

**City of Scottsbluff, Nebraska**  
**Monday, November 13, 2023**  
**Regular Meeting**

**Item Appr. Min.1**

**October 9, 2023**

**Staff Contact:**

PLANNING COMMISSION MINUTES  
REGULAR SCHEDULED MEETING  
October 9, 2023  
SCOTTSBLUFF, NEBRASKA

The Planning Commission for the City of Scottsbluff met in regular scheduled meeting on Monday, October 9, 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 September 28, 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 6:14 PM. Roll call consisted of the following members being present, Becky Estrada, Henry Huber, Angie Aguallo, Jerry Stricker, Callan Wayman "Absent": Dana Weber, Dave Gompert, Kendall Palu, Jim Zitterkopf. "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 September 11, 2023 meeting were reviewed. **Conclusion:** a motion was made by Stricker and seconded by Aguallo to approve the minutes from September 11, 2023 meeting. "Yeas:" Becky Estrada, Henry Huber, Angie Aguallo, Jerry Stricker, Callan Wayman. "Nays:" None "Absent": Dana Weber, Dave Gompert, Kendall Palu, Jim Zitterkopf. The motion carried.
- 6 Estrada introduced Item 6A regarding a public hearing to consider a rezone of Lot 1A, Spengler Subdivision. Estrada opened the public hearing at 6:15 PM. Glaubius stated the rezone is located in the extra-territorial jurisdiction and the current zoning of the property is AR Agricultural Residential. Glaubius stated the property owner, Misty Aulick, is requesting a rezone to R-1 Residential in order to split the lot for another house. Glaubius stated this is an expansion of the R-1 District located to the east of Lot 1A. Glaubius stated the rezone is inline with the comprehensive plan as the future land use map identifies the area as residential. Stricker stated he read in the staff report that Aulick desires to develop properties and inquired how many properties could be located on Lot 1A. Glaubius stated the minimum size of the R-1 district is 12,000 square feet. Glaubius stated staff recommends a positive recommendation on approval of the rezone. Estrada closed the public hearing at 6:17 PM. Stricker asked if the land division would go before the Planning Commission. Glaubius stated it would depend on how the property would be subdivided as it could potentially be replatted administratively or could be required to go through Planning Commission. Stricker stated the development would be limited by water well areas and septic systems. Glaubius agreed. Stricker asked if common drives would be part of the development. Glaubius stated it would depend on the plat, but any public road would be under County jurisdiction. Aguallo asked about the 3-acre acreage requirement. Glaubius stated the current minimum lot size for AR districts is 5 acres and the existing lot is 6

acres. Glaubius stated even though the minimum lot size for R-1 is 12,000 square feet, the property owner can have larger lots such as 3 acre lots. Wayman asked if it was possible to have a well and septic system on a 12,000 square foot lot, and stated that would be pretty tight to fit on a lot of that size. Glaubius agreed. Wayman asked if the Aulick was thinking of doing a tiny home development. Glaubius stated the property owner had several ideas, but was waiting to see if the rezone was approved. Stricker stated since the applicant was not present at the meeting, he would motion to table the rezone. The motion died for lack of a second.

- 7 Huber inquired why staff was recommending a positive recommendation. Glaubius stated the rezone is aligned with the Comprehensive Plan. Wayman stated if Aulick were to replat, there would be significant review of the plat. Glaubius stated it would be reviewed to ensure it met code. Glaubius stated the type of review would be dependent on the what the replat is. Glaubius stated if the replat would be for 2 or 3 lots, it would be a typical administrative replat. Glaubius stated if the replat for were for more lots, it would require further review. Batt stated the State of Nebraska requires 2 acres for a septic system. Aguallo stated the applicant was limited to 3 lots then. Stricker stated he was concerned about the rezone due to proximity to the corporate limits and would not want the action to affect future growth due to the applicant not being present to explain the rezone request. Wayman stated R-1 is located adjacent to this property already and the rezone is aligned with the Comprehensive Plan. Glaubius stated staff would promote a rezone to R-1 from AR due to the close proximity to the corporate limits of the City and the rezone would promote smaller lot developments. Glaubius stated the rezone would promote more financially viable growth instead of creating a situation similar to the ranchettes north of Cheyenne. Stricker asked if there was a public access road to the south the property. Aguallo stated it is a utility/access easement. Batt stated there is a road to the communication tower and Aguallo stated there are utility poles locate there
- 8 **Conclusion:** Motion by Huber to make a positive recommendation on the approval of the rezone of Lot 1A Spengler Addition from AR to R-1, seconded by Wayman. Yeas:" Becky Estrada, Henry Huber, Angie Aguallo, Callan Wayman. "Nays:" Jerry Stricker "Absent": Dana Weber, Dave Gompert, Kendall Palu, Jim Zitterkopf. The motion carried.
- 9 Estrada introduced Item 6B regarding a public hearing to consider a proposed ordinance text change to Chapter 25 Article 5 regarding Off-Street Parking Requirements. Estrada opened the public hearing at 6:23 PM. Glaubius stated the proposed text change is a relatively minor change. Glaubius stated currently the zoning code under 25-5-2 allows the Planning Commission to grant an exception to off-street parking requirements for manufacturing, wholesaling, and warehousing uses. Glaubius stated that staff is requesting this be changed to allow any permitted use to be granted an exception to off-street parking requirements by the Planning Commission. Glaubius stated this code change is a way to lessen the City's parking regulations while staff reviews the existing parking requirements under 25-5-1. Wayman asked if this was a tool to allow a developer to request fewer parking stalls at a site. Glaubius stated it was. Wayman stated currently a business would not be able to come before the Planning Commission for fewer parking stalls unless it was one of the three listed types. Glaubius stated for example if a chain restaurant wanted to build in Scottsbluff and is required to have 40 parking stalls, however the restaurant has evidence to prove they only need 28 parking stalls. They would submit an application to the Planning Commission to request an exception to reduce the number of parking stalls from 40 to 28. Glaubius stated staff recommends a positive recommendation on approval to the City Council. Stricker stated this appears to be a good tool on a case-by-case basis. Stricker stated vacant Kmart property is an example of too much parking and this could be a mechanism to prevent oversized parking lots in the future. Glaubius stated this is a temporary fix until the parking calculations can be reviewed and revised. Huber

asked Batt if he had seen issues with not enough parking. Batt stated the Tangled Tumbleweed is an example of having not enough parking. Wayman stated the restaurant is located in C-1 however, so there is no required parking. Aguallo stated the text change makes the regulations more flexible and less black and white.

- 10 **Conclusion:** Motion by Stricker to make a positive recommendation on the approval of the ordinance text change to Chapter 25 Article 5 regarding the Planning Commission having the authority to grant exceptions to the off-street parking requirements for all permitted uses instead of only manufacturing, wholesaling, and warehousing uses, seconded by Wayman. Yeas:” Becky Estrada, Henry Huber, Angie Aguallo, Callan Wayman, Jerry Stricker. “Nays:” None “Absent”: Dana Weber, Dave Gompert, Kendall Palu, Jim Zitterkopf. The motion carried.
- 11 Estrada introduced Item 7 regarding Officer Elections. The elections were postponed until the November meeting since only five commissioners were present.
- 12 Item 8: Staff Reports. Glaubius stated he sent out the draft of the zoning code changes. Glaubius stated most of it is changes in terminology. Glaubius stated the main thing he was requesting the Planning Commission review was the proposal to split the existing R-1A district into R-2 Low Density Residential and R-3 Mixed Density Residential. Glaubius stated it would be essentially based off of the year built of the housing. Glaubius stated R-3 would be predominantly the older residential neighborhoods of town or pre-1940s housing as these lots are smaller and narrower. Glaubius stated R-2 would be post-1950s housing such as Westmoor, Cornett Heights, and housing north of Highway 26. Glaubius stated the change could result in less non-conforming lots, however Glaubius was undecided on whether this split is necessary. Glaubius stated the other changes included renaming districts, which were mostly minor except changing O-P to MX Mixed Use. Glaubius stated the minimum housing size was removed from the performance standards table and he could not find other communities that used this standard and to help with affordable housing. Glaubius stated the definitions chapter was changed to where a code number was assigned to a letter rather than a term. Glaubius stated the zoning code revisions still have a ways to go before bringing it to the Planning Commission. Aguallo asked if the minimum dwelling size had to do with tiny home developments so housing wouldn't be too small. Glaubius stated he was thinking of defining a tiny home with a minimum and maximum size and making it a separate use from a detached single-family dwelling. Wayman stated several years ago there was a tiny home planned unit development proposed. Wayman asked if there were any tiny home planned unit developments in Scottsbluff. Glaubius stated there were none. Huber stated the tiny home trend is coming and the Planning Commission will have to carefully consider where a tiny home PUD would go due to opposition. Wayman and Aguallo agreed. Estrada stated there might not be big demand for tiny homes according to a real estate association report. Huber stated there are now 3-D homes that are completely made of concrete. Stricker asked if there were any PUDs in the City. Glaubius stated there was a handful, but were predominantly condominium complexes and retirement communities. Wayman asked if there was tiny home on 38<sup>th</sup> Street. Batt stated there is a nonconforming tiny home there.
- 13 Planning Commission confirmed the next meeting date of November 13, 2023.
- 14 Item 9: Adjournment
- 15 Adjournment: Motion by Aguallo, seconded by Wayman to adjourn meeting at 6:37 PM. Yeas:” Becky Estrada, Henry Huber, Angie Aguallo, Callan Wayman. “Nays:” Jerry Stricker “Absent”: Dana Weber, Dave Gompert, Kendall Palu, Jim Zitterkopf. The motion carried.

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Becky Estrada, Chairperson

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Zachary Glaubius, Secretary