

City of Scottsbluff, Nebraska
Monday, June 12, 2023
Regular Meeting

Item Appr. Min.1

April 10, 2023

Staff Contact:

PLANNING COMMISSION MINUTES
REGULAR SCHEDULED MEETING
April 10, 2023
SCOTTSBLUFF, NEBRASKA

The Planning Commission for the City of Scottsbluff met in regular scheduled meeting on Monday, April 10, 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 March 31, 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, Callan Wayman, Kendall Palu, Jim Zitterkopf, Jerry Stricker. "Absent": Dana Weber, Dave Gompert, Angie Aguallo, Henry Huber. "Excused:" Linda Redfern (alternate) City Officials present were Zachary Glaubius, Planning Administrator, Sharaya Toof, Economic Development Director, 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 March 13, 2023 meeting were reviewed. **Conclusion:** a motion was made by Stricker and seconded by Palu to approve the minutes from March 13, 2023 meeting. "Yeas:" Becky Estrada, Callan Wayman, Kendall Palu, Jim Zitterkopf, Jerry Stricker. "Nays:" None "Absent": Dana Weber, Dave Gompert, Angie Aguallo, Henry Huber. "Excused:" Linda Redfern (alternate) The motion carried.
- 6 Estrada introduced Item 6A regarding a public hearing to consider an ordinance text Change to Chapter 25 Article 3 regarding the PBC Zoning District. Estrada opened the public hearing at 6:01 PM. Glaubius stated the text change was submitted by Rockstep Capital, who own the Uptown Scottsbluff Mall. Glaubius stated the PBC zoning district requires a minimum lot size of 5 acres. Glaubius stated this lot size is prohibitive to redevelopment of the parking lots around the mall and former Kmart. Glaubius stated staff and Rockstep determined the lot minimum size should be replaced with a minimum district size. Glaubius stated Lincoln, Nebraska has a similar district which uses a district size instead of a lot size. Glaubius stated the 8-acre minimum lot size was agreed upon as the smallest existing PBC district is 8.5 acres in the City. Glaubius stated the 8-acre size would not create a non-conforming district. Toof stated she was meeting with Rockstep later on the week to determine what kind of redevelopment could occur at the former Kmart property. Toof stated this code change will remove a barrier to development. Stricker asked if the code change would help with economic development. Toof stated it would help with development throughout the City. Stricker stated he was concerned this code change was for Rockstep's sole benefit prior to the meeting, however after speaking with Glaubius, he learned that staff intended to amend this code. Estrada closed the public hearing at 6:06 PM. **Conclusion:** a motion was made by Stricker to approve the ordinance text change to the PBC

zoning district, seconded by Wayman. "Yeas:" Becky Estrada, Callan Wayman, Kendall Palu, Jim Zitterkopf, Jerry Stricker. "Nays:" None "Absent": Dana Weber, Dave Gompert, Angie Aguallo, Henry Huber. "Excused:" Linda Redfern (alternate) The motion carried.

- 7 Estrada introduced Item 6B regarding a public hearing to consider an ordinance text change to Chapter 25 Article 3 regarding Miscellaneous Regulations. Estrada opened the public hearing at 6:07 PM. Glaubius stated staff was reviewing the zoning code as part of the major review of the zoning code. Glaubius stated staff felt this code change needed to happen sooner than when the major review and revision is brought to Planning Commission. Glaubius stated the code change include the repealing of four subsections of 25-3-25. Glaubius stated subsection (D) is a now redundant floodplain regulation as the City adopted the revised Chapter 25 Article 19 in November of 2022. Glaubius stated subsections (J), (K), and (L) are related to the number of residential buildings on a lot and prohibitive to large multi-family developments. Glaubius stated the three subsections have not been enforced consistently. Glaubius stated the three subsections have been in code since at least 1974. Glaubius stated the repealing of the three subsections would be beneficial to development. Glaubius stated the code change would reduce the amount of surveying needed, less dedication of public improvements, allow for shared parking, and reduce the need for dedicating easements. Stricker stated he felt comfortable with the staff comments on the code change. Stricker stated he had concern of emergency access with private drives due to less public roads. Stricker asked if the Planning Commission would be able to review large developments. Glaubius stated that code only requires Planned Unit Developments to be reviewed by the Planning Commission, otherwise a site plan would be reviewed by staff. Wayman asked if the fire marshal would issue a certificate of occupancy for a development that did not meet the maneuvering standards for a fire truck. Quintana stated she would review this for new development. Stricker stated he liked the transfer of development costs to the developer for the taxpayer, but was concerned about the maintenance. Quintana asked if what the mechanism for the City to enforce compliance for the maintenance of fire lanes on private property. Glaubius stated it would need to be reviewed. Stricker stated he wanted to ensure there was a review process to ensure the safety of the public. Glaubius stated all major developments are reviewed by all applicable departments, and a system is in place for the review. **Conclusion:** Motion to approve by Palu, seconded by Wayman. "Yeas:" Becky Estrada, Callan Wayman, Kendall Palu, Jim Zitterkopf, Jerry Stricker. "Nays:" None "Absent": Dana Weber, Dave Gompert, Angie Aguallo, Henry Huber. "Excused:" Linda Redfern (alternate) The motion carried.
- 8 Estrada introduced Item 7 regarding staff reports. Glaubius stated staff is still working on the zoning updates. Glaubius stated he was researching how other municipalities handle special use/conditional use permit. Glaubius stated several cities tie a special use permit to the land rather than the property owner. Glaubius stated Stricker had additional information of the Fair Housing Commission. Stricker stated he checked with the Nebraska Equal Opportunity Commission and learned the City of Scottsbluff was not a certified community, therefore fair housing complaints go directly to the state rather than the city.
- 9 Item 8: Planning Commission confirmed the next meeting date of May 8, 2023.
- 10 Item 9: Adjournment
- 11 Adjournment: Motion by Stricker, seconded by Palu to adjourn meeting at 6:35 PM. "Yeas:" Becky Estrada, Callan Wayman, Kendall Palu, Jim Zitterkopf, Jerry Stricker. "Nays:" None "Absent": Dana Weber, Dave Gompert, Angie Aguallo, Henry Huber. "Excused:" Linda Redfern (alternate) The motion carried.

Becky Estrada, Chairperson

Zachary Glaubius, Secretary