

City of Scottsbluff, Nebraska
Monday, February 2, 2015
Regular Meeting

Item Pub. Hear.2

Council to conduct a public hearing at 6:05 p.m. to consider an Ordinance text change limiting the areas that may be subdivided without improvements.

Staff Contact: Annie Folck, City Planner

Agenda Statement

Item No.

For meeting of: February 2, 2015

AGENDA TITLE: Council to consider an ordinance text change limiting the areas that may be subdivided without improvements

SUBMITTED BY DEPARTMENT/ORGANIZATION: Planning and Zoning

PRESENTATION BY:

SUMMARY EXPLANATION: After much discussion over the past few months about large lot development with private wells and septic, the Planning Commission indicated that they would like to see changes that would ensure that these types of development are limited to appropriate areas. The proposed changes would require improvements (water, sewer, and paved streets) to be extended to all developments unless the development is in an area specified by the Comprehensive Plan as an area that is appropriate for individual wells and septic. The map is based on engineering recommendations and can be updated as needed.

BOARD/COMMISSION RECOMMENDATION: The Planning Commission recommended approval of this ordinance (see attached minutes).

STAFF RECOMMENDATION: Staff recommends approval of this ordinance.

EXHIBITS

Resolution Ordinance Contract Minutes Plan/Map

Other (specify) _____

NOTIFICATION LIST: Yes No Further Instructions

APPROVAL FOR SUBMITTAL: _____
City Manager

Rev 3/1/99CClerk

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 21, ARTICLE 1 OF THE SCOTTSBLUFF MUNICIPAL CODE IN DEALING WITH SUBDIVISIONS AND IMPROVEMENTS REQUIRED, AMENDING §21-1-21, §21-1-27, and §21-1-34, REPEALING ALL PRIOR SECTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SCOTTSBLUFF, NEBRASKA:

Section 1. Chapter 21, Article 1 of the Scottsbluff Municipal Code is amended by repealing the existing language and substituting the following language:

“21-1-21. Streets, alleys; conformance to Future Street Extensions map.

As to all matters not specified by ordinance, all streets and alleys shall conform to such Future Street Extensions map in the City’s Comprehensive Plan as the City Council may adopt.”

Section 2. Chapter 21, Article 1 of the Scottsbluff Municipal Code is amended by repealing the existing language and substituting the following language:

“21-1-27. Improvements; requirements; general.

Construction of all improvements required by this Article shall apply in every subdivision hereafter platted that is within the corporate limits of the City or is proposed to be annexed into the corporate limits of the City, and every existing street or alley of the City that abuts such subdivision. However, some, or all, of the improvements required by this Article may not be required in a subdivision hereafter platted if the applied for subdivision is located outside the City’s corporate limits but within two (2) miles thereof and is within a designated area as set forth in the City’s Comprehensive Plan. The City’s Comprehensive Plan will designate areas outside of the corporate limits of the City where applied for subdivisions may not be required to have some or all of the improvements required by this Article.

In any event, the improvements referred in this Article must be constructed in the subdivision in accordance with the requirements in this Article.

All improvements required by this Article 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 further, anything in the foregoing provisions of this section to the contrary notwithstanding, the requirements in this section are subject to the exceptions set forth in the City’s Comprehensive Plan, or stated in sections 21-1-28 to 21-1-30, inclusive, and section 21-1-40.

The applicant shall submit all construction documents representing “As-Constructed” conditions. Each drawing shall be stamped “As-Constructed” and shall be dated. Submit one (1) original mylar and two (2) copies of the black and white or blue and white prints. In addition, drawings shall be on 3½ inch diskette or CD ROM in AutoCAD format, latest version.”

Section 3. Chapter 21, Article 1 of the Scottsbluff Municipal Code is amended by repealing the existing language and substituting the following language:

“21-1-34. Same; completion of subgrade; improvement; paving stops.

Upon completion of the subgrade, the roadbed of every street and alley shall be improved, at a minimum, with the following material:

Street, Arterial: A subgrade investigation and pavement design report shall be required to determine an adequate pavement cross section. The cross-section shall consist of the recommended pavement cross-section or a minimum cross-section consisting of 5" Portland Cement Concrete (PCC) or, alternatively, a 4-inch stabilized base course with a 4-inch asphaltic concrete wear surface (placed in maximum 2-inch lifts).

Street, Collector: A subgrade investigation and pavement design report shall be required to determine an adequate pavement cross section. The cross-section shall consist of the recommended pavement cross-section or a minimum cross-section consisting of 5" Portland Cement Concrete

(PCC) or, alternatively, a 4-inch stabilized base course with a 4-inch asphaltic concrete wear surface (placed in maximum 2-inch lifts).

Street, Other: A subgrade investigation and pavement design report shall be required to determine an adequate pavement cross section. The cross-section shall consist of the recommended pavement cross-section or a minimum cross-section consisting of 5" Portland Cement Concrete (PCC) or, alternatively, a 4-inch stabilized base course with a 2-inch asphaltic concrete wear surface.

Provided, concrete paving stops, which shall be not less than five (5) inches in thickness and one hundred (100) feet in length, shall be constructed at all approaches of asphaltic concrete streets to intersections with arterial or collector streets. Concrete curb and gutter also shall be constructed on all streets referred to in this section.

Provided further, that the City Planner may waive the requirements of this section for areas outside of the Corporate City limits, but any waiver by the City Planner must be limited to those areas designated in the City's Comprehensive Plan as areas where the improvements described in this section are not required.

Section 4. Previously existing Sections 21-1-21, 21-1-27, 21-1-34 and all other ordinances and parts of ordinances in conflict herewith are repealed. Provided, however, this Ordinance shall not be construed to effect any rights, liabilities, duties or causes of action, either criminal or civil, existing or actions pending at the time when this Ordinance becomes effective.

Section 5. This Ordinance shall become effective upon its passage, approval and publication as provided by law.

PASSED AND APPROVED on _____, 2015.

Attest:

Mayor

City Clerk (Seal)

Approved as to form:

Deputy City Attorney

Planning Commission Minutes
Regular Scheduled Meeting
January 12, 2015
Scottsbluff, Nebraska

The Planning Commission of the City of Scottsbluff, Nebraska met in a regular scheduled meeting on Monday, January 12, 2015, 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 January 3, 2015. 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: Vice Chairman, Angie Aguallo called the meeting to order. Roll call consisted of the following members: Anita Chadwick, Mark Westphal, Dana Weber, Jim Zitterkopf, and Angie Aguallo. Absent: Callan Wayman, David Gompert, Henry Huber, and Becky Estrada. City officials present: Annie Urdiales, Planning Administrator, Annie Folck, City Planner, and Gary Batt, Code Administrator II.

ITEM 2: Vice Chairman Aguallo informed all those present of the Nebraska Open Meetings Act and that a copy of such is posted on bookcase 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 December 8, 2014 were reviewed and approved. A motion was made to accept the minutes by Weber, and seconded by Westphal. "YEAS": Westphal, Zitterkopf, Weber, Chadwick, and Aguallo. "NAYS": None. ABSTAIN: None. ABSENT: Gompert, Wayman, Huber and Estrada. Motion carried.

NOTE: Becky Estrada arrived at 6:10 p.m. and took over as Chairman.

ITEM 7A: The Planning Commission opened a public hearing for proposed ordinance text changes in Chapter 21 of the City's Subdivision code. Annie Folck, City Planner, addressed the Planning Commission and outlined the proposed changes to the code. The proposed changes are as follows:

Section 21-1-21 - Current code refers to "Master Street plan," which does not currently exist. *Changed to refer to Future Street Extensions map which already exists in our Comp plan.*

Section 21-1-27 - Current code states that areas outside of City Limits but within Extraterritorial Zoning Jurisdiction are required to make improvements when subdivided. *Changed to state that areas within designated areas set forth in the Comp plan may not be required to make improvements when subdivided.* This will accommodate the desire for large lots with individual

50 wells and septic systems while ensuring that they are not placed in areas which will cut off future
51 growth for the City.

52 **Section 21-1-34** - Current code states that the City Planner may waive the requirement for
53 paving. *Changed to state that the planner may only do so in areas that are designated within the*
54 *Comp plan.* This keeps this section of code consistent with the changes in section 21-1-27
55

56 Annie Folck also discussed a map which will go along with these text changes. The map will show the
57 areas in town which will allow for large lot development in the City's extra territorial areas. Three areas
58 shown on the map one is east of 28th Avenue between 27th and 42nd Street to the airport line. Second one
59 is west of County Road 19 and between Riverview Golf course and Highway 26. The other area
60 identified is half a mile west of Highway 71 and north of Highway 92. This map is not set in stone and
61 changes can be made as we update our comprehensive development plan.
62

63 The map will be adopted into the Comprehensive development plan which outlines the areas in which
64 engineering consultants believe large residential lots could be allowed to develop without impeding
65 future growth for the City. Along with the code changes in Chapter 21 of the City Subdivision code.
66

67 Discussion regarding what other cities require for large lot development, other cities require that dry
68 infrastructure be put in place along with well and septic fields for this type of development. The City's
69 new economic development plan may have ways that the City can possibly extend infrastructure in the
70 future with trunk lines.
71

72 **Conclusion:** A motion was made by Weber and seconded by Westphal to approve the proposed text
73 changes to Chapter 21, Article 1 of the Scottsbluff municipal code dealing with subdivisions and
74 improvements required, amending 21-1-21, 21-1-27, and 21-1-34 of the subdivision code. **"YEAS":**
75 Weber, Chadwick, Zitterkopf, Aguallo, Westphal, and Estrada. **"NAYS":** None. **ABSTAIN:** None.
76 **ABSENT:** Gompert, Wayman, and Huber. Motion carried.
77

78 **ITEM 7B:** The Planning Commission opened a public hearing for a map amendment addition to the
79 comprehensive development plan. This map will work with the language in the above stated ordinance
80 changes regarding large lot development in the City's extra territorial area.
81

82 **Conclusion:** A motion was made by Weber and seconded by Westphal to make a positive
83 recommendation to City Council to approve the amendment map addition to the comprehensive
84 development plan for areas to allow large lot development in the City's extra territorial jurisdiction.
85 **"YEAS":** Weber, Chadwick, Zitterkopf, Aguallo, Westphal, and Estrada. **"NAYS":** None. **ABSTAIN:**
86 None. **ABSENT:** Gompert, Wayman, and Huber. Motion carried.
87

88 **ITEM 7C.** The Planning Commission opened a public hearing for the 2015 One and Six Year Street
89 Plan. Mark Bohl, Director of Public Works, addressed the Commission. The projects that are listed
90 include work that is being projected for this construction season as well as other street improvement
91 projects that go out to the next six years. Number one on the list this year is 12th Avenue and
92 Wintercreek Drive in the Reganis Subdivision these should be done by the end of this year. Number two
93 is to install left turn lanes on 27th St. and 2nd Ave. Number three through eight are in the Five Oaks
94 Subdivision and include extending Five Oaks Drive to the west 140' Pine Circle; the others projects are
95 streets that were approved last year with the Revised Five Oaks preliminary plat.
96

97 **Conclusion:** A motion was made by Aguallo and seconded by Zitterkopf to make a positive
98 recommendation to City Council to approve the 2015 One and Six Year Street Plan **"YEAS":** Weber,

99 Chadwick, Zitterkopf, Aguallo, Westphal, and Estrada. "NAYS": None. ABSTAIN: None. ABSENT:
100 Gompert, Wayman, and Huber. Motion carried.

101
102 **7D:** The Planning Commission opened a public hearing regarding City parking lots. The Business
103 Improvement Board met on November 19, 2014 and recommended that two parking lots be sold. The
104 BID Board discussed and made recommendations on Parking lot # 2 which is located on the northwest
105 corner of 2nd Avenue and 17th Street; it is not included in the Business Improvement District. Valley
106 Bank is to the east and a law firm is north of the parking lot, the City has been maintaining this lot
107 without funds from the BID, the lot is mostly used by the two businesses. This parking lot is in need of
108 repairs estimated at \$40,000; this does not include routine maintenance. The other parking lot
109 recommended for sale is Parking lot # 15 which is located north of 19th Street and east of Avenue A, this
110 lot was previously a residential lot which had the home removed and relocated through CDBG, and the
111 City then converted the lot into a parking lot. The lot is 50' wide and has sidewalk areas on each side of
112 the lot making it difficult for larger vehicles to park. It also has two brick walls with areas for plants;
113 these were originally planted with shrubs but the plants have not been maintained. This parking lot is
114 used by a few businesses that front Broadway, and the apartment building to the south. A suggestion
115 was made that possibly the apartment owner may be interested in buying for private use or maybe the
116 two businesses to the north and south would be interested in this lot.

117
118 **Conclusion:** A motion was made by Westphal and seconded by Zitterkopf to make a positive
119 recommendation to City Council to sell Parking lots # 2 and # 15. "YEAS": Weber, Chadwick,
120 Zitterkopf, Aguallo, Westphal, and Estrada. "NAYS": None. ABSTAIN: None. ABSENT: Gompert,
121 Wayman, and Huber. Motion carried.

122
123 **7E:** The Planning Commission discussed updating areas in the zoning and subdivision codes regarding
124 addition of language and requirements for Doggie Daycare and allowing for Condominiums in the C-1
125 Central Business District (Broadway) would also change the number from four units to one to four units.
126 These changes will be brought to the Planning Commission at a later meeting.

127
128 Staff also reminded the Commission about the annual NPZA/APA conference which will be held on
129 March 11, 12, and 13th this year. The conference will be held in Kearney, all Commissioners are eligible
130 for scholarships. If anyone is interested let Annie U.

131
132 **ITEM 8. Unfinished Business:** Discussed attendance requirements for the Planning Commission
133 members we would like to have each Planning Commissioner attend at least 75% of the meetings. We
134 will review rules and regulations and if necessary draft language to add to them. We want to make sure
135 we have a quorum for our meeting and that the members are aware of what is discussed and approved at
136 previous meeting.

137
138 There being no further business, a motion to adjourn was made by Weber and seconded by Westphal.
139 The meeting was adjourned at 7:45 p.m. "YEAS": Gompert, Wayman, Weber, Westphal, Chadwick,
140 Zitterkopf, Aguallo, and Estrada. "NAYS": None. ABSTAIN: None. ABSENT: Huber. Motion
141 carried.

142
143
144
145 _____
146 Becky Estrada, Chairperson

147 Attest: _____
148 Annie Urdiales