

City of Scottsbluff, Nebraska
Monday, March 9, 2015
Regular Meeting

Item Appr. Min.1

Minutes

Approve Minutes of 2/9/15

Staff Contact: Annie Urdiales

Planning Commission Minutes
Regular Scheduled Meeting
February 9, 2015
Scottsbluff, Nebraska

The Planning Commission of the City of Scottsbluff, Nebraska met in a regular scheduled meeting on Monday, February 9, 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 30, 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: Chairman, Becky Estrada called the meeting to order. Roll call consisted of the following members: Anita Chadwick, Dana Weber, Jim Zitterkopf, Angie Aguallo, Callan Wayman, David Gompert, Henry Huber, and Becky Estrada. Absent: 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 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 January 12, 2015 were reviewed and approved. A motion was made to accept the minutes by Weber, and seconded by Zitterkopf. "YEAS": Zitterkopf, Weber, Chadwick, Aguallo, and Estrada. "NAYS": None. ABSTAIN: Wayman, Huber, and Gompert. ABSENT: Westphal. Motion carried.

NOTE: Commissioner Mark Westphal arrived at 6:05 p.m.

ITEM 7A: The Planning Commission opened a public hearing for proposed ordinance text changes in **Chapter 25-3-22.1 - Gateway Greenway Overlay zone**. Staff has been working on changes/additions since 2014 this is the third draft for the Planning Commission to review before sending on to City Council. Annie Folck, City Planner, went through and outlined the proposed changes and additions to the code. Under design guidelines language was added stating that the GG overlay zone shall be read together and incorporated with the Landscaping Article in Section 25-22-1 through 25-22-10 of the City's Municipal Code, referred to as the "Landscaping Article". Other changes are as follows:

Section 25-3-22.1 Development Standards – A. Signs - # 2. One wall sign or marquee sign shall be permitted per building side. Also added was **# 4**. Other signs may be permitted, in the sole discretion of the Planning and Development Director, if the sign is small scale, is directional in nature and meets the intent of this section.

Section 25-3-22.1 Development Standards – D. Parking Lot Designs # 1. – All parking areas shall be paved to meet current ordinance requirements, *including those in the Landscaping Article. #3.* –*added All landscape islands shall have a minimum of 100 square feet of open ground and at least 300 cubic foot of good soil rooting volume for each tree. One half of all landscape islands must include a deciduous canopy tree & landscape islands shall be evenly distributed to the maximum extent possible.*

E. Landscaping and Screening Standards – added – To the extend reasonably feasible, all landscape plans shall be designed to incorporate water conservation materials and techniques in order to comply with each of the xeriscape landscaping principles listed below, Xeriscape landscaping principles do not include or allow artificial turf or plants, mulched (including gravel) beds or areas without landscape plant material, paving of areas not required for walkways, plazas or parking lots, bare ground, weed covered or infested surfaces or any landscaping that does not comply with the standards of this section. **#1.d.** Irrigation - Design, operate and maintain an efficient irrigation system. Drip irrigation shall be used in all landscape beds, if sprinklers are used for turf, no water shall be sprayed over sidewalks, streets or parking lots. Areas of low water use landscaping may be included but must be indicated on the plans. Irrigation water must be available for the initial two years after planting to establish low water use landscapes; **e.** Soil Preparation - Incorporate soil amendments before planting; **f.** Mulch - Add mulch to plantings beds to a minimum depth of 3” around trees and shrubs and 1: around perennials and ornamental grasses. Organic mulch is preferred; rock mulch may be used only if pre-approved by the Planner. **g.** Maintenance - Provide regular and attentive maintenance.

5. Landscaping – under building perimeter Walls typo X% needs changed to 60%. **b.** trees at a rate of one per 20’ of linear frontage. Evergreens may only be planted if planting bed is a minimum of 20 feet wide. Trees may be spread irregularly in informal groupings or be uniformly spaced, as consistent with large overall plantings patterns and organization. Trees shall be spread a minimum of 15’ apart for large shade trees and evergreens, and a minimum of 10’ apart for small ornamentals (list provides). Groupings of trees may be no more than 150’ apart. The space between the trees should be planted and maintained to aid the health and growth of the trees. There must be a maintained, non-turf grass landscape bed under and around trees, to be a minimum of 40 square feet per large shade tree or evergreen and 30 square feet per small or medium trees. The landscape zone must be planted to appropriate and compatible shrubs or herbaceous grasses or perennials to cover at least 50% of the bed. The remainder may be mulch. Organic mulch should be used if possible. **e.** Minimum Tree & Shrub sizes changed sizes – 4. Shrubs shall be two gallon size or greater or 15” (previously 18”-24”) in height if balled or bur lapped. 5. Perennials & ornamental grasses shall be one quart (previously 1 gallon) size or greater.

Also, added to Development standards: **F. Minimum Species Diversity**

To prevent uniform insect or disease susceptibility and eventual uniform senescence on a development site or in the adjacent area or the district, species diversity is required and extensive monocultures are prohibited. The following minimum requirements shall apply to any development plan.

Number of trees on site, Maximum percentage of any one species

10-19: 33%

30-39: 25%

40 or more: 15%

G. Use of Approved Species

Regionally native plants should be used when possible to help aid biodiversity and convey a sense of place with the natural context of our community. Ninety percent (90%) of all required trees planted must be from the approved list provided in Appendix A.

H. Redevelopment

In the event any property owner or occupant owning or possessing property located within the GGO overlay zone commences a remodel or redevelopment project, the cost of which exceeds \$100,000.00 based upon the building permit issued by the City's Planning & Development Department, upon property that does not then meet the requirements of this section then the property owner or occupant will be required to spend 3% of any remodel or redevelopment project toward bringing the property and landscaping up to the development standards in this section. Once the property and landscaping meet the requirements of this section, the property owner or occupant will no longer have to spend a portion of the remodel or redevelopment project to make improvements in order to comply with this section. In addition, if the property owner or occupant is able to show they are unable to bring the property into compliance because of the property's topography or features, then the property owner or occupant may appear before the City's Planning Commission to explain why they cannot comply. If the Planning Commission finds the property owner or occupants are unable to comply with the requirements of this section for the reasons stated above, then it may excuse the property owner or occupant from attempting to comply and instead allow them to pay an amount equal to 3% of their project directly to the City for use by the City on Gateway Green projects within the GGO overlay zone or other Gateway and Green projects on City improvements or parks.

Annie Folck explained the Redevelopment requirements, any existing properties that improve with remodeling or redevelopment and a cost of \$100,000 or over would be required to put in three percent of their estimated cost into landscaping of their property. If unable to meet these standards the three percent will go into a City fund which will be used for improvements in the GGO zone or other green spaces within the City. The definition explains how if the redevelopment experiences hardship and they are unable to comply a compromise can be approved by the Planning Commission and the three percent would go into a City fund for green space which will meet the intent of the code by improving corridors into the City.

The tree list (appendix A) was also changed added several tree species and eliminating Canadian Red Chokeberry and Scotch pine from the list. The list attached to the packet is not the approved list, if approved by Planning Commission the updated list will be attached to the ordinance. The Planning Commission asked that we track feedback when the ordinance is put into practice.

Conclusion: A motion was made by Aguillo and seconded by Weber to approve the proposed changes/additions to the Gateway Greenway Overlay zone 25-3-22.1 with correction to typo in Building Perimeter Walls section and Appendix A - updated tree list is attached. **"YEAS":** Weber, Chadwick, Zitterkopf, Aguillo, Westphal, Gompert, Huber, Wayman, and Estrada. **"NAYS":** None. **ABSTAIN:** None. **ABSENT:** None. Motion carried.

ITEM 7B: The Planning Commission opened a public hearing for a proposed ordinance amendment change of Chapter 25, Article 19 Amending Sections 25-19-18(2), 25-19- 29(2), and to clarify definitions in Sections 25-19.51.1, 25-19-66.1 & 25-19-77 relating to Floodways within the City of Scottsbluff and its Extra Territorial Jurisdiction. City Staff met with FEMA representatives in the fall of 2014 regarding areas with the City's floodway and our requirements in the floodway. The changes will keep us in good standing with the National Insurance program. They reviewed our code and asked for a few changes/additions to our Floodway ordinance. In summary the changes added are:

150 Section 25-19-18 (2) h – Review all subdivision proposals and other proposed new development,
 151 including manufactured home parks or subdivisions to determine whether such proposal will reasonably
 152 be safe from flooding.

153 Reworded Section 25-19-29 – Standards for flood fringe overlay zone; manufactured homes part two (2)
 154 for clarification regarding elevation requirements. (Shall be elevated on a permanent foundation such that
 155 the lowest floor of the manufactured home is at or above one foot above the base flood elevation; and be
 156 securely anchored to an adequately anchored foundation system).

157 Adding to definitions - 25-19-51.1 - Expansion to an existing Manufactured Home Park and Subdivision,
 158 25-19-66.1 - New Manufactured Home Park or Subdivision, and 25-19-77 - Violation.

159

160 When the study is completed over the next year we hope to submit the information and have the
 161 Floodplain maps updated as they were last done in 1979 for the City. We are hoping to do a workshop in
 162 the future for Realtors and other interested parties on requirements within the floodways.

163

164 **Conclusion:** A motion was made by Westphal and seconded by Weber to make a positive
 165 recommendation to City Council to approve the proposed ordinance amendment changes of Chapter 25,
 166 Article 19 Amending Sections 25-19-18(2), 25-19- 29(2), and to clarify definitions in Sections 25-
 167 19.51.1, 25-19-66.1 & 25-19-77 relating to Floodways within the City of Scottsbluff and its extra
 168 territorial jurisdiction. “YEAS”: Weber, Chadwick, Zitterkopf, Aguallo, Westphal, Gompert, Wayman,
 169 Huber, and Estrada. “NAYS”: None. ABSTAIN: None. ABSENT: None. Motion carried.

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171 **ITEM 7C.** The Planning Commission opened a public hearing for proposed ordinance text change in the
 172 C-1 Zoning district revising 25-3-13 relating to principle permitted uses & special permit uses, 25-5-2
 173 related to parking requirements for residential uses and 25-7-38 relating to off street parking requirements
 174 and excepting condominium used in the Central Business District which is located along Broadway,
 175 Avenue A, and 1st Avenue from 14th Street north to 20th Street.

176

177 City Staff had a request asking about a condominium final plat to allow separation of a business and
 178 residential unit in a building located in the C-1 zoning district. This has been done in the past in an O & P
 179 zoning district, and is an allowable use in several of our zoning districts but was not in the C-1 Central
 180 Business District on Broadway. The changes are the addition of 20.5 Condominium which will allow
 181 for condominiums of three or less units as a permitted use by right in the C-1 district. This will enable a
 182 person to apply for a condominium final plat allowing for separation within a building to allow separate
 183 units which can be sold separately. The units/structures will have to meet building, fire, and safety codes.
 184 The addition of 27.5 - Dwelling units, brings all the existing apartments in the C-1 zoning district into
 185 compliance with City code.

186

187 The other changes bring the condominium parking and off street parking requirements into compliance
 188 meeting the requirements of the Nebraska Condominium Act. This change will give the condominiums
 189 the same parking rights as the other residential units in the Central Business District.

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191 **Conclusion:** A motion was made by Weber and seconded by Chadwick to make a positive
 192 recommendation to City Council to approve the revisions in 25-3-13 relating to principle permitted uses
 193 & special permit uses, 25-5-2 related to parking requirements for residential uses and 25-7-38 relating to
 194 off street parking requirements and excepting condominium used in the Central Business District
 195 “YEAS”: Weber, Chadwick, Zitterkopf, Aguallo, Westphal, Gompert, Wayman, Huber, and Estrada.
 196 “NAYS”: None. ABSTAIN: None. ABSENT: None. Motion carried.

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198 **ITEM 8. Unfinished Business:** Updated the Planning Commission on the map for our comprehensive
 199 development plan allowing for large lot development in the extra territorial jurisdiction. City Council
 200 approved the ordinance for the changes in code and will have the three readings of the ordinance this will

201 allow time for changes to be made to the proposed map. We have had a few property owners ask about
202 adding other areas to the map. We will bring the map back to the Planning Commission if other areas are
203 added for their approval and then we will forward to City Council for their approval.

204

205 There being no further business, a motion to adjourn was made by Weber and seconded by Gompert. The
206 meeting was adjourned at 6.55 p.m. “**YEAS**”: Gompert, Wayman, Weber, Westphal, Chadwick,
207 Zitterkopf, Aguillo, Huber, and Estrada. “**NAYS**”: None. **ABSTAIN**: None. **ABSENT**: None. Motion
208 carried.

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212 _____
Becky Estrada, Chairperson

213

214 Attest: _____

215 Annie Urdiales