



**CITY OF SCOTTSBLUFF**  
**Scottsbluff City Hall Council Chambers**  
**2525 Circle Drive, Scottsbluff, NE 69361**  
**PLANNING COMMISSION AGENDA**  
*Monday, February 14, 2022*  
*6:00 PM*

1. **Roll Call:**
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 south wall of the council chambers.
3. **Notice of Changes in the Agenda by the City Manager:** Additions may not be made to this agenda less than 24-hours before the beginning of the meeting unless added under item 4 of this agenda.
4. **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.
5. **Approval of the Planning Commission Minutes From:**
  - A the January 10, 2022 Meeting.
6. **New Business :**
  - A **Public Hearing - Rezone**  
Final Plat of Block 7, Five Oaks Subdivision situated in the Northwest Quarter of Section 14, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska.
  - B **Public Hearing - Tax Increment Financing**  
Conduct a public hearing for the purpose of reviewing and obtaining comment on a Redevelopment Plan submitted by Javier and Martha Parra for the El Torito Restaurant Project. The area to be redeveloped under the Redevelopment Plan is described as Lot 1, SKH Addition to the City of Scottsbluff, Scotts Bluff County, Nebraska, a replat of Lots 1A and 2A, Hight's Addition, a Replat of Lot 1, Hight's Addition to the City of Scottsbluff and the North 134 feet of the West 125 feet of Tract 33, Goos Tracts, a tract of land located in the SW 1/4 of Section 14, Township 22 North, Range 55 West of the 6th P.M. Scotts Bluff County, Nebraska (Scotts Bluff County Parcel ID 010128468), commonly known as 2809 Avenue I, Scottsbluff, Nebraska.  
  
Review and take action on a resolution recommending approval of the Redevelopment Plan for the El Torito Restaurant Project.
  - C **Public Hearing - Agricultural Estate Dwelling Site**  
Creation of AEDS situated in the Accreted Lands of Government Lot 1 of Section 20, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska, commonly identified as 180821 Highway L79G; Total of 6.86 Acres.
  - D **Public Hearing - Special Use Permit**  
Request for Special use Permit for Auto Sales and Service at Lots 11-15A, Block 2, Terhune Subdivision, commonly identified as 1004 Avenue I.
  - E **Public Hearing - Ordinance Text Change**  
Zoning Text Change to Chapter 25 Article 22 regarding Landscaping

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**F Public Hearing - Ordinance Text Change**

Zoning Text Change to Chapter 25 Article 3 regarding the Gateway Green Overlay Zone

**7. Staff Reports:**

**A (informational only):**

Discuss periodic review of Comprehensive Plan

Discuss periodic review of Subdivision and Zoning Code

Staff to update Planning Commission on implementation of new permitting software.

**8. Other Business:**

**A (informational only):**

**9. Schedule Meeting:**

**A Confirm next meeting date of March 14, 2022**

**10. Adjourn**

**City of Scottsbluff, Nebraska**  
**Monday, February 14, 2022**  
**Regular Meeting**

**Item Appr. Min.1**

**the January 10, 2022 Meeting.**

**Staff Contact: Zachary Glaubius, Planning Administrator**

PLANNING COMMISSION MINUTES  
REGULAR SCHEDULED MEETING  
January 10, 2022  
SCOTTSBLUFF, NEBRASKA

The Planning Commission for the City of Scottsbluff met in regular scheduled meeting on Monday, January 10, 2022 at 6:00 PM in the Scottsbluff City Council Chambers at 2525 Circle Drive, Scottsbluff, Nebraska. A notice of the meeting was published in the Star-Herald, a newspaper of general circulation in the city, on December 31, 2021. The notice stated the date, time, and location of the meeting, that the meeting was open to the public, and that anyone with a disability desiring reasonable accommodation to attend should contact the Development Services office. An agenda was kept current and available for public inspection at the Development Services office, provided the Planning Commission can modify the agenda at the meeting if it is determined that an emergency so required. A copy of the agenda packet was delivered to each Planning Commission member.

- 1 Chairman Dana Weber called the meeting to order at 6:31 PM. Roll call consisted of the following members being present, Dana Weber, Becky Estrada, Dave Gompert, Mark Westphal, Linda Redfern (Alternate) "Absent": Angie Aguillo, Callen Wayman Anita Chadwick, Henry Huber, Jim Zitterkopf. City Officials present were Zachary Glaubius, Secretary/Planning Administrator, Taylor Stephens, GIS Analyst, Katie Quintana, Fire Marshal, and Tom Schingle, Fire Chief.
- 2 Chairman Weber informed those present of the Nebraska Open Meetings Act and that a copy was located on the south wall of the Council Chambers.
- 3 Acknowledgement of any changes in the agenda: None.
- 4 Business not on the agenda: None.
- 5 The minutes from the December 13, 2021 meeting were reviewed. Conclusion: a motion was made by Estrada and seconded by Gompert to approve the minutes from December 13, 2021 meeting. "Yeas" Westphal, Estrada, Weber, Gompert, Redfern "Absent": Chadwick, Zitterkopf, Huber, Aguillo, Wayman. The motion carried.
- 6 Chairman Weber opened the public hearing at 6:33 PM for Item 6B for a Final Plat of Block 7, Five Oaks Subdivision situated in the northwest quarter of the Section 14, Township 22 North, Range 55 West of the 6<sup>th</sup> P.M. Glaubius stated City Council approved the location of the utility easement and crosswalk by resolution. Glaubius stated the final plat is in line with the Comprehensive Plan. Glaubius stated staff recommends a positive recommendation. Applicant Bill Trumbull stated this was a final plat for part of the previously approved preliminary plat. Weber closed the public hearing at 6:35 PM.  
**Conclusion:** Motion by Westphal, seconded by Estrada to make a positive recommendation on the approval of the Final Plat of Block 7, Five Oaks Subdivision. "Yeas" Westphal, Estrada, Weber, Gompert, Redfern "Absent": Chadwick, Zitterkopf, Huber, Aguillo, Wayman. The motion carried.
- 8 Weber opened the public hearing at 6:36 PM for Item 6C regarding a rezone request from C-3 Heavy Commercial to R-1A Single Family Residential for Lot 3, Block 1, Sunset Addition. Glaubius stated the applicant is seeking the rezone of the property at 210 W. 15<sup>th</sup> Street. Glaubius stated the reason for the rezone request was because the property owner would like to work and expand the house. Glaubius stated this is currently not allowed as a single-family dwelling is not a permitted use in the C-3 district, and it is currently a legal nonconforming use. Glaubius stated the Comprehensive Plan showed the lot as being residential and thus the rezone is in

compliance with the Comprehensive Plan. Glaubius stated staff recommends a positive recommendation. Weber closed the public hearing at 6:38 PM.

- 9 **Conclusion:** Motion by Estrada, seconded by Gompert to make a positive recommendation on the approval of the rezone request for Lot 3m Block 1, Sunset Addition. “Yeas” Westphal, Estrada, Weber, Gompert, Redfern “Absent”: Chadwick, Zitterkopf, Huber, Aguillo, Wayman. The motion carried.
  - 10 Weber opened the public hearing for Items 6D, E, & F, regarding a zoning text change to Chapter 25 at 6:39 PM. Glaubius stated the proposed repeal of the Gateway Green Overlay Zone was tabled at the December Planning Commission meeting. Glaubius stated he provided the history of the GG-O in the packet. Glaubius stated it was created in 2005, and significantly revised in 2009. Glaubius stated the GG-O relies heavily on language found in the landscaping code, and the GG-O minimally deviates from the landscaping code. Glaubius stated that staff is requesting the zoning text change to be table again for further research and evaluation of the landscaping code. Glaubius stated that some portions of the landscaping code are impractical and overlap. Glaubius stated he would like pursue one large ordinance change rather than several small ones. Glaubius stated that he and staff are still in favor of repealing the GG-O because it does not differ significantly from the landscaping code. Glaubius stated things that are in the GG-O and not the landscaping code can be moved to the landscaping code. Redfern stated the intent of the GG-O was to make sure the entryways to the City were appealing and was concerned the landscaping code would not be sufficient. Redfern stated she was wanting to make sure the city looks comforting. Westphal clarified how long the table was to be. Glaubius stated he would bring it back to the Planning Commission at the February meeting. Weber asked if there were any existing situations where the GG-O was held back. Glaubius stated that there were none he was aware of presently. Weber closed the public hearing at 6:40 PM. Westphal asked for specifics on what developers would like to see. Westphal stated he would like it to see it be both good for the developer and city. Weber asked Trumbull for input. Trumbull stated that it would be beneficial to have it simplified and work for both developers and the city. Gompert asked for additional information at the next discussion.
  - 11 **Conclusion:** Motion by Westphal, seconded by Estrada to table the text ordinance changes for Chapter 25 Articles 2, 5, and 22. “Yeas” Westphal, Estrada, Weber, Gompert, Redfern “Absent”: Chadwick, Zitterkopf, Huber, Aguillo, Wayman. The motion carried.
  - 12 Item 7: Glaubius reported in staff reports about the upcoming Panhandle Planning Workshop on January 25, 2022, and the Planning Commission is invited to attend. Glaubius handed out the schedule for 2022 Planning Commission meetings. Glaubius also brought up that he found the Planning Commission had conducted reviews of the Comprehensive Plan and the Subdivision/Zoning Codes.
- Item 8: No Other Business
- 13 Weber introduced Item 9 regarding scheduling the next Planning Commission meeting on February 14, 2022.
  - 14 Adjournment: Motion by Estrada, seconded by Redfern to adjourn the meeting at 6:46 PM. “Yeas” Westphal, Estrada, Weber, Gompert, Redfern “Absent”: Chadwick, Zitterkopf, Huber, Aguillo, Wayman. The motion carried.

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Chairman Dana Weber

\_\_\_\_\_  
Zachary Glaubius, Secretary

# **City of Scottsbluff, Nebraska**

**Monday, February 14, 2022**

**Regular Meeting**

## **Item New Bus1**

### **Public Hearing - Rezone**

*Final Plat of Block 7, Five Oaks Subdivision situated in the Northwest Quarter of Section 14, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska.*

Staff Contact: Zachary Glaubius, Planning Administrator





# Scottsbluff City Zoning Map (Rezone) Application

2525 Circle Drive, Scottsbluff, NE 69361  
Telephone (308) 630-6243 Fax (308) 630-6204  
[www.scottsbluff.org](http://www.scottsbluff.org)

## Project Information

Application Date:

Number (Office Use Only):

JANUARY 13, 2022

Property Address:

LOTS 1 AND 2, BLOCK 7, FIVE OAKS SUBDIVISION

Current Zone:

AG

Proposed Zone:

R-4

Acreage of Property:

10.820

Comprehensive Plan Designation:

RESIDENTIAL

Comprehensive Plan Amendment Required?

## Applicant Information

Applicant:

C&T HOLDINGS / BAKER & ASSOCIATES

Property Owner:

C&T HOLDINGS, L.L.C.

Address:

1310 CIRCLE DRIVE

Telephone:

308-632-2123

City:

SCOTTSBLUFF

State:

NE

Zip:

69361

Alt. Telephone:

## City Development Process and Requirements

1. **Staff Review Time:** Approximately 4 to 5 weeks prior to the Public Hearing date.
2. **Planning Commission:** Held the second Monday of each month at 6:00 p.m.
3. **City Council:** Held the first and third Mondays of each month at 6:00 p.m.

All meetings are held in the City Council Chambers at 2525 Circle Drive in Scottsbluff.

### REQUIREMENTS

- ☒ Pre-application meeting with City Planner
- ☒ Rezone Fees \$100.00 plus
- ☒ Cost of postage for everyone within 300 feet + \$3.00 per property owner
- ☒ Provide a list (in mailing label format) of property owners within 300 feet of the exterior boundaries of the property to be rezoned together with:
  - ☒ A map(s) that clearly show the ownership within the 300 feet

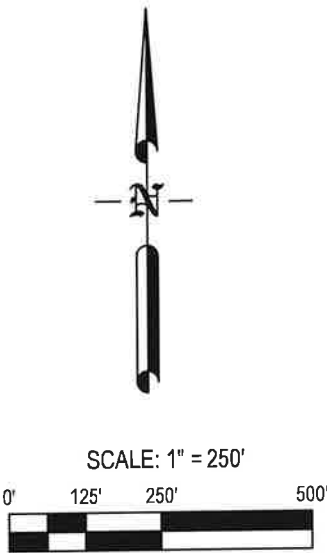
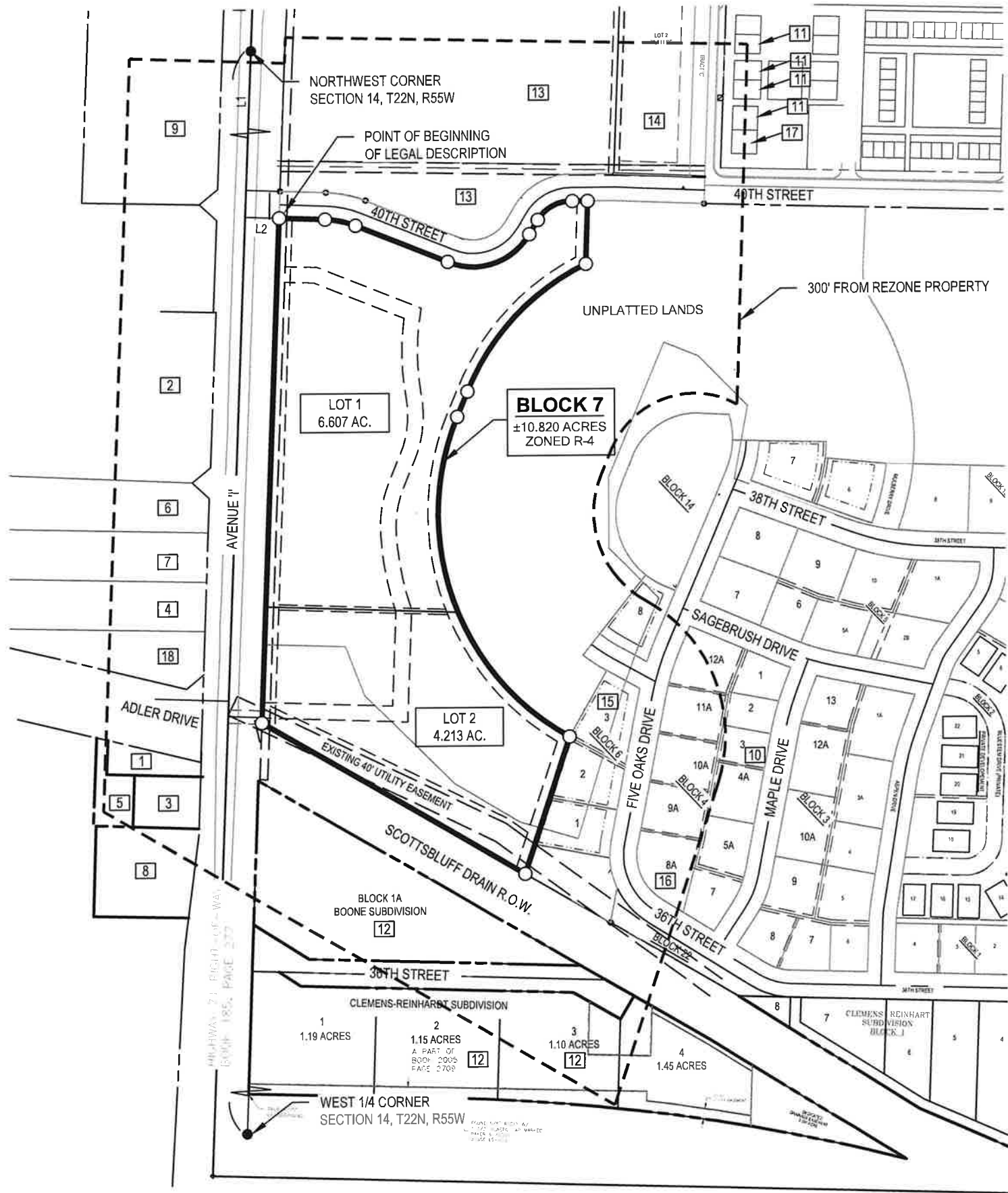
- ☒ A letter from the property owner giving permission that their property may be rezoned.
- ☒ Legal description of the property - on disk or emailed to the City Development Service Department in Word format and a map of property to be rezoned.
- ☒ A Letter from the petitioner that the proposed use:
  - ☒ Would provide a service required by the neighborhood and/or community and be consistent with sound land use.
  - ☒ Would not be injurious to the adjacent properties or uses
  - ☒ That rezoning the property would not create special hazards or problems for the neighborhood or community
  - ☒ Would be harmonious and consistent with the plan for the area in the Comprehensive Plan
  - ☒ Why the rezone of the property should be granted.

If any of these items are not submitted with the application City Staff maintains the right to return the application as incomplete.

## Rezone Process

After staff receives a completed application the staff will write a report to the Planning Commission including their recommendation. The Planning Commission will then hold a public hearing (which must be noticed in newspaper 10 days prior to the hearing) pertaining to the Zone Change and either recommend supporting the zone change or not to the City Council. After the Planning Commission the City Council will also hold a public hearing on the rezone request and either approve, approve with conditions or deny the request.

REZONE REQUEST OF LOTS 1 AND 2, BLOCK 7, FIVE OAKS SUBDIVISION  
TO THE CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA



PROPERTY OWNERS WITHIN 300' OF REZONING REQUEST BOUNDARY

1	THOMAS/DAVID & TERESA	100994 CR G	MITCHELL	NE	69357
2	TWOMBLY/TIMOTHY M & KIM M	3840 AVE I	SCOTTSBLUFF	NE	69361
3	EDWARDS/DIANA	3618 AVE I	SCOTTSBLUFF	NE	69361
4	PREMIUM LANDHOLDERS LLC	3302 17TH AVE	SCOTTSBLUFF	NE	69361
5	LUNDGREN/LAURIE J	914 W ADLER DR	SCOTTSBLUFF	NE	69361-4714
6	ZAVALA/MARCO	1009 LARKSPUR CT	SCOTTSBLUFF	NE	69361
7	DEMARANVILLE/KATHRYN C	1707 MILL ST	LARAMIE	WY	82072
8	PLATTE VALLEY PROFESSIONAL CENTER W LLC	921 W 36TH ST BOX 6	SCOTTSBLUFF	NE	69361
9	MONUMENT BIBLE CHURCH	PO BOX 1612	SCOTTSBLUFF	NE	69363-1612
10	HVS LLC	80463 COLGATE	SCOTTSBLUFF	NE	69361
11	VANDENBERGE COURTYARD HOMEOWNERS	1110 E 35TH ST	SCOTTSBLUFF	NE	69361
12	KRISHNA MANAGEMENT INC	PO BOX 1127	LARAMIE	WY	82073
13	WEBB/JASON & SAMI	1602 W 42ND ST	SCOTTSBLUFF	NE	69361
14	OWEN FAMILY TRUST/ZACHARY & KARYN	702 W 42ND ST	SCOTTSBLUFF	NE	69361
15	MAAS/LUKE & LINDSEY	3618 FIVE OAKS DR	SCOTTSBLUFF	NE	69361
16	LEWIS/THE ROBERT E & JANET A	1114 LARKSPUR CT	SCOTTSBLUFF	NE	69361
17	GION/LAWRENCE J	4001 AVE G	SCOTTSBLUFF	NE	69361
18	OLSEN/TAMARA L	913 W ADLER DR	SCOTTSBLUFF	NE	69361

**Baker & Associates Inc.**  
Engineers \* Architects \* Surveyors  
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120 East 16th St.  
Scottsbluff, NE 69361  
308 632 3123  
www.baker-eng.com

# City of Scottsbluff Planning Commission

## Development Services Staff Report – Zachary Glaubius

Prepared on: January 31, 2022 For Hearing of: February 14, 2022



### I. GENERAL INFORMATION

- A. Applicant:** C & T Holdings LLC/ Baker and Associates  
120 E 16<sup>th</sup> Street Suite A  
Scottsbluff, NE 69361
- B. Property**  
**Owner:** C & T Holdings LLC  
1310 Circle Drive  
Scottsbluff, NE 69361
- C. Proposal:** Rezone of Block 7 of the Five Oaks Subdivision from Agricultural to R-4 Heavy Density Multiple Family Residential
- D. Legal Description:** A Tract of Land located in the northwest corner of Section 14, Township 22North, Range 55 West of the 6<sup>th</sup> P.M. in Scotts Bluff County, Nebraska.
- E. Location:** Approximately 10.820 acres along the east side of Highway 71 between the Scottsbluff Drain and the future W. 40<sup>th</sup> Street.
- F. Existing Zoning & Land Use:** Ag – Agricultural – Gateway Green Overlay Zone
- G. Size of Site:** Approximately 10.820

### II. BACKGROUND INFORMATION

#### A. General Neighborhood/Area Land Uses and Zoning:

Direction From Subject Site	Future Land Use Designation	Current Zoning Designation	Surrounding Development
North	Northwest Commercial	C-2 Neighborhood & Retail Commercial	Vacant Lot, ELITE Health
East	Residential	A-Agricultural	Farmland
South	Highway 26 Commercial	C-2 Neighborhood & Retail Commercial	Vacant Lots, Chili's Restaurant
West	Residential	R-1A Single Family Residential	Single-Family Dwellings

#### B. Relevant Case History

1. Preliminary Plat for this subdivision was approved on December 13, 2021 by the Planning Commission
2. Preliminary Plat for this subdivision was approved at the January 3, 2022 City Council Meeting.

3. Final Plat approved by Planning Commission on January 10, 2022 by Planning Commission.
4. Final Plat approved by City Council on February 7, 2022

**III. ANALYSIS**

**A. Comprehensive Plan:** The Future Land Use Map of the Comprehensive Plan currently shows the site as Residential

**B. Traffic & Access:**

1. Access to Block 7 will be via the extended W. 40<sup>th</sup> Street and permitted access along Nebraska State Highway 71 near the Scottsbluff Drain.
2. A 10' crosswalk will be dedicated to public use along the southern property line.

**C. Utilities:**

1. The existing City of Scottsbluff Sewer Easement will become a Utility Easement along southern property line.
2. A 20' utility easement is proposed along the east border of Block 7.
3. A 30' utility easement loop is proposed in Block 7.

**IV. STAFF COMMENTS**

**A.** The property owner(s) of Lot 1 and 2 will be required to put in a 10 feet bufferyard where adjacent Agricultural and R-1A Zoning Districts.

**V. FINDINGS OF FACT**

**A. Findings of Fact to Recommend Its Approval May Include:**

1. The Comprehensive Plan identifies the area as residential

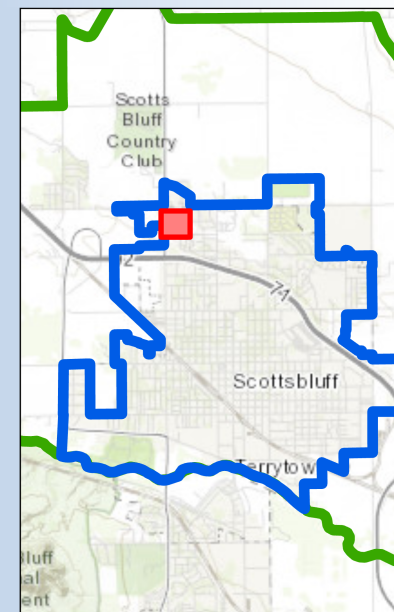
**B. Findings of Fact to Not Recommend Approval May Include:**

1. None

**VI. STAFF RECCOMENDATION**

**A.** Staff recommends Planning Commission recommend the approval of the rezone request of Block 7, Five Oaks subdivision by the City Council.





Proposed Changes

Street Centerlines

CLASS

- Highway
- Main Road
- Residential/Rural

Taylor Stephens  
City of Scottsbluff GIS  
Created on January 28th, 2022  
Coordinate System:  
NAD 1983 State Plane Nebraska FIPS 2600 Feet  
Lambert Conformal Conic

The City makes no representation or warranty as to the accuracy, timeliness, or completeness, and in particular, its accuracy in labeling or displaying dimensions, contours, property boundaries, or placement or location of any map features thereon.



- Proposed Changes
- Parcel Boundaries

### Zoning

- A
- AR
- C-1
- C-2
- C-3
- M-1
- M-2
- O&P
- PBC
- R-1
- R-1A
- R-1B
- R-4
- R-6
- GEODATA.GISMGR.Corporate\_Limits
- GEODATA.GISMGR.Extended\_Jurisdiction

### Street Centerlines

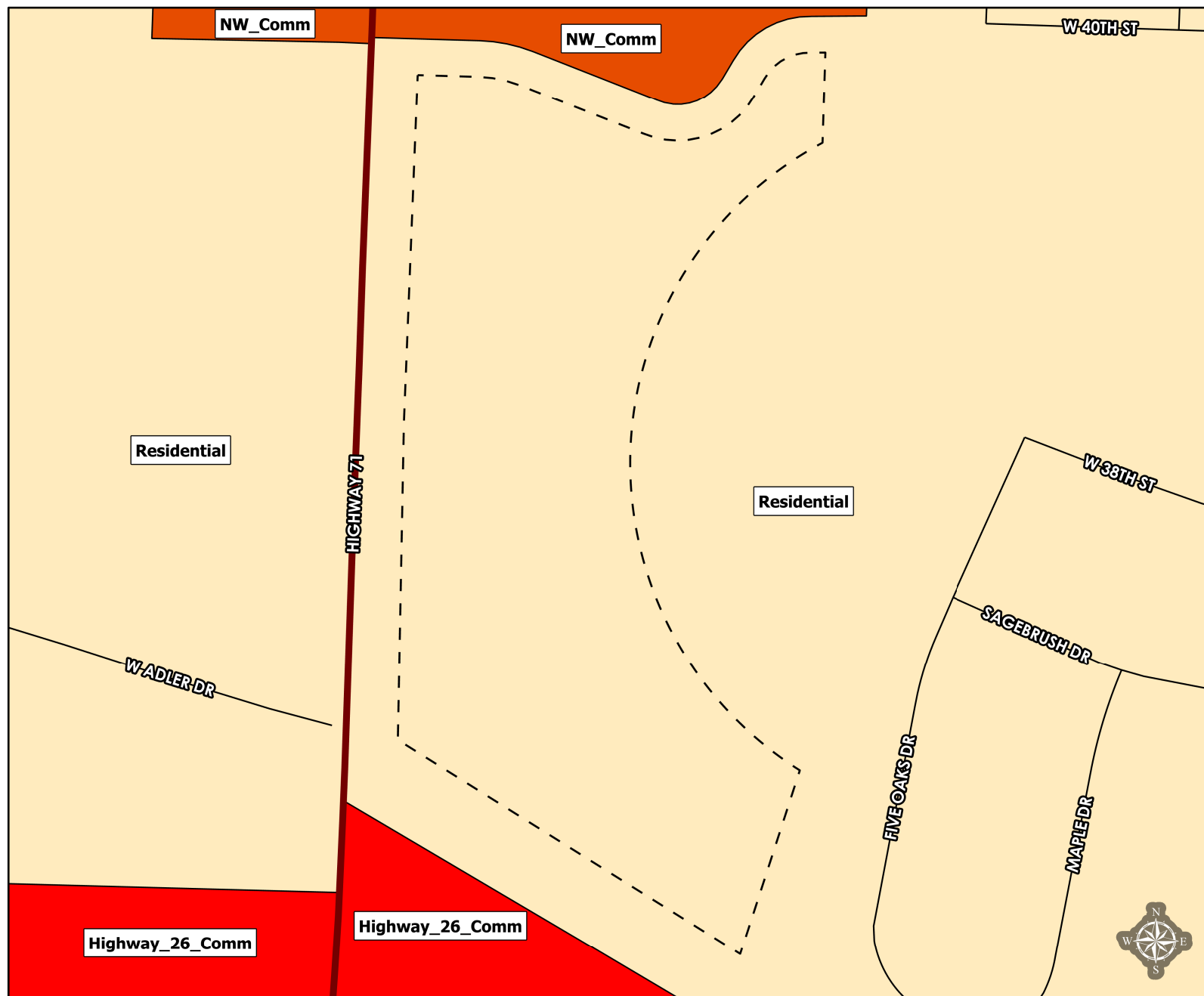
#### CLASS

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Proposed Changes

### 2016 Comp. Plan Land Use

- Automobile Commercial
- Avenue B and Hospital Campus
- Central Business District
- East Overland
- Highway 26 Commercial
- Northwest Commercial
- Residential
- Rural
- Rural Residential
- Southeast Industrial and Commercial
- South Broadway
- WNCC and Surrounding Area

### Street Centerlines

#### CLASS

- Highway
- Main Road
- Residential/Rural

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# **City of Scottsbluff, Nebraska**

**Monday, February 14, 2022**

**Regular Meeting**

## **Item New Bus2**

### **Public Hearing - Tax Increment Financing**

*Conduct a public hearing for the purpose of reviewing and obtaining comment on a Redevelopment Plan submitted by Javier and Martha Parra for the El Torito Restaurant Project. The area to be redeveloped under the Redevelopment Plan is described as Lot 1, SKH Addition to the City of Scottsbluff, Scotts Bluff County, Nebraska, a replat of Lots 1A and 2A, Hight's Addition, a Replat of Lot 1, Hight's Addition to the City of Scottsbluff and the North 134 feet of the West 125 feet of Tract 33, Goos Tracts, a tract of land located in the SW 1/4 of Section 14, Township 22 North, Range 55 West of the 6th P.M. Scotts Bluff County, Nebraska (Scotts Bluff County Parcel ID 010128468), commonly known as 2809 Avenue I, Scottsbluff, Nebraska.*

*Review and take action on a resolution recommending approval of the Redevelopment Plan for the El Torito Restaurant Project.*

Staff Contact: Zachary Glaubius, Planning Administrator

# Simmons Olsen Law Firm, P.C., L.L.O.

Attorneys at Law

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John L. Selzer  
Adam A. Hoelsing  
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Howard P. Olsen, Jr., Of Counsel  
John A. Selzer, Of Counsel  
Steven C. Smith, Of Counsel

Robert G. Simmons, Jr. (1918-1998)

ALLIANCE OFFICE  
129 East 5th Street  
Alliance, NE 69301  
(308) 761-047

Please Direct All  
Correspondence  
To Scottsbluff Office

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To: City of Scottsbluff Planning Commission  
From: John L. Selzer, Deputy City Attorney  
Date: February 10, 2022  
Re: El Torito Restaurant Redevelopment Plan

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**Introduction:** At your February 14, 2022 meeting you will conduct a public hearing regarding the Redevelopment Plan for the El Torito Restaurant Project (the “Plan” and the “Project”). The Plan is currently a preliminary plan and there may be updates to the Plan. However, there are no updates expected which would change the issues addressed in this memo. The proposed Project is in an area that has been designated as blighted and substandard and in need of redevelopment. After the public hearing, you will make a recommendation regarding the Plan and Project to the Scottsbluff Community Redevelopment Authority (“CRA”) and City Council.

**Standard of Review:** The Planning Commission is tasked with reviewing and recommending whether the Project and Plan conform to the general plan for development of the City as a whole. Thus, you must analyze whether the Project and Plan conform to the 2016 Scottsbluff Comprehensive Plan (the “Comprehensive Plan”).

**Issues Relevant to Your Review:** The Project Site is described as:

Lot 1, SKH Addition to the City of Scottsbluff, Scotts Bluff County, Nebraska, a replat of Lots 1A and 2A, Hight’s Addition, a Replat of Lot 1, Hight’s Addition to the City of Scottsbluff and the North 134 feet of the West 125 feet of Tract 33, Goos Tracts, a tract of land located in the SW1/4 of Section 14, Township 22 North, Range 55 West of the 6<sup>th</sup> P.M. Scotts Bluff County, Nebraska (Scotts Bluff County Parcel ID 010128468), commonly known as 2809 Avenue I, Scottsbluff, Nebraska.

According to the 2016 Scottsbluff Comprehensive Plan, the Project Site is in the Northwest District and in a Northwest Commercial Neighborhood. Principles for sustainable development for the Northwest District include encouraging new development to be contiguous with existing development and directing higher intensity uses toward arterials. The Northwest Commercial Neighborhoods contemplate heavier daytime use, 24 hour retail, fast-food, or traveler activity, multi-modal accommodations integrated on 27<sup>th</sup> Street and included on Avenue I, and C-2 as the appropriate zone. The Redeveloper’s development of the Project Site is consistent with the Comprehensive Plan.

The Project Site is zoned as C-2 (Neighborhood and Retail Commercial) which includes restaurants as a principal permitted use. Thus, no zoning changes are necessary.

**Conclusion:** If at the conclusion of the public hearing, the Planning Commission feels that the proposed Project and Plan conform to the Comprehensive Plan, it may recommend approval of the Plan and Project to the CRA and City Council. A proposed resolution has been provided.

**CITY OF SCOTTSBLUFF REDEVELOPMENT PLAN**  
***El Torito Restaurant***

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**Attachments**

**Attachment 1:** *Blighted and Substandard Maps*

**Attachment 2:** *Maps of Project Site*

**Attachment 3:** *Site Plan*

**Attachment 4:** *Excerpts from Comprehensive Plan*

**Attachment 5:** *Proposed Cost-Benefit Analysis*

**CITY OF SCOTTSBLUFF REDEVELOPMENT PLAN**  
***El Torito Restaurant***

**1. Introduction/Executive Summary**

Javier and Martha Parra (together, the “Redeveloper”) submit this Redevelopment Plan (“Plan”) to the City of Scottsbluff City Council (the “City”), the City of Scottsbluff Planning Commission (“Planning Commission”), and the City of Scottsbluff Community Redevelopment Authority (the “CRA”), according to the Nebraska Community Development Law, NEB. REV. STAT. § 18-2101 *et seq.*

Under this Plan, the Redeveloper proposes to develop the “Project Site” (as described below) into a Restaurant (the “Project”). The Project Site has been declared to be blighted and substandard.

The Project requires a significant investment, with the cost being estimated at around \$870,000.00. To make the project economically feasible, the Redeveloper is requesting tax increment financing for certain eligible costs and expenses related to the Project.

**2. Blighted and Substandard Condition of Project Site (NEB. REV. STAT. §§ 18-2103 (3) and (31) and 18-2109)**

The City has declared the Project Site and surrounding areas as blighted and substandard as defined in the Nebraska Community Development Law. *See* Attachment 1.

**3. Statutory Elements (NEB. REV. STAT. §§ 18-2103(27) and 18-2111)**

**A. *Boundaries of the Project Site:*** The Project Site is described as:

Lot 1, SKH Addition to the City of Scottsbluff, Scotts Bluff County, Nebraska, a replat of Lots 1A and 2A, Hight’s Addition, a Replat of Lot 1, Hight’s Addition to the City of Scottsbluff and the North 134 feet of the West 125 feet of Tract 33, Goos Tracts, a tract of land located in the SW1/4 of Section 14, Township 22 North, Range 55 West of the 6<sup>th</sup> P.M. Scotts Bluff County, Nebraska (Scotts Bluff County Parcel ID 010128468), commonly known as 2809 Avenue I, Scottsbluff, Nebraska.

Aerial maps of the Project Site are attached as Attachment 2.

**B. *Land Acquisition:*** The Redeveloper acquired the Project Site on November 3, 2021 in contemplation of Redevelopment.

**C. *Land Uses:*** The Redeveloper proposes to develop “Project Site” into a restaurant. This will relocate El Torito Restaurant from 27<sup>th</sup> Street to the Project Site due to new owners acquiring the real estate location of the old restaurant.

**D. *Land Coverage and Building Intensities:*** The Project Site is approximately 25,625 square feet. The new building will be approximately 2,975 square feet.

**E. *Site Plan:*** See Attachment 3.

**F. *Existing Uses and Condition:*** The Project Site is currently vacant land.



- G. Demolition and Removal of Structures:** No demolition is necessary.
- H. Population Densities:** The Plan does not contemplate a change in population densities around the Project Site. Increased traffic to and use on the Project Site will likely result due to the increased employment, occupancy, and customers on the Project Site.
- I. Zoning Changes:** The Project Site is zoned as C-2 (Neighborhood and Retail Commercial) which includes restaurants as a principal permitted use. Thus, no zoning changes are necessary.
- J. Additional Public Facilities and Utilities:** No additional public facilities and utilities are anticipated. The Redeveloper will connect to City water to the west of the Project Site and City sewer to the east of the Project Site.
- K. Street Layouts, Street Levels, and Grades:** No changes to street layouts, street levels, and grades are needed for this Plan.
- L. Ordinance and Building Code Changes:** No ordinance or building code changes are contemplated by the Plan.

**4. Conformity to General Plan of the City (NEB. REV. STAT. §§ 18-2112, 18-2113(1), and 18-2116(1)(a)).**

The Planning Commission, City, and CRA are all tasked with determining whether this Plan conforms to the general plan for the development of the City as a whole. NEB. REV. STAT. §§ 18-2112, 18-2113(1), and 18-2116(1)(a).

According to the 2016 Scottsbluff Comprehensive Plan, the Project Site is in the Northwest District and in a Northwest Commercial Neighborhood. Principles for sustainable development for the Northwest District include encouraging new development to be contiguous with existing development and directing higher intensity uses toward arterials. The Northwest Commercial Neighborhoods contemplate heavier daytime use, 24 hour retail, fast-food, or traveler activity, multi-modal accommodations integrated on 27<sup>th</sup> Street and included on Avenue I, and C-2 as the appropriate zone. The Redeveloper's development of the Project Site is consistent with the Comprehensive Plan. Relevant excerpts from the Comprehensive Plan are attached as Attachment 4.

**5. Proposed Financing**

**A. Tax Increment Financing.** The Redeveloper is requesting tax increment financing to pay for statutorily eligible expenses, to the extent such funds are available. The tax increment financing will be generated from the increased property taxes to be paid on the Project Site after development all according to NEB. REV. STAT. § 18-2147. The amount of the available proceeds from tax increment financing ("TIF Revenues") is estimated at approximately \$379,080.00 calculated as follows:

a. Estimated Base Value:	\$ 31,589.00
b. Estimated Project Completion Value:	\$1,200,000.00
c. Tax Increment (b minus a):	\$1,168,411.00
d. Estimated Levy:	2.163%
e. Annual Projected Shift (rounded):	\$ 25,272.00
f. Total TIF Available (e multiplied by 15)	\$ 379,080.00

*Note: The above figures are based on estimated values, project completion/phasing timelines, and levy rates. Actual values and rates may vary materially from the estimated amounts.*

The TIF Revenues will be used to make principal and interest payments toward a tax increment financing bond (“TIF Indebtedness”) to be held or sold by the Redeveloper. The principal amount of the TIF Indebtedness will be based on the eligible expenses actually incurred. The interest rate will be established as set forth in the Redevelopment Contract.

Because the Plan proposes the use of tax increment financing, the City must find that the Plan would not be economically feasible without the use of tax increment financing and the Project would not occur in the blighted and substandard area without the use of tax increment financing. The City and the CRA must also find that the costs and benefits of the Project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed and been found to be in the long-term best interest of the community. NEB. REV. STAT. §§ 18-2113(2) and 18-2116(1)(b).

The Redeveloper certifies that the Plan would not be economically feasible and would not occur in the blighted and substandard area without the use of tax increment financing. As in most businesses, cash is short until the business is established. Although El Torito has been in business in Scottsbluff, the new location will be a change for customers, which presents a risk. Due to the high cost of the Project Site and construction, tax increment financing will allow more flexibility in design and construction.

Notwithstanding the foregoing, the Redeveloper understands the liability of the CRA and City shall be limited to the TIF Revenues received by the CRA with respect to the Project available to pay the TIF Indebtedness issued for this Project and the Redeveloper shall look exclusively thereto for the payment on any TIF Indebtedness. The Redeveloper acknowledges that the above figures are, and any TIF Indebtedness will be set, based on estimates and assumptions, including expectations as to the completion of construction and valuations, suggested by the Redeveloper, which may alter substantially and materially, and/or certain project costs incurred by the Redeveloper, and that tax increment revenues may be altered or eliminated entirely based on future decisions of the Nebraska Legislature or the voters of the State of Nebraska or by future court decisions.

Below are the portions of the project, and estimated cost that the Redeveloper proposes to be paid for with TIF Revenues, to the extent available:

Land Acquisition	\$ 300,000.00
Site Preparation	\$ 10,000.00
Site Engineering	\$ 7,500.00
Sewer/Water Utilities	\$ 5,000.00
Plan Preparation/Legal (City Application, Processing, and Administrative Fees)	\$ 10,250.00
Estimated TIF Eligible Expenses	\$ 332,750.00

**B. Private Investment/Financing.** The estimated TIF Revenues available will not be sufficient to cover the eligible costs. The Redeveloper will make a substantial private investment in the Project estimated at almost \$546,296.00.

Below is a breakdown of estimated costs and expenses of the Project and the use of funds for each. A “TIF Adjustment” is made to show the TIF expenses that will not be covered by TIF, but rather private investment. This breakdown does not account for interest to be paid out of TIF funds.

Description	TIF Funds	Private Funds	
Land Acquisition	\$ 300,000.00		
Site Preparation	\$ 10,000.00		
Site Engineering	\$ 7,500.00		
Sewer/Water Utilities	\$ 5,000.00		
Building Package		\$ 200,000.00	
Stucco		\$ 23,000.00	
Plumbing		\$ 45,000.00	
Electrical		\$ 43,296.00	
HVAC		\$ 22,000.00	
Interior Finish		\$ 60,000.00	
Windows		\$ 35,000.00	
Parking Lot/Concrete		\$ 77,000.00	
Contingencies		\$ 41,000.00	
Sub Totals	\$ 322,500.00	\$ 546,296.00	\$ 868,796.00
Plan Preparation/Legal (City Application, Processing, and Administrative Fees)	\$ 10,250.00		
			<b>Total Project Costs</b>
Totals	\$ 332,750.00	\$ 546,296.00	\$ 879,046.00

*Please note that all the figures in this Plan are estimates and tax increment financing granted will be based on actual costs incurred for eligible expenses, as limited by tax increment revenues received.*

A proposed statutory Cost-Benefit Analysis of the Project is attached as Attachment 5.

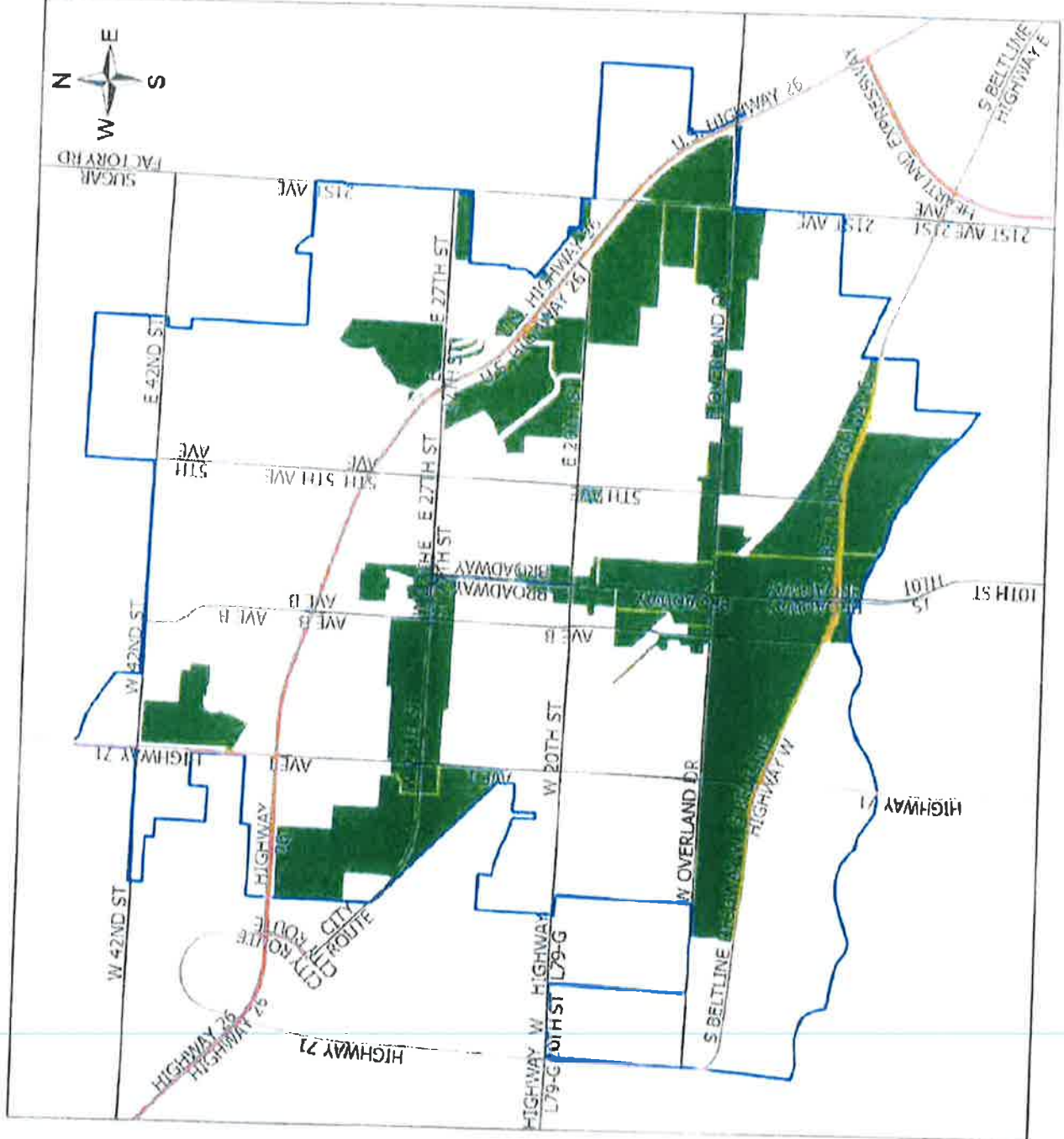
## 6. Implementation of the Plan

Upon approval of this Plan, the Redeveloper will enter into a Redevelopment Contract with the CRA which shall govern the implementation of this Plan. All public improvements related to this Plan shall be according to (a) plans and specifications approved in writing by the City in advance of commencement of construction, (b) all ordinances and codes adopted by the City, as in effect at the time that the public improvements are constructed, and (c) any other agreement related to the public improvements between the Redeveloper and the City. The Redevelopment Contract between the Redeveloper and the CRA shall not replace or supersede the need for the Redeveloper to obtain other agreements, consents, permits, or licenses from the City related to the public improvements or other improvements as may be required by the City for the type of work to be performed on the Project Site.

**El Torito Restaurant Redevelopment Plan  
Attachment 1  
Blighted and Substandard Maps**

# City of Scottsbluff Blight Areas

- Roads**
- Highway
  - Main Road
  - Residential
  - Corporate Limits
  - Blight Areas



Taylor Stephens  
City of Scottsbluff GIS  
Created on April 19, 2021  
Updated on June 23, 2021  
Coordinate System:  
NAD 1983 State Plane Nebraska  
FPS 2600 Feet  
Lambert Conformal Conic



# Blighted and Substandard Area Area Closeup



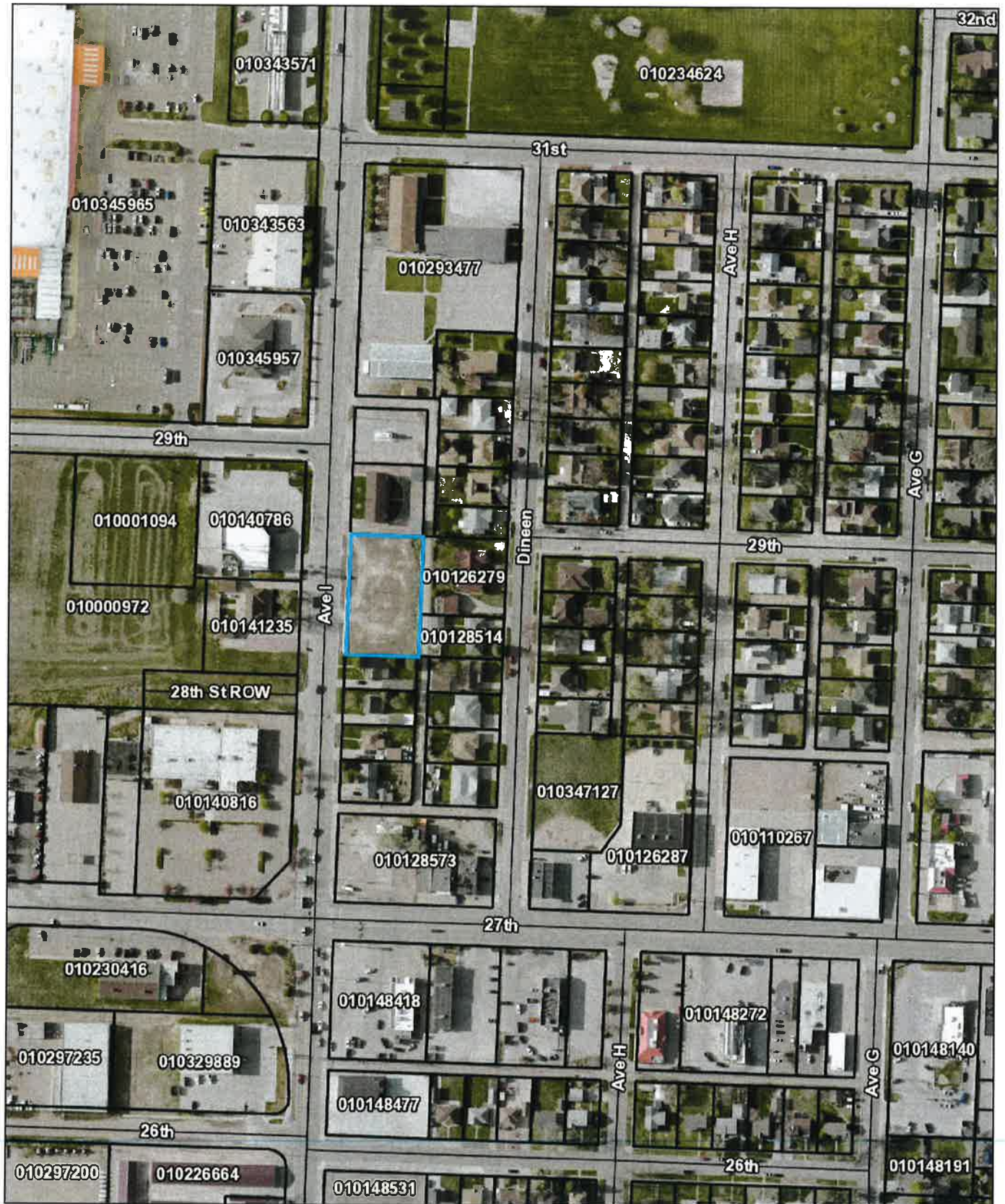
February 9, 2022





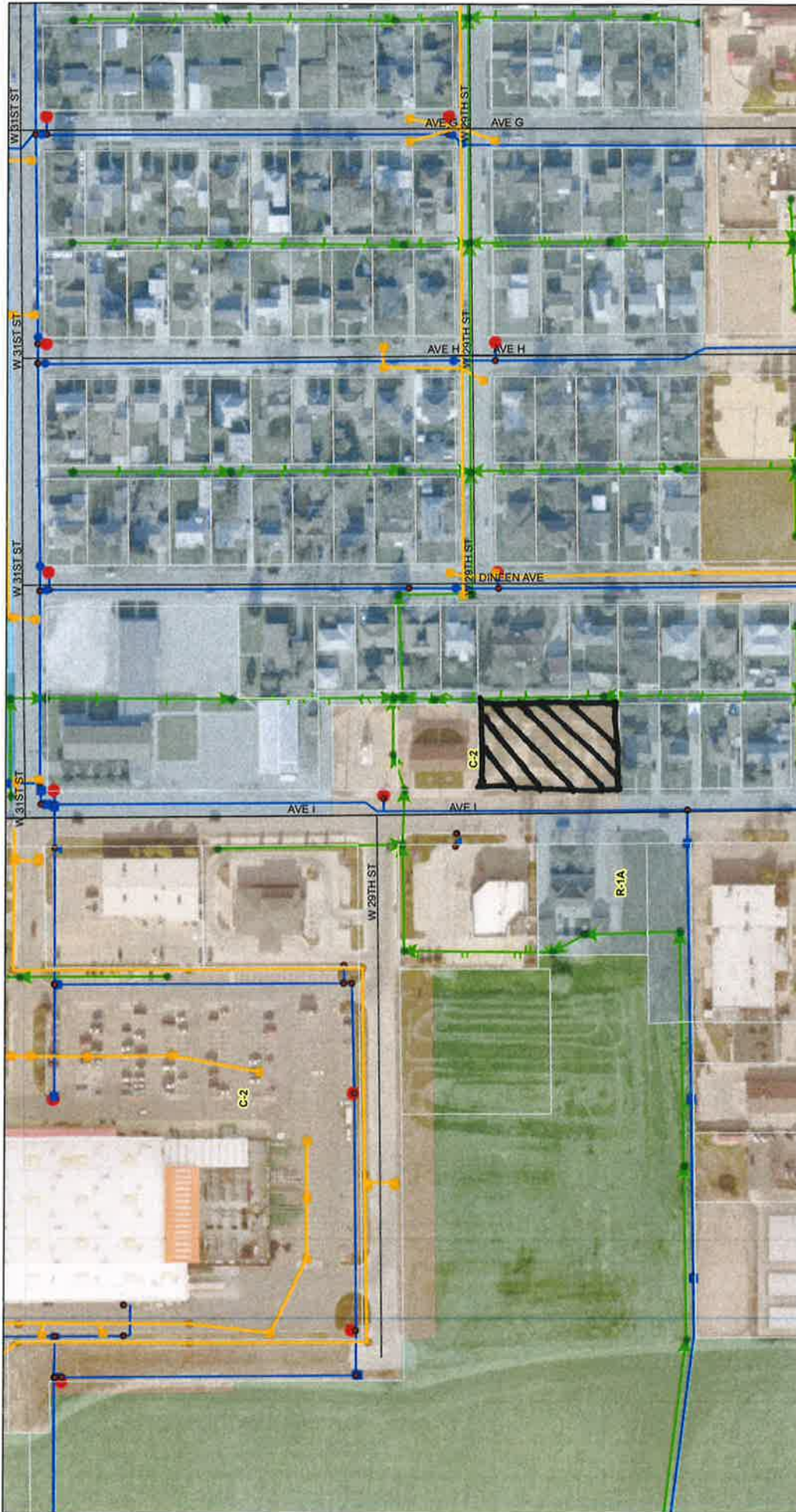
**El Torito Restaurant Redevelopment Plan  
Attachment 2  
Maps of Project Site**

## Project Site





# City of Scottsbluff Map



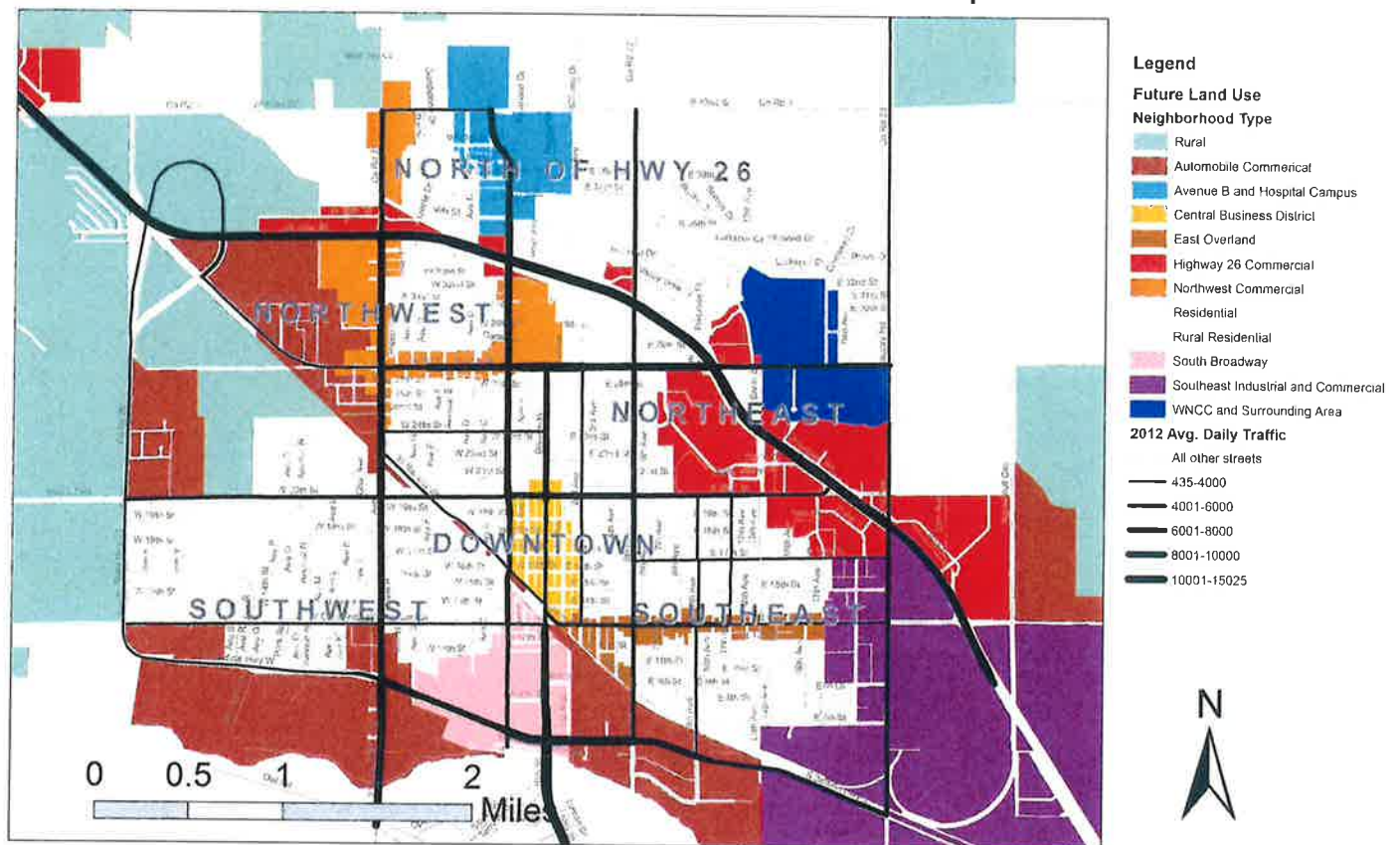
February 9, 2022

**El Torito Restaurant Redevelopment Plan  
Attachment 3  
Site Plan**



**El Torito Restaurant Redevelopment Plan  
Attachment 4  
Excerpts from Comprehensive Plan**

# Scottsbluff Future Land Use Map





## Northwest

### Themes:

1. **Growing as a regional leader of commerce and economic opportunity**
  - Home to employment hubs, Housing that supports a thriving workforce, High transportation accessibility
2. **Living into our unique character of a city in the country**
  - Home to retail amenities to serve the surrounding neighborhoods and the region
3. **Promoting the health and happiness of all citizens**
  - Clean, safe neighborhoods, multimodal active transportation options, access to parks
4. **Inclusive Opportunities for participation in civic life**
  - Strong civic groups, available resources, community events

### Principles:

5. **Interconnection of Neighborhoods and amenities**
  - a. Improve pedestrian and cycling facilities across the highway and throughout the neighborhood. Utilize neighborhood through streets, Railway St., and multi-modal accommodations along 27<sup>th</sup> St and Ave. B.
  - b. Safe and efficient motorized transportation along major arterials, encouraging shared driveways and limited access points.
  - c. Safe routes to school with attention to crosswalks on high traffic roads, crossing guards, and drop-off, pick-up traffic flow.
6. **Sustainable development**
  - a. Incorporate native species, and natural landscaping into codes commercial development and campus landscape design.
  - b. Natural stormwater facilities in uses with high percentage of impervious surfaces.
  - c. Direct higher intensity uses towards arterials, with highest intensities at intersections of arterials and collectors.
  - d. Build successful nodes at major intersections on 27<sup>th</sup> street through aesthetics, building design, and encouraging commercial and mixes of uses.
  - e. Preserve undeveloped land where city utilities could be extended for long term (10-20 year) development needs.
  - f. Encourage new development to be contiguous with existing development with planned linkages between roads and utilities.
  - g. Avoid development in floodplain
  - h. Restrict uses that may have a negative impact on the City's wellfield.
7. **Access to culture and recreation**
  - a. Connect residential areas to parks through walking and biking trail connectivity and attention to pedestrian accommodations along and across heavily trafficked thoroughfares.
  - b. Plan for a public access to a park or greenspace in current and new development, striving for no one residence to be more than a quarter mile walking distance from recreation facilities.
  - c. Encourage opening school grounds as regular park access.
  - d. Create positive, safe gathering places for neighbors and youth in parks and outside of restaurants.
8. **Strong neighborhoods and places, rooted in our unique character**



- a. Make programs that encourage up-keep of private property and neighborhoods more accessible and better communicated.
- b. Facilitate and support neighborhood involvement in plans, studies, and community events.
- c. Continue traditional neighborhood style of homes, streets, and sidewalks in residential areas.
- d. Improve aesthetics and landscaping along collectors, arterials, and in front of businesses, utilizing native species and enforcing design standards in Northwest Commercial Corridors.

## Northwest Neighborhoods

### *Northwest Commercial*

Appropriate Zones: C-2

- **Hours:** Heavier daytime use, 24 hour retail, fast-food, or traveler activity accepted.
- **Auto:** Multi-modal accommodations integrated on 27<sup>th</sup> street and included on Avenue I.
- **Mass:** Big box stores, shared buildings, low height but smaller setbacks on 27<sup>th</sup> Street to encourage walkability.
- **Emissions:** Traffic heaviest in the day but continuing through the night, low amounts of non-restaurant smells, lower noise, and enforced aesthetic and landscaping standards.

\*This neighborhood may include mixed use zoning in the future. Until the City adds Mixed Use as a zoning district, either C-2 or R-1a would be appropriate zones for this area.

**El Torito Restaurant Redevelopment Plan  
Attachment 5  
Proposed Cost-Benefit Analysis**

COMMUNITY REDEVELOPMENT AUTHORITY, CITY OF SCOTTSBLUFF, NEBRASKA

El Torito Restaurant  
COST-BENEFIT ANALYSIS  
(Pursuant to Neb. Rev. Stat. § 18-2113)

**A. Project Sources/Use of Funds:** The Redeveloper is requesting approximately \$332,750.00 in TIF Revenues for this Project. This public investment will leverage approximately \$546,296.00, in private sector investment; a private investment of approximately \$1.64 for every TIF dollar invested. Below is a breakdown of estimated costs and expenses of the Project and the use of funds for each. This breakdown does not account for interest to be paid out of TIF funds.

Description	TIF Funds	Private Funds	
Land Acquisition	\$ 300,000.00		
Site Preparation	\$ 10,000.00		
Site Engineering	\$ 7,500.00		
Sewer/Water Utilities	\$ 5,000.00		
Building Package		\$ 200,000.00	
Stucco		\$ 23,000.00	
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Parking Lot/Concrete		\$ 77,000.00	
Contingencies		\$ 41,000.00	
Sub Totals	\$ 322,500.00	\$ 546,296.00	\$ 868,796.00
Plan Preparation/Legal (City Application, Processing, and Administrative Fees)	\$ 10,250.00		
			<b>Total Project Costs</b>
Totals	\$ 332,750.00	\$ 546,296.00	\$ 879,046.00

**B. Tax Revenues and Tax Shifts Resulting from the Division of Taxes.**

Taxes from base value of the Project Site will be available to the local taxing jurisdictions regardless of the tax increment financing. The estimated current value of the Project Site is \$31,589.00. Taxes from the current value of the Project Site are approximately \$650.00 per year. The local taxing jurisdictions are the City, Scotts Bluff County, Scottsbluff Public Schools, WNCC, ESU 13, and North Platte NRD. The tax increment revenues from this Project will not be available to local taxing jurisdictions for up to 15 years after the effective date of the division of taxes. During those times, the tax increment revenues from the Project Site will be used to reimburse the Redeveloper for the eligible development costs (with interest) necessary for the Project. The estimated average annual tax increment revenues are calculated as follows:

a. Estimated Base Value:	\$ 31,589.00
b. Estimated Project Completion Value:	\$1,200,000.00
c. Tax Increment (b minus a):	\$1,168,411.00
d. Estimated Levy:	2.163%
e. Annual Projected Shift (rounded):	\$ 25,272.00
f. Total TIF Available (e multiplied by 15)	\$ 379,080.00

*Note: The above figures are based on estimated values, project completion/phasing timelines, and levy rates. Actual values and rates may vary materially from the estimated amounts.*

***C. Public Infrastructure and Community Public Service Needs Impacts and Local Tax Impacts Arising from Project Approval.***

No public infrastructure or community public service needs are anticipated.

***D. Impacts on Employers and Employees of Firms Locating or Expanding Within the Boundaries of the Redevelopment Project Area.***

Employment in the Project Area will increase. The Redeveloper intends to employ 8-10 FTE employees for the restaurant. This is an increase from 5-6 FTEs at the current location.

***E. Impacts on other Employers and Employees within the City and immediate area located outside the Redevelopment Project Area.***

None anticipated.

***F. Impacts on Student Populations of School Districts within the City.***

None anticipated.

***G. Other Impacts.***

Local contractors and consultants will perform the work.  
Infill development

---

**RESOLUTION \_\_\_\_\_**

**BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF  
SCOTTSBLUFF, NEBRASKA:**

**Recitals:**

a. Pursuant to the Community Development Law, NEB. REV. STAT. § 18-2101 *et seq.*, a redevelopment plan titled *El Torito Restaurant* by Javier and Martha Parra (the “Redevelopment Plan”) has been submitted to the Planning Commission.

b. The Planning Commission has reviewed the Redevelopment Plan as to its conformity with the 2016 Scottsbluff Comprehensive Plan (the “Comprehensive Plan”).

**Resolved:**

1. The Planning Commission finds that Redevelopment Plan conforms to the Comprehensive Plan and recommends approval of the Redevelopment Plan to the Scottsbluff Community Redevelopment Authority and City Council.

2. All prior resolutions of the Commission in conflict with the terms and provisions of this Resolution are repealed to the extent of such conflicts.

3. This Resolution shall become effective immediately upon its adoption.

**PASSED and APPROVED** on February 14, 2022

**PLANNING COMMISSION OF THE CITY  
OF SCOTTSBLUFF, NEBRASKA**

ATTEST:

By: \_\_\_\_\_  
Chair

By: \_\_\_\_\_  
Recording Secretary

# **City of Scottsbluff, Nebraska**

**Monday, February 14, 2022**

**Regular Meeting**

## **Item New Bus3**

### **Public Hearing - Agricultural Estate Dwelling Site**

*Creation of AEDS situated in the Accreted Lands of Government Lot 1 of Section 20, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska, commonly identified as 180821 Highway L79G; Total of 6.86 Acres.*

Staff Contact: Zachary Glaubius, Planning Administrator

CITY OF SCOTTBLUFF

AGRICULTURAL ESTATE DWELLING SITE APPLICATION  
AGRICULTURAL - ET ZONING DISTRICT

On the 20 day of JANUARY, 2022

----- (being the  
record title owner of the real estate described in paragraphs 1 and 3 below), has caused to be made an application to the City of Scottsbluff, Scotts Bluff County for an exception to Agriculture (A-ET) District zoning, for an Agricultural Estate Dwelling Site subject to all provisions of Part 13 Ag. District, specifically 25-3-19.1-13, of the Zoning Regulations, as follows:

1. LEGAL DESCRIPTION OF TRACT TO BE SEPARATED: (An accurate survey, properly identifying the tract to be set out, must accompany this application):

A TRACT OF LAND SITUATED IN THE ACCRETED LANDS OF GOVERNMENT LOT 1, OF SECTION 2020 TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH PRINCIPAL MERIDIAN, SCOTTS BLUFF COUNTY, NEBRASKA, LYING SOUTH OF THE HIGHWAY 92 RIGHT-OF-WAY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
REFERRING TO THE EAST QUARTER CORNER OF SAID SECTION 20; THENCE, ALONG THE TRUE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID SECTION, S02°07'44"W TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF NEBRASKA HIGHWAY #92, BEING A DISTANCE OF 146.84 FEET, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING; THENCE, CONTINUING ALONG SAID SOUTHERLY EXTENSION, S02°07'44"W FOR A DISTANCE OF 568.40 FEET; THENCE, N87°52'16"W FOR A DISTANCE OF 379.74 FEET; THENCE, N27°10'29"W FOR A DISTANCE OF 346.36 FEET; THENCE, N08°25'05"W TO A POINT ON THE SAID SOUTHERLY RIGHT-OF-WAY LINE, BEING A DISTANCE OF 289.55 FEET; THENCE, ALONG SAID RIGHT-OF-WAY, S86°07'52"E FOR A DISTANCE OF 602.54 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING AN AREA OF 6.86 ACRES, MORE OR LESS.

2. SIZE (ACREAGE), IN ABOVE DESCRIBED TRACT TO BE SEPARATED:

6.86 ACRES, MORE OR LESS

3. LEGAL DESCRIPTION OF BALANCE OF LAND WHICH IS TO BE RESERVED

Remaining Accreted lands of Government Lot 1, Section 20-22-55

4. SIZE (ACREAGE), IN ABOVE DESCRIBED TRACT TO BE RESERVED:

77 Acres, More or less

5. INTENT (Must have one or more of the following: each should be specifically described):

(a) An existing farmstead site (describe previous use)

Seperate house for the existing AG land

Agricultural Estate Dwelling Site, then the applicant herein is required to have recorded for public record, at the direction of the City of Scottsbluff City Council, a "CERTIFICATE", which sets out the action taken by the Commission and Council (at the cost of the applicant). Furthermore, there shall be a clear understanding that as to the referenced legal description (paragraph 3, above), a request for an Agricultural Estate Dwelling Site shall be granted ONE TIME ONLY, so as to carry out the intent as expressed in Section 2 5-3-19.1 of the Scottsbluff Municipal Code Zoning Regulations. Furthermore, in the event that the Agricultural Estate Dwelling Site is no longer actually used for the purpose in existence upon giving of such approval, then it is understood that the approval granted by the City Council shall be automatically revoked.

Owner Name: Kyla CasseLMann Shuey Estate

Address: 180821 Hwy 4799

City/State: MITCHELL NE 69357

Telephone: 3086412940 =====

E-mail Address: jsfaskg@jsgmail.com

Signature: Julie Shuey Per Rep

Ag-Estate Address: 181015

City/State: SCOTTSBLUFF NE 69361

City of Scottsbluff  
Development Services

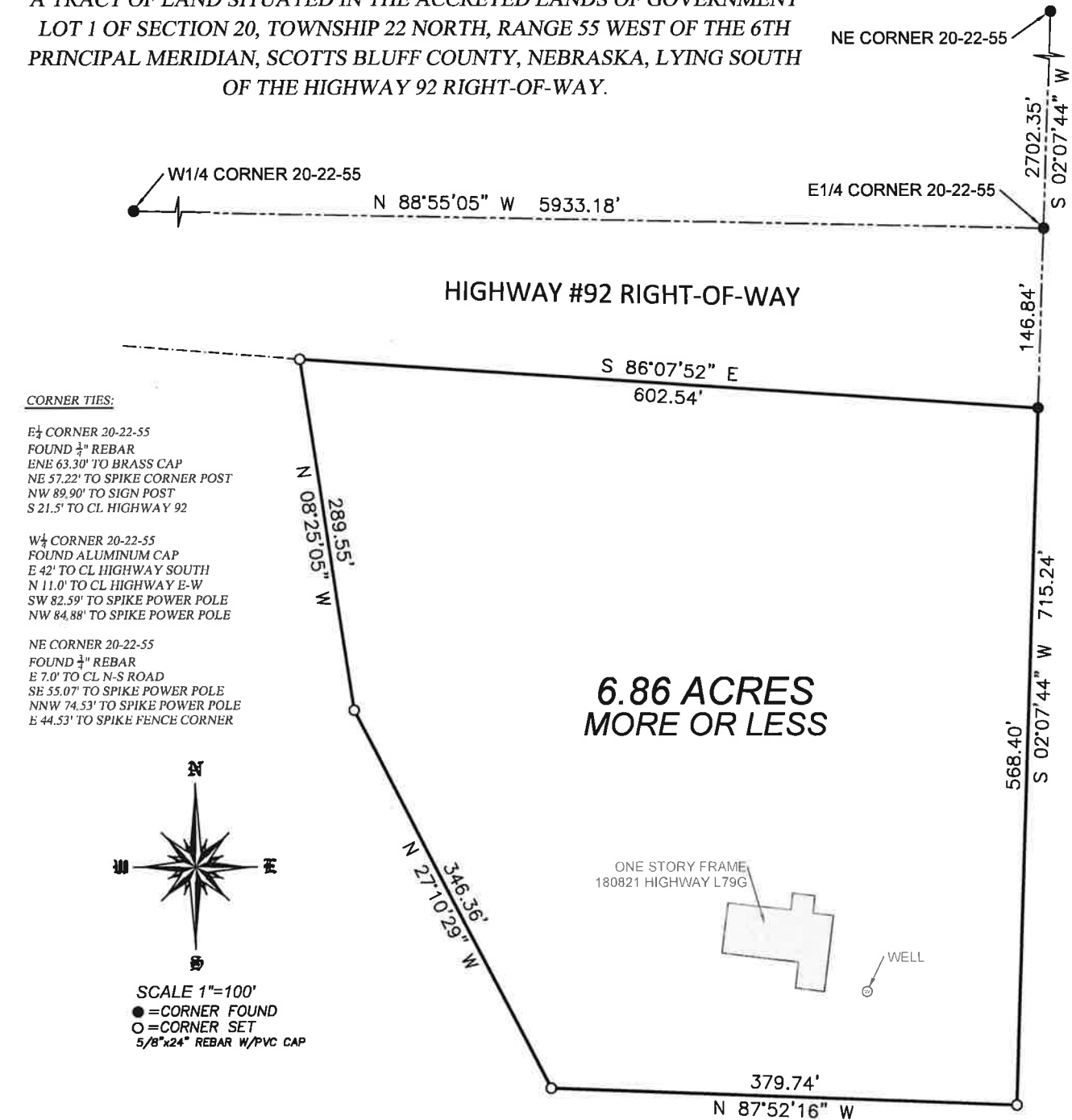
RECEIVED: Date: \_\_\_\_\_

Receipt No. \_\_\_\_\_



RECORD OF AEDS SURVEY

A TRACT OF LAND SITUATED IN THE ACCRETED LANDS OF GOVERNMENT LOT 1 OF SECTION 20, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH PRINCIPAL MERIDIAN, SCOTTS BLUFF COUNTY, NEBRASKA, LYING SOUTH OF THE HIGHWAY 92 RIGHT-OF-WAY.



LEGAL DESCRIPTION:

A TRACT OF LAND SITUATED IN THE ACCRETED LANDS OF GOVERNMENT LOT 1 OF SECTION 20, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH PRINCIPAL MERIDIAN, SCOTTS BLUFF COUNTY, NEBRASKA, LYING SOUTH OF THE HIGHWAY 92 RIGHT-OF-WAY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

REFERRING TO THE EAST QUARTER CORNER OF SAID SECTION 20; THENCE, ALONG THE TRUE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID SECTION, S02°07'44"W TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF NEBRASKA HIGHWAY #92, BEING A DISTANCE OF 146.84 FEET, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING; THENCE, CONTINUING ALONG SAID SOUTHERLY EXTENSION, S02°07'44"W FOR A DISTANCE OF 568.40 FEET; THENCE, N87°52'16"W FOR A DISTANCE OF 379.74 FEET; THENCE, N27°10'29"W FOR A DISTANCE OF 346.36 FEET; THENCE, N08°25'05"W TO A POINT ON THE SAID SOUTHERLY RIGHT-OF-WAY LINE, BEING A DISTANCE OF 289.55 FEET; THENCE, ALONG SAID RIGHT-OF-WAY, S86°07'52"E FOR A DISTANCE OF 602.54 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING AN AREA OF 6.86 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE:

I, SCOTT M. BOSSE, NEBRASKA REGISTERED LAND SURVEYOR NUMBER 603, DO HEREBY CERTIFY THAT I HAVE SURVEYED THE TRACT OF LAND DESCRIBED IN THE LEGAL DESCRIPTION AND SHOWN ON THE ACCOMPANYING DRAWING; THAT THE ACCOMPANYING DRAWING IS A CORRECT DELINEATION OF SAID SURVEY DRAWN TO A SCALE OF 120 FEET TO THE INCH; THAT SAID SURVEY AND DRAWING WAS CONDUCTED BY ME OR UNDER MY DIRECT SUPERVISION; THAT THE DISTANCES ARE GROUND DISTANCES GIVEN IN FEET AND DECIMALS OF A FOOT; AND THE MONUMENTS WERE FOUND OR SET AS INDICATED AND THE BOUNDARY IS DEPICTED BY A THICKENED SOLID LINE.

WITNESS MY HAND AND SEAL this 19th day of January, 2022.

Scott M. Bosse  
NEBRASKA REGISTERED LAND SURVEYOR NUMBER 603



SURVEYOR NOTES:

- 1) THIS TRACT MAYBE SUBJECT TO EASEMENTS AND RIGHT-OF-WAYS OF RECORD OR APPARENT.
- 2) ONLY THE RECORD DOCUMENTS NOTED HEREON WERE PROVIDED TO OR DISCOVERED BY SURVEYOR. NO ABSTRACT, CURRENT TITLE COMMITMENT NOR OTHER RECORD TITLE DOCUMENTATION WAS PROVIDED FOR THIS SURVEY.

SHEET  
1 OF 1

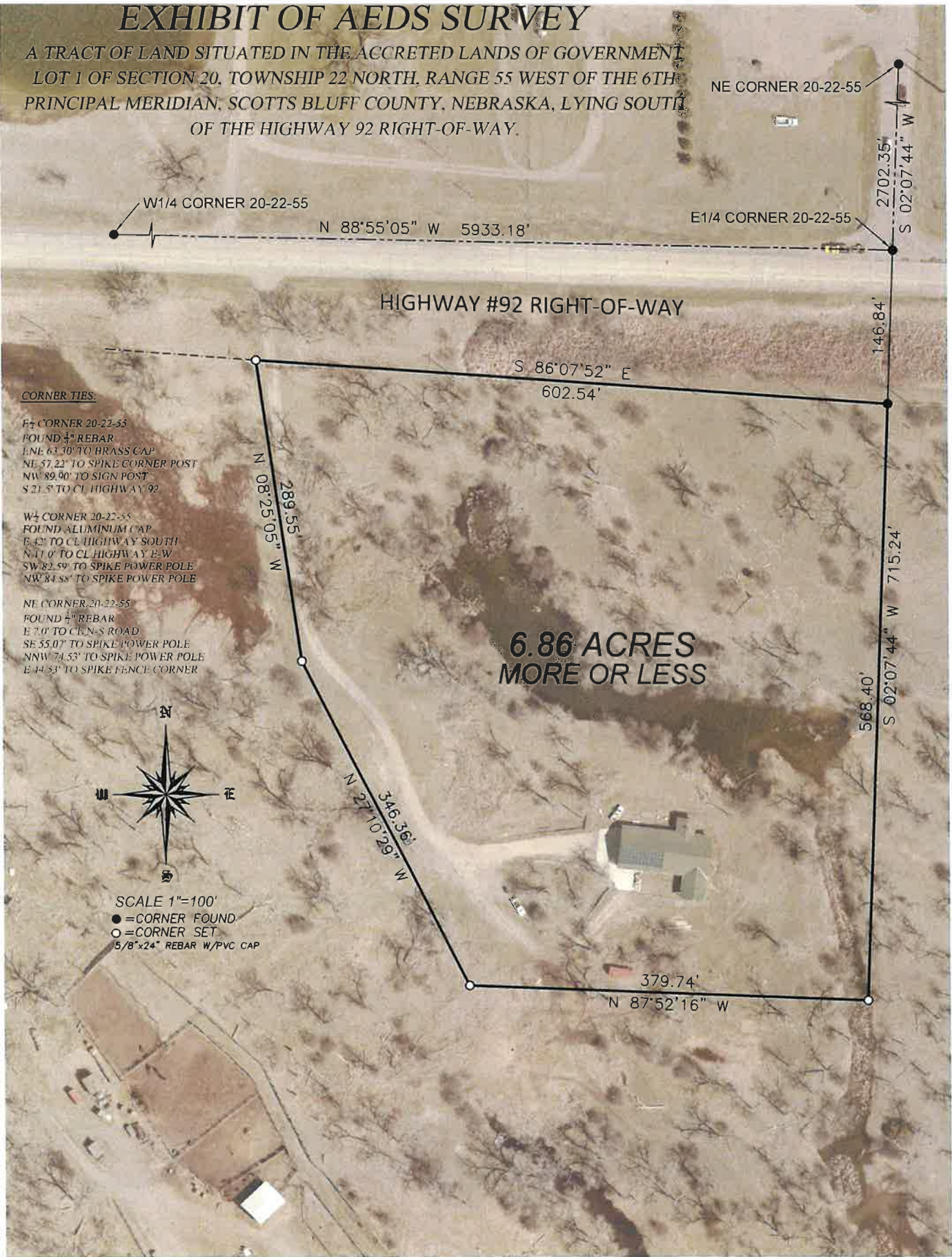
PROJECT:  
SHUEY 20-22-55  
KYLE CASSELMAN SHUEY ESTATE

ACCUSTAR SURVEYING

30601 COUNTY ROAD 17  
PHONE: (308) 623-0197

MITCHELL, NE 69357  
CELL: (308) 631-0737

Scale 1"=120'  
Date: JANUARY 19, 2022  
Dwn By: SMB



**LEGAL DESCRIPTION:**

A TRACT OF LAND SITUATED IN THE ACCRETED LANDS OF GOVERNMENT LOT 1 OF SECTION 20, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH PRINCIPAL MERIDIAN, SCOTTS BLUFF COUNTY, NEBRASKA, LYING SOUTH OF THE HIGHWAY 92 RIGHT-OF-WAY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

REFERRING TO THE EAST QUARTER CORNER OF SAID SECTION 20; THENCE, ALONG THE TRUE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID SECTION, S02°07'44"W TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF NEBRASKA HIGHWAY #92, BEING A DISTANCE OF 146.84 FEET, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING; THENCE, CONTINUING ALONG SAID SOUTHERLY EXTENSION, S02°07'44"W FOR A DISTANCE OF 568.40 FEET; THENCE, N87°52'16"W FOR A DISTANCE OF 379.74 FEET; THENCE, N27°10'29"W FOR A DISTANCE OF 346.36 FEET; THENCE, N08°25'05"W TO A POINT ON THE SAID SOUTHERLY RIGHT-OF-WAY LINE, BEING A DISTANCE OF 289.55 FEET; THENCE, ALONG SAID RIGHT-OF-WAY, S86°07'52"E FOR A DISTANCE OF 602.54 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING AN AREA OF 6.86 ACRES, MORE OR LESS.

SHEET 1 OF 1	PROJECT: SHUEY 20-22-55 KYLA CASSELMAN SHUEY ESTATE	ACCUSTAR SURVEYING 30601 COUNTY ROAD 17 PHONE: (308) 623-0197	MITCHELL, NE 69357 CELL: (308) 631-0737	Scale 1"=120'
				Date: JANUARY 19, 2022 Dwn By: SJB

## City of Scottsbluff Planning Commission

### Development Services Staff Report – Zachary Glaubius

Prepared on: February 2, 2022 For Hearing of: February 14, 2022



#### I. GENERAL INFORMATION

- A. Applicant:** Julie Shuey  
180821 Highway L79G  
Scottsbluff, NE 69361
- B. Property**  
**Owner:** Kyla Casselmann Shuey Estate  
(same address as applicant)
- C. Proposal:** Request for Creation of an Agricultural Estate Dwelling Site at 181015 Highway L79G
- D. Legal Description:** A tract of land situated in the Accreted Lands of Government Lot 1 of Section 20, Township 22 North, Range 44 West of the 6<sup>th</sup> PM, Scotts Bluff County, Nebraska.
- E. Location:** 181015 Highway L79G
- F. Existing Zoning & Land Use:** A-Agricultural & Floodplain Overlay Zone
- G. Size of Site:** AEDS: Approximately 6.86 Acres  
Agricultural/Vacant Land to be Reserved: Approximately 77 Acres

#### II. BACKGROUND INFORMATION

**A. General Neighborhood/Area Land Uses and Zoning:**

Direction From Subject Site	Future Land Use Designation	Current Zoning Designation	Surrounding Development
North	Rural	A -Agricultural	Riverview Golf Course
East	Rural	A -Agricultural	Farm Ground
South	Rural	A -Agricultural	Farm and Natural
West	Rural	A -Agricultural	Farm and Natural

**B. Relevant Case History**

1. N/A

#### III. ANALYSIS

- A. Comprehensive Plan:** The Future Land Use Map of the Comprehensive Plan currently shows the site as Rural.
- B. Traffic & Access:**
1. Current access to site is from frontage to Highway L79G also referred to as Highway 92

2. The proposed AEDS will have a width of 602.54 feet along County Road 22. The minimum required under 25-3-19 is 150 feet.

**C. Utilities:**

1. The AEDS is located in the extra-territorial jurisdiction and is not served by city utilities.

**IV. STAFF COMMENTS**

- A. The total area of the reserved agricultural land is below the 80-acre requirement. Per 25-3-19.10d, the Planning Commission may permit the creation of an AEDS out of less than 80 acres of reserved land, in certain situations, in the event that the intent of AEDS is maintained.
- B. The majority of the reserved land meets the definition of “marginal usage” due to its location in the North Platte River floodplain and wooded nature.

**V. FINDINGS OF FACT**

**A. Findings of Fact to Recommend Its Approval May Include:**

1. The agricultural use and AEDS designation are consistent with the Comprehensive Plan Future Land Use Map.
2. The AEDS designation will not create any nonconforming yards or structures.
3. The reserved area is less than the required 80 acres, however the intent of the AEDS subsection is maintained.

**A. Findings of Fact to Not Recommend Approval May Include:**

1. The reserved agricultural land does not meet the 80 acres minimum requirement.

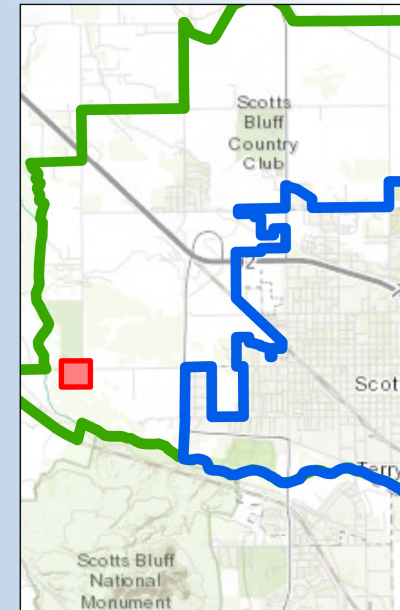
**VI. STAFF RECOMMENDATION**


- A. Staff recommends the Planning Commission make a positive recommendation to City Council to approve the Agricultural Estate Dwelling designation of a tract of land situated in the Accreted Lands of Government Lot 1 of Section 20, Township 22 North, Range 44 West of the 6<sup>th</sup> PM, Scotts Bluff County, Nebraska.

**VII. PUBLIC NOTIFICATION**

- A. Notification letters were mailed to property owners within 300 feet of the proposed AEDS. Ten (3) letters were mailed in total. One sign was posted on the property more than 10 days before the date of the meeting indicated the date, time, and place of the public hearing.








 Proposed Changes

### Street Centerlines

#### CLASS

-  Highway
-  Main Road
-  Residential/Rural

Taylor Stephens  
City of Scottsbluff GIS  
Created on January 28th, 2022  
Coordinate System:  
NAD 1983 State Plane Nebraska FIPS 2600 Feet  
Lambert Conformal Conic

The City makes no representation or warranty as to the accuracy, timeliness, or completeness, and in particular, its accuracy in labeling or displaying dimensions, contours, property boundaries, or placement or location of any map features thereon.



Proposed Changes

## 2016 Comp. Plan Land Use

- Automobile Commercial
- Avenue B and Hospi al Campus
- Central Business District
- East Overland
- Highway 26 Commercial
- Northwest Commercial
- Residential
- Rural
- Rural Residential
- Southeast Industrial and Commercial
- South Broadway
- WNCC and Surrouding Area

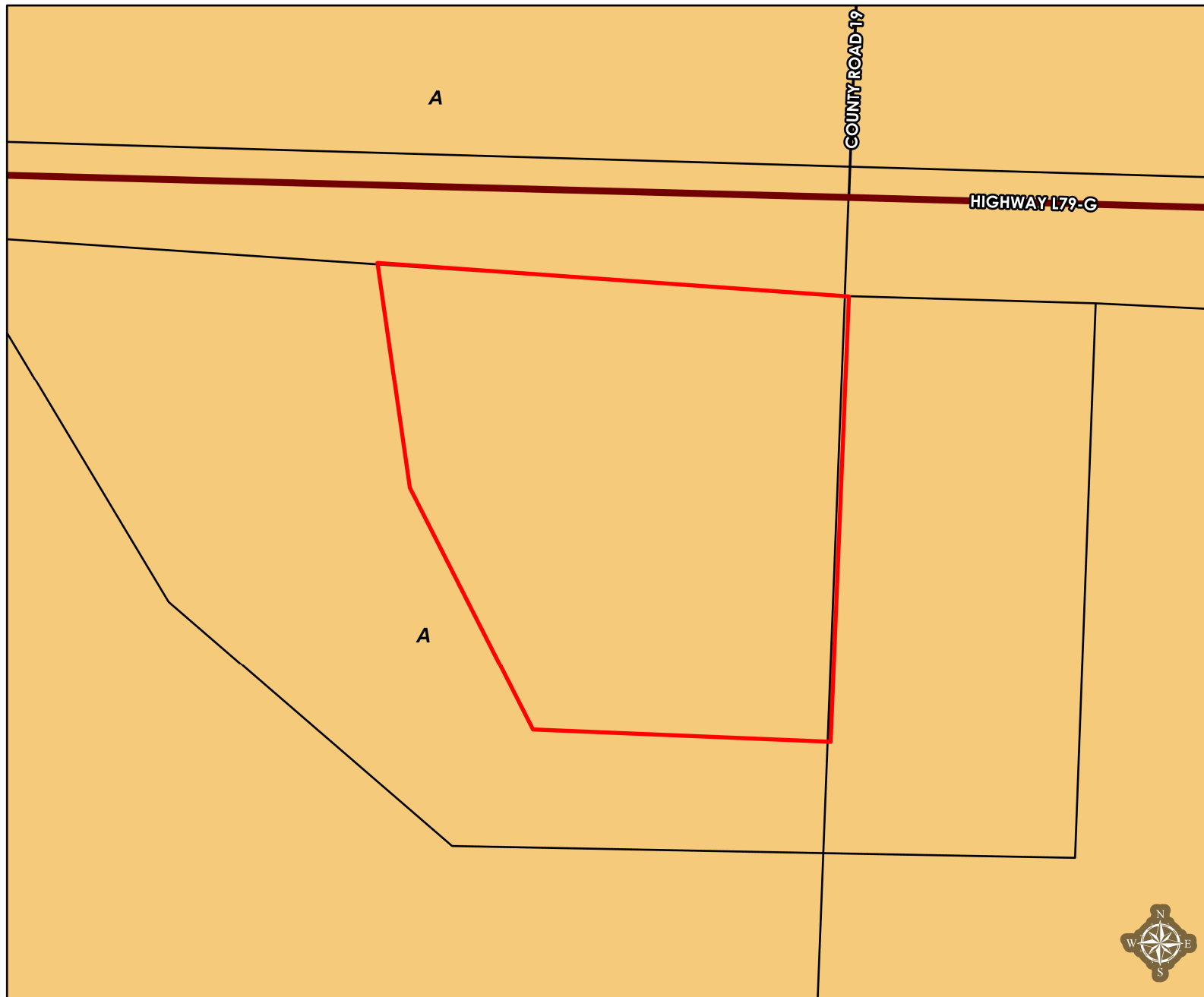
## Street Centerlines

### CLASS

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Proposed Changes

Parcel Boundaries

### Zoning

- A
- AR
- C-1
- C-2
- C-3
- M-1
- M-2
- O&P
- PBC
- R-1
- R-1A
- R-1B
- R-4
- R-6
- GEODATA.GISMGR.Corporate\_Limits
- GEODATA.GISMGR.Extended\_Jurisdiction

### Street Centerlines

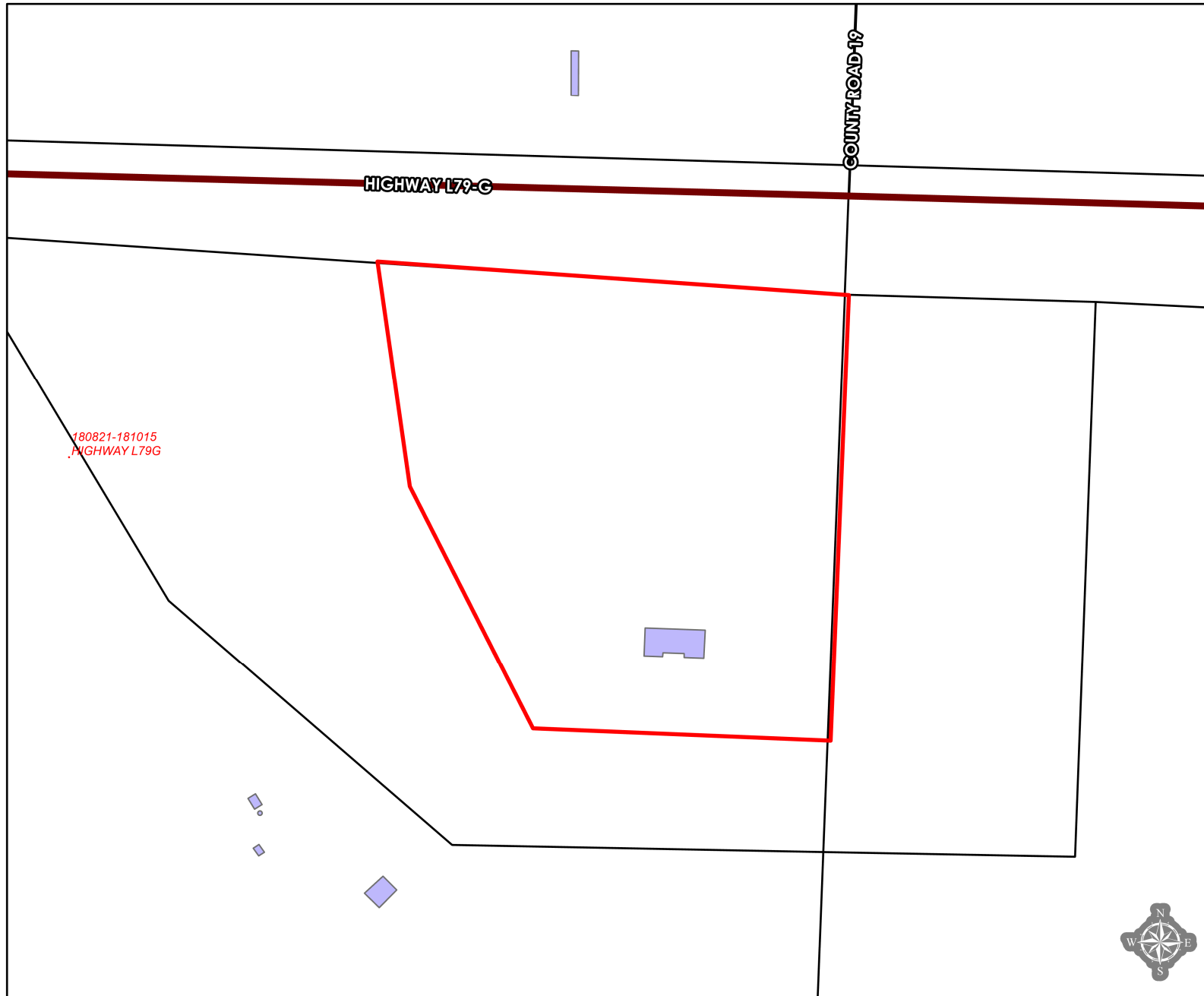
#### CLASS

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Proposed Changes

Building

Parcel Boundaries

### Street Centerlines

#### CLASS

Highway

Main Road

Residential/Rural

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Proposed Changes

### Street Centerlines

#### CLASS

- Highway
- Main Road
- Residential/Rural
- Fire Hydrants
- Water Curbstop
- Water Valve
- Water Manhole
- Water Lines
- Verified\_Manhole
- Wastewater Lines
- Outfall
- Stormwater Inlet
- Stormwater Manhole
- Stormwater Arc
- Easement

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# **City of Scottsbluff, Nebraska**

**Monday, February 14, 2022**

**Regular Meeting**

## **Item New Bus4**

### **Public Hearing - Special Use Permit**

*Request for Special use Permit for Auto Sales and Service at Lots 11-15A, Block 2, Terhune Subdivision, commonly identified as 1004 Avenue I.*

Staff Contact: Zachary Glaubius, Planning Administrator





## City of Scottsbluff, Nebraska Special Use Permit Application

Date: <u>1-12-22</u>			<b>DO NOT WRITE IN THIS BLOCK</b>	
Address (Location) of requested Special Use: <u>1004 AVE I</u>			Permit Number:	
Applicant's Name: <u>Ruben Sacuz</u>			Special Use Permit <input type="checkbox"/> Approved <input type="checkbox"/> Denied	
Applicant's Address: <u>70785 CR 25</u>			Date Issued:	
City: <u>Scottsbluff</u>	State: <u>NE</u>	Zip: <u>69361</u>	Comp. Plan Land Use:	Zone:
Telephone: <u>308-641-7666</u>	Mobile: <u>308-641-7666</u>	Email: <u>rsautosales@icloud.com</u>	Attached: <input type="checkbox"/> Plot Plan <input type="checkbox"/> Legal Description (in word) <input type="checkbox"/> \$100.00 filing fee <input type="checkbox"/> \$250.00 for PUD (planned unit dev) <input type="checkbox"/> \$3.00 per property owner within 300-feet <input type="checkbox"/> Receipt # _____	
Property Owner: <u>Ruben Sacuz</u>				
Property Owner's Address: <u>70785 CR 25</u>				
City: <u>Scottsbluff</u>	State: <u>NE</u>	Zip: <u>69361</u>		
Telephone: <u>308-641-7666</u>	Mobile: <u>308-641-7666</u>	Email: <u>rsautosales@icloud.com</u>		
Description of the nature of the use for which the Special Use Permit is requested (Why and What):  <u>Motorcycle &amp; Auto Sales. Previously has been used for Motorcycle Sales.</u>				
Legal Description:  <u>Lot 11-15A Block 2 Terhune Subdivision.</u>				
Zoning Ordinance Section pertaining to Special Use Permit:  <u>25-314</u>				
Please attach the following: <input type="checkbox"/> Copy of Plot Plan (showing property lines, dimensions, existing structures, proposed structures, easements, etc..) <input type="checkbox"/> Legal Description on a CD/Disk (in Word) <input type="checkbox"/> \$100.00 filing fee				
I, the undersigned, hereby certify that I agree to be bound by all requirements of the ordinances of the City of Scottsbluff and any other conditions that may be place concerning the use for which a Special Permit is requested. I have also read and am familiar with the City Ordinances and will comply with these requirements; and that the statements herein contained are true and correct to the best of my knowledge and belief.				
Property Owner(s) of Record: <u>[Signature]</u>			Date: <u>1-12-22</u>	
Applicant's Signature:			Date:	
Remarks: (Insert here any information not covered above)  <u>Property owner &amp; Applicant are the same -</u>				



# City of Scottsbluff Planning Commission

## Development Services Staff Report – Zachary Glaubius

Prepared on: January 31, 2022 For Hearing of: February 14, 2022



### I. GENERAL INFORMATION

- A. Applicant:** Reuben Saenz  
70785 CR 25  
Scottsbluff, NE 69361
- B. Property**  
**Owner:** Same as Applicant
- C. Proposal:** Special Use Permit to sell automobiles and motorcycles at 1004 Avenue I
- D. Legal Description:** Lots 11-15A Terhune Subdivision
- E. Location:** 1004 Avenue I
- F. Existing Zoning & Land Use:** C-2 Neighborhood & Retail Commercial
- G. Size of Site:** Approximately 27,844 sq. ft.

### II. BACKGROUND INFORMATION

#### A. General Neighborhood/Area Land Uses and Zoning:

Direction From Subject Site	Future Land Use Designation	Current Zoning Designation	Surrounding Development
North	Automobile Commercial	C-2 Neighborhood & Retail Commercial	Offices
East	Automobile Commercial	C-3 Heavy Commercial	Fireworks Unlimited
South	Automobile Commercial	C-2 Neighborhood & Retail Commercial	Car Wash
West	Automobile Commercial	C-3 Heavy Commercial	Vacant Lot

#### B. Relevant Case History

1. This property was a motorcycle and UTV dealership in the past.

### III. ANALYSIS

- A. Comprehensive Plan:** The Future Land Use Map of the Comprehensive Plan currently shows the site as Automobile Commercial.
- B. Traffic & Access:**  
  1. Access to 1004 Avenue I will be via Avenue I.
- C. Zoning**

1. Per 25-3-14 C, Auto sales and service is a special permit use in the C-2 Neighborhood and Retail Commercial Zoning District.

**D. Off-Street Parking**

1. Current off-street parking is seven stalls. Applicant will need 14 stalls to meet Off-Street Parking Requirements under 25-5-1
2. There is sufficient open space on the property for the additional 7 parking stalls.

**IV. STAFF COMMENTS**

- A. The applicant intends to pave the turfgrass areas for additional vehicle storage/showing.
- B. This property is part of a “peninsula” of C-2 jetting into a C-3 zoning district area, and could be positively considered for a rezone to C-3 Heavy Commercial.
- C. Per 25-13-3, the Planning Commission may issue a special permit for the use of a lot, tract of land, building, or structure in circumstances and a manner authorized by other articles of this chapter if the Commission finds the proposed use:
  - a. Provides a service required by the neighborhood or community and is consistent with sound principles of land use;
  - b. Will not be injurious to the use of neighboring lots, tracts of land, buildings, or structures;
  - c. Will not create special hazards or problems for the area in which it is located;
  - d. Is related to and harmonious with the general plan for the area in which it is located, as indicated by this chapter
  - e. Otherwise, is in accordance with the intents and purposes of this chapter. The Commission may make the use which is authorized in the special permit subject to reasonable conditions which in the discretion of the Planning Commission are necessary to carry out the intents and purposes of this chapter.
- D. Public Notice Letters were sent out on January 28, 2022, and public notice for this ran in the February 3, 2022 edition of the Star-Herald.

**V. FINDINGS OF FACT**

**A. Findings of Fact to Recommend Its Approval May Include:**

1. The Comprehensive Plan identifies the area as automobile commercial.
2. Auto mobile sales and service represent services that are required by the community and the use is consistent with the surrounding zonings and uses.
3. The use will not be injurious to neighboring uses.
4. The use will not create special hazards or problems.
5. The Comprehensive Plan Future Land Use Map supports the use.
6. The use is in accordance with the intents and purposes of the Code.

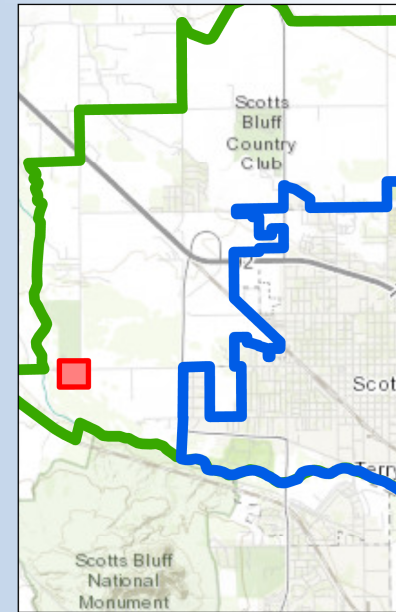
**B. Findings of Fact to Not Recommend Approval May Include:**

1. None

**VI. STAFF RECCOMENDATION**

- A. Staff recommends Planning Commission recommend the approval of the special use permit to Reuben Saenz for automobile sales and service at 1004 Avenue I.





Proposed Changes

### Street Centerlines

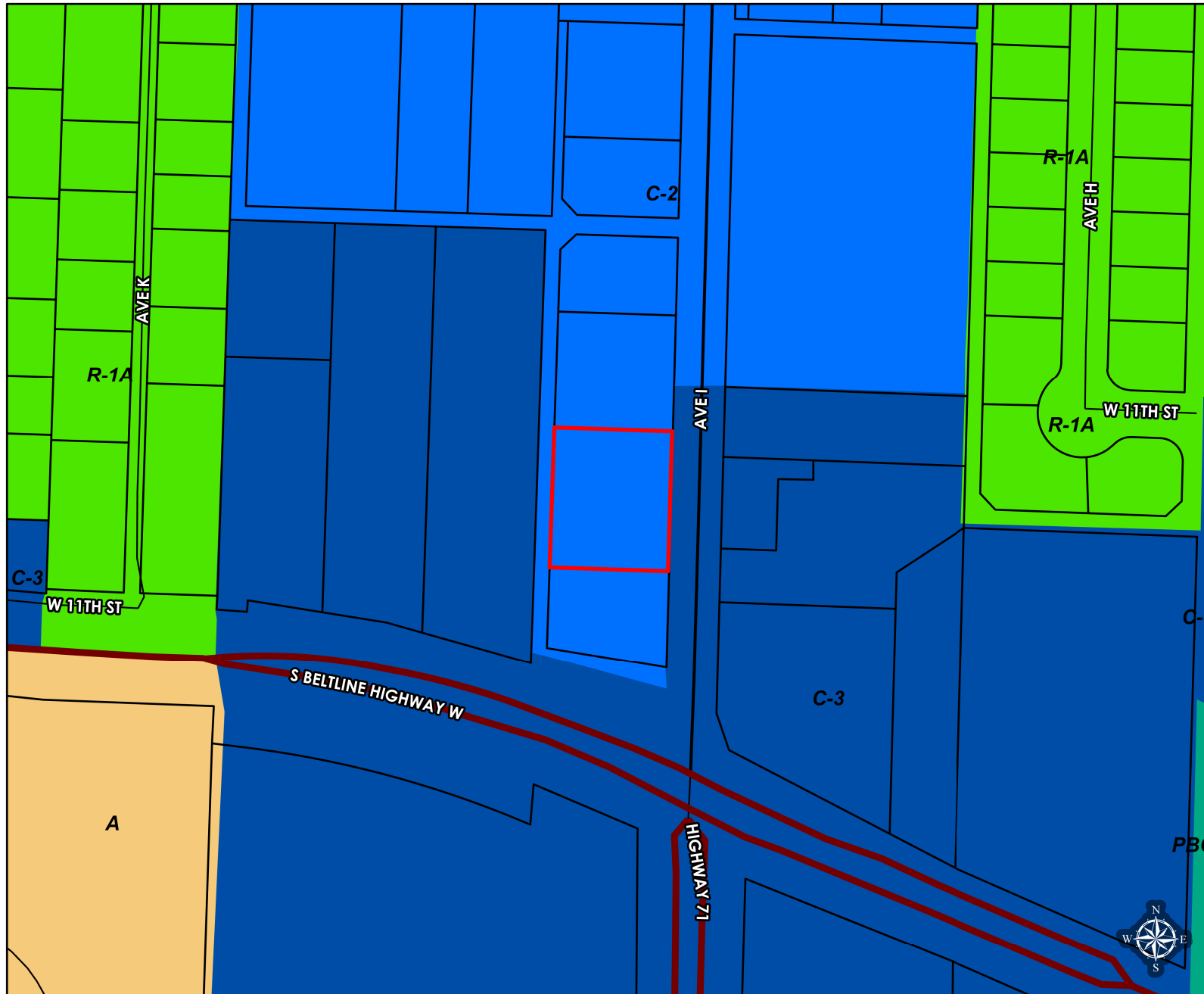
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- Proposed Changes
- Parcel Boundaries

### Zoning

- A
- AR
- C-1
- C-2
- C-3
- M-1
- M-2
- O&P
- PBC
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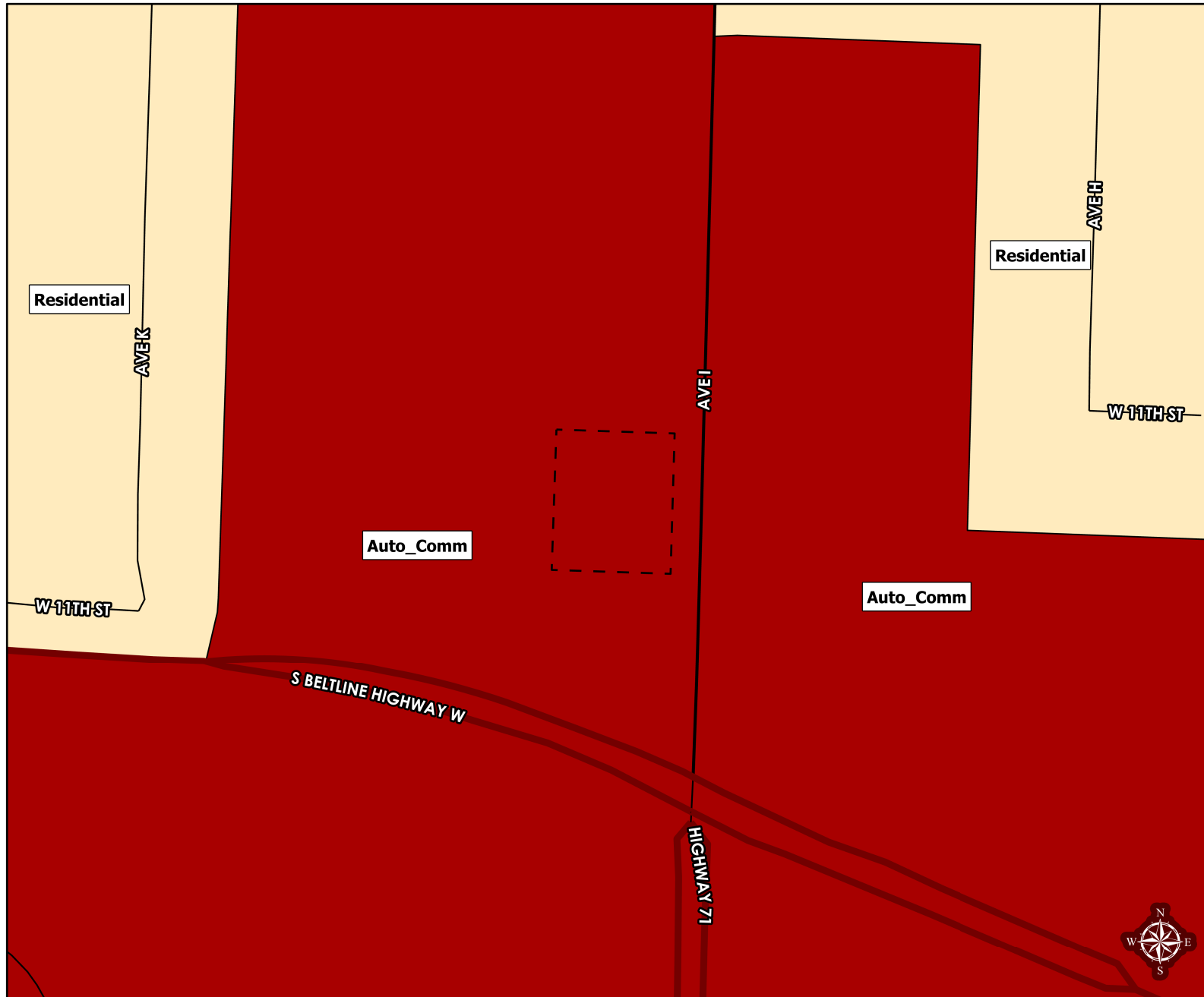
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Proposed Changes

## 2016 Comp. Plan Land Use

- Automobile Commercial
- Avenue B and Hospital Campus
- Central Business District
- East Overland
- Highway 26 Commercial
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- South Broadway
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Proposed Changes

Building

Parcel Boundaries

Street Centerlines

CLASS

Highway

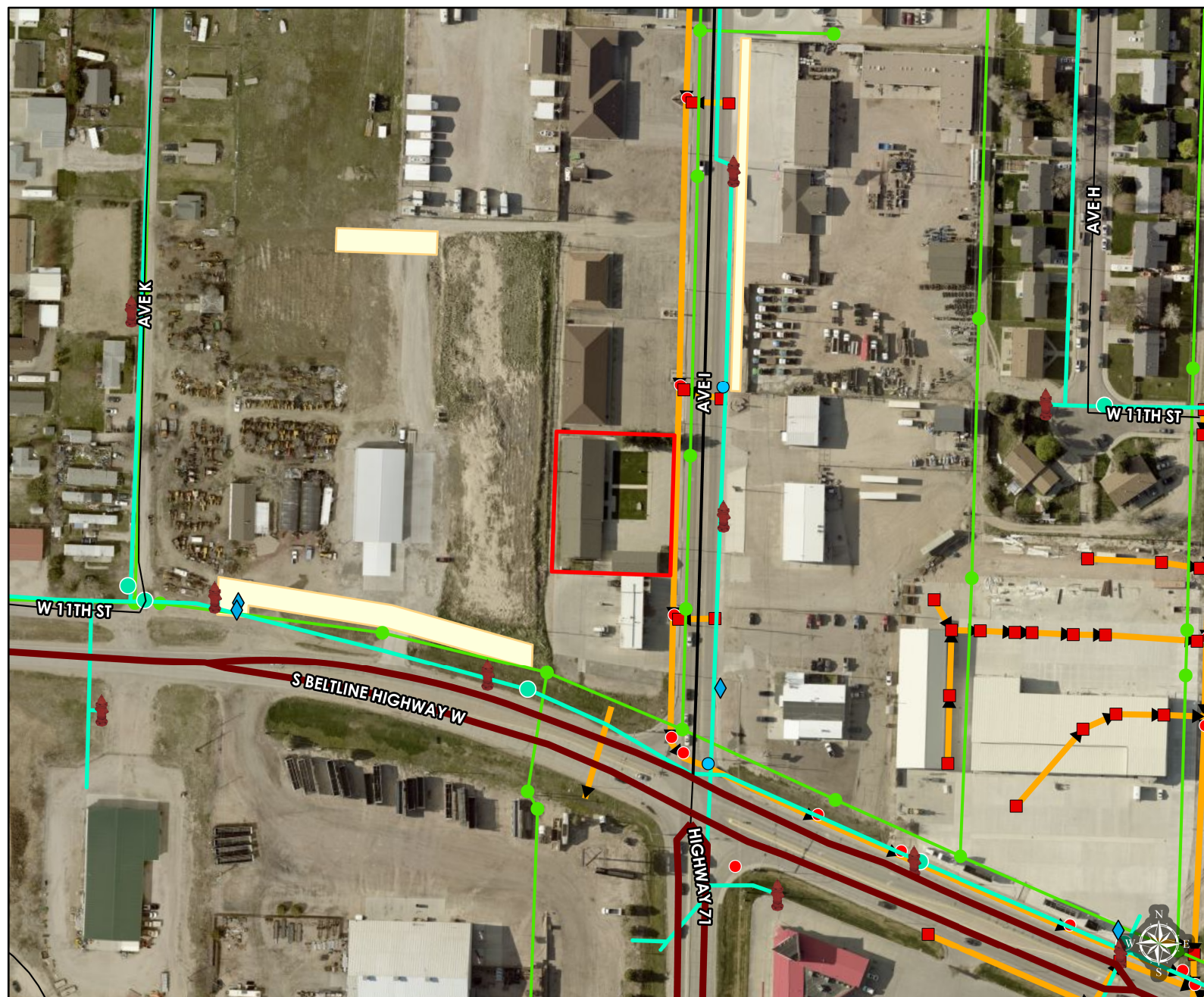
Main Road

Residential/Rural

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Proposed Changes

Street Centerlines

CLASS

- Highway
- Main Road
- Residential/Rural
- ♦ Fire Hydrants
- ◆ Water Curbstop
- Water Valve
- Water Manhole
- Water Lines
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**City of Scottsbluff, Nebraska**  
**Monday, February 14, 2022**  
**Regular Meeting**

**Item New Bus5**

**Public Hearing - Ordinance Text Change**

*Zoning Text Change to Chapter 25 Article 22 regarding Landscaping*

Staff Contact: Zachary Glaubius, Planning Administrator

# City of Scottsbluff Planning Commission

Development Services Staff Report – Zachary Glaubius

Prepared on: February 7, 2022

For Hearing of: February 14, 2022



## **I. GENERAL INFORMATION**

- A. Beginning in December 2021, Development Services staff has been working to simplify the code regarding landscaping requirements.
- B. Two sections deal extensively with landscaping: the Gateway Green Overlay Zone (25-3-22.1) and the Landscaping Article (25-22)
- C. Both sections significantly overlap, and in several instances the GG-O is less restrictive than the Landscaping Article.
- D. Chief complaints regarding these two sections by both staff and developers were:
  - i. Difficult to interpret as both sections significantly overlap
  - ii. Difficult to enforce GG-O standards due to overlap with Landscaping Article, unclear requirements, and impractical requirements.
- E. The Planning Commission has requested the standards not be diminished for the entry ways of the city.
- F. Previously ideas were to merge the GG-O requirements not found in the Landscaping Article into the Landscaping Article. However, further review of the Landscaping Article showed a need for further revisions.

## **II. STAFF COMMENTS**

- A. Staff reviewed the GG-O and Landscaping Article again after the January P.C. meeting.
- B. Staff also reviewed the Landscaping codes of Gering, Kearney, Norfolk, Omaha, Bellevue, and Fremont.
  - i. Gering, Kearney, Norfolk, Omaha, and Scottsbluff have significantly similar landscaping codes.
  - ii. The majority of requirements found in the GG-O have been incorporated into the Landscaping Article – Please see included sections of GG-O and Landscaping Code with comments.
- C. Items new to the Revised Article 22
  - i. Added 25-22-1 regarding the Intent of Article 22.
  - ii. The C-1 District is no longer exempt from landscaping standards under 25-22-3.
  - iii. Incorporated tree planting locations defined in Chapter 20 (Streets)
  - iv. Added Table 25-22-7 for bufferyard requirements.
  - v. Added clarifications to parking lot landscaping including perimeter, interior, and endcap landscaping under 25-22-8
  - vi. Added 25-22-9 regarding landscaping for stormwater control
  - vii. Expanded 25-22-10 regarding performance guarantees.
  - viii. Added under 25-22-11 that all refuse collection points shall be screened with a 6' opaque barrier.

**III. STAFF RECCOMENDATION**

- A.** Staff recommends the Planning Commission make a positive recommendation on the adoption of the revised Chapter 25 Article 22 regarding landscaping and the repeal of 25-3-22.1 regarding the Gateway Green Overlay Zone.



## ARTICLE 22: LANDSCAPING

### Section

- 25-22-1 Definitions
- 25-22-2 Purpose
- 25-22-3 Applicability
- 25-22-4 Landscaping requirements
- 25-22-5 Materials and installation standards
- 25-22-6 Bufferyard provisions
- 25-22-7 Screening standards
- 25-22-8 Parking lot landscaping
- 25-22-9 Tree plantings
- 25-22-10 General provisions

### § 25-22-1 DEFINITIONS.

Wherever used in this article, the following terms shall have the meanings stated in this section unless the context clearly indicates otherwise.

**BUFFERYARD.** A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.

**IMPERVIOUS COVERAGE AREA.** The total horizontal area of all buildings, roofed or covered spaces, paved surface areas, walkways and driveways, and any other site improvements that decrease the ability of the surface of the site to absorb water, expressed as a percent of site area. The surface water area of pools is excluded from this definition.

**LANDSCAPE.** To change the natural features of a plot of ground so as to make it more attractive by adding lawns, trees, bushes, or other decorative items.

**LANDSCAPED AREA.** The area within the boundaries of a given lot, site, or common development consisting primarily of plant material, including but not limited to grass, trees, shrubs, vines, ground cover, and other organic plant materials; or grass paver masonry units installed such that the appearance of the area is primarily landscaped.

(1) **INTERIOR LANDSCAPED AREA.** Any landscaped area within a site exclusive of required perimeter landscaping.

(2) **PERIMETER LANDSCAPED AREA.** Any required landscaped area that adjoins the exterior boundary of a lot, site, or common development.

**LESS INTENSIVE ZONING DISTRICT.** Any zoning district which appears above another zoning district in the following list is less intensive than the other district. For example, AR Agricultural Residential is less intensive than C-1 Central Business District.

- A Agricultural
- AR Agricultural Residential
- R-1 Single-Family
- R-1a Single-Family
- R-1b Rural Residential Estate District
- R-4 Heavy Density Multiple Family

Commented [ZG1]: Updated and moved to 25-22-2

R-6	Mobile Home
O-P	Office and Professional
PBC	Planned Business Center
C-1	Central Business District
C-2	Neighborhood Commercial
C-3	Heavy Commercial
M-1	Light Manufacturing and Industrial
M-2	Heavy Manufacturing and Industrial

**MORE INTENSIVE ZONING DISTRICT.** Any zoning district which appears below another zoning district in the list which appears in the definition of LESS INTENSIVE ZONING DISTRICT in this section is more intensive than the other district. For example, C-1 Central Business District is more intensive than AR Agricultural Residential.  
(Ord. 3951, passed - -2007)

**Commented [ZG2]:** Moved to Table 25-22-7

#### § 25-22-2 PURPOSE.

The provisions of this article provide additional guidance on the development of sites within the city by addressing landscaping and screening requirements. The provisions in this article are designed to improve the appearance of the community, buffer potentially incompatible land uses from one another, and conserve the value of properties within the city and its extra-territorial jurisdiction. The provisions in this article are further intended to expedite development approval by including predictable, uniform standards for landscaping.

**Commented [ZG3]:** Change to "Intent" and moved to 25-22-1

#### § 25-22-3 APPLICABILITY.

The provisions of this section shall apply to all new development on each lot or site upon application for a preliminary or final plat, planned unit development, or building permit, except for the following:

- (A) Reconstruction or replacement of a lawfully existing use or structure following a casualty loss;
- (B) Remodeling, rehabilitation, or improvements to existing uses or structures which do not substantially change the location of structures, parking, or other site improvements;
- (C) Additions or enlargements of existing uses or structures which increase floor area or impervious coverage area by less than 20% of the building established on the site on the effective date of this chapter. Where such cumulative additions or enlargements are 20% or greater, these provisions shall apply only to that portion where the new development occurs; or
- (D) Lots unable to meet minimum requirements established for depth of landscaping, buffer zones, and parking requirements will be reviewed and approved by development services staff on a case-by-case basis as they are submitted for review of the new development.

**Commented [ZG4]:** Moved to 25-22-6-A.1

(Ord. 4072, passed - -2012)

**Commented [ZG5]:** Updated to only come into effect when a building permit is applied for. (D) is

#### § 25-22-4 LANDSCAPING REQUIREMENTS.

(A) Depth of landscaping. Landscaping shall be required adjacent to each street property line and shall extend from the right-of-way to a minimum depth inward of ten feet on private property for all land uses and zoning classifications. Provided however, that this requirement shall not be applicable to land in the C-1 District and to land which is in a planned unit development and which is used for single-family detached or attached (duplexes or townhouses) residential uses.

(B) Obstructions. Landscape areas required by this chapter shall not be obstructed by any type or size of fence.

(C) Inconsistent setback provision. In the event that the provisions of this section are inconsistent with any setback requirement applicable to a particular parcel, the provisions of this section shall control.

**Commented [ZG6]:** Moved to 25-22-6 and renamed Streetyard Landscape Provisions.

#### § 25-22-5 MATERIALS AND INSTALLATION STANDARDS.

(A) Official list of recommended and prohibited plant materials. Plantings shall be used in required landscaped areas consistent with the official list of recommended and prohibited plant materials, provided through the office of the City Planner. All plant materials shall conform in size, species, and spacing with this section of the ordinance.

(B) Minimum tree and shrub sizes.

(1) Evergreens shall be a minimum of five to six feet in height, measured from the top of the root ball to the top of the tree.

(2) Streetscape, or large, deciduous trees shall be a two inches caliper or larger, measured twelve inches above the root ball.

(3) Small, or ornamental, deciduous trees shall be a one and one-half inch caliper or larger, measured 12 inches above the root ball.

(4) Shrubs, if used, shall be two-gallon size or greater, or 18 to 24 inches in height if balled and burlapped.

**Commented [ZG7]:** Lessened the size requirements of trees. The new ones are the same as Gering.

**Commented [ZG8]:** Removed shrub and perennial requirement

(C) Use of inorganic landscaping materials.

(1) No artificial trees, shrubs, plants, or turf shall be used to fulfill the minimum requirements for landscaping. Inorganic materials, such as stone or decorative pavers, may be used provided that such material does not comprise more than 25% of the minimum required landscaped area. When calculating the area to determine how much inorganic material may be used, the area of driveways and walkways shall not be counted.

(2) Loose rock shall not be permitted within any required landscaped area which is within ten feet of a traveled street surface.

**Commented [ZG9]:** Moved to 25-22-4

#### § 25-22-6 BUFFERYARD PROVISIONS.

(A) Applications. These provisions apply when use is established in a more intensive zoning district which is adjacent to a less intensive zoning district. The owner, developer, or operator of the property in the more intensive zoning district shall install and maintain a

**Commented [ZG10]:** Moved to 25-22-7 and merged with Screening Standards

20-foot deep landscaped bufferyard on his or her lot or site. Bufferyards are not required on single-family, duplex, or townhouse use types in the more intensive zoning district.

(B) Landscaping in the bufferyard. Each required bufferyard shall be landscaped. Each bufferyard shall be landscaped with a minimum of one tree for each 500 square feet of bufferyard area. The majority of trees shall be evergreens. Each bufferyard shall be free of paved areas, accessways, and storage sites. Required trees must be planted in a manner to form a screen.

**Commented [ZG11]:** Instead of the standard 20 ft., Table 25-22-7 shows it by zoning district to zoning district.

**Commented [ZG12]:** Moved to 25-22-7-4. Tree requirement was moved to 25-22-5

#### § 25-22-7 SCREENING STANDARDS.

(A) Application. Screening is required when one or more of the following conditions is visible from a street right-of-way, or faces toward the boundary of a less intensive zoning district:

**Commented [ZG13]:** Moved to 25-22-7-C. Also added, that rear elevations must be screened.

- (1) Outdoor storage areas, cargo containers, or storage tanks, unless otherwise screened;
- (2) Loading docks, refuse collection points, and other service areas;
- (3) Major machinery or areas housing a manufacturing process;
- (4) Major on-site traffic circulation areas or car, truck, and/or trailer parking, including vehicle sales lots;
- (5) Sources of glare, noise, or other environmental effects;
- (6) Bailing or stockpiling of cardboard or other shipping or packaging materials; or
- (7) Surface parking lots with 150 or more stalls directly adjacent to less intensive districts.

**Commented [ZG14]:** Removed as this is covered under #1.

**Commented [ZG15]:** Removed as this is covered under #4.

(B) Opaque barrier. A six-foot opaque barrier shall be provided which visually screens the conditions listed in the division (A) above from less intensive uses as follows:

- (1) A solid wood, PVC, and/or masonry fence or wall at least six feet in height. Construction materials and type should match building exteriors or planned on-site fencing materials;
- (2) A landscaping screen, using evergreen or deciduous materials, capable of providing a substantially opaque, hedge-like barrier and attaining a minimum height of six feet within three years of planting;
- (3) A landscaped earth berm with a maximum slope of three to one, rising no less than six feet above the existing grade of the lot line separating the zoning districts; or
- (4) Any combination of these methods that achieves a cumulative height of six feet.

**Commented [ZG16]:** Moved to 25-22-7-D.

(C) Screening; effect on drainage. Screening shall not adversely affect surface water drainage.

**Commented [ZG17]:** Moved to 25-22-7-F

(D) Permitted interruptions of screening. Screening may be interrupted to provide access drives to service areas or for loading purposes to buildings. Such breaks or interruptions shall not exceed 20% of the length of the required screened area.

**Commented [ZG18]:** Moved to 25-22-7-G

#### § 25-22-8 PARKING LOT LANDSCAPING.

Unless otherwise noted, each off-street parking facility of over 6,000 square feet shall comply with the following regulations.

**Commented [ZG19]:** Added that parking lots between 2,000 and 6,000 sq ft must meet perimeter landscaping requirements.

(A) Each off-street parking facility shall provide a minimum landscaped buffer along any street property line as set forth in § 25-22-4 of this article.

**Commented [ZG20]:** Moved to 25-22-8-A and referred to as Perimeter Landscaping Requirements

(B) Each parking facility that abuts a residential district shall provide a 20-foot landscaped buffer along its common property line with the residential district.

(C) Any parking facility which abuts property in a residential district shall provide a fence, wall, landscape screen, or earth berm not less than four feet in height for the length of the common boundary. A grade change, terrace, or other site feature which blocks the sight line of headlights into a residential property may satisfy this requirement, subject to the determination of the City Planner.

**Commented [ZG21]:** Moved to 25-22-8-A

(D) Each parking facility of over 6,000 square feet shall provide interior landscaped area equal to no less than 5% of the total paved area of the parking facility. Parking facilities within the M-1 and M-2 Districts shall be exempt from this requirement.

**Commented [ZG22]:** Moved to 25-22-8-B which expands interior landscaping requirements in parking lots.

(E) Landscaping or screening installed in any required landscaped area shall not obstruct the view from the off-street parking facility to any driveway approach, street, alley, or sidewalk. Landscaping shall further not obstruct any views among parking spaces and circulation ways, or visibility between vehicles and pedestrians.

**Commented [ZG23]:** Moved to 25-22-8-A

#### § 25-22-9 TREE PLANTINGS.

(A) Quantity. A required landscaped area shall be landscaped with a minimum of one tree for each 500 square feet of required landscaped area. Trees do not need to be equally spaced. Existing trees approved for preservation shall be counted toward satisfaction of this requirement.

**Commented [ZG24]:** Moved to 25-22-5

(B) Trees in parking lots. Any landscaped islands required to meet the interior landscaping requirements for parking lots shall include one two-inch caliper or larger deciduous tree, or one, one and one-half-inch caliper or larger ornamental tree, unless a light pole is located within the island. Additional shrubs and/or ground cover shall be planted in each island.

**Commented [ZG25]:** Moved to 25-22-8-C

(C) Bonus. Any tree of an approved species planted or maintained with a caliper of three inches or above shall count as one and one-quarter trees toward the satisfaction of the requirements of this section. An approved existing tree with a caliper of eight inches or above preserved on a site shall count as two trees toward the satisfaction of the requirements of this section.

**Commented [ZG26]:** Removed bonus

#### § 25-22-10 GENERAL PROVISIONS

(A) Time of application. The provisions contained in this section shall be applied for each individual lot or site when an application for a preliminary or final plat, planned unit development, or a building permit is made. A landscape plan shall be submitted with each application and shall include a drawing and a written landscape management plan. The plan shall be reviewed by the City Planner for compliance with the provisions of this section.

**Commented [ZG27]:** Covered under 25-22-3

(B) Maintenance of required landscaping.

(1) Upon installation of required landscape materials, each owner shall take appropriate actions to ensure their continued health and maintenance. Required

landscaping that does not remain healthy shall be replaced consistently with this section and the approved landscaping plan for the project.

(2) Underground irrigation shall be provided for all required landscaped areas. Areas of low water use landscaping may be included but must be indicated on plans. Irrigation water must be available for the initial two years after planting to establish low-water use landscaping.

(C) Obstruction of view. Landscaping or screening installed in any landscaped area shall not obstruct the view from or to any driveway approach, street, alley, or sidewalk.

(D) Earth berm locations. Location of earth berms shall not impede drainage patterns. Earth berms should not be located over underground public utilities.

(E) Exceptions. A development may continue to comply with the bufferyard and screening requirements in effect at the time of issuance of its original permit, regardless of whether an adjacent lot or site is subsequently rezoned to a less intensive district which would otherwise require compliance with bufferyard or screening provisions.

(F) Performance guarantee. A performance guarantee will be required in the event a certificate of occupancy is issued prior to installation of all required landscaping.

**Commented [ZG28]:** Moved to 25-22-4-D

**Commented [ZG29]:** Irrigation requirement removed, but under 25-22-4-D, owners must maintain plant health.

**Commented [ZG30]:** Moved to 25-22-11

**Commented [ZG31]:** Moved to 25-22-10 and expanded.

## ARTICLE 22: LANDSCAPING

### Section

- 25-22-1 Intent
- 25-22-2 Definitions
- 25-22-3 Applicability
- 25-22-4 Materials, Installation, and Maintenance Standards
- 25-22-5 Tree Plantings
- 25-22-6 Street Yard Landscape Provisions
- 25-22-7 Bufferyard & Screening Provisions
- 25-22-8 Parking Lot Landscaping
- 25-22-9 Nature-Based Stormwater Best Management Practices (BMPs)
- 25-22-10 Performance Guarantee
- 25-22-11 General Provisions

#### § 25-22-1 INTENT.

The provisions of this article provide guidance on the development of sites within the City of Scottsbluff by addressing landscaping and screening requirements. The provisions in this article are designed to improve the appearance of the community, buffer potentially incompatible land uses from one another, and conserve the value of properties within the City of Scottsbluff and its extra-territorial jurisdiction.

#### § 25-22-2 DEFINITIONS.

(A) The following definitions shall be used for terms contained within this article:

(1) Bufferyard: A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.

(2) Landscaped Area: The area within the boundaries of a given lot, site, or common development consisting primarily of plant material, including but not limited to grass, trees, shrubs, vines, ground cover, and other organic plant materials; or grass paver masonry units installed such that the appearance of the area is primarily landscaped.

(3) Street Yard Landscape: The area of a lot, site, or common development which extends inward of a minimum depth of ten (10) feet from any street property line

(4) Screening: The method by which a view of one (1) site from another adjacent site is shielded, concealed, or hidden.

(5) Parking facility: An area on a lot or site, including one (1) or more parking spaces, along with provision for access, circulation, maneuvering, and landscaping.

(6) Perimeter Parking Lot Landscaped Area: Any required landscaped area around the perimeter of a parking facility.

(7) Interior Landscaped Area: Any required landscaped area within a site including interior islands, endcap islands, and corner islands. See Figure 25-22-8

(8) Impervious Coverage Area: The total horizontal area of all buildings, roofed or covered spaces, paved surface areas, walkways and driveways, and any other site



improvements that decrease the ability of the surface of the site to absorb water, expressed as a percent of site area. The surface water area of pools is excluded from this definition.

#### § 25-22-3 APPLICABILITY.

(A) The provisions of this Article shall apply to all new development on each lot or site upon application for a building permit, except for the following:

- (1) Single-family dwellings and Two-family dwellings
- (2) Reconstruction or replacement of a lawfully existing use or structure following a casualty loss;
- (3) Remodeling, rehabilitation, or improvements to existing uses or structures which do not substantially change the location of structures, parking, or other site improvements;
- (4) Additions or enlargements of existing uses or structures which increase floor area or impervious coverage area by less than twenty percent (20%) of the building established on the site on the effective date of this Article. Where such cumulative additions or enlargements are twenty percent (20%) or greater, these provisions shall apply only to that portion where the new development occurs.

#### § 25-22-4 MATERIALS, INSTALLATION, AND MAINTENANCE STANDARDS.

(A) List of Recommended and Prohibited Plant Material: Plantings shall be consistent with the List of Recommended and Prohibited Plant Materials provided by the Scottsbluff Park, Cemetery, & Tree Board through the Department of Development Services. All plant materials in required landscape areas including but not limited to street yard landscaping, bufferyards, screening, and parking lot landscaping, shall conform in size, species, and spacing with this section of the article.

##### (B) Plant Selection

- (1) The overall landscape plan shall not contain more than thirty-three percent (33%) of any one plant species.
- (2) All landscape plans must use at least fifty percent (50%) native and/or drought tolerant plant materials to be installed, as appropriate for their location.

##### (B) Minimum Plant Sizes.

- (1) Evergreen Trees shall be a minimum of four (4) feet in height, measured from the top of the root ball to the top of the tree.
- (2) Streetscape, or large, deciduous trees shall be a one and one-half inches (1 ½) caliper or larger, measured twelve (12) inches above the root ball.
- (3) Small, or ornamental, deciduous trees shall be a one and one-half inches (1 ½) caliper or larger, measured twelve (12) inches above the root ball.

##### (C) Use of inorganic landscaping materials.

- (1) No artificial trees, shrubs, plants, or turf shall be used to fulfill the minimum requirements for landscaping.

- (2) Inorganic materials, such as stone or decorative pavers, may be used provided that such material does not comprise more than thirty-five (35%) of the minimum required landscaped area.
  - (3) Other concrete and/or asphalt pavement surfaces may not be used within the minimum required landscaped area, except for walkways and driveways.
  - (4) Loose rock shall not be permitted within any required landscaped area which is within ten (10) feet of a traveled street surface or sidewalk as defined under Chapter 22 of the Municipal Code.
- (D) Upon installation of required landscape materials, each owner shall take appropriate actions to ensure their continued health and maintenance. Required landscaping that does not remain healthy shall be replaced consistently with this section and the approved landscaping plan for the project.

#### § 25-22-5 TREE PLANTINGS.

- (A) In any required landscaped area, including but not limited to street yard landscaping, bufferyards, screening, and parking lot landscaping bufferyard requirements, and parking lot landscaping requirements. One tree of an approved species shall be planted and maintained for each five hundred (500) square feet of required landscape area.
- (B) Existing trees approved for preservations shall be counted toward satisfaction of this requirement.
- (C) All required trees shall meet the minimum size requirements as set forth by 25-22-4.

#### § 25-22-6 STREETYARD LANDSCAPE PROVISIONS

(A) Depth of street yard landscape area: Landscaping shall be required adjacent to each street property line and shall extend from the right-of-way to a minimum depth inward of ten (10) feet on private property for all land uses and zoning classifications. Provided however, that this requirement shall not be applicable land that is used for single-family or two-family residential uses.

(1) Street yard landscaping depth may be reduced to not less than five (5) feet in order to meet off-street parking requirements.

(B) Location of Street Trees: All trees and shrubs planted in the street yard landscape area shall meet the spacing and location requirements of this Chapter and those of Chapter 20 Article 7 of the Municipal Code.

(C) Obstructions: Street yard Landscape areas required by this chapter shall not be obstructed by any type or size of fence.

#### § 25-22-7 BUFFERYARD & SCREENING PROVISIONS.

- A) Bufferyard Applications. These provisions apply when use is established in a more intensive zoning district which is adjacent to a less intensive zoning district
  - 1) The owner, developer, or operator of the lot or site in the more intensive zoning district shall install and maintain a landscaped bufferyard on his/her lot or site

along the common lot line. Bufferyards are not required on single-family or two-family residential use types in the more intensive zoning district.

- 2) Criteria for review and approval of appropriate bufferyard design includes, but is not limited to the following: meets base bufferyard requirements, provides separation of uses, obstructs view between uses, allows access to utilities and detention, and maintains surface water drainage. Appropriate site design may allow for bufferyards to be incorporated into stormwater detention, water quality areas, and utility easements.
- 3) The bufferyard dimensions set forth in Table 25-22-7 apply to zoning districts which share a common lot line; except
  - a) When a public alley with a width not less than twenty (20) feet or street separates a more intensive zoning district from a less intensive zoning district, no bufferyard is required.
  - b) If a six (6) feet high solid wood or PVC fence or masonry wall is incorporated into the design, the required bufferyard may be reduced to a width not less than ten (10) feet, conditional on approval by the Planning Commission. The finished side of the fencing shall face the less intensive zoning district property or site. A row of shrubs of an approved species with a minimum height of three (3) feet, planted a maximum of four (4) feet from center shall accompany the fence or wall.
- 4) Each bufferyard shall be entirely landscaped and free of paved areas, access ways, storage, or other disturbances.

#### B) Bufferyard Requirements

TABLE 25-22-7

District A (More Intensive District) (Note 2)	District B (Less Intensive Adjacent District)		
	A, AR, R-1B, R-1, R-1A (Note 1)	R-4, R-6 (Note 1)	O-P, C-1, C-2, PBC, C-3
R-4	10 feet	---	---
R-6	10 feet	---	---
O-P	10 feet	---	---
C-1	5 feet	---	---
C-2	10 feet	10 feet	---
PBC	10 feet	10 feet	---
C-3	15 feet	15 feet	---
M-1	15 feet	15 feet	10 feet
M-2	20 feet	20 feet	20 feet
<b>Note 1:</b> Applies only to residential uses previously established in the zoning district.			
<b>Note 2:</b> Buffer requirements do not apply to single-family or two-family residential uses established in District A.			

C) Screening Application: Screening is required when one or more of the following conditions is directly visible from or faces toward the boundary of a less intensive zoning district.

- (1) Rear elevations of buildings;

a) Screening of rear of elevations of buildings shall not be required if less intensive zoning district is separated from more intensive zoning district by a public alley with a minimum width of twenty (20) feet.

- (2) Outdoor storage areas, cargo containers, or storage tanks, unless otherwise screened;
- (3) Loading docks, refuse collection points, and other service areas;
- (4) Major machinery or areas housing a manufacturing process;
- (5) Major on-site traffic circulation areas or car, truck, and/or trailer parking; or
- (6) Sources of glare, noise, or other environmental effect

(D) Screening Method: An opaque barrier shall be provided which visually screens the conditions listed above from less intensive uses as follows:

(1) A solid wood, PVC, and/or masonry fence or wall at least six (6) feet in height.

(2) A landscaping screen, using evergreen or deciduous materials, capable of providing a substantially opaque, hedge-like barrier which will be capable of providing a solid screen within three (3) years of planting.

(3) A landscaped earth berm with a maximum slope of three (3) to one (1), rising no less than six (6) feet above the existing grade of the lot line separating the zoning districts.

(4) A chain-link fence with an opaque barrier incorporated into it, such as slats, with at least six (6) feet in height.

(5) Any combination of these methods that achieves a cumulative minimum height of six (6) feet and provides an opaque barrier.

E) Location of Screening: Any screening method shall be installed within the required bufferyard or in close proximity of the items listed in this section (25-22-7 B 1-6).

F) Drainage: Screening shall not adversely affect surface water drainage.

G) Permitted interruptions of screening: Screening may be interrupted to provide access drives to service areas or for loading purposes to buildings. Such breaks or interruptions shall not exceed twenty percent (20%) of the length of the required screened area.

#### § 25-22-8 PARKING LOT LANDSCAPING.

Landscape requirements: Interior and perimeter landscaping shall be provided for all parking facilities larger than six thousand (6,000) square feet to buffer the facility from surrounding properties and rights-of-way; reduce the environmental effects of large, hard-surfaced area; and improve the retention and absorption of storm water runoff. Parking facilities with an area less than six thousand (6,000) square feet shall be exempt from the interior landscaping requirements; parking facilities under two thousand (2,000) square feet shall be exempt from both perimeter and interior landscaping requirements.

##### (A) Perimeter Landscaping Requirements:

1) Each off-street parking facility shall provide a minimum landscaped buffer of ten (10) feet with a three (3) feet minimum screen along any street property line.

a) Perimeter landscaping required depth may be reduced not to less than five (5) feet in order to meet off-street parking requirements.

- 2) Each parking facility that abuts a residential district shall provide a twenty (20) foot landscaped buffer along its common property line with the residential district.
- 3) A parking facility which abuts property in a residential district shall provide a fence, wall, landscape screen, or earth berm not less than four (4) feet in height for the length of the common boundary. A grade change, terrace, or other site feature which blocks the sight line of headlights into a residential property may satisfy this requirement, subject to the determination of the City Planner.
- 4) Landscaping or screening installed in any required landscaped area shall not obstruct the view from the off-street parking facility to any driveway approach, street, alley, or sidewalk. Landscaping shall further not obstruct any views among parking spaces and circulation ways, or visibility between vehicles and pedestrians. (See 25-2-104.1 for sight triangle requirements).

(B) Interior Landscaping Requirements:

- 1) Each parking facility of over six thousand (6,000) square feet shall provide interior landscaped area equal to no less than five percent (5%) of the total paved area of the parking facility.
  - a. Parking facilities within the M-1 and M-2 Districts shall be exempt from this requirement.
- 2) Interior and endcap landscape islands shall not be less than nine (9) feet in width and eighteen (18) feet in length for a single row of parking spaces, or thirty-six feet (36) in length for a double row of spaces with five (5) foot curb radii at both ends.
- 3) Corner landscape islands shall be defined by extensions of the edges of intersection parking spaces.
- 4) Landscape islands shall be evenly distributed to the maximum extent possible.
- 5) Landscape Strips may be used in place of individual interior landscape islands if they comply with the following standards:
  - a. The minimum width of a landscape strip shall be six (6) feet and the minimum length shall be seventy (70) feet.
  - b. The landscape strip shall contain a minimum of one tree every eighteen (18) feet or at least fifty percent (50%) vegetative cover other than turf grass.
  - c. Wheel stops shall be placed in a location to prevent vehicles from overhanging the landscape strip more than twelve (12) inches.

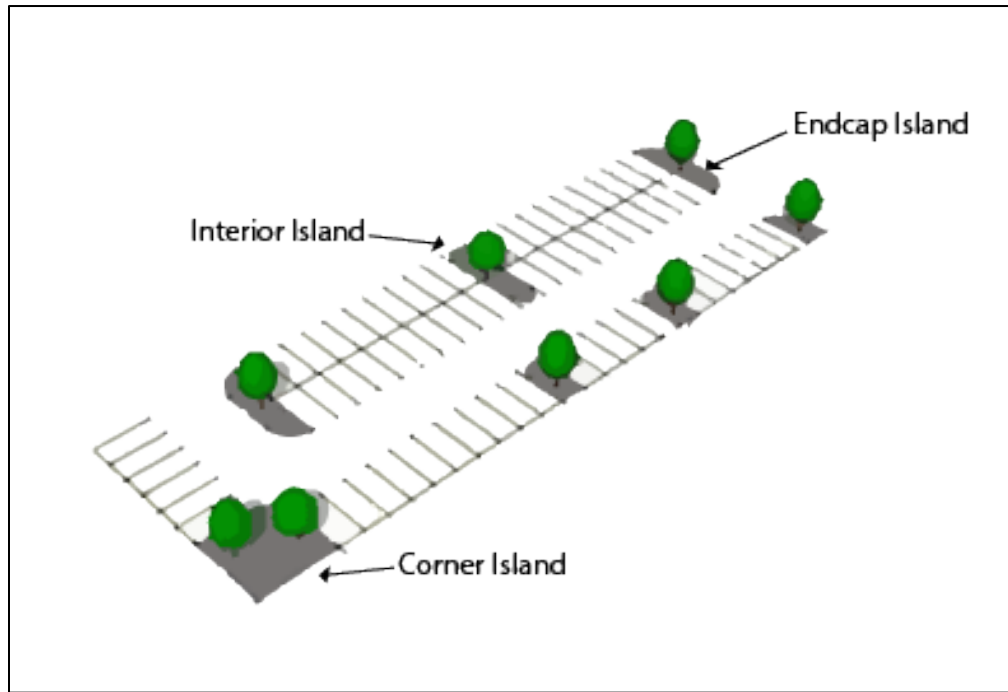


Figure 25-22-8

(C) Planting Requirements

- 1) Each interior or endcap island shall be planted with a minimum of:
  - a. One (1) large tree or two (2) small trees; and
  - b. With the remaining area in groundcover, which may be sod, ornamental grasses, organic mulch, or perennial or seasonal plantings, or shrubs spaced in accordance with common horticultural practices. Rock mulch may only be used if pre-approved by the City Planner.
- 2) Each parking facility corner island shall be planted with two (2) large trees or five (5) small trees spaced in accordance with common horticultural practices, with the remaining area in groundcover, which may be sod, ornamental grasses, organic mulch, or perennial or seasonal plantings, or shrubs spaced in accordance with common horticultural practices. Rock mulch may only be used if pre-approved by the City Planner.
3. Each perimeter landscaping bed shall be planted with a minimum of one (1) tree for every five hundred (500) square feet, spaced in accordance with common horticultural practices, with the remaining area in groundcover, which may be sod, ornamental grasses, organic mulch, or perennial or seasonal plantings, or shrubs spaced in accordance with common horticultural practices. Rock mulch may only be used if pre-approved by the City Planner.
4. Trees shall meet the size requirements listed under 25-22-4.

25-22-9 NATURE-BASED STORMWATER BEST MANAGEMENT PRACTICES (BMPs) -



(A) When a nature-based or natural functioning stormwater BMP is installed, the BMP shall be landscaped and developed in such a way as to enhance or be in harmony with the surrounding site landscape.

(B) Examples of nature-based BMPs include, but are not limited to:

- a. Bioretention
- b. Retention ponds
- c. Extended detention basins
- d. Vegetated buffers
- e. Bioswales
- f. Infiltration basins/planters/trenches
- g. Rain gardens; and/or
- h. Constructed wetlands.

(C) Elements shall be “free form” following the natural contours of the land. If land lacks contour, the BMP shall be created to look like a natural landscape feature. Side slopes and lines should vary to give the appearance of a natural condition.

(2) Trees and shrub of approved species shall be planted in groupings intermittently along the BMP to create the appearance of the plants naturally occurring.

(3). Erosion control measures approved by the Public Works Director or his/her designee shall be required on all slopes.

(D) Stormwater BMPs shall meet all requirements of Chapter 24 of the Municipal Code.

#### 25-22-10 PERFORMANCE GUARANTEE

(A) If, at the time of an application for a certificate of occupancy, any required landscaping is not installed, the developer or owner of a site must submit a performance guarantee (by bond, letter of credit or other security approved in writing by the city attorney) satisfactory to the city in the amount of the value of a bona fide contract to install such landscaping. Such a contract must be reviewed and approved by the City Planner.

(B) The developer or owner shall grant the city permission to enter upon the land to install required landscaping if this has not been done within twelve (12) months of the effective date of the certificate of occupancy.

(C) The city shall release any bond or other arrangement immediately when the Department of Development Services verifies that required landscaping has been installed.

(D) These provisions shall not apply to single-family or two-family residential uses exclusively.

#### § 25-22-11 GENERAL PROVISIONS

(A) Obstruction of view: Landscaping or screening installed in any landscaped area shall not obstruct the view from or to any driveway approach, street, alley, or sidewalk. (See 25-2-104.1 for sight triangle requirements)

(B) Earth berm locations: All earth berm locations shall be reviewed to determine how the berms shall relate to drainage and public utilities.

(C) Refuse Collection points shall always be screened with a six (6) feet opaque barrier.

(D) Exceptions: A development shall continue to comply with the bufferyard and screening requirements in effect at the time of issuance of its original permit, regardless of whether an adjacent lot or site is subsequently rezoned to a less intensive district which would otherwise require compliance with bufferyard or screening provisions.

# **City of Scottsbluff, Nebraska**

**Monday, February 14, 2022**

**Regular Meeting**

## **Item New Bus6**

### **Public Hearing - Ordinance Text Change**

*Zoning Text Change to Chapter 25 Article 3 regarding the Gateway Green Overlay Zone*

Staff Contact: Zachary Glaubius, Planning Administrator

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§ 25-3-22.1 GG-O GATEWAY GREEN OVERLAY.

(A) Purpose. The Gateway Green Overlay (GG-O) District is intended to:

- (1) Promote the general health, safety, and welfare of the community;
- (2) Create a sense of continuity throughout the corridor with harmonious design standards for public improvements and private property development; and
- (3) Preserve and enhance the historical attractions and landmarks of the city and the surrounding area.

(B) Design guidelines. The GG-O District is an overlay zone that supersedes those of any other zoning district to which a tract of land may be subject and shall be read together and incorporated in §§ 25-22-1 through 25-22-10 of this chapter, referred to as the "Landscaping Article". All new development and redevelopment must conform to the design guidelines. All plans shall be reviewed and approved for design, landscaping, and architectural detail and compatibility. No design plans that have been approved by the Planning Commission may be altered without approval of the Planning Commission.

(C) Boundaries. The GG-O District shall consist of all land located within 1,000 feet measured perpendicular from the right-of-way of the following transportation corridors:

- (1) U.S. Highway 26, extending from the east extraterritorial boundary to the west extraterritorial boundary;
- (2) Highland Road, extending from the intersection with Airport Road to the intersection with U.S. Highway 26;
- (3) McClellan Expressway (East Bypass Highway 71) from the North Platte River to its intersection with U.S. Highway 26;
- (4) Broadway Avenue from the North Platte River to its intersection with South Beltline Highway;
- (5) Avenue I from the North Platte River to its intersection with South Beltline Highway;
- (6) Highway 71 from the intersection with Highway 26 to the north extraterritorial boundary; and
- (7) Highway L-79-G (West 20th Street extended) from the west extraterritorial boundary to the west corporate limits of the city.

(D) Development action. There shall be no development action within the GG-O District without permission of the Planning Commission. Any person or entity desiring a development action within the GG-O District must submit plans to the Planning Commission for review and approval.

(E) Development standards. The development standards were formulated to create a visually pleasing GG-O District and to convey the values of the city.

(1) Signs.

(a) Monument signs. One ground sign, monument type with a maximum height of six feet shall be permitted on each lot. Total area of sign not to exceed 250 square feet. Sign structure materials shall be comparable with materials used on the facade of the principal building.

**Commented [ZG1]:** This has been removed

**Commented [ZG2]:** Additional screening requirements have been incorporated into 25-22-7 and 25-22-8-A5

**Commented [ZG3]:** This has mostly been removed with the exception of the Planning Commission permitted a reduction in bufferyard width for C-3, M-1, and M-2 districts. See 25-22-7-3C

(b) Wall signs and marquee signs. One wall sign or marquee sign shall be permitted per building side.

(c) Pole signs. One 25-foot pole sign will be allowed in the GG-O District per development. -

(d) Other signs. Other signs may be permitted, in the sole discretion of the Planning and Development Director, if the sign is small in scale, is directional in nature and meets the intent of this section.

(2) Lighting. Lighting on private property shall be in harmony with poles and lanterns within specified corridors. Lights shall provide safe and efficient lighting and be without glare for pedestrians and motorists passing by. All lighting shall be designed to avoid intrusion on adjacent properties and adjacent roads.

(3) Overhead lines. Eliminate the need for power cables by burying cables underground.

(4) Parking lot design.

(a) All parking areas shall be paved to meet current ordinance requirements, including those in §§ 25-22-1 through 25-22-10 in this chapter.

(b) All developments shall have off-street parking.

(c) Parking areas over 50 spaces shall include landscape islands. 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. Understory plantings of shrubs/perennials/groundcover shall be durable and able to withstand foot traffic and frequent breakage from pedestrian traffic. Landscape islands shall be evenly distributed to the maximum extent possible.

(d) Parking areas should be placed between or behind buildings unless lot layout does not allow. If layout does not allow for parking between or behind buildings, then conceptual parking design may be approved by the Planning Commission.

(e) All parking areas visible from the transportation corridors shall have a complete visual buffer of four feet minimum height

(f) Where parking lots abut adjacent residential zoned areas, a buffer yard of 20 feet minimum is required.

(5) Landscaping and screening standards. Landscaping is critical in creating a visually pleasing appearance of the transportation corridors in the city. Landscape design and development shall be priority in the planning process. To the extent 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. See Appendix A at the end of this section for recommended species.

(a) Xeriscape landscaping principles are as follows:

1. Design. Identify zones of different water requirements and group plants together that have similar water needs;

**Commented [ZG4]:** The Department of Development Services is beginning to revise the sign code.

**Commented [ZG5]:** This is covered under 25-5-14

**Commented [ZG6]:** This has been removed.

**Commented [ZG7]:** This is covered under Chapter 25 Article 5

**Commented [ZG8]:** This has been incorporated into 25-22-8 and is now stricter.

**Commented [ZG9]:** This has been removed

**Commented [ZG10]:** Moved to 25-22-8-B5

**Commented [ZG11]:** Moved to 25-22-8-A2



2. Appropriate use of turf. Limit high-irrigation turf and plantings to appropriate high use areas with high visibility and functional needs;

3. Low-water-using plants. Choose low-water-demanding plants and turf where practicable;

4. 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;

5. Soil preparation. Incorporate soil amendments before planting;

6. Mulch. Add mulch to planting beds to a minimum depth of three inches around trees and shrubs and one-inch around perennials and ornamental grasses. Organic mulch is preferred.

Rock mulch may be used only if pre-approved by the Planner; and

7. Maintenance. Provide regular and attentive maintenance.

(b) Screening.

1. All loading and service areas that are within 50 feet of a side or rear lot line abutting property that is residentially zoned shall be surrounded by a six-foot high masonry wall or solid wood or PVC fence with opaque gate.

2. Waste receptacles, including dumpsters, garbage cans, or grease containers shall be located in the rear or side yard of lot and no more than 20 feet from residentially zoned areas. All waste receptacles shall be screened from view from all property lines and public areas of the site by a minimum six-foot high evergreen planting, masonry wall, or wood or PVC fence.

3. Rooftop mechanical equipment, including HVAC and utility equipment shall be screened from adjacent streets, sidewalks, residential, public, and institutional uses. Screening shall consist of parapet walls or an opaque enclosure around the equipment that is constructed of one of the materials used on the primary facade of the principal structure.

4. Ground or wall mounted mechanical equipment, such as HVAC equipment, transformers, generators, and gangs of multiple utility meters shall be screened from adjacent streets, sidewalks, residential, public, and institutional uses. Screening shall consist of evergreen planting, masonry wall, wood or PVC fencing, or other opaque enclosure around the equipment that is constructed of one of the permanent and durable materials used on the primary facade of the building. The height of the planting or fence shall be sufficient to effectively screen the equipment from view.

5. Outdoor storage shall be prohibited.

(c) Buffer yards.

1. Buffer yards are developed for the purpose of providing an effective visual screen between two dissimilar uses.

2. Buffer yards shall be required along and inside the property line of commercial property abutting a residentially zoned property.

3. Buffer yards shall be 20 feet minimum in depth and shall meet the following criteria: be planted with a staggered double row of evergreen trees at least six feet in height, or be planted with a single row of deciduous shade trees two-inch caliper trunk

**Commented [ZG12]:** Incorporated into 25-22-4. Irrigation requirements have been removed.

**Commented [ZG13]:** Incorporated into 25-22-4 and 25-22-8

**Commented [ZG14]:** Incorporated into 25-22-4D

**Commented [ZG15]:** Incorporated into 25-22-7B which is consistent with Gering, Omaha, Norfolk, and Kearney.

**Commented [ZG16]:** This has been removed.

minimum and two staggered rows of evergreen shrubs at least three feet in height, planted a maximum of four feet on center.

**Commented [ZG17]:** Incorporated into 25-22-7A

4. If a six-foot high solid wood or PVC fence or masonry wall is incorporated into the design, the buffer yard may be reduced by ten feet. Finished side of fencing will face abutting property. A row of evergreen trees at least six feet in height, or a single row of deciduous shade trees two inches caliper trunk minimum and a staggered row of evergreen shrubs at least three feet in height, planted a maximum of four feet on center must accompany the fence.

**Commented [ZG18]:** Incorporated into 25-22-7-3b

(d) Maintenance of buffer yard. The buffer yard shall be maintained so as to provide an effective visual screen. If plant material shall die or be removed such that the buffer yard no longer functions, the plant material shall be replaced by the property owner.

**Commented [ZG19]:** Incorporated into 25-22-4

(e) Landscaping.

1. Building perimeter walls: shrubs shall be planted within ten feet of the foundation of the primary structure along each building facade at a density that will obscure 60% of the building foundation after five years, except for sides or rear of building used for loading or service area.

**Commented [ZG20]:** This has been removed.

2. Along each street frontage, there shall be, at a minimum, a ten-foot wide landscape strip, continuous along the frontage except for the perpendicular crossings for driveways and utilities. The landscape strip shall be planted with shade trees at a rate of one per 40 feet of linear frontage or evergreen trees at a rate of one per 20 feet 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 planting patterns and organization. Trees shall be spread a minimum of 15 feet apart for large shade trees and evergreens, and a minimum of ten feet apart for small ornamentals (list provides). Grouping of trees may be no more than 150 feet 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 tree. 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. Screen standards shall comply with §§ 25-22-7 and 25-22-8 of this chapter. Where overhead wires exist directly over tree planting area, small ornamental trees shall be substituted for required shade trees at an equal number.

**Commented [ZG21]:** This has been simplified and incorporated into 25-22-6

3. Plant material, wall, or fencing in any required landscaped area shall not obstruct the view from the off-street parking facility to any driveway approach, street, alley, or sidewalk. Landscaping shall further not obstruct any views among parking spaces and circulation ways, or visibility between vehicles and pedestrians.

**Commented [ZG22]:** Incorporated into 25-22-11 and 225-22-9A

4. Stormwater retention ponds shall be landscaped and developed in such a way as to enhance or be in harmony with the surrounding site landscape.

a. Retention basins should be "free form" following the natural contours of the land. If land lacks contour, the basins shall be created to look like a natural depression. Side slopes should vary to give the appearance of a natural condition.

b. Trees and shrub groupings shall be planted intermittently along the ridge of the retention pond to create the appearance of the plants naturally occurring.

c. Approved erosion control measures will be required on all slopes. Use of inorganic landscape materials is prohibited. No artificial trees, shrubs, plants, or turf shall be used to fulfill the minimum requirements for landscaping. Inorganic materials such as stone or decorative pavers, may be used provided that such material does not compromise more than 25% of the minimum required landscaped area. When calculating the area to determine how much inorganic material may be used, the area of driveways and walkways shall not be counted. Loose rock and cobblestones shall not be permitted within any required landscaped area which is within ten feet of a traveled street surface.

5. Minimum tree and shrub sizes:

a. All deciduous shade trees shall be a minimum one and one-half inch caliper measured 12 inches from above the root ball;

b. All evergreen trees shall be a minimum five feet in height measured from the top of the root ball to the top of the tree;

c. All ornamental deciduous trees shall be a minimum one and one-half inch caliper measured 12 inches from above the root ball;

d. Shrubs shall be two gallon size or greater or 15 inches in height if balled or burlapped; and

e. All perennials and ornamental grasses shall be one quart size or greater. –

6. Upon installation of required landscape materials, each owner shall take appropriate actions to ensure their continued health and maintenance. Required landscaping that does not remain healthy shall be replaced consistently with this section and the approved landscaping plan for the project.

(6) 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 expansive monocultures are prohibited. The following minimum requirements shall apply to any development plan.

Number of Trees on Site	Maximum Percentage of One Species
10-19	33%
30-39	25%
40 or more	15%

(7) 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 of all required trees planted must be from the approved list provided in Appendix A of this section.

(8) Redevelopment. In the event any property owner or occupant owning or possessing property located within the GG-O Overlay District commences a remodel or redevelopment project, the cost of which exceeds \$100,000 based upon the building permit issued by the city's Planning and Development Department, upon property that does not then meet the requirements of this section, then the property owner or occupant will be

Commented [ZG23]: Incorporated into 25-22-9

Commented [ZG24]: Incorporated into 25-22-4

Commented [ZG25]: This has been removed.

Commented [ZG26]: Incorporated into 25-22-4

Commented [ZG27]: Incorporated into 25-22-4

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 GG-O Overlay District or other Gateway and Green projects on city improvements or parks.

(F) Definitions. For the purpose of this section, certain terms and words are hereby defined.

**BUFFER YARD.** A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.

**EVERGREEN PLANTING.** Dense planting of evergreen plant material that creates an opaque barrier.

**GATEWAY.** An intersection designated as an entrance into the city or into the downtown area that is planned for additional design elements to "announce" the arrival to a special place.

**LANDSCAPED AREA.** The area within the boundaries of a given lot, site, or common development consisting primarily of plant material, including but not limited to grass, trees, shrubs, vines, ground cover, and other organic plant materials; or grass paver masonry units installed such that the appearance of the area is primarily landscaped.

**STORMWATER RETENTION PONDS.** Ponds or basins designed to hold rainwater that has run-off the surrounding landscape of lawns, roads, and rooftops.

Commented [ZG28]: This has been removed.

Commented [ZG29]: This has been incorporated into 25-22-2

#### Appendix A

Botanical Name

Common Name

#### Appendix A

Botanical Name

Common Name

#### Approved Deciduous Shade Trees

*Aesculus glabra*

Ohio Buckeye

*Catalpa speciosa*

Northern Catalpa

*Celtis occidentalis*

Common Hackberry

*Ginkgo biloba*

Ginkgo  
 Gleditsia triacanthos var. inermis  
 Honeylocust (avoid "Sunburst"; other varieties okay)  
 Gymnocladus dioica  
 Kentucky Coffeetree  
 Populus deltoides  
 Eastern Cottonwood (only on very large sites; may not be used for parking lot plantings)  
 Quercus alba  
 White Oak  
 Quercus macrocarpa  
 Bur Oak  
 Quercus macrocarpa x robur  
 Heritage Oak  
 Quercus muehlenbergii  
 Chinkapin Oak  
 Quercus robur  
 English Oak  
 Tilia americana  
 American Linden  
 Tilia cordata  
 Littleleaf Linden  
 Tilia tomentosa  
 Silver Linden  
 Ulmus americana  
 American Elm (Dutch Elm Disease resistant varieties only)  
 Ulmus x sp.  
 Hybrid Elm (check with Development Services for specific varieties)  
 Due to the Emerald Ash Borer destroying large quantities of Ash trees in the Eastern United States and its progressive movement west, Ash trees will be prohibited in GG-O Districts  
 Approved Small Ornamental Trees  
 Amelanchier x grandiflora  
 Serviceberry  
 Crataegus crusgalli x intermis  
 Thornless Cockspur Hawthorn (horizontally branching-not for use in parking lots or near sidewalks)  
 Crataegus ambigua  
 Russian Hawthorn  
 Malus spp.  
 Crabapple (choose varieties with small and persistent fruit)  
 Syringa reticulata  
 Japanese Tree Lilac



Viburnum lentago  
Nannyberry Viburnum  
Acer tataricum  
Tatarian Maple "Hot Wings"  
Prunus americana  
American Plum "Princess Kay"  
Quercus gambelii  
Gambel Oak  
Approved Evergreen Trees  
Abies concolor  
Concolor fir  
Juniperus spp.  
Juniper (columnar junipers may only be used for screening purposes; will not count as required tree on street frontages)  
Juniperus scopulorum  
Rocky Mountain Juniper  
Juniperus virginiana  
Eastern Redcedar  
Picea glauca var. densata  
Black Hills Spruce  
Picea pungens  
Colorado Spruce  
Pinus aristata  
Bristle Cone Pine  
Pinus cembroides  
Pinyon Pine  
Pinus contorta  
Lodgepole Pine  
Pinus flexilis  
Limber Pine (not salt tolerant; avoid use near parking lots and roadways)  
Pinus nigra  
Austrian Pine  
Pinus ponderosa  
Ponderosa Pine (not salt tolerant; avoid use near parking lots and roadways)

(Ord. 4072, passed - -2012; Ord. 4151, passed - -2015)

**Commented [ZG30]:** This will be used when creating the Official List of Recommended and Prohibited Plant Material.

# **City of Scottsbluff, Nebraska**

**Monday, February 14, 2022**

**Regular Meeting**

## **Item Staff Rep1**

**(informational only):**

*Discuss periodic review of Comprehensive Plan*

*Discuss periodic review of Subdivision and Zoning Code*

*Staff to update Planning Commission on implementation of new permitting software.*

Staff Contact: Zachary Glaubius, Planning Administrator

**City of Scottsbluff, Nebraska**  
**Monday, February 14, 2022**  
**Regular Meeting**

**Item Olher Bus.1**

**(informational only):**

**Staff Contact: Zachary Glaubius, Planning Administrator**

**City of Scottsbluff, Nebraska**  
**Monday, February 14, 2022**  
**Regular Meeting**

**Item Meet1**

**Confirm next meeting date of March 14, 2022**

**Staff Contact: Zachary Glaubius, Planning Administrator**