

City of Scottsbluff, Nebraska

Thursday, March 9, 2023

Regular Meeting

Item Appr. Min.1

February 13, 2023

Staff Contact:

PLANNING COMMISSION MINUTES
REGULAR SCHEDULED MEETING
February 13, 2023
SCOTTSBLUFF, NEBRASKA

The Planning Commission for the City of Scottsbluff met in regular scheduled meeting on Monday, February 13, 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 February 2, 2023. 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, Angie Aguallo, Kendall Palu, Linda Redfern. "Absent": Henry Huber, Jim Zitterkopf, Dana Weber, Jerry Stricker. City Officials present were Zachary Glaubius, Planning Administrator, Taylor Stephens, GIS Analyst, Katie Quintana, Fire Marshal, 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 January 9, 2023 meeting were reviewed. **Conclusion:** a motion was made by Palu and seconded by Wayman to approve the minutes from January 9, 2023 meeting. "Yeas" Aguallo, Wayman, Gompert, Estrada, Palu, Redfern "Nays": None "Absent": Huber, Zitterkopf, Stricker, Weber The motion carried.
- 6 Jerry Stricker joined the meeting at 6:02 PM.
- 7 Estrada introduced Item 6 regarding a public hearing for a special permit application by Rene Marquez for residential use at 422 Avenue B, which is located in the C-3 Heavy Commercial district. Glaubius stated this special use permit is essentially a renewal of the special permit issued to the previous property owners in 2020. Glaubius stated there were no other changes, and staff recommends approval of the special use permit.
- 8 Estrada opened the public hearing at 6:03 PM. Estrada closed the public hearing at 6:04 PM. Stricker inquired if the existing residential use was legal non-conforming use or had been approved in the past. Glaubius stated a special use permit was issued in 2020 to the previous owner for residential use. Estrada stated special use permits are issued to the owner, and each successive owner would have to apply for a special permit to continue the special use. Stricker stated he wondered why the special permit would not be issued to the property as it puts the Planning Commission in the position of choosing to approve a permit based on a person. Wayman stated that a special permit for any residence in a C-3 district would require Planning Commission approval. Aguallo stated this case is similar to the recent special use permit issued to Transwest Ford to continue using a property as a car dealership. Stricker stated he would like to see it issued to the property to avoid personal bias. Redfern stated the Planning Commission in the past discussed reviewing certain special uses in districts to see if they should remain a special use or could be considered a principal permitted use. Stricker stated he felt with the

current process, the Planning Commission is voting on the person. Wayman stated the Planning Commission reviews the use, not the person, to ensure the use fits the area. Glaubius stated he believed the regulations related to special permits are set by state statute, and he would review this. Glaubius stated if the granting of special use permit to a property owner is tied to city ordinance, staff and the Planning Commission could consider a revision. Stricker asked Quintana if emergency services was aware of the residence at this location. Quintana stated emergency services is aware of the residence. Stephens stated this property is marked as having multiple units.

- 9 Conclusion: A motion was made by Aguillo and seconded by Wayman to approve the special use permit for residential use in the C-3 District at 422 Avenue B to Rene Marquez. "Yeas" Aguillo, Wayman, Gompert, Estrada, Palu, Redfern, Stricker "Nays": None "Absent": Huber, Zitterkopf, Weber The motion carried.
- 10 Item 7: Estrada introduced Item 7 regarding Staff Reports. Glaubius stated the next step on the zoning code update is renaming Special Use Permits to Conditional Use Permits. Glaubius stated staff is considering having both special use and conditional use permits given the complexity of special use permits for communication towers and perimeter fences. Glaubius stated staff is also reviewing off-street parking requirements as Kmart recently sold. Glaubius stated the intent of the review is to see if requirements can be reduced to open up more land around Kmart and the mall for development. Glaubius also stated staff is working on revising 21-1-68 regarding plat vacations. Glaubius stated the plat vacation process has been requiring considerable time and resources, and that plat vacations do not serve a significant benefit to the City. Glaubius stated staff is considering removing the two replat maximum and granting staff authority to determine whether a plat vacation is in the best interest of the public. Glaubius also stated while reviewing the zoning districts, it may be beneficial to increase the number of commercial districts giving the differences between the City's established commercial corridors. Gompert asked what helps with making these types of determinations. Glaubius stated it begins with reviewing how other communities have zoning districts setup.
- 11 Estrada introduced Item 8 regarding Other Business. Glaubius presented the proposed updates to the zoning code so far. Glaubius stated he sent out the initial draft to the changes of the performance standards for each zoning district. Glaubius stated a lot of the changes are for consistency among the districts, and Glaubius stated the Agricultural Estate Dwelling Site standards were separated from those of its parent Agricultural zone. Glaubius also stated the name changes are included in the performance standards Glaubius stated the accessory building standards would be removed from each district to a new accessory building article. Glaubius stated townhome/single-family attached standards were added to the residential districts. Glaubius stated the R-4 district had the most significant changes as it previously was less dense than R-1A. Glaubius stated industrial side street setbacks were updated to be consistent with all other zoning districts. Stricker stated he had reviewed the standards and did not see anything that appeared to be unreasonable.
- 12 Stricker requested an agenda item next week to discuss the role of the Planning Commission as the Fair Housing Commission. Stricker stated he has reviewed code, but wanted to get clarity on what the Planning Commission is to do. Glaubius stated he will ask the City Attorney to attend the next Planning Commission meeting to discuss this.
- 13 Item 9: Planning Commission confirmed the next meeting date of March 13, 2023.
- 14 Item 10: Adjournment
- 15 Adjournment: Motion by Redfern, seconded by Stricker to adjourn the meeting at 6:24 PM. "Yeas" Aguillo, Stricker, Palu, Wayman, Gompert, Estrada, Redfern "Nays": None "Absent", Zitterkopf, Huber, Weber The motion carried.

Becky Estrada, Chairperson

Zachary Glaubius, Secretary