

# **City of Scottsbluff, Nebraska**

**Monday, April 10, 2023**

**Regular Meeting**

## **Item Pub Hear1**

**Planning Commission to conduct a Public Hearing to consider a Ordinance Text Change to Chapter 25 Article 3 regarding the PBC Zoning District**

**Staff Contact:**



# Scottsbluff City Zoning Text Change 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:

3-17-23

Number (Office Use Only):

Comprehensive Plan Designation:

Comprehensive Plan Amendment Required?

Highway 26 Commercial

No

Brief description of text change request:

Remove the minimum lot size in the PBC district and replace it with a minimum district size of 8 acres

## Applicant Information

Applicant:

John Vornholt

Property Owner:

Scottsbluff KM Redevelopment LLC

Address:

1445 N. Loop West Suite 625

Telephone:

713-554-7600

City:

Houston

State:

TX

Zip:

77008

Alt. Telephone:

## City Development Process and Requirements

- 1. Staff Review Time:** Approximately 3 to 4 weeks prior to the Public Hearing date. Notice to the newspaper must be mailed out 2 ½ weeks prior to the meeting 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
- Zoning Ordinance Text Change Fees \$100.00 plus cost of public hearing notice

- Desired Text Change - on disk or emailed to the City Development Service Department in Word format and any other supporting documentation.
- A Letter and/or packet from the petitioner that the proposed text change:
  - Would provide a service needed by the city and/or residents of the community and will be consistent with sound land use principles.
  - The text change will not be injurious to adjacent properties or uses throughout the city or environment.
  - Will the proposed text change create special hazards or problems.
  - Would the proposed text change be harmonious and consistent with the Comprehensive Plan.
  - Why the proposed text change is needed.

If any of these items are not submitted or answered with the application the City 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 text change request and either approve, approve with conditions or deny the request.

March 20, 2023

Mr. Zachary Glaubius  
Development Services Director  
City of Scottsbluff  
2525 Circle Drive  
Scottsbluff, NE 69361

Re: Zoning Text Amendment

Dear Mr. Glaubius:

Please find enclosed an application for a zoning text change. We ask that the language in the PBC district be revised to eliminate a minimum lot size and provide that the district must have a minimum size of 8 acres. This will allow the redevelopment of both the Uptown Mall and the former Kmart properties. This letter confirms the proposed text change will meet all of the checkboxes in the application.

Sincerely,



Tommy Stewart  
Chief Operating Officer

Enc.

# City of Scottsbluff Planning Commission

Development Services Staff Report – Zachary Glaubius

Prepared on: March 28, 2023

For Hearing of: April 10, 2023



## I. GENERAL INFORMATION

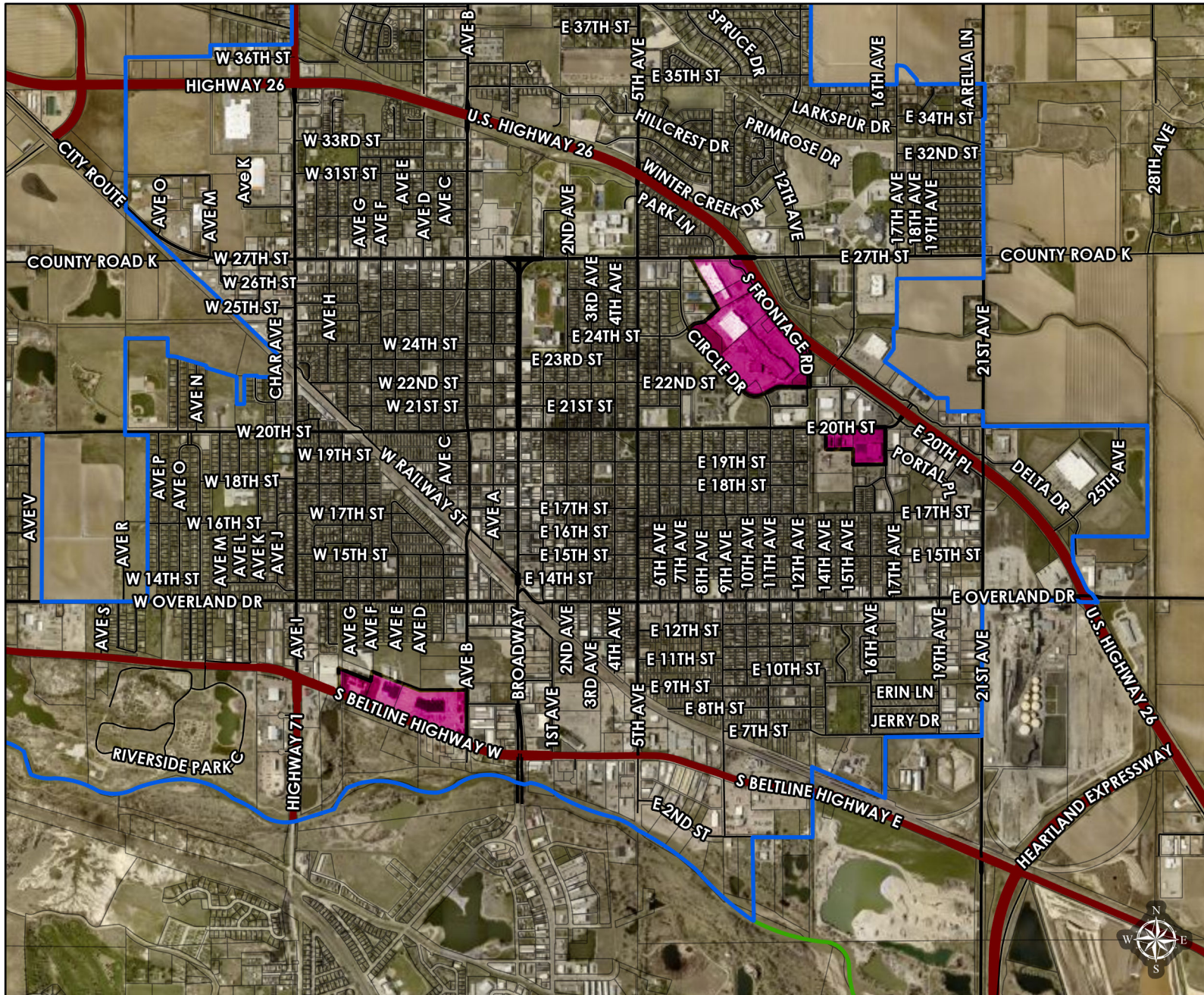
- A. On March 17, 2023, Rockstep Capital submitted an application for a zoning ordinance text change for 25-3-12 regarding minimum lot size of the Planned Business Center District (PBC).
- B. Currently, 25-3-12 requires lots in the PBC district to be a minimum of 5 acres.
- C. Rockstep Capital and the City of Scottsbluff Development Services Department agreed to the proposal of removing the minimum lot size and replacing it with a minimum district size.
- D. The minimum district size would be 8 acres.
  - i. There are three PBC districts in the City. The smallest is approximately 8.5 acres.
    - 1. Uptown Scottsbluff & Kmart: Approximately 46 acres
    - 2. Main Street Market: 24 acres
    - 3. Murdochs: approximately 8.5 acres

## II. STAFF COMMENTS

- A. The current 5-acre minimum lot size prohibits the creation of small outlots around the former Kmart and Uptown Scottsbluff Mall, which limits the redevelopment of both sites.
- B. There are existing lots in the three PBC districts which do not meet this 5-acre minimum.
- C. All other commercial and industrial zoning districts of the City do not have a required minimum lot size.
- D. Staff reviewed the zoning code of other Nebraska cities to find equivalents of the City's PBC district.
  - i. Lincoln has a Regional Planned Business Center in which there is a minimum district size of 30 acres. There is no minimum lot size.
- E. This zoning text change would open up land currently underutilized as parking lot to redevelopment.
- F. The 8-acre minimum prevents the creation of any existing non-conforming PBC districts as the smallest PBC district is approximately 8.5 acres.
- G. The 8-acre minimum district size is consistent with the intent of the PBC district under 25-3-12 (A).

## III. STAFF RECOMMENDATION

- A. Staff recommends the Planning Commission make a positive recommendation to City Council on the adoption of the revised 25-3-12 regarding the replacement of PBC lot minimum size to PBC district minimum size.



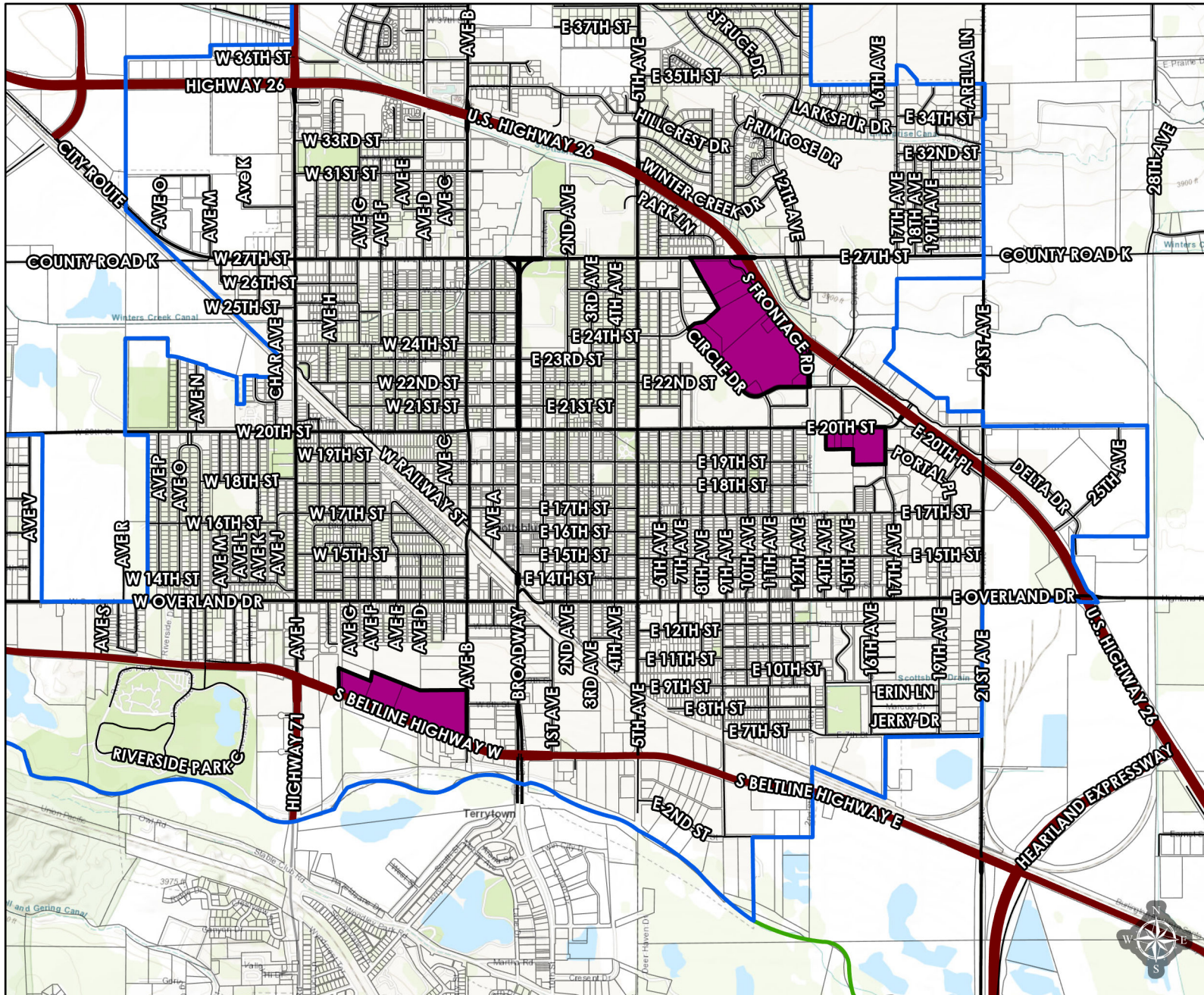
- Corporate Limits
- Extended Jurisdiction
- Parcel Boundaries
- Street Centerlines**
- Highway
- Main Road
- Residential/Rural
- Official City Zoning**
- (A) Agriculture
- (AR) Agriculture Residential
- (C-1) Central Business District
- (C-2) Neighborhood Commercial
- (C-3) Heavy Commercial
- (M-1) 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 3/31/2023  
 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.

# Planned Business Center Zones

# Zoning Overview



- Corporate Limits
- Extended Jurisdiction
- Parcel Boundaries
- Street Centerlines**
  - Highway
  - Main Road
  - Residential/Rural
- Official City Zoning**
  - (A) Agriculture
  - (AR) Agriculture Residential
  - (C-1) Central Business District
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  - (C-3) Heavy Commercial
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ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA AMENDING CHAPTER 25, ARTICLE 3, SECTION 12 OF THE SCOTTSBLUFF MUNICIPAL CODE DEALING WITH PBC PLANNED BUSINESS CENTER REGULATIONS AND AMENDING THE PERFORMANCE STANDARDS THEREIN, PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.**

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

Section 1. Chapter 25, Article 3, Section 12 of the Scottsbluff Municipal Code is amended as follows:

**“§25-3-12. PBC PLANNED BUSINESS CENTER.**

**(A) Intent. The intent of a Planned Business Center District is to:**

- (1) Provide an area for a unified commercial center which provides goods and services to a regional trading area;
- (2) Provide for joint or grouped parking facilities serving several retail stores; and
- (3) Coordinate a vehicular and pedestrian traffic circulation system and carefully design access that is compatible with surrounding uses.

**(B) Principle permitted uses.**

- (1) Accounting, auditing, and bookkeeping services;
- (2) Ambulance service;
- (3) Amusement centers; indoor only;
- (4) Animal clinic; indoor only;
- (5) Arts and crafts studio;
- (6) Automated or coin-operated car wash;
- (7) Bakery or bakery goods store;
- (8) Bank automated teller facilities; outdoor;
- (9) Bank automated teller facilities; indoor;
- (10) Bank and savings and loan;
- (11) Barber and beauty shop;
- (12) Book and stationery store;
- (13) Business college and trade school;
- (14) Church;
- (15) Cleaning and laundry agency;
- (16) Clinic;

(17) Communication facilities including communication tower, such tower not to exceed 150 feet in height. No guy wires, outrigging, or other supporting structures may extend beyond the foundation of the tower;

- (18) Community center (public);
- (19) Confectionery stores;
- (20) Convenience stores without dispensing gasoline;
- (21) Convenience stores with dispensing gasoline;
- (22) Dance, music, or voice studio;
- (23) Day care center (child care center) or preschool;
- (24) Delicatessen;
- (25) Drive-thru photo facility;
- (26) Drive-thru (fast food) restaurant;
- (27) Educational and scientific research service;
- (28) Florist;
- (29) Food store and delicatessen;
- (30) Furniture/appliance store;
- (31) Gift shop;
- (32) Grocery store;
- (33) Hardware store;
- (34) Hospital;
- (35) Insurance agency/services;
- (36) Jewelry store;
- (37) Laboratory, medical, dental, and optical;
- (38) Laundromat; self-service;
- (39) Library;
- (40) Marriage and family counseling;
- (41) Mortuary;
- (42) Multi-family dwelling units. Living quarters for watchperson of commercial or industrial use property, or for hotels and motels, are the only permitted residential uses in this zone;
- (43) Municipal uses;



- (44) Offices; professional and service;
- (45) Permanent cosmetic facility;
- (46) Pharmacy;
- (47) Photographic studio;
- (48) Printing and blueprinting;
- (59) Professional membership organizations;
- (50) Professional schools;
- (51) Reducing/suntanning;
- (52) Restaurant, bar, and tavern;
- (53) Retail stores and services;
- (54) Service station; full service;
- (55) Service station; mixed use;
- (56) Single-family dwelling units. Living quarters for watchperson of commercial or industrial use property, or for hotels and motels, are the only permitted residential uses in this zone;
- (57) Shoe store;
- (58) Theater; indoor;
- (59) Tire shop and recapping; and
- (60) Utility business offices.

**(C) Special permit uses.**

- (1) Adult bookstore: no such use shall be located within 300 linear feet of any school, public or private, place of worship, public park, day care center, child nursery, library, or residential district. No such use shall be located within 1,000 linear feet of any existing adult bookstore. No such use may be allowed in combination with the sale or consumption of alcoholic beverages;
- (2) Lodge or club;
- (3) Public utility facilities;
- (4) Temporary building or contractor's storage and construction yard, incidental to the construction of a residential development or a real estate sales office to be used in marketing lots in a new subdivision, may be permitted if such a building or structure complies with all height and area requirements for the zone in which it is located;
- (5) Temporary building may be permitted if such building complies with all height and area requirements, and the use complies, except for the fact that the building is a temporary one;
- (6) Utility plants; and
- (7) Water storage.

**(D) Performance standards.**

(1) Area and bulk regulations.

Use	Minimum District Size	Minimum Lot Size	Minimum Lot Width	Maximum Coverage	Maximum # Dwelling Units	Setbacks				Structure Regulations
						Front	Rear	Interior Side	Side Street	Maximum Height
Permitted Use	8 acres	No minimum	20 feet	No maximum	4(c)	25 feet or 4(h)	4(h)	4(h)	25 feet	4(b)
Accessory Building						Not Permitted	4(h)	4(h)	25 feet	4(b)

(2) Accessory building/garage; detached.

(a) A detached accessory building must be located at least ten feet from the main building.

(b) On an existing reversed corner lot, a detached accessory building or garage may project into the side yard nearest the rear lot line if it does not extend beyond the front yard setback of the main structure, and if entrance to the garage is from the side street, the garage must be set back from the side street property line a distance of not less than 20 feet.

(3) Accessory building; attached. A building which if detached from the main building would constitute an accessory building may be connected to the main building by a breezeway or similar structure, and in such event, shall meet all requirements for the main building.

(4) Design requirements.

(a) Buffer strips; R Districts. A buffer strip, at least 25 feet in width, sodded and planted with shrubs or other greenery, and with a permanent screen at least ten feet high, must be established and maintained adjacent to the boundary line of any abutting lot or tract of land located in whole or part in an R District.

(b) Buildings and structures; height. No building or structure, except for an elevator, penthouse water tower, or decorative building projection, may exceed three stories or 45 feet in height, whichever is lower.

(c) Dwellings. No building in a center may be used as dwelling except for a paid custodian, caretaker, or watchperson living in the center.

(d) General design. A center must be laid out and developed as a unit in accordance with an integrated or coordinated overall design that complies with the provisions of this article. Buildings, structures, parking areas, walks, lighting, and appurtenant facilities must be located and arranged with due regard for surrounding land uses. Any part of a center not used for buildings, structures, accessways, parking and loading, or unloading areas must be landscaped with grass, trees, shrubs, or pedestrian walks.

(e) Loading facilities. A center must provide adequate areas for motor vehicles to load or unload merchandise, materials, or equipment without interfering with the use of any public street or alley.

(f) Location. A center may be located only in a PBC District established in accordance with this article, and only on a lot or tract of land abutting one or more arterial streets.

(g) Off-street parking. Adequate off-street parking must be provided in a center to accommodate all motor vehicles of employees, customers, and other persons reasonably expected to use the center, and for vehicles used in the conduct of businesses in the center. At least one parking space must be provided for each 200 square feet of floor area used for selling or offices. Areas designed primarily for loading and unloading or standing space are not parking spaces within the meaning of this section. Floor area designed for selling or office may not include areas used for storage, utilities or restrooms. Parking spaces and areas must meet the requirements of Article 5 of this chapter.

(h) Setbacks. No building or structure may be constructed or maintained in a center within 100 feet of the boundary line of an abutting lot or tract of land located in an R District nor within 25 feet of the right-of-way of a public street or road. No roadway or parking area in a center may be constructed or maintained within 25 feet of the right-of-way line.

(I) Storage; outdoor; restrictions. Merchandise, materials, or equipment may not be stored in an open area except for immediate sale or temporary display not exceeding seven days.” (Ord. 4072, passed -2012; Ord. 4137, passed -2014; Ord. 4192, passed -2016; Ord. \_\_\_\_\_, passed -2023.)

Section 2. All other ordinances and parts of ordinances in conflict herewith are repealed. Provided, however, this Ordinance shall not be construed to effect any rights, or duties existing at the time when this Ordinance becomes effective.

Section 3. This Ordinance shall become effective upon its passage and approval as provided by law, and publication shall be in pamphlet form.

PASSED AND APPROVED on \_\_\_\_\_, 2023.

Attest:

\_\_\_\_\_  
Mayor

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

Approved as to form:

\_\_\_\_\_  
City Attorney