



CITY OF SCOTTSBLUFF
Scottsbluff City Hall Council Chambers
2525 Circle Drive
PLANNING COMMISSION AGENDA
Monday, October 9, 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 September 11, 2023**
- 6. Public Hearing :**
 - A Planning Commission to conduct a Public Hearing regarding a Rezone of Lot 1A, Spengler Subdivision, Scotts Bluff County, Nebraska, commonly identified as 80720 CR 22.**
 - B Planning Commission to conduct a Public Hearing for proposed Ordinance Text Change to Chapter 25 Article 5 regarding Off-Street Parking Requirements.**
- 7. Officer Election:**
 - A 2023-2024 Officer Elections**
- 8. Staff Reports:**
 - A Planning Commission to discuss and direct staff on progress of updates to Chapter 25 of the Municipal Code.**
- 9. Schedule Meeting:**
 - A Confirm next Meeting Date: November 13, 2023**
- 10. Adjourn**

City of Scottsbluff, Nebraska
Monday, October 9, 2023
Regular Meeting

Item Appr. Min.1

September 11, 2023

Staff Contact:

PLANNING COMMISSION MINUTES
REGULAR SCHEDULED MEETING
September 11, 2023
SCOTTSBLUFF, NEBRASKA

The Planning Commission for the City of Scottsbluff met in regular scheduled meeting on Monday, September 11, 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 August 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, Dave Gompert, Angie Aguallo, Jim Zitterkopf, Kendal Palu, Jerry Stricker, Callan Wayman "Absent": Dana Weber, Henry Huber. "Excused": Linda Redfern (alternate) City Officials present were Zachary Glaubius, Development Services Director, 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 July 10, 2023 meeting were reviewed. **Conclusion:** a motion was made by Wayman and seconded by Stricker to approve the minutes from July 10, 2023 meeting. "Yeas:" Becky Estrada, Jim Zitterkopf, Angie Aguallo, Dave Gompert, Jerry Stricker, Callan Wayman. "Nays:" None "Absent": Dana Weber, Henry Huber. The motion carried.
- 6 Estrada introduced Item 6A regarding a public hearing to consider the creation of an Agricultural Estate Dwelling Site situated in the Southwest Quarter of Section 20, Township 22 North, Range 54 West of the 6th PM, commonly identified as 240336. Estrada opened the public hearing at 6:02 PM. Glaubius stated this request was by Bryan Frank and the application meets all the requirements of code. Glaubius stated this AEDS was unique as it was an interior section type AEDS. Glaubius stated this required the AEDS to have a 25' access easement to a public road since it did not have 150 feet of road frontage. Glaubius stated the intent of the AEDS was to sell the farmstead and retain the farm ground. Glaubius stated staff recommends a positive recommendation on approval. Dustin Beaudette with MC Schaff spoke to the Planning Commission. He stated he represented the applicant and would answer any questions. Estrada closed the public hearing at 6:03 PM. Wayman inquired the intent of the access easement was to provide a lane to the property, and stated a lane was more or less located on the easement. Beaudette stated the easement will allow the Franks to continue to farm.
- 7 **Conclusion:** Motion by Stricker to make a positive recommendation on the approval of the AEDS application, seconded by Wayman. "Yeas:" Becky Estrada, Jim Zitterkopf, Angie Aguallo, Dave Gompert, Jerry Stricker, Callan Wayman. "Nays:" None "Absent": Dana Weber, Henry Huber. The motion carried. The motion carried.

- 8 Estrada introduced Item 7 regarding staff reports. Glaubius provided an update on the zoning code revisions. Glaubius stated some definitions and other articles were amended. Glaubius stated staff was considering the creation of some new zoning districts.
- 9 Item 8: Planning Commission confirmed the next meeting date of October 9, 2023.
- 10 Item 9: Adjournment
- 11 Adjournment: Motion by Stricker, seconded by Palu to adjourn meeting at 6:07 PM. "Yeas:" Becky Estrada, Jim Zitterkopf, Angie Aguallo, Dave Gompert, Jerry Stricker, Callan Wayman. "Nays:" None "Absent": Dana Weber, Henry Huber. The motion carried. The motion carried.

Becky Estrada, Chairperson

Zachary Glaubius, Secretary

City of Scottsbluff, Nebraska

Monday, October 9, 2023

Regular Meeting

Item Pub Hear1

Planning Commission to conduct a Public Hearing regarding a Rezone of Lot 1A, Spengler Subdivision, Scotts Bluff County, Nebraska, commonly identified as 80720 CR 22.

Staff Contact:



Scottsbluff City Zoning Map (Rezone) Application

2525 Circle Drive, Scottsbluff, NE 69361
 Telephone (308) 630-6243 Fax (308) 630-6204
www.scottsbluff.org

Project Information

Application Date: 8-24-23	Number (Office Use Only):
Property Address: 80720 CR 22 SCOTTSBLUFF, NE 69361	
Current Zone: AR	Proposed Zone: R-1
Comprehensive Plan Designation: Residential	Comprehensive Plan Amendment Required?: No
Acreage of Property: 6.13 Acres	

Applicant Information

Applicant: MISTY Aulick	Property Owner: MISTY Aulick
Address: 80720 CR 22	Telephone: 308-672-0610
City: Scottsbluff	State: NE
Zip: 69361	Alt. Telephone:

City Development Process and Requirements

- Staff Review Time:** Approximately 4 to 5 weeks prior to the Public Hearing date.
- Planning Commission:** Held the second Monday of each month at 6:00 p.m.
- 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
- Rezone Fees \$100.00 plus
- Cost of postage for everyone within 300 feet + \$3.00 per property owner
- Provide a list (in mailing label format) of property owners within 300 feet of the exterior boundaries of the property to be rezoned together with:
 - A map(s) that clearly show the ownership within the 300 feet

- A letter from the property owner giving permission that their property maybe rezoned.
- Legal description of the property - on disk or emailed to the City Development Service Department in Word format and a map of property to be rezoned.
- A Letter from the petitioner that the proposed use:
 - Would provide a service required by the neighborhood and/or community and be consistent with sound land use.
 - Would not be injurious to the adjacent properties or uses
 - That rezoning the property would not create special hazards or problems for the neighborhood or community
 - Would be harmonious and consistent with the plan for the area in the Comprehensive Plan
 - Why the rezone of the property should be granted.

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

9/8/23

To whom it may Concern:

I, Misty Aulick, Owner of 80720 CR 22 in Scottsbluff Ne, would like to rezone my property to allow for future housing developments.

Misty Aulick
308-672-0610

City of Scottsbluff Planning Commission

Development Services Staff Report – Zachary Glaubius

Prepared on: September 26, 2023 For Hearing of: October 9, 2023



I. GENERAL INFORMATION

- A. **Applicant:** Misty Aulick
80720 CR 22
Scottsbluff, NE 69361

- B. **Property**
Owner: Same as Applicant

- C. **Proposal:** Rezone Lot 1A, Spengler Subdivision from AR Agricultural Residential to R-1 Single-Family Residential

- D. **Legal Description:** A Tract of Land situated in the northern half of the southeast quarter of Section 11, Township 22 North, Range 55 West of the 6th PM

- E. **Location:** 80720 CR 22

- F. **Existing Zoning & Land Use:** AR Agricultural Residential and Acreage and Communications Tower

- G. **Size of Site:** Approximately 6.15 Acres

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	Residential	A-Agricultural	Farm Ground
East	Residential	A-Agricultural & R-1 Single Family Residential	Single-Family Dwelling and Farm Ground
South	Residential	AR Agricultural Residential	Machine Shed
West	Residential	A-Agricultural	Farm Ground

B. Relevant Case History

1. Subdivision was replatted in 2019

III. ANALYSIS

- A. **Comprehensive Plan:** The Future Land Use Map of the Comprehensive Plan currently shows the site as Residential and Short-Term Development
- B. **Traffic & Access:**

1. Access to the subdivision will be via CR 22.

C. Utilities:

1. Property is located in the extraterritorial jurisdiction and therefore is exempted from being connected to City utilities.

IV. STAFF COMMENTS

- A. The rezone is an expansion of the existing R-1 District to the east.
- B. The minimum lot size of R-1 is 12,000 square feet. The intent of the rezone is to be able to subdivide Lot 1A. Currently Lot 1A must meet the 5 acre AR lot size.
- C. The proposed rezone is in compliance with the future land use map of the Comprehensive Plan.
- D. The area is identified as short-term development as the property is approximately 30 feet away from the corporate limits.

V. FINDINGS OF FACT

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

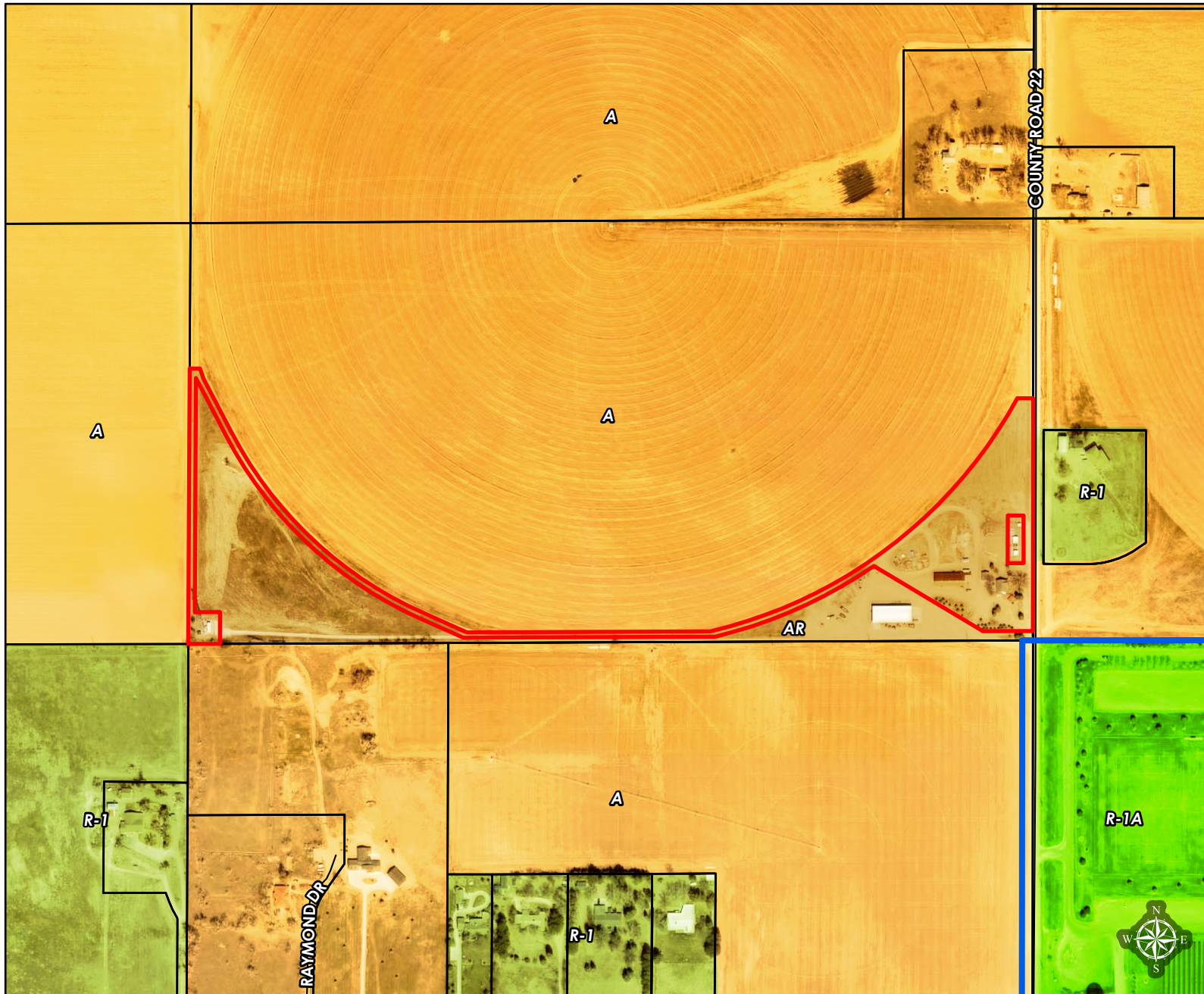
1. The Comprehensive Plan identifies the area as residential and the proposed rezone to R-1 aligns with the future land use map.

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

1. None

VI. STAFF RECCOMENDATION

- A. Staff recommends Planning Commission make a positive recommendation on approval of the rezone of the Lot 1A, Spengler Subdivision from AR Agricultural Residential to R-1 Single-Family Residential by the City Council.



- Property Location(s)
 - Corporate Limits
 - Extended Jurisdiction
- City Zoning**
- (A)Agriculture
 - (AR)Ag Residential
 - (C-1)Central Business District
 - (C-2)Neighborhood Com
 - (C-3)Heavy Com
 - (M-1)Light Man & Ind
 - (M-2)Heavy Man & Ind
 - (O-P)Office and Professional
 - (PBC) Planned Bussiness
 - (R-1)Single Family
 - (R-1A)Single Family Med Dens
 - (R-1B)Rural Residential
 - (R-4)Heavy Dens Multiple
 - (R-6)Mobile Home
- Street Centerlines**
- Highway
 - Main Road
 - Residential/Rural
 - Parcels

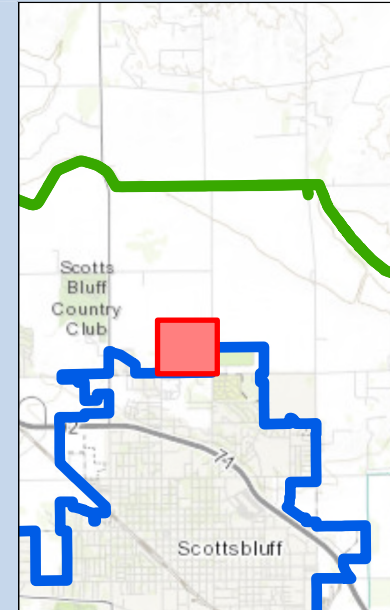
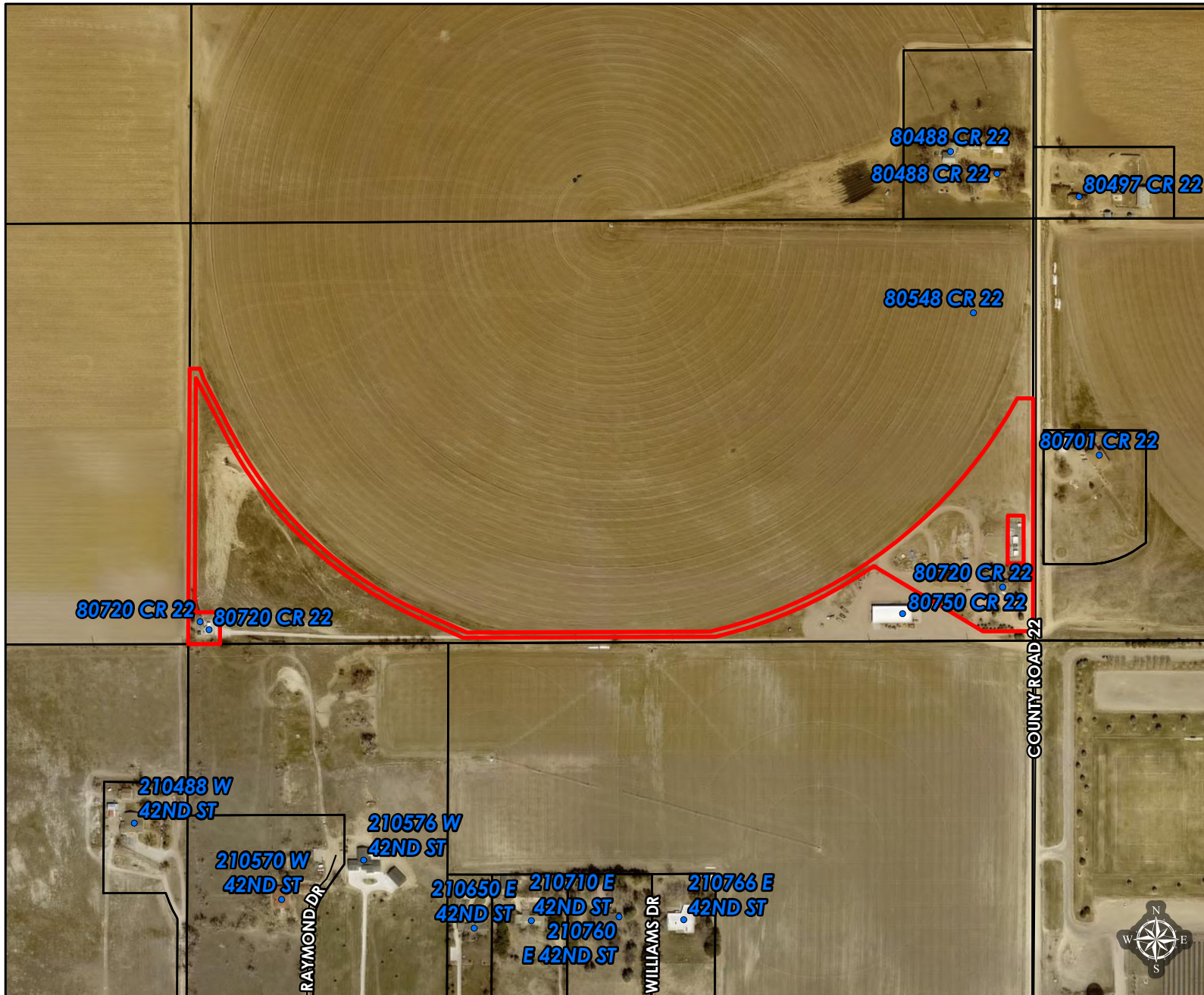
Taylor Stephens
 City of Scottsbluff GIS
 Created on 9/25/2023
 Coordinate System: NAD 1983 (2011)
 StatePlane Nebraska FIPS 2600 Feet
 Lambert Conformal Conic

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.

Proposed Rezone from AR to R1

80720 CR 22

Aerial Overview



Proposed Changes

Street Centerlines

CLASS

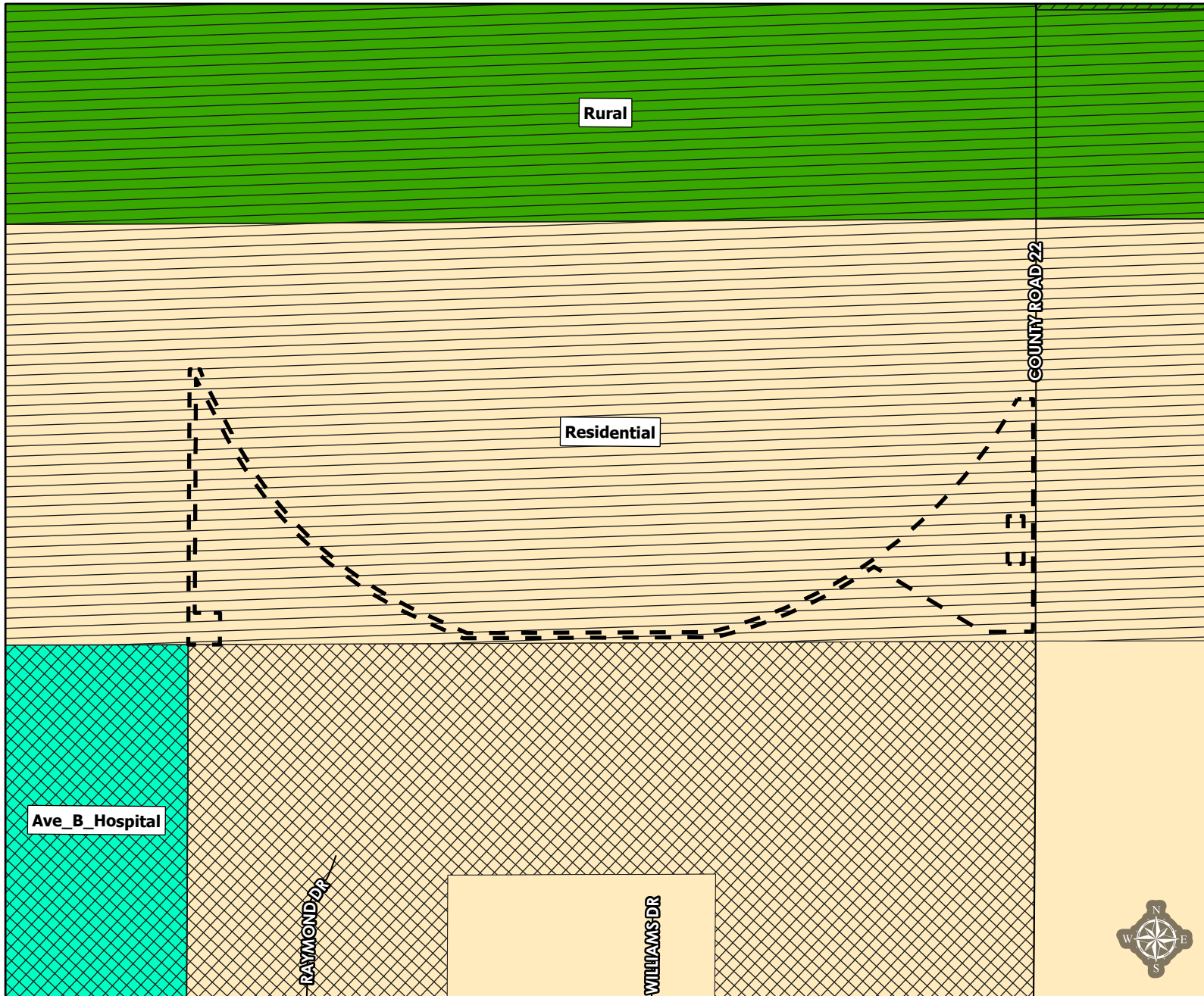
- Highway
- Main Road
- Residential/Rural
- Parcels
- Address

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Proposed Rezone from AR to R1

80720 CR 22



- 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, October 9, 2023

Regular Meeting

Item Pub Hear2

Planning Commission to conduct a Public Hearing for proposed Ordinance Text Change to Chapter 25 Article 5 regarding Off-Street Parking Requirements.

Staff Contact:

City of Scottsbluff Planning Commission

Development Services Staff Report – Zachary Glaubius

Prepared on: September 27, 2023 For Hearing of: October 9, 2023



I. GENERAL INFORMATION

- A. Per § 25-5-2, *“If the Planning Commission finds from evidence submitted to it that fewer parking stalls than this article otherwise requires are needed for a lot or tract of land used for wholesale, warehousing, or manufacturing purposes, the Planning Commission may grant a permit to construct a facility that meets the actual need though less than generally required by this article. No off-street parking spaces are required for dwelling units or residential uses in a Central Business District (C-1) District.*
- B. Staff is requesting §25-5-2 be amended to read as: *“If the Planning Commission finds from evidence submitted to it that fewer parking stalls than this article otherwise requires are needed for any permitted use, the Planning Commission may grant a permit to construct a facility that meets the actual need though less than generally required by this article.*

II. STAFF COMMENTS

- A. The current code only allows exceptions for manufacturing, wholesale, and warehousing. However, all other uses must comply with the off-street parking standards of §25-5-1.
- B. Staff is requesting the limitation to only manufacturing, wholesale, and warehousing be removed, and the parking exception be available to any permitted use.
- C. Literature over that last decade has shown that parking requirements can stifle development due to increased prices and reduced developable space.
- D. Staff has begun reviewing the City’s parking requirements; however, more time is necessary to research what the optimal calculations for the City of Scottsbluff are.
- E. This text amendment will provide a more immediate option for all developers to reduce parking requirements while staff researches.
- F. The burden to provide sufficient evidence remains with the developer, and the Planning Commission will retain the authority to review and approve/deny parking exception requests.

III. STAFF RECCOMENDATION

- A. Staff recommends the Planning Commission make a positive recommendation to City Council on the adoption of the revised 25-5-2 regarding exceptions to off-street parking minimum requirements.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA AMENDING CHAPTER 25, ARTICLE 5, SECTION 2 OF THE SCOTTSBLUFF MUNICIPAL CODE DEALING WITH EXCEPTIONS TO THE REQUIRED NUMBER OF PARKING STALLS AND PROVIDING EVIDENCE THAT FEWER STALLS ARE REQUIRED, 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 5, Section 2 of the Scottsbluff Municipal Code is amended as follows:

“§25-5-2 EXCEPTIONS.

If the Planning Commission finds from the evidence submitted to it that fewer parking stalls than this article otherwise requires are needed for any permitted use, the Planning Commission may grant a permit to construct a facility that meets the actual need for parking stalls though less than the parking stalls generally required by this article.” (Ord. 3639, passed-2000; Ord. 4152, passed-2015; 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

City of Scottsbluff, Nebraska
Monday, October 9, 2023
Regular Meeting

Item Election1

2023-2024 Officer Elections

Staff Contact:

City of Scottsbluff, Nebraska

Monday, October 9, 2023

Regular Meeting

Item Staff Rep1

Planning Commission to discuss and direct staff on progress of updates to Chapter 25 of the Municipal Code.

Staff Contact:

City of Scottsbluff Planning Commission

Development Services Staff Report – Zachary Glaubius

Prepared on: October 3, 2023

For Meeting of: October 9, 2023



I. GENERAL INFORMATION

- A. An update to the 2023 Zoning Code Revision.

II. STAFF COMMENTS

A. New Zoning Districts

- i. RR – Rural Residential District (consolidation of R-1B and AR)
- ii. R-2 – Low Density Residential (post-1940s R-1A districts)
- iii. R-3 – Mixed Density Residential (pre-1940s R-1A districts)

B. District Renaming

- i. R-1 Single Family Residential to R-1 Suburban Residential
- ii. R-4 Heavy Density Multi-Family Residential to R-4 High Density Residential
- iii. O-P Office & Professional to MX Mixed Use District
- iv. C-2 Neighborhood and Retail Commercial to C-2 Local Commercial
- v. C-3 Heavy Commercial to C-3 General Commercial
- vi. PBC Planned Business Center to PCC Planned Commercial Center
- vii. M-1 Light Manufacturing and Industrial to M-1 Limited Industrial
- viii. M-2 Heavy Manufacturing and Industrial to M-2 General Industrial

C. Special Use Permit Renaming

- i. Renamed Special Use Permit to Conditional Use Permit
- ii. Repeal Special Use Permit requirement for Perimeter Fences and Subdivision Signs

D. Supplemental Zoning Requirements

- i. Reviewed and Reorganized 25-3-23 and 25-3-25
- ii. Grouped similar supplemental requirements under code sections

E. Permitted and Special Uses Review

- i. Currently working on Matrix for Zoning Uses
- ii. Consolidating specific uses into use Groups

F. Zoning District Map

- i. On-hold

G. Accessory Buildings

- i. Relocated accessory building requirements from each zoning district section to a new Article 25.

H. Performance Standard Tables

- i. Reorganized. Removed minimum dwelling size requirement.

I. Travel Trailers

- i. Renamed Travel Trailers to RV's

J. Definitions

- i. Removed, modified, and added definitions.
- ii. Assigned each Letter a code section instead of each definition.

City of Scottsbluff, Nebraska
Monday, October 9, 2023
Regular Meeting

Item Meet1

Confirm next Meeting Date: November 13, 2023

Staff Contact: