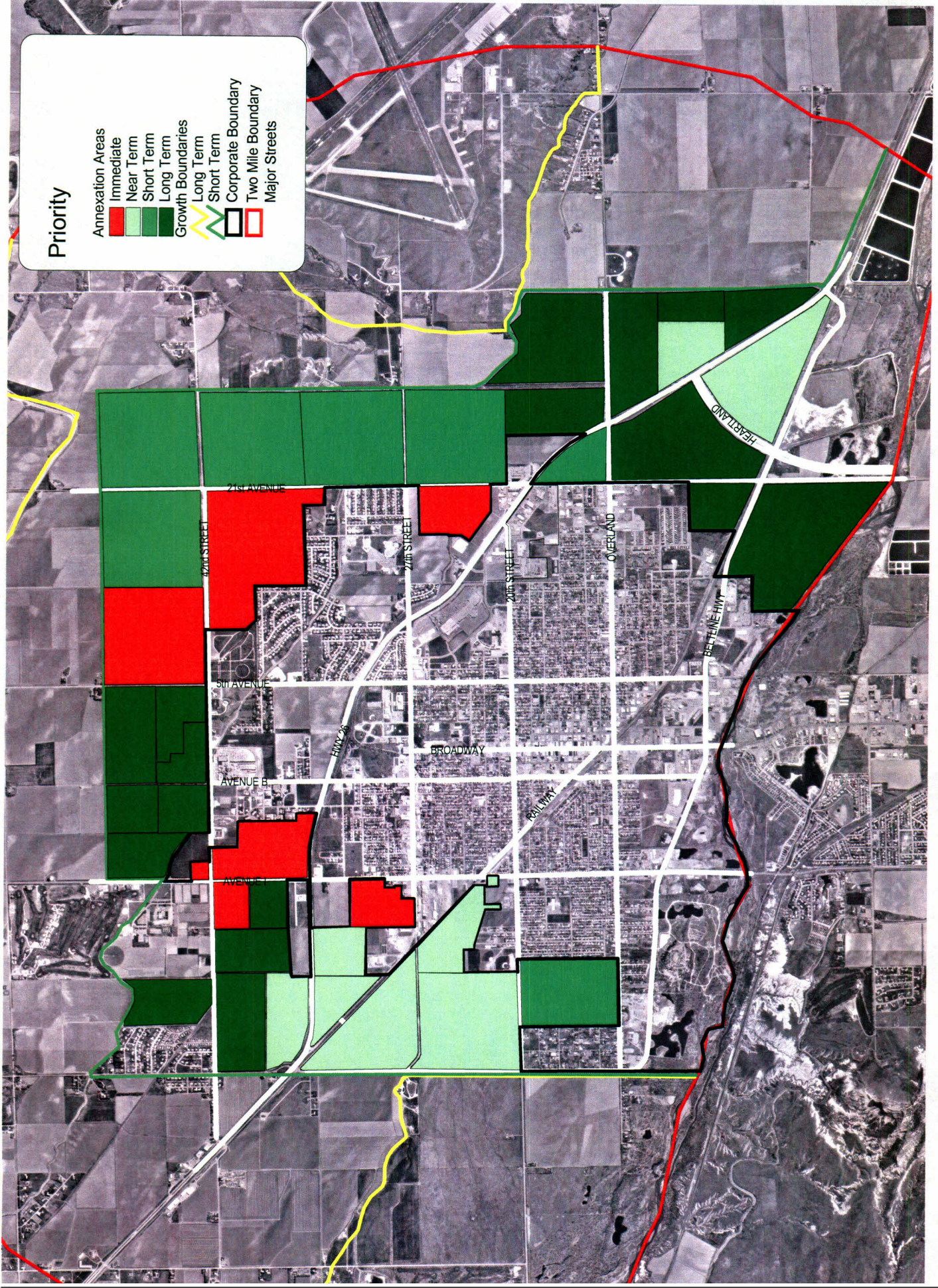
The City's Engineering Consultant pointed out to staff that if the City does not follow their own codes it causes problems for home owners in the future, we have areas in the City that were developed with past codes or variance which at the time saved money, but those properties have problems arise and the owner has to pay for the changes to update and bring the property into compliance. We usually hear about these

Staff Report, Page 1

issues when a homeowner is having problems with existing infrastructure. This is one of the problems the City of Cheyenne is having with the larger developments to the north and east they are unable to grow in those directions because of the lack of infrastructure. We want to avoid similar problems for Scottsbluff.

Priority

- Annexation Areas
 - Immediate
 - Near Term
 - Short Term
 - Long Term
- Growth Boundaries
 - Long Term
 - Short Term
- Corporate Boundary
- Two Mile Boundary
- Major Streets



Map 10-10: Future Annexation Areas

City of Scottsbluff, Nebraska

Monday, December 8, 2014

Regular Meeting

Item NewBiz3

Comp Plan

Update: City's Comprehensive Development Plan

Staff Contact: Annie Folck