

# **City of Scottsbluff, Nebraska**

**Monday, June 15, 2015**

**Regular Meeting**

## **Item Resolut.1**

**Council to consider an Ordinance appointing the Planning Commission Members to also serve as the Fair Housing Commission.**

**Staff Contact: Nathan Johnson, Assistant City Manager**

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA AMENDING THE MUNICIPAL CODE AT CHAPTER 6, ARTICLE 2, SECTION 101 DEALING WITH THE ESTABLISHMENT, MEMBERSHIP, AND TERMS OF THE FAIR HOUSING COMMISSION OF THE CITY OF SCOTTSBLUFF, NEBRASKA; REPEALING THE MUNICIPAL CODE AT CHAPTER 6, ARTICLE 2, SECTION 102 DEALING WITH DUTIES OF THE FAIR HOUSING COMMISSION OF THE CITY OF SCOTTSBLUFF, NEBRASKA; AMENDING THE MUNICIPAL CODE AT CHAPTER 6, ARTICLE 2, SECTION 116 DEALING WITH THE ESTABLISHMENT AND DUTIES OF THE PLANNING COMMISSION OF THE CITY OF SCOTTSBLUFF, NEBRASKA; REPEALING PRIOR SECTIONS INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE.**

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

Section 1. Section 6-2-101 of the Scottsbluff Municipal Code is amended to provide as follows:

**“6-2-101. Fair Housing Commission; established.**

There is hereby established the Fair Housing Commission. The Planning Commission of the City shall serve and act as the Fair Housing Commission when necessary to perform and carry out all duties and responsibilities of the Fair Housing Commission under the Municipal Code.”

Section 2: Section 6-2-102 of the Scottsbluff Municipal Code is hereby repealed.

Section 3. Section 6-2-116 of the Scottsbluff Municipal Code is amended to provide as follows:

**“6-2-116. Planning Commission; established.**

There is hereby established a Planning Commission of the City as authorized by the statute of Nebraska. The Planning Commission shall include one alternate member. The number of member, the manner of their appointment, the period of office, and the powers of the alternate member shall be prescribed by Nebraska law. The Planning Commission shall perform the duties prescribed by Nebraska law, and shall serve and act as the Fair Housing Commission of the City when necessary to perform and carry out all duties and responsibilities of the Fair Housing Commission under the Municipal Code.”

Section 4. All ordinances or parts of ordinances passed and approved prior to passage, approval and publication of this Ordinance in conflict herewith are now repealed.

Section 5: This Ordinance shall be effective on its passage and approval, and publication as provided by law.

PASSED AND APPROVED on \_\_\_\_\_, 2015

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk (Seal)

**Planning Commission Minutes  
Regular Scheduled Meeting  
June 8, 2015  
Scottsbluff, Nebraska**

The Planning Commission of the City of Scottsbluff, Nebraska met in a regular scheduled meeting on Monday, June 8, 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 May 29, 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: Angie Aguallo, Anita Chadwick, Mark Westphal, Callan Wayman, David Gompert, Henry Huber, and Becky Estrada. Absent: Jim Zitterkopf, and Dana Weber. City officials present: Annie Urdiales, Planning Administrator, Annie Folck, City Planner, and Gary Batt, Code Administrator II.

**NOTE:** Jim Zitterkopf and Dana Weber came in at 6:02 p.m., shortly after Roll Call.

**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 May 11, 2015 were reviewed and approved. A motion was made to accept the minutes by Wayman, and seconded by Zitterkopf. "YEAS": Zitterkopf, Westphal, Wayman, Huber, Gompert, Aguallo, and Estrada. "NAYS": None. ABSTAIN: Chadwick and Weber. ABSENT: None. Motion carried.

**ITEM 7A:** The Planning Commission opened a public hearing for a Redevelopment Plan. The plan is for Elite Health Redevelopment, Justin and Sami Webb, property owners, are proposing to develop a Medical Health Building which will be situated on the southeast corner of 42<sup>nd</sup> Street and Avenue I. This Redevelopment Plan covers approximately 281,684 square feet and is within a recently approved blighted and substandard area. The use of this site will go from existing agricultural to commercial. The major estimated improvements are as follows:

Site Acquisition	\$ 786,028.00	Site Preparation	250,000.00
Infrastructure & Utilities	268,733.00	Planning/design	450,000.00
Legal	30,000.00		
<b><u>Total Cost \$1,784,761.00</u></b>			

Mike Bacon, representing Property Owners, Jason & Sami Webb, addressed the planning Commission. The building will have two floors and used for health related businesses, access onto the property will be off of 42<sup>nd</sup> Street. The zoning and type of development is consistent with the City's comprehensive development plan. TIF funds will be used; this is a \$14,000,000 investment. The private investment is

57 significantly higher than usual. Bacon stated that typically there is about \$4-5 of private investment to  
58 every \$1 of TIF funds, while on this project the ratio is closer to \$7 of private investment to every \$1 of TIF  
59 funds.

60  
61 **Conclusion:** A motion was made by Zitterkopf and seconded by Westphal to make a positive  
62 recommendation to City Council for the Redevelopment Plan of Elite Health. **"YEAS"**: Aguallo,  
63 Zitterkopf, Westphal, Chadwick, Gompert, Huber, Weber, Wayman, and Estrada. **"NAYS"**: None.  
64 **ABSTAIN:** None. **ABSENT:** None. Motion carried.

65  
66 **ITEM 7B:** The Planning Commission opened a public hearing to discuss proposed ordinance addition to  
67 Chapter 22, Article 6: Parking. Nathan Johnson, Assistant City Manager, had a request from a property  
68 owner asking if the City would look into amending or adding an ordinance regarding residential parking.  
69 Her concern in particular was residential parking in front lawns, which can cause damage to the property  
70 and can also be unsightly.

71  
72 Staff researched what other Cities have in place for residential parking and put together a draft ordinance.  
73 The ordinance would be placed in Chapter 22 Traffic, which is taken care and enforced by the Police  
74 Department. This ordinance is brought before the Planning Commission for review and input. We do  
75 have off street parking ordinances and nuisance ordinances in place but nothing that covers this problem  
76 in particular. This is the first complaint we've had on this type of situation and in checking other areas of  
77 the City, vehicles parked in front yards are usually on concrete driveways. Widening the driveway in this  
78 particular situation could solve this problem. The Police chief believes that there could be some difficulty  
79 in enforcing the ordinance. The Police Department can issue a citation, the fine would be anywhere from  
80 \$25 to \$200. These fines are not collected by the City but go to the School district, so any fines collected  
81 would not help pay for staff time. The ordinance if adopted would have to be initiated by the Police  
82 Department with final approval by City Council. Commissioner Weber stated that he has experienced this  
83 problem himself on one of his rental properties, but that he was able to resolve the problem himself  
84 without bring the police into it. The Planning Commission agreed that this type of issue can be a problem  
85 but adding language to the ordinance will not alleviate the problem, the Police department is busy enough  
86 and the complaint(s) could be handled by notifying property owner and hope for a mutual solution that  
87 works for both the City and Property owner.

88  
89 **Conclusion:** A motion was made by Gompert and seconded by Westphal to not pursue the ordinance  
90 regarding residential parking on front lawns. **"YEAS"**: Huber, Zitterkopf, Aguallo, Wayman, Weber,  
91 Chadwick, Gompert, Huber, and Estrada. **"NAYS"**: None. **ABSTAIN:** None. **ABSENT:** None. Motion  
92 carried.

93  
94 **ITEM 7C.** The Planning Commission opened a public hearing for a proposed rezone request from  
95 applicant(s), Ramsey Trust, represented by Jane Moran. The request is to rezone part of property  
96 described as the East ½ of the SW ¼ of Section 15 T22N R55W of the 6th P.M., unplatted lands situated  
97 in the NE ¼ off SW ¼ of Section 15, (17.11 acres) Scotts Bluff County, (Lying north of City Route and  
98 Highway 26). The south line of this property is currently zoned C-3 Heavy Commercial and the north is  
99 zoned A- agricultural. The request is zoning is to allow for subdivision and individual sale of the parcels.  
100 The property will be surveyed, subdivided, and presented at the July Planning Commission meeting.

101  
102 This property is located in our extra territorial jurisdiction. Surrounding properties are C-3 Heavy  
103 Commercial to the west and both C-3 Heavy Commercial and A- agricultural to the east. Property to the  
104 north of New Highway 26 is mostly Agricultural with a small portion Heavy Commercial. South of City  
105 Route (old Hwy 26) the majority is Agricultural.

106  
107 The Planning Commission asked if the C-3 Heavy Commercial zone would affect the view of the City as  
108 people approach City Limits from the West. This area is located in our Gateway Greenway Overlay zone  
109 and extra landscaping would be required as a buffer along the highway along with the requirements in the  
110 commercial zone. The Comprehensive Development Map for future land use shows this area as an  
111 employment center area for commercial business use which is comparable with the C-3 Heavy  
112 Commercial.

113  
114 **Conclusion:** A motion was made by Wayman and seconded by Gompert to approve the rezone request  
115 for rezone part of property described as the East ½ of the SW ¼ of Section 15, T22N, R55W of the 6th  
116 P.M., (17.11 acres unplatted lands situated in the NE ¼ off SW ¼ of Section 15, Scotts Bluff County,  
117 Lying north of City Route and Highway 26) (proposed Block 2, Block 3 Whistle Creek Subdivision and  
118 unplatted lands. **“YEAS”:** Aguallo, Zitterkopf, Chadwick, Weber, Westphal, Gompert, Huber, Wayman,  
119 and Estrada. **“NAYS”:** None. **ABSTAIN:** None. **ABSENT:** None. Motion carried

120  
121 **ITEM 7D:** The Planning Commission opened a public hearing for a proposed ordinance amendments to  
122 the municipal code at Chapter 6, Article 2, section 101 dealing with the membership and terms of the Fair  
123 Housing Commission, section 102 dealing with the duties of the Fair Housing Commission, and section  
124 16 dealing with establishment and duties of the Planning Commission.

125  
126 City Council asked if the Planning Commission would consider taking on the additional role of the Fair  
127 Housing Commission. This Board was previously served by the Community Development Advisory  
128 Board; since the City stopped working with Community Development Block grants the Advisory board was  
129 no longer needed. The Fair Housing Commission is still something the City wants to have in place in  
130 case something was to come up regarding fair housing within Scottsbluff. Looking back at the history of  
131 this board they have never had to meet and we have had few complaints. The City still wants to have  
132 someone representing this Board and Council asked if maybe the Planning Commission would take on  
133 the duties of the Fair Housing Commission. The Planning Commission reviews building and zoning  
134 codes; the Fair Housing is under our Building and Construction Codes Chapter 4, Article 7 of our  
135 Municipal Code. The Planning Commission Board members are willing to take on this additional roll as  
136 the Fair Housing Commission, they did ask for some educational training in this roll at a future Planning  
137 Commission meeting.

138  
139 **Conclusion:** A motion was made by Weber and seconded by Huber that the Planning Commission  
140 approve the ordinance amendments and take on the role of the Fair Housing Commission with the  
141 condition that they receive educational training at a future meeting. **“YEAS”:** Aguallo, Zitterkopf,  
142 Westphal, Gompert, Huber, Wayman, Chadwick, Weber, and Estrada. **“NAYS”:** None. **ABSTAIN:** None.  
143 **ABSENT:** None. Motion carried

144  
145 **ITEM 7E:** The Planning Commission viewed a power point presentation regarding the Comprehensive  
146 Development Plan. Daniel Bennett, Regional Planner with Panhandle Area Development, presented the  
147 power point regarding Demographics and trends within the area. A paper copy of the power point is  
148 attached to the minutes. Mr. Bennett answered a few questions from the Planning Commission and will  
149 forward these updates to the Board for further review and comments.

150  
151 **ITEM 8. Unfinished Business:** None.

152  
153 There being no further business, a motion to adjourn was made by Westphal and seconded by Chadwick.  
154 The meeting was adjourned at 7.05 p.m. **“YEAS”:** Gompert, Wayman, Westphal, Aguallo, Zitterkopf,  
155 Chadwick, Weber, Huber, and Estrada. **“NAYS”:** None. **ABSTAIN:** None. **ABSENT:** None Motion  
156 carried.

157  
158 \_\_\_\_\_  
159 Becky Estrada, Chairperson

160 Attest: \_\_\_\_\_  
161 Annie Urdiales