

# CITY OF SCOTTSBLUFF Chambers 2525 Circle Drive PLANNING COMMISSION AGENDA Monday, June 12, 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 April 10, 2023
- 6. Public Hearing:
  - A Planning Commission to conduct a Public Hearing to consider the Final Plat of Lot 24A, Hillerege Addition, commonly identified as 240364 Karubos Road
- 7. Staff Reports:
  - A (Informational Only)
- 8. Schedule Meeting:
  - A Confirm next meeting date: July 10, 2023
- 9. Adjourn

 $2525\,\text{Circle Drive} \bullet \text{Scottsbluff}, \text{Nebraska}\, 69361 \bullet (308)\, 630\text{-}6243 \bullet \text{Fax}\, (308)\, 630\text{-}6294$ 

Monday, June 12, 2023 Regular Meeting

Item Appr. Min.1

**April 10, 2023** 

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.
- 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 8acre 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 Article19 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

Monday, June 12, 2023 Regular Meeting

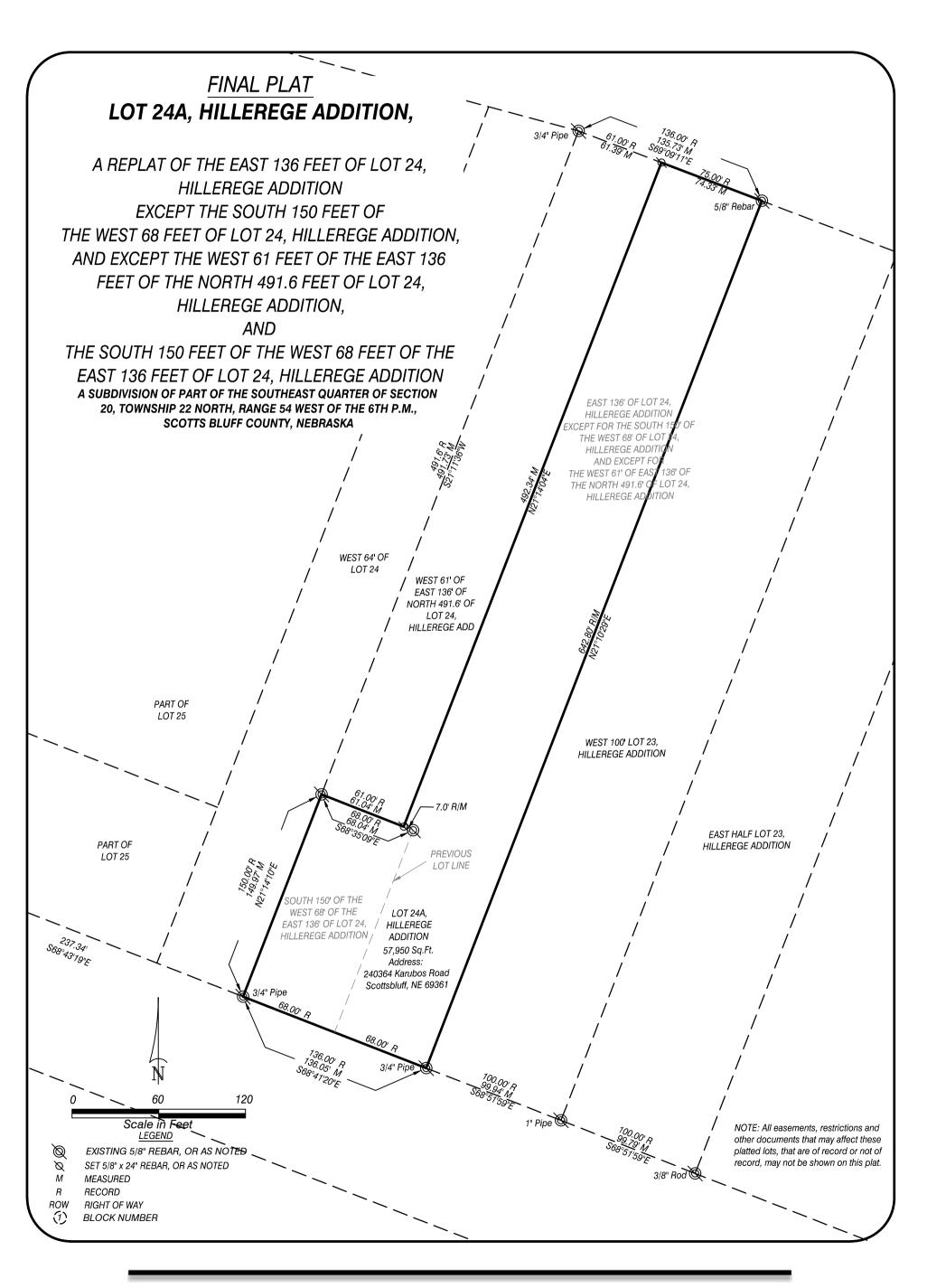
### Item Pub Hear1

Planning Commission to conduct a Public Hearing to consider the Final Plat of Lot 24A, Hillerege Addition, commonly identified as 240364 Karubos Road

### City of Scottsbluff, Nebraska Development Services Department

# Application for Approval of Subdivision of Real Estate Amended Plat

1.	1. Name of Subdivision: Lot 24A, Hillerege Addition							
2.	Applicant:	Jay L. & Patricia M	. Weitzel	<u>308-631-9407</u>	12			
l		Name	- A	Telephone Number				
l		240364 Karubos Ro Address	ad	Scottsbluff, NE 69361	7:			
l <sub>2</sub>	Name of	Audress		City/State	Zip			
J.	Property Owner	Name (Owner of Re	cord ONLY)	Telephone Number				
	Owner	$\overline{\mathrm{Address}}$		CitalChaha	7:.			
$ _{\lambda}$	Engineer	MC Schaff & Associ	otes	City/State 308-635-1926	Zip			
4.	or Land	Name/Firm	ates	Telephone Number	<del></del>			
	Surveyor	818 S. Beltline High	way Fact					
	Burveyor	Address	iway East	Scottsbluff, NE 69361 City/State	7in			
5.	Coordinator	Audress		City/State	Zip			
0.	Coordinator	Name		Telephone Number				
		Address		0:4/044-	77.			
6	Locations		-1 -:	City/State	Zip			
ю. 	Location:			the <u>north</u> side of the street	between			
	240398 Karubo	s Road_ and <u>240340</u>	Karubos Koad.					
7	I a ma I Danamin ti	C. A44						
l '·	Legal Descripti	on: See Attached	-	8				
8.	8. Brief written description of Amended Plat: combining the south 150' of the west 68' of the East 136' of Lot 24 and the east 136' of Lot 24, Hillerege Addition, except the south 150' of the west 68' and the west 61' of the east 136' of the north 491.6' of Lot 24.  Number of Lots 1							
9.	9. Attached:  Copy of Amended Plat (Mylar and 3.5" diskette or CD-ROM in AutoCAD format)  Legal Description if not listed above  Filing Fee - \$50.00 Rcpt  Letter of transmittal							
10. The undersigned hereby acknowledges that he/she is familiar with all the requirements of Ordinance No. 3410 and amendments thereto, establishing minimum subdivision design standards to be installed by the subdivision and that he/she has caused said preliminary plat and plan to be prepared. He/she certifies that all requirements of Ordinance 3410 and amendments thereto have been met and submits this application for approval subject to the requirements of said ordinances.								
11. Signature for Land Patricia Wetzel (If signature is other than the property owner, please attach owner's proof of acknowledgment and approval of application)								
	5-3-2023	,						
Da	te Received							
			Ω <sub>e</sub>					
$\frac{2}{\text{Ch}}$	ecked for comple	iance						
Development Services Department 1818 Avenue A, Scottsbluff, NE 69361 (308) 630-6254								



SURVEYOR'S CERTIFICATE	ACKNOWLEDGEMENT LOT 24A, HILLEREGE ADD SCOTTS BLUFF, COUNTY, NE			
I, DENNIS P. SULLIVAN, NEBRASKA REGISTERED LAND SURVEYOR NO. 562, DULY REGISTERED UNDER THE LAND SURVEYOR'S REGULATION ACT, HEREBY CERTIFY I, OR UNDER MY DIRECT SUPERVISION, HAVE	STATE OF NEBRASKA ) SHEET 2 OF 2 COUNTY OF SCOTTS BLUFF )			
SURVEYED_LOT 24A, HILLEREGE ADDITION, A REPLAT OF THE EAST 136 FEET OF LOT 24, HILLEREGE ADDITION EXCEPT THE SOUTH 150 FEET OF THE WEST 68 FEET OF LOT 24, HILLEREGE ADDITION, AND EXCEPT THE WEST 61 FEET OF THE EAST 136 FEET OF THE NORTH 491.6 FEET OF LOT 24, HILLEREGE ADDITION, AND THE SOUTH 150 FEET OF THE WEST 68 FEET OF THE EAST 136 FEET OF LOT 24, HILLEREGE ADDITION, A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 22 NORTH,	JOB# RM230075-00  Before me, a Notary Public, qualified and acting in said County, personally came Jay L. Weitzel, Husband, to me known to be the identical person whose signature is affixed to the foregoing `Owner's Statement' and acknowledged the execution thereof to be his voluntary act and deed.			
RANGE 54 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA.  THAT THE ACCOMPANYING PLAT IS A TRUE DELINEATION OF SAID SURVEY DRAWN TO A SCALE OF 60 FEET TO THE INCH. THAT ALL MONUMENTS FOUND OR SET ARE MARKED AS SHOWN. THAT ALL DIMENSIONS ARE IN FEET AND DECIMALS OF A FOOT. THAT SAID SURVEY, TO THE BEST OF MY KNOWLEDGE AND BELIEF IS TRUE, CORRECT AND IN ACCORDANCE WITH THE LAND SURVEYORS REGULATION ACT IN EFFECT AT THE TIME OF THIS SURVEY	WITNESS MY HAND AND SEAL THIS DAY OF, 2023.			
WITNESS MY HAND AND SEAL THIS DAY OF, 2023. FOR THE FIRM OF M. C. SCHAFF AND ASSOCIATES, INC.	My Commission Expires			
	ACKNOWLEDGEMENT  STATE OF NEBRASKA COUNTY OF SCOTTS BLUFF )			
Dennis P. Sullivan, Nebraska Registered Land Surveyor, L. S. 562	Before me, a Notary Public, qualified and acting in said County, personally came Patricia M. Weitzel, Wife, to me known to be the identical person whose signature is affixed to the foregoing `Owner's Statement' and acknowledged the execution thereof to be her voluntary act and deed.			
	WITNESS MY HAND AND SEAL THIS DAY OF, 2023.			
OWNER'S STATEMENT				
We, the undersigned, being the owners of the the East 136 feet of Lot 24, Hillerege Addition except the South 150 feet of the West 68 feet of Lot 24, Hillerege Addition, and except the West 61 feet of the East 136 feet of the North 491.6 feet of Lot 24, Hillerege Addition, and the South 150 feet of the West 68 feet of the East 136 feet of Lot 24, Hillerege Addition, a Subdivision of part of the Southeast Quarter of Section 20, Township 22 North, Range 54 West of the 6th P.M., Scotts Bluff County, Nebraska, as described in the foregoing `Surveyor's Certificate' and shown on the accompanying plat have caused such real estate to be platted as LOT 24A, HILLEREGE ADDITION, A REPLAT OF THE EAST 136 FEET OF LOT 24, HILLEREGE ADDITION EXCEPT THE SOUTH 150 FEET OF THE	My Commission Expires  APPROVAL AND ACCEPTANCE			
WEST 68 FEET OF LOT 24, HILLEREGE ADDITION, AND EXCEPT THE WEST 61 FEET OF THE EAST 136 FEET OF THE NORTH 491.6 FEET OF LOT 24, HILLEREGE ADDITION, AND THE SOUTH 150 FEET OF THE WEST 68 FEET OF THE EAST 136 FEET OF LOT 24, HILLEREGE ADDITION, A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 22 NORTH, RANGE 54 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA.	The foregoing plat of LOT 24A, HILLEREGE ADDITION, A REPLAT OF THE EAST 136 FEET OF LOT 24, HILLEREGE ADDITION EXCEPT THE SOUTH 150 FEET OF THE WEST 68 FEET OF LOT 24, HILLEREGE ADDITION, AND EXCEPT THE WEST 61 FEET OF THE EAST 136 FEET OF THE NORTH 491.6 FEET OF LOT 24, HILLEREGE ADDITION, AND THE SOUTH 150 FEET OF THE WEST 68 FEET OF THE EAST 136 FEET OF LOT 24, HILLEREGE ADDITION, A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 22 NORTH, RANGE 54 WEST			
That the foregoing plat is made with the free consent and in accordance with the desires of the undersigned owners. We hereby dedicate these streets and easements shown for the use and benefit of the public.  Dated this day of, 2023.	OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA is hereby approved by the Mayor and City Council of the City of Scottsbluff, Scotts Bluff County, Nebraska, by resolution duly passed			
Owners:	this day of, 2023.			
	Mayor: Jeanne McKerrigan			
By: Jay L. Weitzel, Husband  By: Patricia M. Weitzel, Wife	ATTEGT			

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#### **City of Scottsbluff Planning Commission**

**Development Services Staff Report** – Zachary Glaubius

Prepared on: May 25, 2023 For Hearing of: June 12, 2023



#### I. GENERAL INFORMATION

A. Applicant: Jay & Patricia Weitzel

240364 Karubos Road Scottsbluff, NE 69361

**B.** Property

**Owner:** Same as Applicant

**C. Proposal:** Request to consolidate the south 150' of the west 68' of the East 136' of Lot 24 and the east 136' if the north491.6' of Lot 24

D. Legal Description: Lot 24A, Hillerege Addition

E. Location: 240364 Karubos Road in the City of Scottsbluff Extra-Territorial Jurisdiction (ETJ)

F. Existing Zoning & Land Use: R-1B Rural Residential Estate and single- family dwelling

Size of Site: Approximately 1.33 Acres

#### II. BACKGROUND INFORMATION

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

Direction From	Future Land Use	Current Zoning	Surrounding
Subject Site	Designation	Designation	Development
North	County Jurisdiction	County Jurisdiction	Vacant
East	Residential	R-1B Rural Residential	Single-Family
		Estate	Dwelling
South	Residential	R-1B Rural Residential	Single-Family
		Estate	Dwelling
West	Residential	R-1B Rural Residential	Single-Family
		Estate	Dwelling

#### **B.** Relevant Case History

1. Hillerege Addition was platted in 1946.

#### III. ANALYSIS

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

#### B. Traffic & Access:

1. Current access to the existing lots is via frontage along Karubos Road

#### C. Utilities:

1. The subdivision is located in the ETJ and is not required to be connected to City utilities per Chapter 21.

#### IV. STAFF COMMENTS

- **A.** The proposed Lot 24A does not meet the minimum area requirements of the R-1B District. The minimum area for an R-1B Lot is 3 acres and the proposed lot is 1.33 acres.
- **B.** While the existing lots and proposed lots are not in conformance with the R-1B District, they are in conformance with the lot sizes of the surrounding neighborhood.

#### V. FINDINGS OF FACT

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

- 1. The Comprehensive Plan identifies the area as residential and the area will remain residential.
- 2. The replat will result in an existing lot becoming closer to compliance.
- 3. The replat will correctly subdivide land that was improperly subdivided.

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

**1.** Lot 24A does not meet the 3 acres minimum area of the R-1B Rural Residential Estate District.

#### VI. STAFF RECCOMENDATION

**A.** Staff recommends Planning Commission recommend the approval of the Final Plat of Lot 24A, Hillerege Addition, Scotts Bluff County, Nebraska.



### Zoning Overview



Property Location(s)

Corporate Limits

Extended Jurisdiction

Street Centerlines

- 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

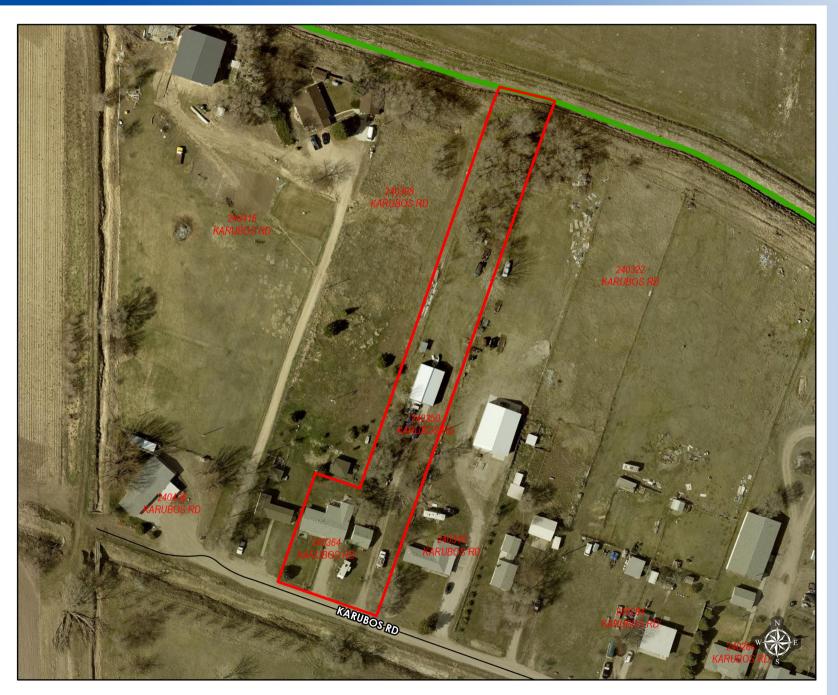
(R-6) Mobile Home

Taylor Stephens City of Scottsbluff GIS Created on 6/7/2023 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.



# Aerial Overview





Corporate Limits

Extended Jurisdiction

Proposed Changes

**Street Centerlines** 

**CLASS** 

--- Highway

--- Main Road

— Residential/Rural

Parcels

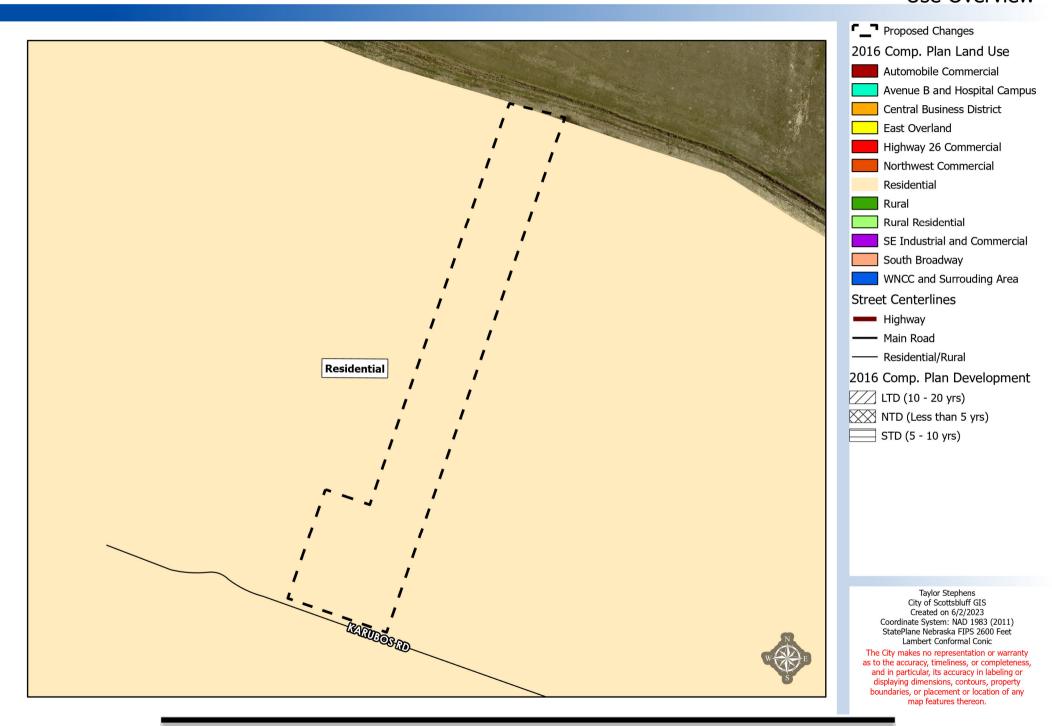
Address

Taylor Stephens City of Scottsbluff GIS Created on 6/2/2023 Coordinate System: NAD 1983 (2011) StatePlane Nebraska FIPS 2600 Feet Lambert Conformal Conic

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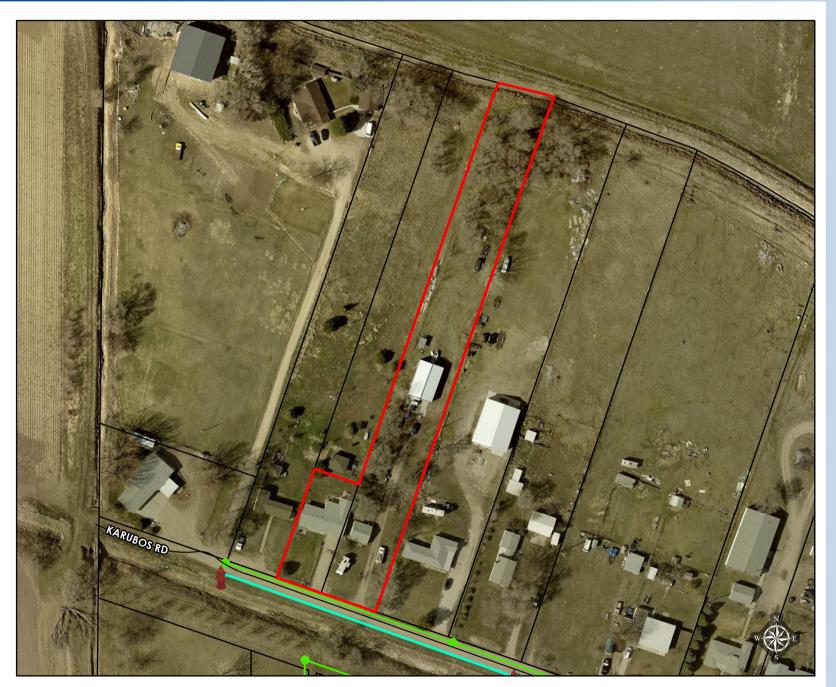


### 2016 Comp. Plan Future Land Use Overview





### Utilities Overview



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

Easement

Proposed Property

Parcels

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Monday, June 12, 2023 Regular Meeting

**Item Staff Rep1** 

(Informational Only)

Monday, June 12, 2023 Regular Meeting

**Item Meet1** 

Confirm next meeting date: July 10, 2023