



CITY OF SCOTTSBLUFF
Council Chambers, Scottsbluff City Hall
2525 Circle Drive
PLANNING COMMISSION AGENDA
Monday, February 13, 2023
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 January 9, 2023
- 6. Public Hearing :**
A Planning Commission to consider and take action on a Special Use Permit Application by Rene Marquez
- 7. Staff Reports:**
A (Informational Only)
- 8. Other Business:**
A Planning Commission to discuss updates to Chapter 25 Article 3
- 9. Schedule Meeting:**
A Confirm next meeting date: March 13, 2023
- 10. Adjourn**

2525 CIRCLE DRIVE • SCOTTSBLUFF, NEBRASKA 69361 • (308) 630-6243 • FAX (308) 630-6294

City of Scottsbluff, Nebraska
Monday, February 13, 2023
Regular Meeting

Item Appr. Min.1

January 9, 2023

Staff Contact:

PLANNING COMMISSION MINUTES
REGULAR SCHEDULED MEETING
January 9, 2023
SCOTTSBLUFF, NEBRASKA

The Planning Commission for the City of Scottsbluff met in regular scheduled meeting on Monday, January 9, 2023 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 30, 2022. 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 Chair Becky Estrada called the meeting to order at 6:00 PM. Roll call consisted of the following members being present, Becky Estrada, Dave Gompert, Callan Wayman, Jerry Stricker, Angie Aguillo, Dana Weber, Kendall Palu, Linda Redfern. "Absent": Henry Huber, Jim Zitterkopf. City Officials present were Zachary Glaubius, Planning Administrator, Taylor Stephens, GIS Analyst, and Gary Batt, Code Administrator II.
- 2 Estrada 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 November 14, 2022 meeting were reviewed. **Conclusion:** a motion was made by Wayman and seconded by Gompert to approve the minutes as corrected from November 14, 2022 meeting. "Yeas" Aguillo, Weber, Wayman, Gompert, Estrada, Palu, Stricker Redfern "Nays": None "Abstain" Stricker, "Absent": Huber, Zitterkopf "Excused": Redfern (alt.) The motion carried.
- 6 Item 6: Staff Reports: None
- 7 Item 7: Estrada introduced Item 7 regarding Other Business. The Planning Commission opened a discussion on revising Chapter 25 Article 3 of the Municipal Code. Glaubius introduced the staff packet containing proposed changes to Chapter 25 Article 3. Glaubius stated the first proposed revision is the creation of a new zoning district by combining R-1B Rural Residential Estate and AR Agricultural Residential. Glaubius stated the proposed district would be R-R Rural Residential. Glaubius stated there is minimal difference between the two existing zoning districts and both serve the same purpose. Wayman asked if the consolidation would make it more difficult for property owners to install buildings such as sheds. Glaubius stated staff would consolidate the districts in way that would not make it more restrictive for property owners. Wayman inquired about the major differences. Glaubius stated the main difference is the minimum lot size. Glaubius stated R-1B requires 3 acres whereas AR requires 5 acres. Glaubius stated AR allows for livestock with less restrictions than R-1B, so staff would evaluate the livestock requirements.
- 8 Glaubius introduced the second proposed revision regarding changing the names of zoning districts. Glaubius stated the following:

Current Name	Proposed Name	Explanation
R-1 Single-Family Residential	R-1 Low Density Residential	The principal permitted use in this district is single-family detached dwellings.
R-1A Single Family Residential	R-2 Medium Density Residential	This district allows for single-family dwellings, two-family dwellings, and multi-family dwellings.
R Heavy Density Multi-Family Residential	R-4 High Density Residential	Shortening the name to be consistent with other R Districts
O-P Office & Professional	M-X Mixed Use District	O-P is already a mixed use district and the proposed name better reflects the districts purpose
C-2 Neighborhood and Retail Commercial	C-2 Neighborhood Commercial or C-2 Local Commercial	Simplify Name
C-3 Heavy Commercial	C-3 Highway Commercial or C-3 General Commercial	Have a clearer name
M-1 Light Manufacturing and Industrial	M-1 Limited Industrial	Simplify Name
M-2 Heavy Manufacturing and Industrial	M-2 General Industrial	Simplify Name

- 9 Glaubius introduced the third proposed revision regarding renaming special use permits to conditional use permits. Glaubius stated the majority of other cities in Nebraska use conditional use permits. Glaubius stated that clarification is typically needed when talking with property owners and developers when informing them they need a special use permit. Glaubius stated developers usually ask if a special use permit is a conditional use permit. Glaubius stated this change would overlap with Chapter 25 Article 13. Glaubius stated this change would be a name change only.
- 10 Glaubius introduced the fourth proposed revision regarding the supplemental zoning regulations. Glaubius stated these are currently split between 25-3-23 General Requirements and 25-3-25 Miscellaneous Regulations. Glaubius stated staff would like to consolidate the two into 25-3-23 Supplemental Zoning Regulations for better organization. Glaubius stated staff has missed requirements as the two are not organized.
- 11 Glaubius introduced the fifth proposed revision regarding Permitted and Special Uses review. Glaubius stated that as the packet shows there are 235 different uses listed in Article 3. Glaubius stated some uses could be consolidated. Glaubius stated the example of removing confectionary stores and jewelry stores as these fall under the retail stores and services use. Glaubius stated some uses could be removed from some zoning districts. Glaubius stated that schools are a permitted use in M-2 Heavy Industrial even though they are not permitted in the C zones or M-1. Glaubius stated staff is not sure why this is listed. Glaubius stated some uses could be removed as they are antiquated such as drive-through photo facility.
- 12 Glaubius introduced the sixth proposed revision regarding changes to the zoning district map. Glaubius stated he would like Planning Commission input on any rezones that the City could

initiate. Glaubius used the example of rezoning Transwest Ford to C-3 which allows automobile sales.

- 13 Glaubius introduced the seventh proposed revision regarding an accessory building article. Glaubius stated Chapter 25 Article 25 could be created for accessory building requirements as these requirements are repeated in each R District. Glaubius stated a new article would be more concise and staff would propose a reference to this article in each applicable zoning district. Glaubius stated the shipping container requirements could also be moved to this new article.
- 14 Glaubius introduced the eighth proposed revision regarding performance standards tables. Glaubius stated this is the most urgent of the proposed revisions. Glaubius stated as the city code has been changed in format, the table columns and rows no longer correspond correctly. Glaubius stated staff has to utilize previous versions of the code to ensure the correct interpretation. Gompert inquired if this could be done as a clerical fix. Glaubius stated staff wanted to do a comprehensive change to Article 3 to reduce the number of changes. Redfern inquired how other cities keep code number straight. Redfern suggested PADD assist with this. Glaubius showed an example of the C-2 zone where the column for maximum number of dwelling units states C or 25'. Glaubius stated C applies to the front yard setback, so the requirements were shifted to the left.
- 15 Stricker asked if staff has drafted an example of the revisions. Glaubius stated staff has begun some work on the revisions, however wanted Planning Commission input on the proposed revisions prior to putting a significant amount of work into them. Stricker stated he was in favor authorizing staff to correlate the zoning changes that do not lead to significant differences in the existing zoning. Aguillo stated she was in favor of simplifying the code. Wayman agreed it would help staff administer and enforce the code. Redfern inquired about residential dwellings in businesses. Redfern asked if this could be reevaluated while working on code changes. Redfern also stated she wanted to explore the zoning regulations on businesses in residences. Glaubius stated these can be considered in the revisions. Glaubius stated the Home Occupations article needs to be updated, and short-term rentals are not covered in the zoning regulations. Wayman stated it would be optimal to consider the type of business in a residence based on zoning district. Stricker stated he would prefer businesses in residences be a conditional use permit. Stricker stated he was in favor of reviewing AirBnb and short-term rentals in the zoning code. Stricker inquired if the City collected a lodging tax. Stephens stated the tax is more or less collected voluntarily. Glaubius inquired if the Planning Commission had other ideas, they would like staff to explore.
- 16 Glaubius stated the City is considering an update to the Comprehensive Plan in the next fiscal year, and he intends to get some quotes from consulting firms so an update can be budgeted. Wayman asked if PADD helped with the 2016 Comprehensive Plan. Glaubius stated that he believes they did. Glaubius stated Gering updated their Comprehensive Plan in few years ago and went with a consulting firm from Cheyenne instead of PADD. Glaubius stated the City could explore working with PADD, however PADD seems to be down on staff. Redfern stated staff was heavily involved with the 2016 plan.
- 17 Estrada asked what staff needed from the Planning Commission for these proposed revisions. Glaubius stated he would like to get the changes prioritized. Stricker asked if staff had a priority list. Glaubius stated they were not listed in priority. Aguillo asked if revisions A-G needed to be prioritized. Glaubius stated yes as revision H is a necessity to revise. Wayman stated A and B were mainly housekeeping and C is about being more consistent with other cities. Glaubius stated D would take further review. Glaubius stated some minor revisions in the supplemental zoning regulations need addresses sooner than later. Aguillo stated it seemed like revisions D, E, and F would take the most time. Glaubius concurred. Gompert asked who would all be

working on the revisions. Glaubius stated the entire Department of Development Services would be working on it with assistance from the City Attorney. Glaubius stated staff may need to work with the contracted City Engineering firm, MC Schaff, on some matters, but most of the work would be done by staff. Wayman stated he felt the changes are really needed, especially cleaning up the zoning districts. Wayman asked if changing R-1A to R-2 would affect areas such as Hilltop Estates. Glaubius stated the district name would just change to R-2, and since it would be a citywide change, the City is not required to mail out the 300' notification letters. Stricker asked if the density-based names for the R districts would have defined density measurements. Glaubius stated the density names would be based on the type of housing permitted in the zoning district. Glaubius stated low density would be mainly houses, while medium density would be a mix of houses, two-family dwellings, and multi-family dwellings. Batt stated the type of dwelling would still be restricted by minimum lot size and lot width. Stricker stated there seems to be other requirements in addition to the zoning district that dictates use and size. Glaubius concurred. Gompert stated defining density may be helpful. Glaubius stated that he will look up density definitions for example, but would caution on defining them as it could add to unnecessary restrictions. Stricker stated he felt comfortable with the frontage requirements defining density. Stricker inquired if there were height restrictions. Glaubius stated there were. Stricker stated the height restrictions would further help with density determinations.

- 18 Glaubius stated staff will get started on Revision A, B, C, and H and then focus on D, E, and G. Glaubius stated F would be longitudinal review. Glaubius stated the Planning Commission bylaws do allow for the creation of 3 member subcommittees. Glaubius stated a Zoning Subcommittee could be helpful with these revisions as staff could focus discussion with these 3 members. Chair Estrada asked if there were any members who want to serve on the zoning committee. Stricker, Palu, and Estrada volunteered to serve on the committee. Weber stated he felt all the proposed revisions are good. Weber stated he would refer to staff on prioritize the revisions, and suggested the creation of a timeline after work on the revisions has begun.
- 19 Weber asked for volunteers for the Chair and Vice-Chair offices. Wayman volunteered to serve as Vice-Chair. Gompert nominated Estrada to serve as Chair.
- 20 **Conclusion:** A motion was made by Gompert and seconded by Aguillo to nominate Estrada as Chair and Wayman as Vice-Chair. "Yeas" Aguillo, Weber, Wayman, Gompert, Estrada, Palu, Stricker "Nays": None, "Absent": Huber, Zitterkopf "Excused": Redfern (alt.) The motion carried.
- 21 Estrada introduced Item 8 regarding scheduling the next Planning Commission meeting on February 13, 2023.
- 22 Item 10: Adjournment
- 23 Adjournment: Motion by Stricker, seconded by Weber to adjourn the meeting at 6:42 PM. "Yeas" Aguillo, Stricker, Palu, Weber, Wayman, Gompert, Estrada, Redfern "Nays": None "Absent", Zitterkopf, Huber. The motion carried.

Becky Estrada, Chairperson

Zachary Glaubius, Secretary

City of Scottsbluff, Nebraska

Monday, February 13, 2023

Regular Meeting

Item Pub Hear1

Planning Commission to consider and take action on a Special Use Permit Application by Rene Marquez

Staff Contact:

City of Scottsbluff Planning Commission

Development Services Staff Report – Zachary Glaubius

Prepared on: February 3, 2023 For Hearing of: February 13, 2023



I. GENERAL INFORMATION

- A. Applicant:** Rene Marquez
422 Avenue B
Scottsbluff, NE
- B. Property Owner:** Same as applicant
- C. Proposal:** Special Use Permit for residential use in the C-3 Heavy Commercial District
- D. Legal Description:** Lots 2A, Block 1, ASI Addition
- E. Location:** 422 Avenue B
- F. Existing Zoning & Land Use:** C-3 Heavy Commercial
- G. Size of Site:** Approximately 41,791 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	South Broadway	PBC – Planned Business Center	Panhandle Coop Gas Station
East	South Broadway	C-3 Heavy Commercial	Panhandle Humane Society
South	South Broadway	C-3 Heavy Commercial	Andersen-Shaw Construction Yard
West	South Broadway	C-3 Heavy Commercial	Parking

B. Relevant Case History

1. Isaac Holscher, previous owner, was granted a special use permit for a residence in this building on March 9, 2020.

III. ANALYSIS

- A. Comprehensive Plan:** The Future Land Use Map of the Comprehensive Plan currently shows the site as South Broadway
- B. Traffic & Access:**
1. Access the property is via Avenue B and South Beltline Highway.

C. Zoning

1. Per 25-3-15 C, residential use is permitted only within the confines of a building in which a permitted use is conducted by special use permit.

D. Off-Street Parking

1. The property has sufficient off-street parking room.

IV. STAFF COMMENTS

- A. The existing dwelling unit will be used. It will remain a single-family dwelling.
- B. While the comprehensive plan identifies this area as South Broadway, this land designation includes mixed use such as commercial/residential buildings.
- 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 to property owners within 300' were mailed out on January 31, 2022, and public notice for this ran in the, February 3, 2023 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 South Broadway which includes mixed use.
2. A residential dwelling at this site represents 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 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 RECOMMENDATION

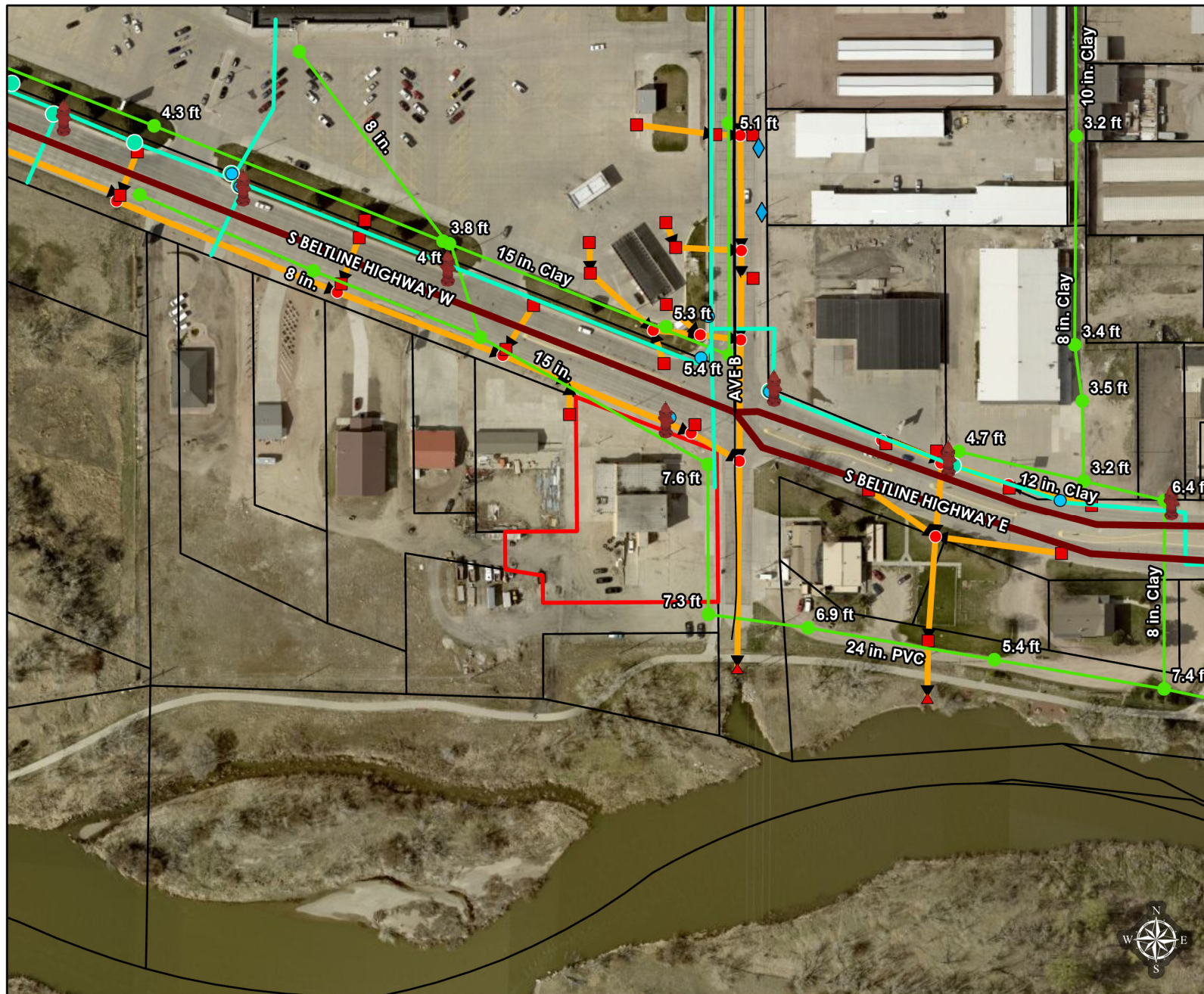
- H. Staff recommends Planning Commission recommend the approval of the special use permit to Rene Marquez for a residence in the C-3 district at 422 Avenue B.



- Property Location(s)
- Corporate Limits
- Extended Jurisdiction
- Official City Zoning**
- (A) Agriculture
- (AR) Agriculture Residential
- (C-1) Central Business District
- (C-2) Neighborhood Commercial
- (C-3) Heavy Commercial
- (M-1) Light Manufacturing & Industrial
- (M-2) Heavy Manufacturing and Industrial
- (O-P) Office and Professional
- (PBC) Planned Business Center
- (R-1) Single Family
- (R-1A) Single Family Medium Density
- (R-1B) Rural Residential Estate
- (R-4) Heavy Density Multiple Family
- (R-6) Mobile Home

Taylor Stephens
City of Scottsbluff GIS
Created on 1/23/2023
Coordinate System: NAD 1983 (2011)
StatePlane 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.

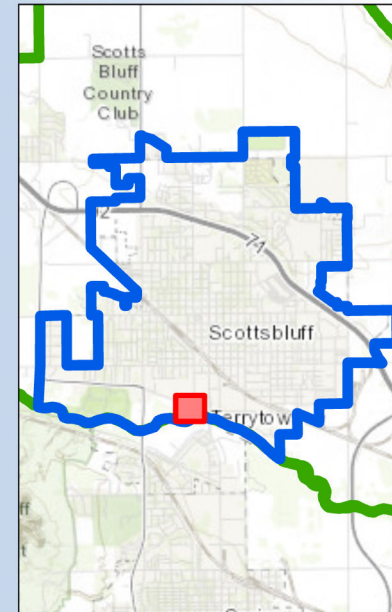
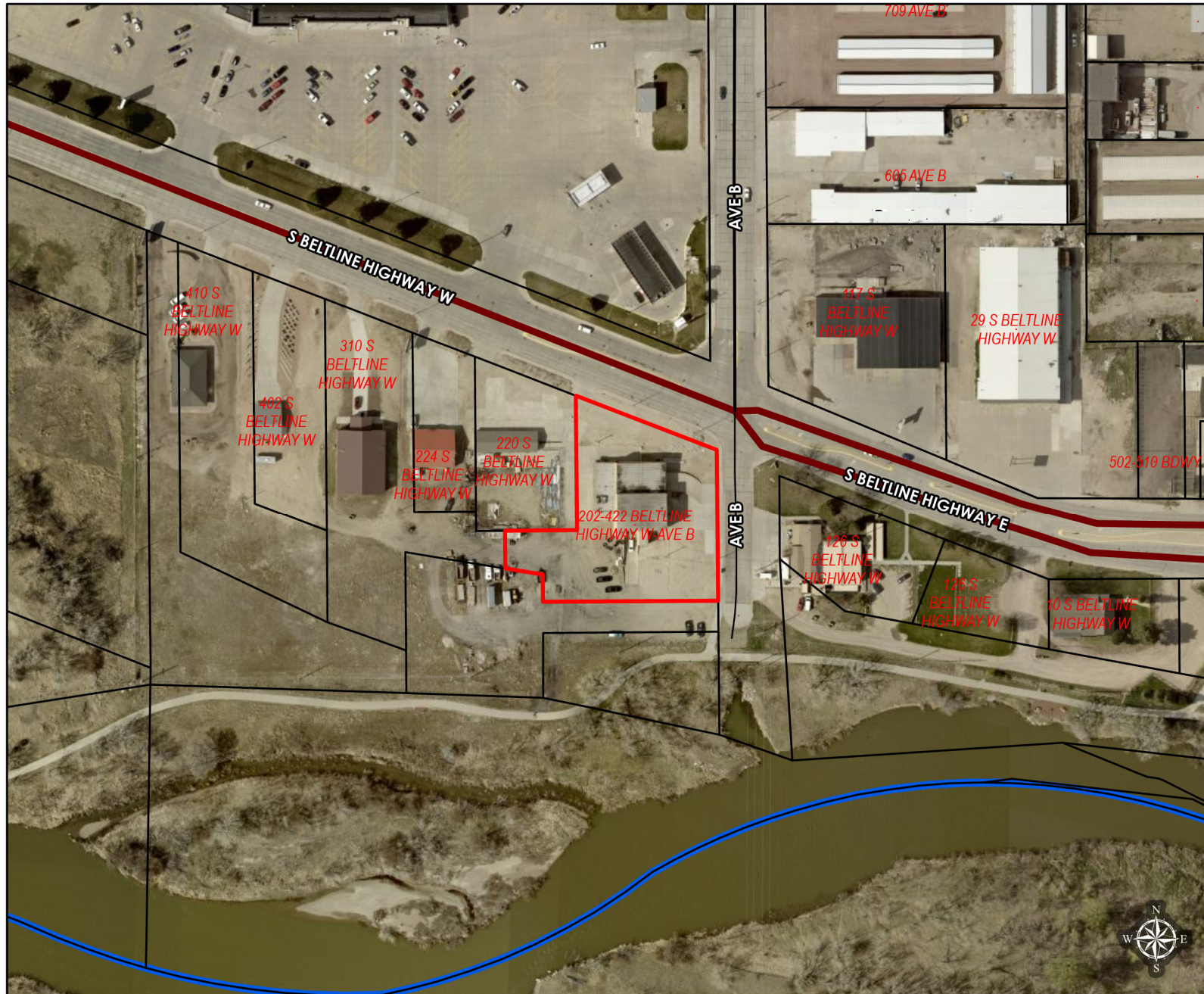


Street Centerlines

- Highway
- Main Road
- Residential/Rural
- 🔥 Fire Hydrants
- 💠 Water Curbstop
- 💠 Water Valve
- 💠 Water Manhole
- Water Lines
- Wastewater MH
- Wastewater Lines
- ▲ Outfall
- Stormwater Inlet
- Stormwater Manhole
- ➡ Stormwater Arc
- 📐 Proposed Property
- ▭ Parcels

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- ▬ Corporate Limits
- ▬ Extended Jurisdiction
- ▬ Proposed Changes

Street Centerlines

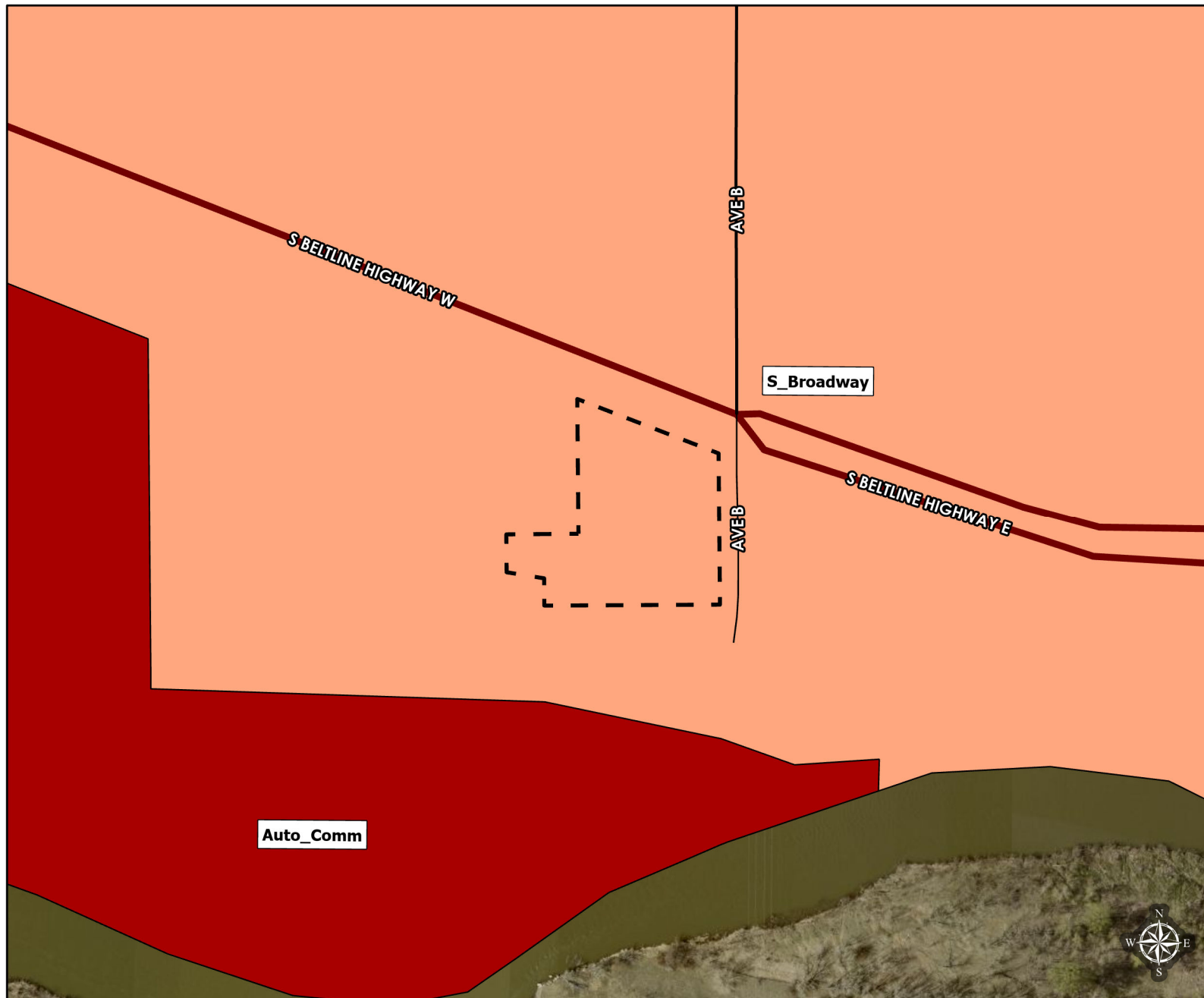
CLASS

- ▬ Highway
- ▬ Main Road
- ▬ Residential/Rural
- ▭ Parcels
- Address

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Special Use Warehouse Fitness



- 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
 - SE Industrial and Commercial
 - South Broadway
 - WNCC and Surrounding Area
- Street Centerlines
- Highway
 - Main Road
 - Residential/Rural
- 2016 Comp. Plan Development
- LTD (10 - 20 yrs)
 - NTD (Less than 5 yrs)
 - STD (5 - 10 yrs)

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City of Scottsbluff, Nebraska

Monday, February 13, 2023

Regular Meeting

Item Staff Rep1

(Informational Only)

Staff Contact:

City of Scottsbluff, Nebraska

Monday, February 13, 2023

Regular Meeting

Item Olher Bus.1

Planning Commission to discuss updates to Chapter 25 Article 3

Staff Contact:

City of Scottsbluff, Nebraska
Monday, February 13, 2023
Regular Meeting

Item Meet1

Confirm next meeting date: March 13, 2023

Staff Contact: