

City of Scottsbluff, Nebraska
Monday, December 11, 2023
Regular Meeting

Item Appr. Min.1

November 13, 2023

Staff Contact:

PLANNING COMMISSION MINUTES
REGULAR SCHEDULED MEETING
November 13, 2023
SCOTTSBLUFF, NEBRASKA

The Planning Commission for the City of Scottsbluff met in regular scheduled meeting on Monday, November 13, 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 November 2, 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, Henry Huber, Angie Aguallo, Jerry Stricker, Callan Wayman, Dana Weber, Kendall Palu, Jim Zitterkopf "Absent": Dave Gompert. "Excused": Linda Redfern (alternate) City Officials present were Zachary Glaubius, Development Services Director, Taylor Stephens, GIS Analyst, Gary Batt, Code Administrator II, Tom Schingle, Fire Chief, and Chris Perales, Fire Prevention Officer.
- 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 October 9, 2023 meeting were reviewed. **Conclusion:** a motion was made by Stricker and seconded by Palu to approve the minutes from September 11, 2023 meeting. "Yeas:" Becky Estrada, Henry Huber, Angie Aguallo, Jerry Stricker, Callan Wayman, Dana Weber, Kendall Palu, Jim Zitterkopf. "Nays:" None "Absent": Dave Gompert. The motion carried.
- 6 Estrada introduced Item 6A regarding a public hearing to consider a rezone of Lot 1A, Block 8, Laucomer Addition. Estrada opened the public hearing at 6:01 PM. Glaubius stated the rezone is located at 2003 Char Avenue and the applicant is requesting a rezone from C-2 Neighborhood and Retail Commercial to O-P Office and Professional in order to have a crematory at the location. Glaubius stated crematory would fall under the mortuary use which is permitted in O-P districts, but not in C-2 districts. Glaubius stated the rezone is in compliance with the future land use map as the comprehensive plan identifies the area as residential and O-P is a residential-commercial zone. Glaubius stated staff recommends a positive recommendation on approval to City Council. Applicant Oscar Gonzales stated his business, Reverence Funeral Home, is planning on expanding to have a crematory, however the current campus for the funeral home does not have space. Gonzales stated the rezone is for the vacant lot across Char Avenue from the funeral home. Gonzales stated there has not been a new crematory installed in the Scottsbluff area and their crematory will be more advanced than those existing in the community. Estrada closed the public hearing at 6:04 PM. Stricker asked Gonzales if there were regulations on emissions. Gonzales stated the EPA has extensive regulations on emissions. Stricker asked if there would be a viewing room at the crematory. Gonzales stated that it was not in the immediate plans, but was something they were considering in the future. Gonzales said the building would have offices, a viewing room, a crematory for humans, and a crematory for pets. Stricker asked if

there would be space for parking. Gonzales stated there would be space left on the property for the required parking.

- 7 **Conclusion:** Motion by Stricker to make a positive recommendation on the approval of the rezone of Lot 1A, Block 8, Laucomer Addition, seconded by Zitterkopf. “Yeas:” Becky Estrada, Henry Huber, Angie Aguallo, Jerry Stricker, Callan Wayman, Dana Weber, Kendall Palu, Jim Zitterkopf. “Nays:” None “Absent”: Dave Gompert. The motion carried.
- 8 Estrada introduced Item 6B regarding a public hearing to consider a Final Plat and Contract for Public Improvements of Dollar General Plat 1, a replat of Lots 2A, 2B, and 2C, Eisele Subdivision, commonly identified as 1008 W. Overland Dr. Estrada opened the public hearing at 6:06 PM. Glaubius stated this final plat is to consolidate three lots into a single lot for a new Dollar General store. Glaubius stated a contract for public improvements is included with this plat as there is no sewer or stormwater sewer serving the property. Glaubius stated the plat is aligned with the Comprehensive Plan as the property is already commercial. Glaubius stated access will be via W. Overland Drive. Applicant Ed Pelds stated the plat is to prepare the property for a new Dollar General store and stated his team has been working with staff to meet the City’s requirements. Estrada closed the public hearing at 6:08 PM. Stricker inquired where the on-site stormwater retention area. Glaubius stated the on-site retention is located on the rear of the property. Stricker inquired what was to happen with the open portion of the property south of the building. Pelds stated that portion of the property will remain open space and serve as on-site stormwater retention space.
- 9 **Conclusion:** Motion by Weber to make a positive recommendation on the approval of the Final Plat and Contract for Public Improvements of Lot 1, Block 1, Dollar General Plat 1, seconded by Stricker. “Yeas:” Becky Estrada, Henry Huber, Angie Aguallo, Jerry Stricker, Callan Wayman, Dana Weber, Kendall Palu, Jim Zitterkopf. “Nays:” None “Absent”: Dave Gompert. The motion carried.
- 10 Estrada introduced Item 6C regarding a public hearing to consider an Off-Street Parking Requirement Exception Permit to First Link, LLC for a retail store at 1008 W. Overland Drive. Estrada opened the public hearing at 6:10 PM. Glaubius stated the City recently revised Municipal Code 25-5-2 to allow the Planning Commission to grant off-street parking exceptions to all permitted uses rather than limit it to only manufacturing, warehousing, and wholesaling. Glaubius stated Dollar General through First Link is requesting an exception to the off-street parking requirements. Glaubius stated code requires 42 parking stalls due to the building size, and that Dollar General is requesting a reduction of parking stalls to 35. Glaubius stated Dollar General submitted evidence that 35 stalls are sufficient as well as parking stall counts for area Dollar General Stores. Glaubius stated staff recommend Planning Commission approve the Off-Street Parking Exception Permit and reminded the Planning Commission that this does not go to City Council. Estrada closed the public hearing at 6:11 PM. Stricker stated he was glad the City updated the code to allow for off-street parking requirement exceptions.
- 11 **Conclusion:** Motion by Weber to approve the off-street parking exception permit to First Link, LLC to require 35 parking stalls instead of 42 parking stalls, seconded by Wayman. “Yeas:” Becky Estrada, Henry Huber, Angie Aguallo, Jerry Stricker, Callan Wayman, Dana Weber, Kendall Palu, Jim Zitterkopf. “Nays:” None “Absent”: Dave Gompert. The motion carried.
- 12 Estrada introduced Item 6D regarding a public hearing to consider a Special Use Permit for a junkyard at Lots 2 & 3, Block 1, Rushall’s Subdivision, commonly identified as 909 S. Broadway. Estrada opened the public hearing at 6:13. Glaubius stated the special use permit was submitted by Scottsbluff Recycling to relocate their business across 1st Avenue. Glaubius stated that scrap processing is included under the junkyard definition in code. Glaubius stated the property is located in the M-1 Light Manufacturing and Industrial district which junkyard is a special permit

use. Glaubius stated the comprehensive plan identifies the area as South Broadway which is more commercial in nature. Glaubius stated staff met with the applicant, Jerry Metcalf, to discuss conditions regarding this special use permit. Glaubius stated the findings of fact and that staff recommends approval of the special use permit to Albert "Jerry" Metcalf for a junkyard at 909 S. Broadway subject to the following conditions:

- 13 -The junkyard use shall be setback 60 feet from the property line along Broadway.
- 14 -The junkyard shall be fully enclosed with a 10-foot-tall opaque fence.
- 15 -The primary access for truck traffic to and from the property shall be via 1st Avenue. Secondary access for truck traffic to and from the property shall be via Broadway.
- 16 -The on-property stormwater retention and detention system shall prevent all runoff from the property from entering the City of Scottsbluff stormwater sewer system, and the design shall be approved by the City Engineer.
- 17 -The junkyard shall comply with any other applicable City, County, State, or Federal Regulations that may apply.
- 18 -A 10-foot-wide landscaping bed with a minimum of 5 trees shall be installed in front of the fence on the Broadway facing side of the property. The trees shall meet the requirements of Chapter 25 Article 22 of the City of Scottsbluff Municipal Code.
- 19 -The scrap metal on the property shall not exceed 15 feet in height.
- 20 Metcalf stated he had worked with the City and have agreed to the conditions. Estrada closed the public hearing at 6:19. Stricker stated he liked the 60' setback and inquired what opaque met. Glaubius stated it meant a solid fence. Stricker inquired about the secondary truck access on Broadway. Metcalf stated that only the semi's would exit onto Broadway and they typically only receive one or two trucks a week. Glaubius stated that from conversations from Metcalf, the Broadway access would be right turn in and right turn out. Metcalf stated the trucks turn right to travel to the Scottsbluff Recycling scale north of the site. Stricker asked what type of trees that Metcalf planned to plant. Metcalf stated most likely pine trees. Stricker asked about the size of the trees. Glaubius stated the tree size minimums can be found in the landscaping article of the zoning code. Stricker made a motion to approve the special use permit with the conditions recommended by staff. Huber seconded. Charlie Wright requested the Planning Commission reopen the public hearing. Estrada reopened the public hearing at 6:20. Wright stated he is the president of the Panhandle Cooperative Association, and the Coop owns the property directly west of the proposed junkyard. Wright asked about the 10' fence and 15' height limit for scrap. Metcalf stated scrap typically does not get that tall and if it does, it would be located towards the rear of the property. Wright stated he was concerned as he has been meeting with developers to put housing in on their property across Broadway. Wright stated that the Coop Board recommended he speak against the granting of the special use permit. Wright stated that the board may be against it due to the terminology of junkyard. Jennifer Resig, representing the Western Nebraska Community College Foundation, who own the adjoining property at 901 S. Broadway. Resig stated she met with the current tenant, Beacon Roofing, who stated there only concern was mitigated by the 10' tall fence. Resig stated Beacon has worked with Metcalf and do not have any other concerns regarding the special use permit. Wayman asked Metcalf how many years that Scottsbluff Recycling has been located to the north on Broadway. Metcalf stated the business has been there for 39 years. Wayman stated he works near the Scottsbluff Recycling scale and imagined truck traffic on Broadway will be the same. Wayman stated the Coop's property is not zoned for housing in response to Wright's comment and that it would be difficult to develop housing there. Wayman stated the 60' setback, 10' landscaping buffer and 10' opaque fence mitigates the use very well and will make it look better than it currently. Wayman stated he would make a positive recommendation on the special use

permit. Stricker stated his initial thought on the special use permit was that it did not mesh with the comprehensive plan. Stricker stated that after looking at the conditions, existing zoning, and staff report, he stated he must follow what is allowed by code so it cannot be consider a taking. Stricker stated while he would prefer the use somewhere else, he would also make a positive recommendation on approval due to the mitigating factors. Public hearing closed at 6:22

- 21 **Conclusion:** Motion by Stricker to approve the special use permit for a junkyard at 909 S. Broadway to Albert Metcalf subject to the conditions recommended by staff, seconded by Huber. "Yeas:" Becky Estrada, Henry Huber, Angie Aguillo, Jerry Stricker, Callan Wayman, Dana Weber, Kendall Palu, Jim Zitterkopf. "Nays:" None "Absent": Dave Gompert. The motion carried.
- 22 Estrada introduced Item 6E regarding a public hearing to consider the preliminary plat, final plat, and alley/easement vacation for Blocks 8 & 9A, Reganis Subdivision, commonly identified as 1117 and 1125 E. 27th Street. Estrada opened the public hearing at 6:23. Glaubius stated the public hearing is for a combination of a preliminary and final plat along with vacations of existing utility easements and alleys. Glaubius stated the property line of Block 9, the Honda dealership, being adjusted along with platting unplatted land for a new Chrysler Dodge Jeep Ram dealership. Glaubius stated the Honda dealership received a special use permit in 2014 and the new dealership was granted a special use permit in July 2023. Glaubius stated access would primarily be via 27th Street and secondary access would be via 12th Avenue. Glaubius stated the existing alley in the subdivision is being proposed to be vacated and rededicated as a utility easement due to the existing sewer main. Glaubius stated an unoccupied utility easement in Block 8 is being vacated. Glaubius stated stormwater retention and drainage study for the site will be designed as part of the building permit process. Glaubius stated alleys are required by code, unless they meet certain conditions which permit the alley requirement to be waived. Glaubius stated the plat will not change the commercial nature of the area which the Comprehensive Plan identifies the area as. Glaubius stated there are no minimum lot size for the C-2 district, and staff recommends a positive recommendation on the approval of the preliminary plat, final plat, and alley/easement vacations of Blocks 8 and 9A, Reganis Subdivision. Estrada closed the public hearing at 6:26. Stricker stated at the special use permit hearing for the car dealership, he had concerns about emergency access. Stricker stated he drove around the site and was wondering how the access will work. Stricker asked if the applicant has worked with the Fire Department on access. Chris Perales stated the City and Fire Department has not received building plans yet. Perales stated the Honda Dealership has enough maneuvering room for Tower 1, however it will depend on the site plan of the new dealership. Stricker stated he was nervous about vacating the easements and alleys as he used to review plans like this for emergency access. Stricker asked if there a representative for the applicant was present. Glaubius stated he believed so, but the site plan for the site is part of the building permit review process rather than preliminary plat. Stricker stated he understood. Glaubius stated the preliminary plat is for public improvements such as access and hydrants in the right-of-way. Wayman stated the easements and alleys were platted at the initial plat when the applicant did not necessarily have a plan in place, so it is reasonable to expect things to change. Stricker inquired about private water lines and hydrants connecting to city water mains. Stephens stated there are private water lines and hydrants in the city, such as those around the Target store. Stricker stated he was concerned the State of Nebraska reviewers would overlook certain things that local reviewers know to look for. Stricker stated he wanted on the record that City officials need to ensure the site meets the emergency access requirements of Code.
- 23 **Conclusion:** Motion by Weber to make a positive recommendation on the approval of the preliminary plat, final plat, and easement/alley vacation requests for Blocks 8 and 9A, Reganis

Subdivision, seconded by Aguallo. "Yeas:" Becky Estrada, Henry Huber, Angie Aguallo, Jerry Stricker, Callan Wayman, Dana Weber, Kendall Palu, Jim Zitterkopf. "Nays:" None "Absent": Dave Gompert. The motion carried.

- 24 Estrada introduced Item 6F regarding a public hearing to consider a preliminary plat of Lots 1-4, Block 1, Triple Peaks Subdivision, a tract of unplatted land located in Section 24 Township 22 North, Range 55 West of the 6th P.M. Estrada opened the public hearing at 6:32. Glaubius stated the subdivision is located east of the former SWBC building and the applicant is proposing to subdivide the unplatted land into four lots and continue 18th Avenue from 27th Street to Frontage Road. Glaubius stated it is currently zoned AR Agriculture Residential and the rezone request public hearing is following this agenda item. Glaubius stated access would be via 27th Street and 18th Avenue. Additionally, Glaubius stated there are two proposed intersections for 23rd Street and 26th Street. Glaubius stated the water mains will be located in the 18th Avenue right-of-way and easements as will sewer mains. Glaubius stated a stormwater main will be constructed that will drain 18th Avenue into the city owned retention pond south of the former SWBC building. Glaubius stated a contract for public improvements will be necessary for the subdivision and a drainage study was included with the plat. Glaubius stated a letter was included in the packet showing the Winter Creek Canal Company will permit 18th Avenue to cross the Winter Creek Canal. Glaubius stated the unimproved right-of-way west of Staples is currently named Easton Drive and will be renamed by the City to 18th Avenue. Glaubius stated the City is working with the project engineer, Baker and Associates, on drainage of the subdivision south of the canal. Glaubius stated the revised plan was submitted today prior to the meeting, however staff has not reviewed the plan yet. Glaubius stated the comprehensive plan supports the subdivision as O-P is recommended for the area, which the applicant wants to rezone the properties too. Glaubius stated the lots exceed the O-P minimum lot size of 7,000 sq feet as well. Glaubius stated that since the City is still working with the applicant and engineer on the drainage, staff is requesting the Planning Commission to table the preliminary plat until the December Planning Commission meeting. Glaubius stated if the drainage was sufficient, staff would have recommended a positive recommendation. Jack Baker stated he met with staff the previous week and the applicant and City agree on the solution. Baker stated the turn around was a little quick to get the revisions submitted for this meeting. Baker stated the applicant was fine with tabling the plat until the December meeting. Estrada closed the public hearing at 6:37.
- 25 **Conclusion:** Motion by Aguallo to table the preliminary plat of Lots 1-4, Block 1, Triple Peaks Subdivision until the December Planning Commission meeting, seconded by Stricker. "Yeas:" Becky Estrada, Henry Huber, Angie Aguallo, Jerry Stricker, Callan Wayman, Dana Weber, Kendall Palu, Jim Zitterkopf. "Nays:" None "Absent": Dave Gompert. The motion carried.
- 26 Estrada introduced Item 6G regarding a public hearing to consider a rezone of Lots 1-4, Block 1, Triple Peaks Subdivision from AR Agricultural Residential to O-P Office and Professional. Estrada opened the public hearing at 6:38. Glaubius stated the rezone is for the land included in the previous item preliminary plat. Glaubius stated the proposed use of community center is a permitted use in the O-P zone whereas it is a special permit use in the AR zone. Glaubius stated the rezone is also to reduce the minimum lot size as AR requires a 5-acre minimum lot, which is not the most practical within corporate limits. Glaubius stated the rezone is aligned with the comprehensive plan as it is identified as WNCC and Surrounding areas/Highway 26 commercial which supports a commercial district like O-P. Glaubius stated staff is recommending a positive recommendation on the rezone, and that staff would not move the rezone forward to City Council until the plats have received recommendations from Planning Commission. Estrada closed the public hearing at 6:40. Stricker stated he thought from reading the applicant's letter

that it will be a unique development that is aligned well with the Comprehensive Plan. Stricker stated he would make a positive recommendation on the rezone.

- 27 **Conclusion:** Motion by Stricker to make a positive recommendation on the rezone of Lots 1-4, Block 1, Triple Peaks Subdivision, seconded by Huber. "Yeas:" Becky Estrada, Henry Huber, Angie Aguallo, Jerry Stricker, Callan Wayman, Dana Weber, Kendall Palu, Jim Zitterkopf. "Nays:" None "Absent": Dave Gompert. The motion carried.
- 28 Item 7: Officer Elections: Remained on the table.
- 29 Item 8: Staff Reports. Glaubius provided the Planning Commission with an update on the Online Permitting Portal. Glaubius stated the portal was launched on November 7, 2023 and allows applicants to apply for a variety of permits online instead of solely requiring applicants to apply at City Hall. Glaubius stated the City is working on accepting online payments and as today 234 permits have been applied for.
- 30 Planning Commission confirmed the next meeting date of December 11, 2023.
- 31 Item 9: Adjournment
- 32 Adjournment: Motion by Aguallo, seconded by Wayman to adjourn meeting at 6:45PM. "Yeas:" Becky Estrada, Henry Huber, Angie Aguallo, Jerry Stricker, Callan Wayman, Dana Weber, Kendall Palu, Jim Zitterkopf. "Nays:" None "Absent": Dave Gompert. The motion carried.

Becky Estrada, Chairperson

Zachary Glaubius, Secretary