



CITY OF SCOTTSBLUFF
Scottsbluff City Hall Council Chambers
2525 Circle Drive, Scottsbluff, NE 69361
PLANNING COMMISSION AGENDA

Regular Meeting
April 14, 2025
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 business not scheduled on the agenda** (As required by state law, no matter may be considered under this item unless council determines that the matter requires emergency action.)
5. **Approval of the Planning Commission Minutes From**
 - A. March 10, 2025
6. **Public Hearing**
 - A. Public Hearing regarding a Plat Vacation of Lots 2 and 3, Block 3, Northeast Second Addition Replat No. 3, commonly identified as 2302 and 2410 Frontage Road.
 - B. Public Hearing regarding a Preliminary Plat and Final Plat of Blocks 1, 2, & 3, Rockstep Subdivision, commonly identified as 2302 and 2410 Frontage Road.
 - C. Public Hearing regarding a Rezone of Blocks 2 and 4, Whistle Creek Subdivision from C-3 Heavy Commercial to M-1 Light Manufacturing and Industrial, commonly identified as tracts of land located west of the City of Scottsbluff and southeast of the intersection US Highway 26 and Nebraska Highway 92.
 - D. Public Hearing regarding a Rezone of part of Lot 1, Tax Lot 13, and Accreted Lands in Section 27, Township 22 North, Range 55 West of the 6th PM from R-1A Single-family Residential to C-3 Heavy Commercial, commonly identified as 1902 W. Overland Drive.
 - E. Public Hearing regarding a Zoning Text Amendment regarding the Definitions of

Adult Day Service Facility & Respite Care Service Facility in addition to permitting said uses in the C-1, C-2, C-3, and O-P zoning districts as a Principal Permitted Uses.

- F. Public Hearing regarding a Zoning Text Amendment regarding the Required Surface Material of Off-street Parking Facilities.

7. Staff Reports

- A. Staff to provide update on Comprehensive Plan to Planning Commission

8. Schedule a Meeting

- A. May 12, 2025

9. Adjournment

[MEET_FOOT]

PLANNING COMMISSION MINUTES
REGULAR SCHEDULED MEETING
March 10, 2025
SCOTTSBLUFF, NEBRASKA

The Planning Commission for the City of Scottsbluff met in regular scheduled meeting on Monday, March 10, 2025 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 February 27, 2025. 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, Angie Aguallo, Callan Wayman, Kendall Palu, Mary Bowman "Absent" Dave Gompert, Dana Weber, Henry Huber, Jim Zitterkopf, "Excused" Linda Redfern. City Officials present were Zachary Glaubius, Development Services Director, Taylor Stephens, GIS Coordinator, and Gary Batt, Code Administrator
- 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 February 10, 2025 meeting were reviewed. **Conclusion:** a motion was made by Wayman and seconded by Aguallo to approve the minutes. "Yeas:" Becky Estrada, Angie Aguallo, Callan Wayman, Kendall Palu, Mary Bowman "Nays" None "Absent" Henry Huber, Jim Zitterkopf, Dana Weber, Dave Gompert "The motion carried.
- 6 Estrada introduced Item 6A, Planning Commission to conduct a public hearing to consider rezone from Agricultural to R1-A of Block 1, Pieper Family Subdivision, commonly identified as 1605 W. 42nd Street. Estrada opened the public hearing at 6:01 PM. Glaubius stated the Block 1 meets all the performance standards of the R-1A district and complies with the comprehensive plan. Glaubius stated a legal non-conforming use situation being the only possible reason not to recommend approval since it is currently a farm. Glaubius stated staff recommends a positive recommendation by the Planning Commission to City Council on the approval of the rezone of Block 1, Pieper Family Subdivision from Agricultural to R1-A. Estrada closed the public hearing at 6:02 PM.

Conclusion: A motion was made by Wayman and seconded by Aguallo to make a positive recommendation on approval of the rezone from Agricultural to R1-A of Block 1, Pieper Family Subdivision to City Council. "Yeas:" Becky Estrada, Callan Wayman, Kendall Palu, Mary Bowman, Angie Aguallo "Nays" None "Absent" Henry Huber, Jim Zitterkopf, Dana Weber, Dave Gompert, The motion carried.

Estrada introduced Item 6B, Planning Commission to conduct a public hearing to consider a preliminary plat and final plat of Block 1, King Acres Subdivision, commonly identified as 719 Mountain View Avenue. Estrada opened the public hearing at 6:03 PM. Glaubius stated that the

reasoning for the replat is due to the property the house is on being unplatted land adjacent to a platted lot. An accessory building is planned to be built on the platted lot, and the replat will comply with R1-A district regulations. Glaubius stated staff recommends a positive recommendation by the Planning Commission to City Council on the approval of the plats.

Conclusion: A motion was made by Palu and seconded by Wayman to make a positive recommendation on approval of the preliminary and final plats of Block 1, King Acres Subdivision to City Council. “Yeas:” Becky Estrada, Callan Wayman, Kendall Palu, Mary Bowman, Angie Aguallo “Nays” None “Absent” Henry Huber, Jim Zitterkopf, Dana Weber, Dave Gompert. The motion carried.

- 7 Estrada introduced Item 7A, Staff to present Planning Commission with update on Development Services Department. Glaubius explained the position transition from Stormwater Specialist to Development Services Assistant as well as the addition of the Code Compliance Officer position being moved to Development Services.
- 8 Planning Commission confirmed the next meeting date of April 14, 2025.
- 9 Item 9: Adjournment
- 10 Adjournment: Motion was made by Palu and seconded by Bowman to adjourn the meeting at 6:05 PM. “Yeas:” Becky Estrada, Angie Aguallo, Callan Wayman, Kendall Palu, Mary Bowman “Nays” None “Absent” Henry Huber, Jim Zitterkopf, Dana Weber, Dave Gompert. The motion carried.

Becky Estrada, Chairperson

Zachary Glaubius, Secretary

City of Scottsbluff, Nebraska

Monday, April 14, 2025

Regular Meeting

Item 6.A

Public Hearing regarding a Plat Vacation of Lots 2 and 3, Block 3, Northeast Second Addition Replat No. 3, commonly identified as 2302 and 2410 Frontage Road.

Staff Contact:



City of Scottsbluff
Subdivision Application
Permit Identifier 2025-45SD

Type: Plat Vacation

Applicant Name Monte Docekal Applicant Address 120 East 16th Street
Scottsbluff, Nebraska
Applicant Email mdocekal@jeo.com Applicant Phone 308-266-1908

Contact Name John Vornholt Contact Address 1445 North Loop West
Suite 625, Houston TX
77008
Conact Email jvornholt@rockstep.com Contact Phone 320-295-3100

Subdivision Information

Proposed Name of Subdivision Rockstep

General Location/Address 2302 FRONTAGE RD

Legal Description LT 3, BLK 3, NORTHEAST SECOND ADD
REPLAT NO 3 (REPLAT OF LTS 3-4, BLK
3)

Current Zoning District(s) PBC

Total Area (square feet or acre) 1,352,896 sqft

Number of Past Replat/Plat Amendments 3-4

Describe the reason for the subdivision

To help Mall renters distinguish the property they are renting

Rock Step Capital
John Vornholt, Director
1445 North Loop West, Suite 625
Houston, TX 77008

City of Scottsbluff
Attn: Zachary Glaubius, Development Services Director
2525 Circle Drive
Scottsbluff, NE 69361

March 3, 2025

Dear Mr. Glaubius:

We, as the owners of Uptown Scottsbluff, are requesting to vacate the existing plat to be replatted as submitted.

Sincerely,

John Vornholt, Director
Rock Step Capital

City of Scottsbluff Planning Commission

Development Services Staff Report – Zachary Glaubius

Prepared on: April 4, 2025 For Hearing of: April 14, 2025



I. GENERAL INFORMATION

A. Applicant: JEO Consulting Group
120 E 16th Street
Scottsbluff, NE 69361

B. Property

Owner: Rockstep Scottsbluff, LLC
1445 North Loop W Suite 625
Houston, TX 77008

C. Proposal: Vacate Lot 2, Block 3, Northeast Second Addition Replat No. 2, Lot 3, Block 3 Northeast Second Addition Replat No 3, and preceding plats as determined by the Scotts Bluff County Register of Deeds

D. Legal Description: Lot 2, Block 3, Northeast Second Addition Replat No. 2, Lot 3, Block 3 Northeast Second Addition Replat No 3

E. Location: 2302 and 2410 Frontage Road

F. Existing Zoning & Land Use: PBC Planned Business Center – Uptown Scottsbluff Shopping Center

G. Size of Site: Approximately 31.05 acres (1,352,896 sq ft)

II. BACKGROUND INFORMATION

A. General Neighborhood/Area Land Uses and Zoning:

Direction From Subject Site	Future Land Use Designation	Current Zoning Designation	Surrounding Development
Northeast	Residential	R-1 Single-Family Residential	Single-Family Dwellings / US 26 Expressway
Southeast	Highway 26 Commercial	C-2 Neighborhood and Retail Commercial	Platte Valley Bank Campus, Vacant Land, Car Wash
Southwest	Highway 26 Commercial	R-4 Heavy Density Residential / PBC Planned Business Center	The Residency Campus and Vacant Land

Northwest	Highway 26 Commercial	C-2 Neighborhood and Retail Commercial / PBC Planned Business Center	Office Buildings and Former Kmart Building
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B. Relevant Case History

1. Per 21-1-68, a subdivision may only be replatted twice. Therefore, a vacation of the current subdivision is required to subdivide the property.

III. ANALYSIS

A. Comprehensive Plan: The Future Land Use Map of the Comprehensive Plan currently shows the site as Highway 26 Commercial and according to Comprehensive Plan this area suggests the appropriate zones PBC. This property will remain commercial.

B. Traffic & Access:

1. Access is via Circle Drive and Frontage Road

C. Utilities:

1. The property has access to water, sewer, and stormwater via the right-of-way of Circle Drive and Frontage Road
 - i. All infrastructure shown on the properties are considering private infrastructure
2. The existing 10' stormwater easement and 40' sanitary sewer easement bisecting the property will be vacated and replace with a 40' utility easement along the northwestern property line.
 - i. The current easements go through the existing mall building and are essentially unusable.

IV. STAFF COMMENTS

- A. §21-1-68 requires a plat vacation in order to replat more than two times.
- B. The land is being vacated back to unplatted land or the most practical replat.
- C. A preliminary plat and final plat are the following agenda items.

V. FINDINGS OF FACT

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

1. §21-1-68 requires a plat vacation in order to replat more than two times.
2. The property has all public improvements necessary at this time.

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

1. None

VI. STAFF RECOMMENDATION

A. Staff recommends the Planning Commission make a positive recommendation to City Council to approve vacation of Lot 2, Block 3, Northeast Second Addition Replat No. 2, Lot 3, Block 3 Northeast Second Addition Replat No 3, and preceding plats as determined by the Scotts Bluff County Register of Deeds.

City of Scottsbluff, Nebraska

Monday, April 14, 2025

Regular Meeting

Item 6.B

Public Hearing regarding a Preliminary Plat and Final Plat of Blocks 1, 2, & 3, Rockstep Subdivision, commonly identified as 2302 and 2410 Frontage Road.

Staff Contact:



City of Scottsbluff
Subdivision Application
Permit Identifier 2025-43SD

Type: Preliminary Plat

Applicant Name Monte Docekal Applicant Address 120 East 16th Street
Scottsbluff, Nebraska

Applicant Email mdocekal@jeo.com Applicant Phone 308-266-1908

Contact Name John Vornholt Contact Address 1445 North Loop West
Suite 625, Houston,
TX 77008

Contact Email jvornholt@rockstep.com Contact Phone 320-295-3100

Subdivision Information

Proposed Name of Subdivision Rockstep

General Location/Address 2302 FRONTAGE RD

Legal Description LT 3, BLK 3, NORTHEAST SECOND ADD
REPLAT NO 3 (REPLAT OF LTS 3-4, BLK
3)

Current Zoning District(s) PBC

Total Area (square feet or acre) 1,352,896 sqft

Number of Past Replat/Plat Amendments 3-4

Describe the reason for the subdivision

To help with Mall store renters with locations.



City of Scottsbluff
Subdivision Application
Permit Identifier 2025-44SD

Type: Final Plat

Applicant Name	Monte Docekal	Applicant Address	120 East 16th Street Scottsbluff, Nebraska
Applicant Email	mdocekal@jeo.com	Applicant Phone	308-266-1908
Contact Name	John Vornholt	Contact Address	1445 North Loop West Suite 625, Houston, TX 77008
Contact Email	jvornholt@rockstep.com	Contact Phone	320-295-3100

Subdivision Information

Proposed Name of Subdivision Rockstep

General Location/Address 2302 FRONTAGE RD

Legal Description LT 3, BLK 3, NORTHEAST SECOND ADD
REPLAT NO 3 (REPLAT OF LTS 3-4, BLK
3)

Current Zoning District(s) PBC

Total Area (square feet or acre) 1,352,896

Number of Past Replat/Plat Amendments 3-4

Describe the reason for the subdivision

To help Mall renters distinguish land/property they are using

PRELIMINARY PLAT
BLOCKS 1, 2, AND 3
ROCKSTEP SUBDIVISION

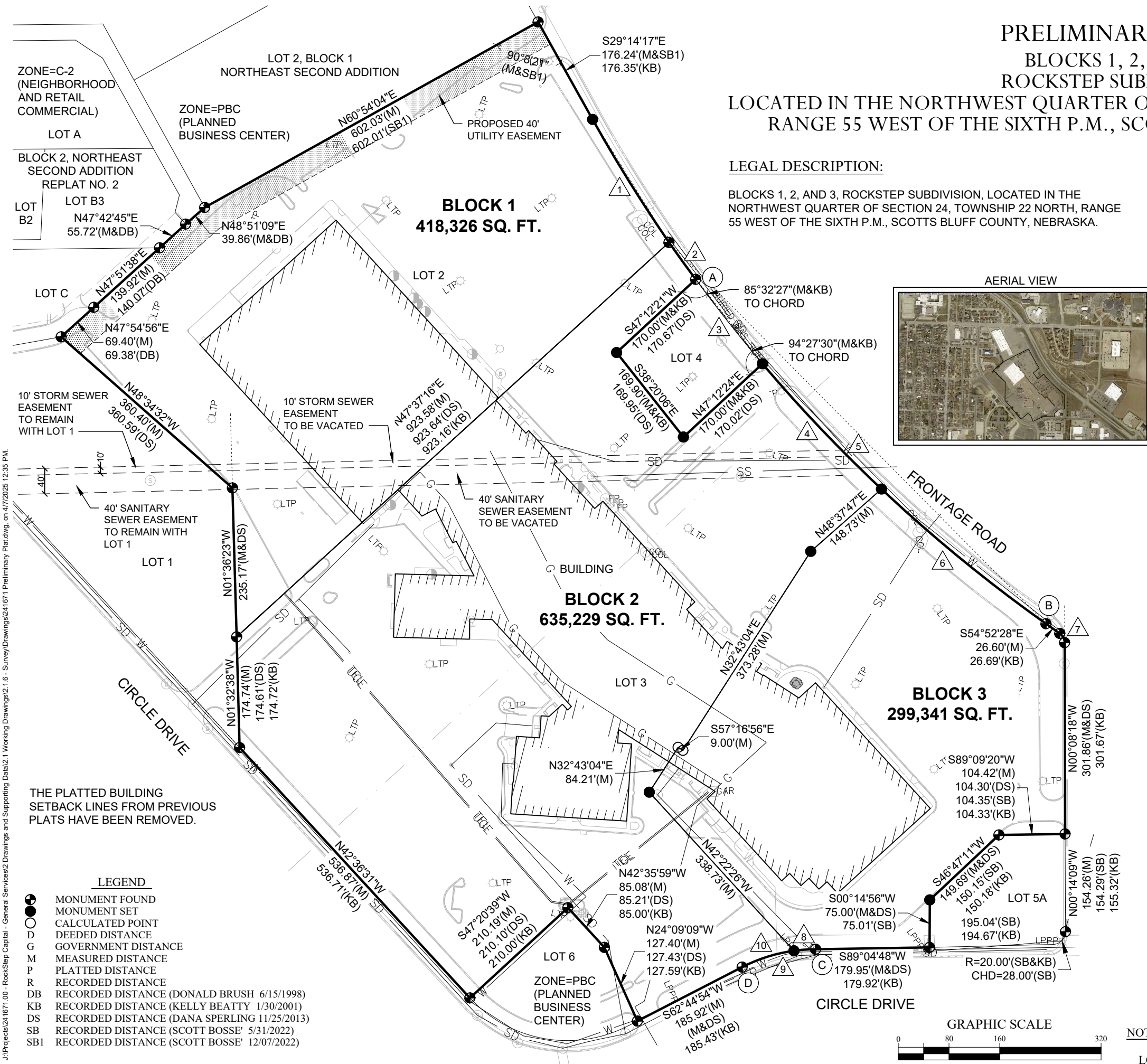
LOCATED IN THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 22 NORTH,
 RANGE 55 WEST OF THE SIXTH P.M., SCOTTS BLUFF COUNTY, NEBRASKA

LEGAL DESCRIPTION:

BLOCKS 1, 2, AND 3, ROCKSTEP SUBDIVISION, LOCATED IN THE
 NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 22 NORTH, RANGE
 55 WEST OF THE SIXTH P.M., SCOTTS BLUFF COUNTY, NEBRASKA.

CURVE DATA:

- | | | | |
|---|---|----|---|
| 1 | Δ=5°22'11"
R=2438.58'(M&KB)
T=114.35'(M)
L=228.54'(M) 228.29'(KB)
CHD BRG=S31°49'22"E
CHD=228.45'(M) | 7 | Δ=54°21'55"
R=18.01'(M,DS&KB)
T=9.25'(M)
L=17.09'(M) 17.19'(DS)
CHD BRG=S27°42'29"E
CHD=16.45'(M) 16.55'(DS) 16.50'(KB) |
| 2 | Δ=1°41'25"
R=2438.58'(M&KB)
T=35.97'(M)
L=71.94'(M)
CHD BRG=S35°51'56"E
CHD=71.94'(M) 72.14'(KB) | 8 | Δ=7°41'56"
R=254.65'(M,DS&KB)
T=17.13'(M)
L=34.22'(M)
CHD BRG=S86°00'52"W
CHD=34.19'(M) |
| 3 | Δ=3°59'34"
R=2438.58'(M&KB)
T=85.00'(M)
L=120.33'(M) 120.38'(DS) 120.44'(KB)
CHD BRG=S38°20'06"E
CHD=169.90'(M&KB) | 9 | C-D Δ=27°04'23"
R=254.65'(M,DS&KB)
T=61.31'(M)
L=120.33'(M) 120.38'(DS) 120.44'(KB)
CHD BRG=S76°19'38"W
CHD=119.21'(M) 119.26'(DS) 119.32'(KB) |
| 4 | Δ=6°24'40"
R=2438.58'(M&KB)
T=136.58'(M)
L=272.87'(M)
CHD BRG=S43°32'13"E
CHD=272.72'(M) | 10 | Δ=19°22'26"
R=254.65'(M,DS&KB)
T=43.47'(M)
L=86.11'(M)
CHD BRG=S72°28'40"W
CHD=85.70'(M) |
| 5 | A-B Δ=18°17'33"
R=2438.58'(M&KB)
T=392.61'(M)
L=778.55'(M)
CHD BRG=S45°29'06"E
CHD=775.24'(M) | | OWNER: ROCKSTEP CAPTIAL
c/o JOHN VORNHOLT, DIRECTOR
1445 NORTH LOOP WEST
SUITE 625
HOUSTON, TX 77008 |
| 6 | Δ=7°53'19"
R=2438.58'(M&KB)
T=168.14'(M)
L=335.75'(M)
CHD BRG=S50°41'12"E
CHD=335.48'(M) | | REGISTERED LAND SURVEYOR:
ADAM J. GOERTZEN, LS 704
PREPARATION DATE:
FEBRUARY 19, 2025 |

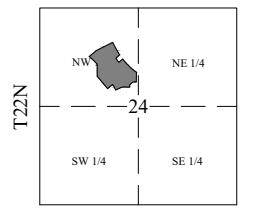


J:\Projects\241671.00 - RockStep Capital - General Services\2 Drawings and Supporting Data\2.1 Working Drawings\2.1.6 - Survey\Drawings\241671 Preliminary Plat.dwg, on 4/17/2025 12:35 PM.

THE PLATTED BUILDING
 SETBACK LINES FROM PREVIOUS
 PLATS HAVE BEEN REMOVED.

- LEGEND**
- MONUMENT FOUND
 - MONUMENT SET
 - D DEEDED DISTANCE
 - G GOVERNMENT DISTANCE
 - M MEASURED DISTANCE
 - P PLATTED DISTANCE
 - R RECORDED DISTANCE
 - DB RECORDED DISTANCE (DONALD BRUSH 6/15/1998)
 - KB RECORDED DISTANCE (KELLY BEATTY 1/30/2001)
 - DS RECORDED DISTANCE (DANA SPERLING 11/25/2013)
 - SB RECORDED DISTANCE (SCOTT BOSSE 5/31/2022)
 - SB1 RECORDED DISTANCE (SCOTT BOSSE 12/07/2022)

VICINITY SKETCH
 SCOTTS BLUFF COUNTY
 NEBRASKA



NOTE: ALL BEARINGS ARE REFERENCED
 TO THE SCOTTS BLUFF COUNTY
 LOW DISTORTION PROJECTION (LDP)

NOTE: 5' CONTOURS DO NOT
 SHOW UP FOR THIS PROPERTY.
 THERE IS LESS THAN 3 FEET OF
 FALL ACROSS THIS SITE

CURRENT ZONING:
 ZONE PBC
 (PLANNED BUSINESS CENTER)
SET BACK REQUIREMENTS:
 FRONT YARD SETBACK: 25 FEET
 OR (4h)
 REAR YARD SETBACK: 4(h)
 INTERIOR SETBACK: 9(h)
 SIDE STREET SETBACK: 25 FEET

SEE CODE OF ORDINANCES
 25-3-12 PBC PLANNED BUSINESS
 CENTER
 FOR 4(h) INFORMATION

PRELIMINARY PLAT
ROCKSTEP SUBDIVISION

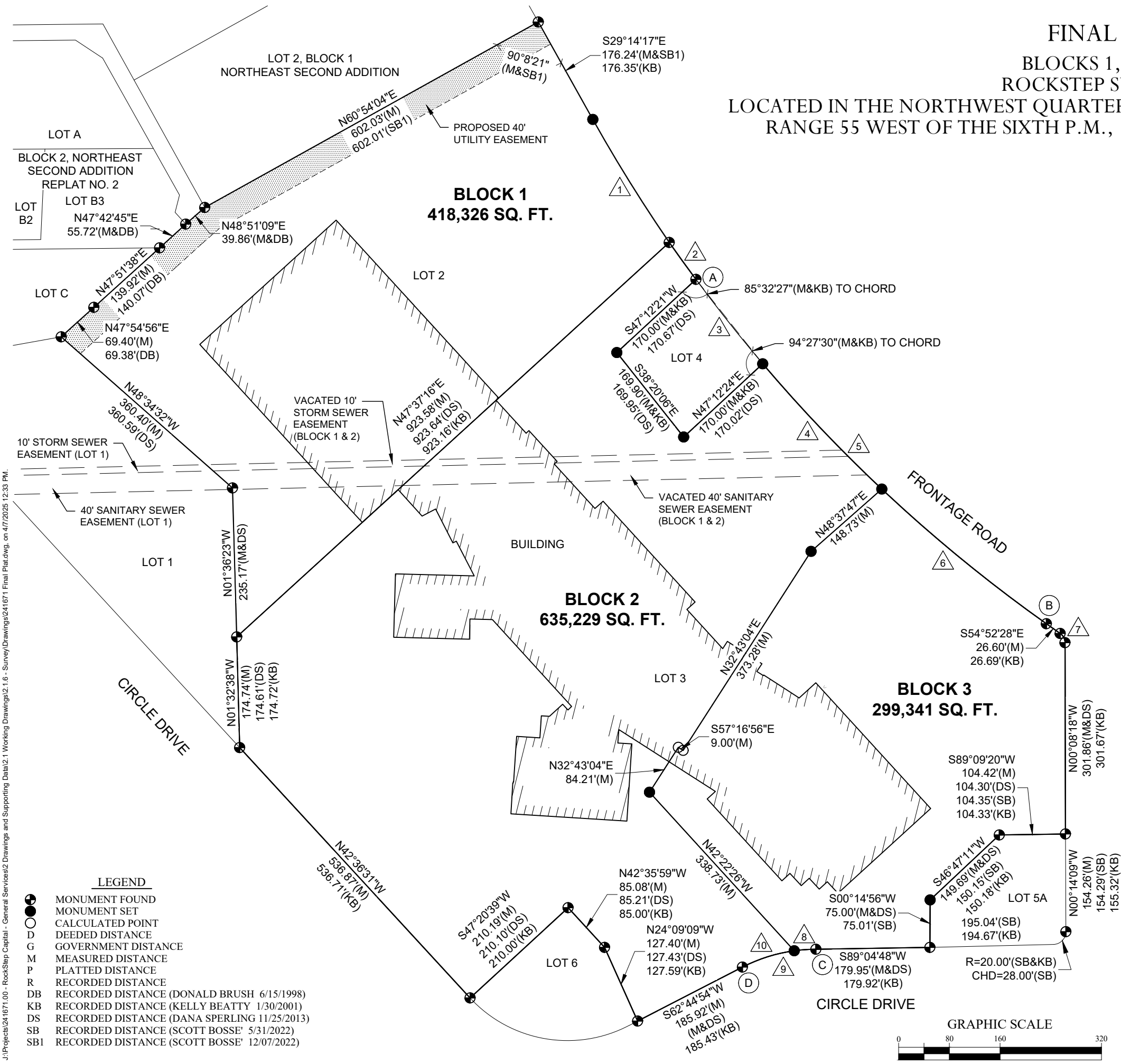
PART OF THE NORTHWEST QUARTER
SECTION 24
TOWNSHIP 22 NORTH, RANGE 55 WEST
SCOTTS BLUFF COUNTY, NEBRASKA

PROJECT NO. 241671
 DATE 4/7/2025
 DRAWN BY MLD
 FILE NAME 241671 Preliminary Plat.dwg
 FIELD BOOK SCOTTSBLUFF #1
 FIELD CREW AM
 SURVEY FILE NO. 2024-296

FINAL PLAT

BLOCKS 1, 2, AND 3, ROCKSTEP SUBDIVISION

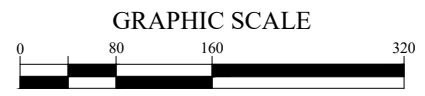
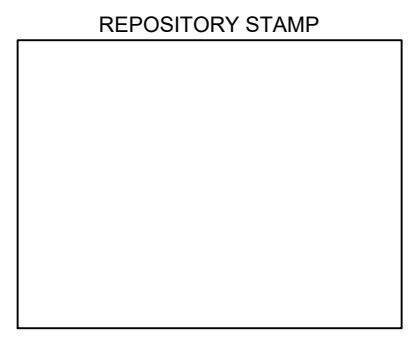
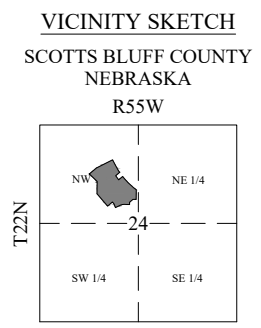
LOCATED IN THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 22 NORTH,
RANGE 55 WEST OF THE SIXTH P.M., SCOTTS BLUFF COUNTY, NEBRASKA



CURVE DATA:

1	Δ=5°22'11" R=2438.58'(M&KB) T=114.35'(M) L=228.54'(M) 228.29'(KB) CHD BRG=S31°49'22"E CHD=228.45'(M)	7	Δ=54°21'55" R=18.01'(M,DS&KB) T=9.25'(M) L=17.09'(M) 17.19'(DS) CHD BRG=S27°42'29"E CHD=16.45'(M) 16.55'(DS) 16.50'(KB)
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5	A-B Δ=18°17'33" R=2438.58'(M&KB) T=392.61'(M) L=778.55'(M) CHD BRG=S45°29'06"E CHD=775.24'(M)		
6	Δ=7°53'19" R=2438.58'(M&KB) T=168.14'(M) L=335.75'(M) CHD BRG=S50°41'12"E CHD=335.48'(M)		

- LEGEND**
- MONUMENT FOUND
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 - SB RECORDED DISTANCE (SCOTT BOSSE 5/31/2022)
 - SB1 RECORDED DISTANCE (SCOTT BOSSE 12/07/2022)



NOTE: ALL BEARINGS ARE REFERENCED TO THE SCOTTS BLUFF COUNTY LOW DISTORTION PROJECTION (LDP)

FINAL PLAT
ROCKSTEP SUBDIVISION
PART OF THE NORTHWEST QUARTER
SECTION 24
TOWNSHIP 22 NORTH, RANGE 55 WEST
SCOTTS BLUFF COUNTY, NEBRASKA

PROJECT NO. 241671
DATE 4/7/2025
DRAWN BY MLD
FILE NAME 241671 Final Plat.dwg
FIELD BOOK SCOTTSBLUFF #1
FIELD CREW AM
SURVEY FILE NO. 2024-296

J:\Projects\241671.00 - RockStep Capital - General Services\2 Drawings and Supporting Data\2.1 Working Drawings\2.1.6 - Survey\Drawings\241671 Final Plat.dwg, on 4/7/2025 12:33 PM.

FINAL PLAT
 BLOCKS 1, 2, AND 3,
 ROCKSTEP SUBDIVISION
 LOCATED IN THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 22 NORTH,
 RANGE 55 WEST OF THE SIXTH P.M., SCOTTS BLUFF COUNTY, NEBRASKA



OWNER'S CERTIFICATE:

WE, THE UNDERSIGNED, BEING THE OWNERS OF LOTS 2 AND 3, BLOCK 3, THIRD REPLAT OF LOT 3 AND LOT 4, BLOCK 3, NORTHEAST SECOND ADDITION REPLAT NO. 2, AN ADDITION TO THE CITY OF SCOTTSBLUFF, SCOTTSBLUFF COUNTY, NEBRASKA, AS DESCRIBED IN FOREGOING "SURVEYORS REPORT" AND SHOWN ON THE ACCOMPANYING PLAT HAVE CAUSED SUCH REAL ESTATE TO BE PLATTED AS BLOCKS 1, 2 AND 3, ROCKSTEP SUBDIVISION, LOCATED IN THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE SIXTH P.M., SCOTTS BLUFF COUNTY, NEBRASKA.

THAT THE FORGOING PLAT AND PLANS ARE MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS.

SIGNED THIS _____ DAY OF _____, 2025.

 ANDY WEINER
 MANAGER OF ROCKSTEP MANAGEMENT
 SCOTTSBLUFF LLC, MANAGER

ACKNOWLEDGEMENT:

STATE OF NEBRASKA)
) SS
 COUNTY OF SCOTTS BLUFF)

BEFORE ME, A NOTARY PUBLIC, QUALIFIED AND ACTING IN SAID COUNTY, PERSONALLY CAME ANDY WEINER, MANAGER OF ROCKSTEP MANAGEMENT, SCOTTSBLUFF LLC, MANAGER, TO ME KNOWN TO BE THE IDENTICAL PERSON WHOSE SIGNATURE IS AFFIXED TO THE FORGOING "OWNER'S CERTIFICATE AND ACKNOWLEDGED THE EXECUTION THEREFORE TO BE THEIR VOLUNTARY ACT AND DEED.

WITNESS MY HAND AND NOTARIAL SEAL THIS _____ DAY OF _____, _____.

(SEAL) _____
 NOTARY PUBLIC

LEGAL DESCRIPTION:

BLOCKS 1, 2, AND 3, ROCKSTEP SUBDIVISION, LOCATED IN THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE SIXTH P.M., SCOTTS BLUFF COUNTY, NEBRASKA.

APPROVAL AND ACCEPTANCE:

THE FOREGOING PLAT OF BLOCKS 1, 2, AND 3, ROCKSTEP SUBDIVISION, LOCATED IN THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE SIXTH P.M., SCOTTS BLUFF COUNTY, NEBRASKA, WAS APPROVED BY THE SCOTTSBLUFF CITY MAYOR.

DATED THIS _____ DAY OF _____, 2025.

 KIMBERLEY WRIGHT
 CITY CLERK, CITY OF SCOTTSBLUFF, NEBRASKA

 BESTY VIDLAK
 MAYOR
 CITY OF SCOTTSBLUFF, NEBRASKA

FINAL PLAT
 ROCKSTEP SUBDIVISION

PART OF THE NORTHWEST QUARTER
 SECTION 24
 TOWNSHIP 22 NORTH, RANGE 55 WEST
 SCOTTSBLUFF COUNTY, NEBRASKA

PROJECT NO. 241671
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 FIELD CREW AM
 SURVEY FILE NO. 2024-296

City of Scottsbluff Planning Commission

Development Services Staff Report – Zachary Glaubius

Prepared on: April 4, 2025 For Hearing of: April 14, 2025



I. GENERAL INFORMATION

- A. Applicant:** JEO Consulting Group
120 E 16th Street
Scottsbluff, NE 69361

- B. Property**
Owner: Rockstep Scottsbluff, LLC
1445 North Loop W Suite 625
Houston, TX 77008

- C. Proposal:** Preliminary Plat and Final Plat, Blocks 1-3, Rockstep Subdivision

- D. Legal Description:** Blocks 1-3, Rockstep Subdivision

- E. Location:** 2302 and 2410 Frontage Road

- F. Existing Zoning & Land Use:** PBC Planned Business Center – Uptown Scottsbluff Shopping Center

- G. Size of Site:** Approximately 31.05 acres (1,352,896 sq ft)

II. BACKGROUND INFORMATION

A. General Neighborhood/Area Land Uses and Zoning:

Direction From Subject Site	Future Land Use Designation	Current Zoning Designation	Surrounding Development
Northeast	Residential	R-1 Single-Family Residential	Single-Family Dwellings / US 26 Expressway
Southeast	Highway 26 Commercial	C-2 Neighborhood and Retail Commercial	Platte Valley Bank Campus, Vacant Land, Car Wash
Southwest	Highway 26 Commercial	R-4 Heavy Density Residential / PBC Planned Business Center	The Residency Campus and Vacant Land
Northwest	Highway 26 Commercial	C-2 Neighborhood and Retail Commercial / PBC Planned Business Center	Office Buildings and Former Kmart Building

B. Relevant Case History

1. In order to replat this subdivision, previous plats must be vacated. The number of plats vacated will depend on a determination of the Scotts Bluff County Register of Deeds.

III. ANALYSIS

A. Comprehensive Plan: The Future Land Use Map of the Comprehensive Plan currently shows the site as Highway 26 Commercial and according to Comprehensive Plan this area suggests the appropriate zones PBC. This property will remain commercial.

B. Traffic & Access:

1. Access is via Circle Drive and Frontage Road

C. Utilities:

1. The property has access to water, sewer, and stormwater via the right-of-way of Circle Drive and Frontage Road
 - i. All infrastructure shown on the properties are considering private infrastructure
2. The existing 10' stormwater easement and 40' sanitary sewer easement bisecting the property will be vacated and replaced with a 40' utility easement along the northwestern property line.

IV. STAFF COMMENTS

- A. The property owner is requesting to replat in order to help mall renters to distinguish the property they are renting.
- B. The land will change from two lots to three blocks.
 - a. Staff requested the parcels be named blocks to simplify potential future replats.
- C. The existing stormwater and sanitary sewer easements will be replaced with a 40' utility easement along the northwestern property line.
 - a. The current easements go through the existing mall building and are essentially unusable.
 - b. The new easement will be usable in the future as it avoids buildings.

V. FINDINGS OF FACT

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

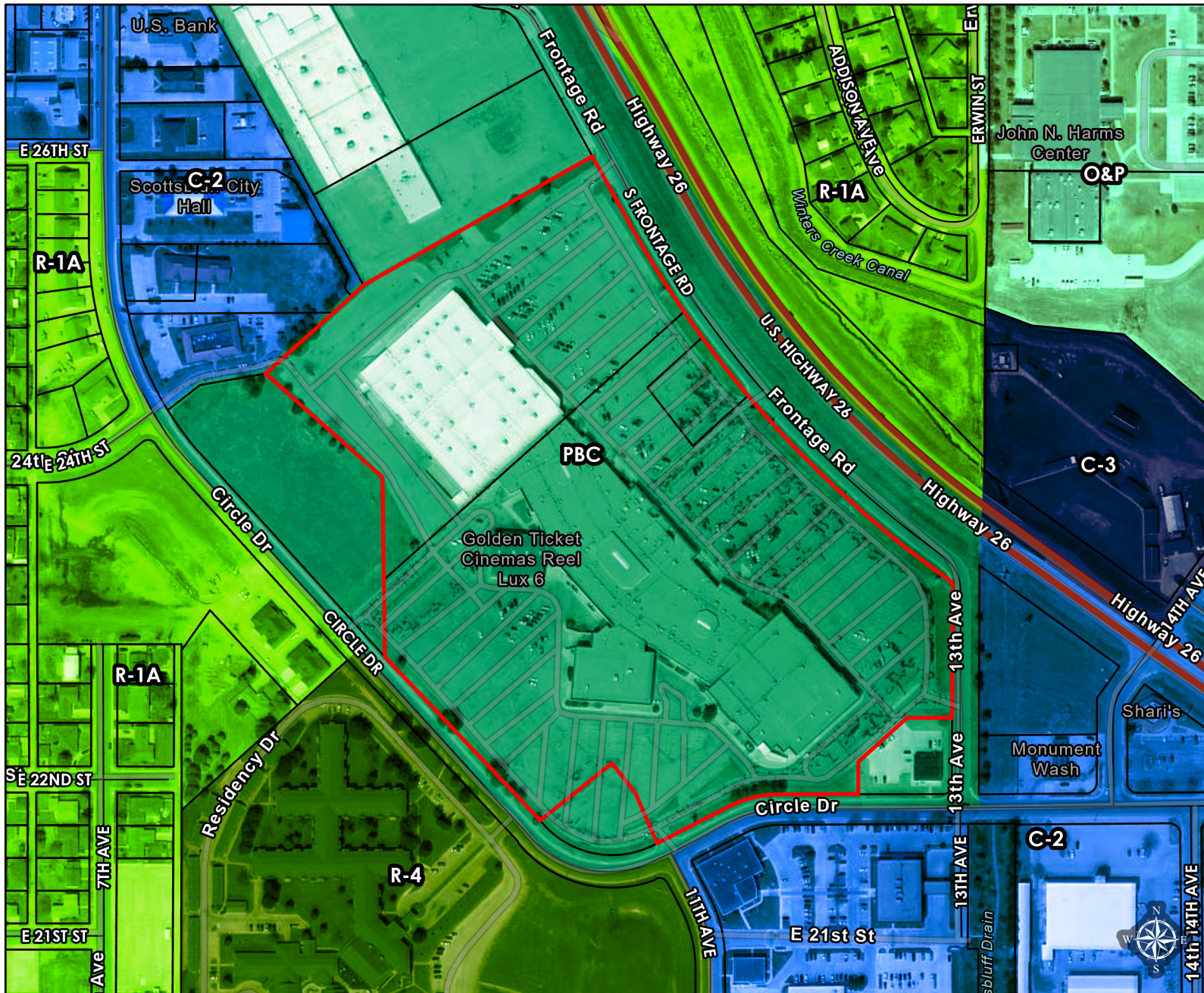
1. The Comprehensive Plan identifies the area as Highway 26 Commercial and the land will remain commercial
2. The underlying PBC District exceeds the minimum eight-acre district size.
3. Blocks 1, 2, & 3 meet the 20' public street frontage requirement.
4. The subdivision has all required public improvements.

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

1. None

VI. STAFF RECOMMENDATION

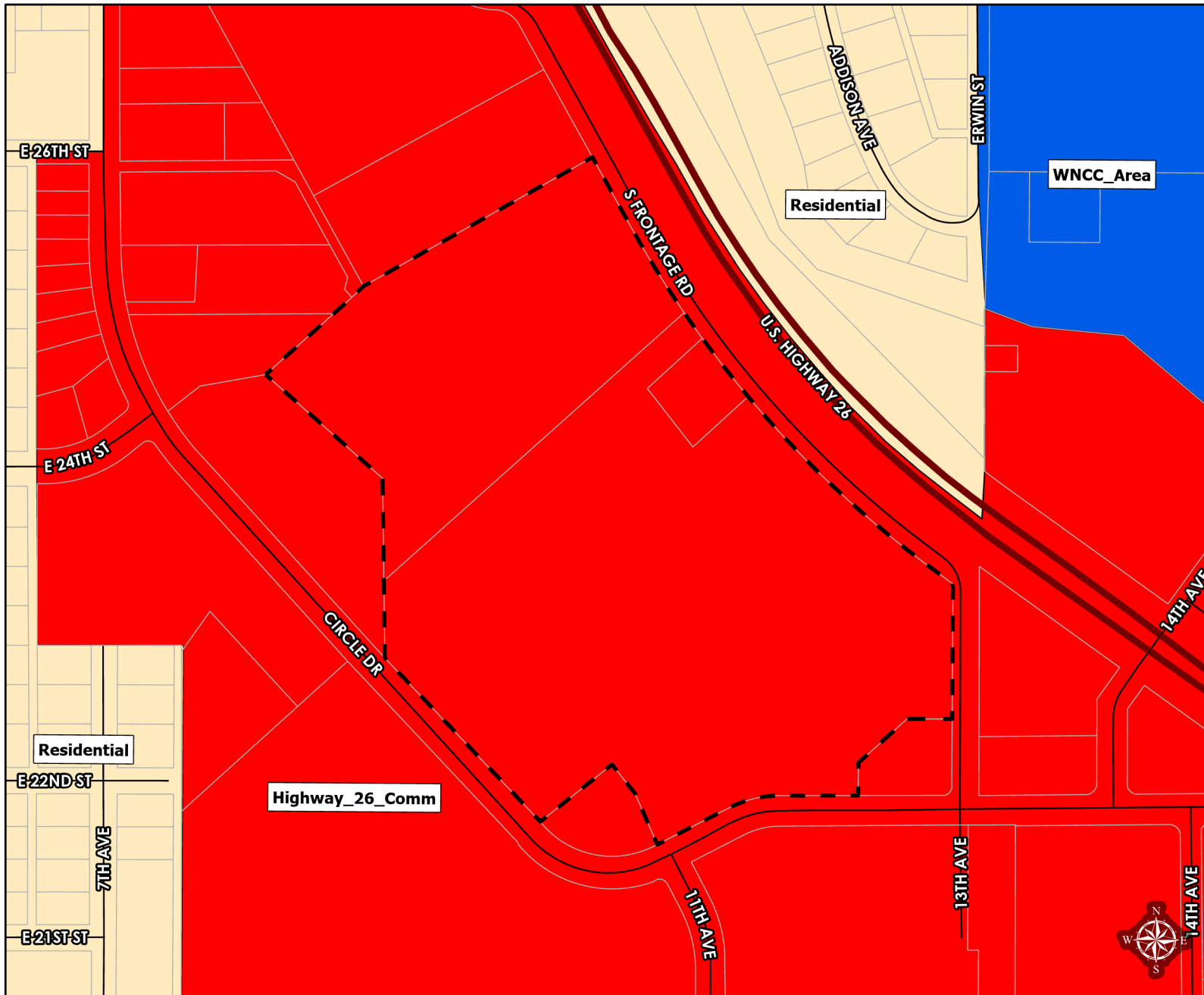
A. Staff recommends Planning Commission make a positive recommendation to City Council to approve of the preliminary plat and final plat for Blocks 1-3, Rockstep Subdivision.



- Property Location(s)
- Street Centerlines**
- Highway
- Main Road
- 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
- Parcels
- Corporate and ETJ Boundaries**
- Scottsbluff Corporate Limits
- Scottsbluff ETJ

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 City of Scottsbluff GIS
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 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 Changes
- Parcel Boundaries
- 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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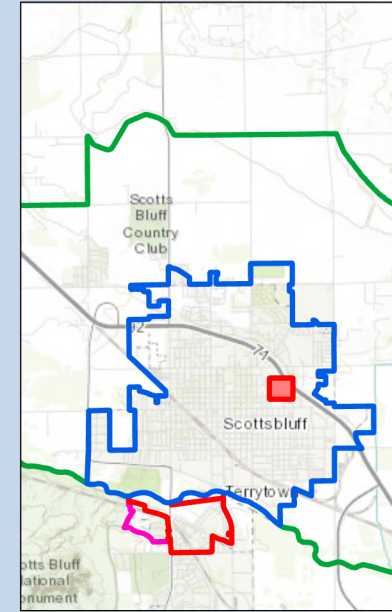
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- Highway
- Main Road
- Residential/Rural
- Wastewater MH
- Wastewater Lines
- Concerning Parcel(s)
- Parcels
- Active
- TO BE VACATED
- ACTIVE

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- Proposed Changes
- Street Centerlines
- CLASS
- Highway
- Main Road
- Residential/Rural
- Parcels
- Address

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City of Scottsbluff, Nebraska

Monday, April 14, 2025

Regular Meeting

Item 6.C

Public Hearing regarding a Rezone of Blocks 2 and 4, Whistle Creek Subdivision from C-3 Heavy Commercial to M-1 Light Manufacturing and Industrial, commonly identified as tracts of land located west of the City of Scottsbluff and southeast of the intersection US Highway 26 and Nebraska Highway 92.

Staff Contact: Zachary Glaubius



City of Scottsbluff
Zoning Amendment Application
Permit Identifier 2025-9Z

Applicant Name	PHS Land and Cattle	Applicant Address	9920 US 385 Bridgeport, NE
Applicant Email	arainc@hotmail.com	Applicant Phone	308-225-2232
Contact Name		Contact Address	
Contact Email		Contact Phone	

Property Information

General Location/Address	City Route and Hwy 26
Legal Description	BLK 4, WHISTLE CREEK SUB
Current Zoning District(s)	C-3
Proposed Zoning District:	M-1
Does the proposed zoning district abut the property:	No
Total Area (square feet or acre):	23 acres

Required Information (§25-15-2)

What is the reason for/intent of the rezone request?

Allow for fertilizer plant to be constructed in future

Would the proposed zoning district provide a service required by the neighborhood and community?

Yes

Would the proposed zoning district be consistent with sound principles of land?

Yes, it is adjacent to the railroad

Describe how the proposed zoning district would not be injurious to neighboring properties and

buildings?

Reputable industry

Describe how the proposed zoning district would not create special hazards or problems for the neighborhood and community?

Property is located further out than current fertilizer plant

Would the proposed zoning district be harmonious and consistent with the City of Scottsbluff Comprehensive Plan for the area?

No, the area is proposed to be Automobile Commercial

Why should the rezone request be granted?

The rezone would benefit the economy of the area.

Issued By

To Whom it May Concern,

In Regards to the option of rezoning Block 2 and Block 4 of the Whistle Creek Subdivision.

We are requesting that this 22.52 acre plot be rezoned to allow for heavy commercial traffic along with a special permit for the storage of bulk fertilizer in both dry, and liquid form, as well as chemical storage.

We currently have an offer on this property from a well known, reputable company that provides services that are vitally important in an area that is heavily reliant on both agriculture, and agribusinesses to sustain our local economy!!

They have explored options around the area and decided this location would best suit their needs.

There are currently no options locally listed for sale that would meet their zoning requirements, so wherever they choose there will need to be property rezoned to accommodate them.

The company intends to build an entirely new, state of the art, multi-million dollar bulk fertilizer and chemical storage facility, Complete with office space, shop and trailer/ equipment storage areas.

The company has chosen this location due to the hiway access on both the north and west sides, as well as railroad access for bulk shipments to the south.

This location would move their current “in town” location from near the intersections of Avenue I and west 27th street to almost a half a mile OUT of town. This should greatly reduce the amount of heavy commercial traffic, wear and tear on the city streets, and congestion on one of the busier intersections in the Scottsbluff area.

I understand this may not fit with the proposed plan of development for this area, however, Walmart moved to their current location in 2002 followed by Home Depot in 2005. There are 56 acres between this property and the Walmart /Home Depot locations that could still fit the development plan. This 56 acres has been listed in one form or another consistently for 20 years, without there being any new development or activity in that time.

We have always operated on the principle that “the best time to sell anything is when you have a party interested in buying what you have. NOW is that time!! I for one would rather see a growing/ thriving state of the art facility as I came in to town as opposed to a bare field and weeds.

I believe that we need to stand behind any and all businesses and industries that are looking to develop in the Scottsbluff area. We should welcome the jobs they provide, the construction and development dollars they are willing to put in and the show of growth in the community.

Thank you for your consideration,

P.H.S. Land & Cattle llp.

City of Scottsbluff Planning Commission

Development Services Staff Report – Zachary Glaubius

Prepared on: April 7, 2025 For Hearing of: April 14, 2024



I. GENERAL INFORMATION

- A. **Applicant:** PHS Land & Cattle LLP
10573 Road 94A
Bridgeport, NE 69336
- B. **Property Owner:** Same as applicant
- C. **Proposal:** Rezone Blocks 2 & 4, Whistle Creek Subdivision
- D. **Legal Description:** Blocks 2 & 4, Whistle Creek Subdivision
- E. **Location:** City Route and US Highway 26
- F. **Existing Zoning & Land Use:** C-3 Heavy Commercial - Farmland
- G. **Proposed Zoning & Land Use:** M-1 Light Manufacturing & Industrial – Fertilizer Mixing and Storage Plant
- H. **Size of Site:** Approximately 22.52 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	Rural	C-3 Heavy Commercial	Farmland
East	Automobile Commercial	A Agricultural	Farmland
South	Rural	C-3 Heavy Commercial/ A Agricultural	Jane’s Greenhouse, BNSF Railroad, Farmland
West	Automobile Commercial	C-3 Heavy Commercial	Truck and Trailer Dealership

B. Relevant History

1. Per the 2015 Plat, the owners and future grantees and owners agree to participate in and not object to the creation of any special improvement districts that may be subsequently created.

III. ANALYSIS

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

1. Appropriate zones for Automobile Commercial are:
 - i. C-2 Neighborhood and Retail Commercial
 - ii. C-3 Heavy Commercial
 - iii. PBC Planned Business Center
 - iv. R-4 Heavy Density Residential

B. Traffic & Access:

1. Access to the subdivision will be via City Route
2. Per the 2015 plat, the existing utility and access easements will become an alley when future platting and subdivision occurs.
3. Block 4 abuts Highway 26; however, it is anticipated no access would be granted by NDOT.

C. Utilities:

1. Water, sewer, and stormwater do not serve the site as it is located in the ETJ.
2. The closest water main is at 31st Street and Avenue O (approximately 495 feet)
3. The closest sewer main is at 31st and the alley between Avenue N & O (approximately 865 feet)
4. The closest stormwater main is at Avenue O and W. 27th Street (approximately 1,000 feet)

IV. STAFF COMMENTS

- A. The rezone is a creation of a new M-1 District (22.52 acres).
- B. The rezone request does not align with the 2016 Comprehensive Plan Future Land Use Map, which identifies the area as Automobile Commercial, which M-1 is not listed as an appropriate zoning district
- C. The rezone is being requested in order to potentially allow a fertilizer mixing and storage plant.
 - a. This use is only permitted in M-1 Light Manufacturing & Industrial and M-2 Heavy Manufacturing & Industrial with a Special Use Permit.
- D. The Comprehensive Plan lists the beautification of the city's entryway and heavily trafficked community corridors as part of the City's Development Principles.
 - a. An industrial use at this entryway could be considered as not aligning with this principle.
- E. Block 4 is contiguous to the corporate limits of the city. The City will request annexation.
- F. Block 2 and Block 4 may need to be consolidated into a single lot in the future, which could lead to the requirement of extending water, sewer, and stormwater. Additionally, a public street may need to be dedicated/constructed due to the distance between City Route and Avenue O exceeding 1,250 feet.
- G. The City and city staff support the project, however not in the proposed location based off of the Comprehensive Plan.
 - a. M-1 is an appropriate zone in the Southeast Industrial.

V. FINDINGS OF FACT

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

1. The rezone is the creation of a new district with substantial size (22.52 acres)
2. The proposed rezone is further from existing development such as residential neighborhoods than most other existing M-1 districts.

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

1. The Comprehensive Plan future land use map identifies the land as Automobile Commercial.
2. An industrial use is contrary to the development principle of beautification of the city's entryways and heavily trafficked corridors.
3. The rezone is the creation of a new M-1 zone rather than the expansion of an existing district.
4. A fertilizer mixing and storage plant could pose special hazards or problems for the neighborhood.

VI. STAFF RECCOMENDATION

- A.** Staff recommends Planning Commission make a negative recommendation on approval of the rezone of Blocks 2 and 4, Whistle Creek Subdivision to the City Council.

Whistle Creek Sub Rezone

Zone change from C-3 to M-1

Zoning Overview



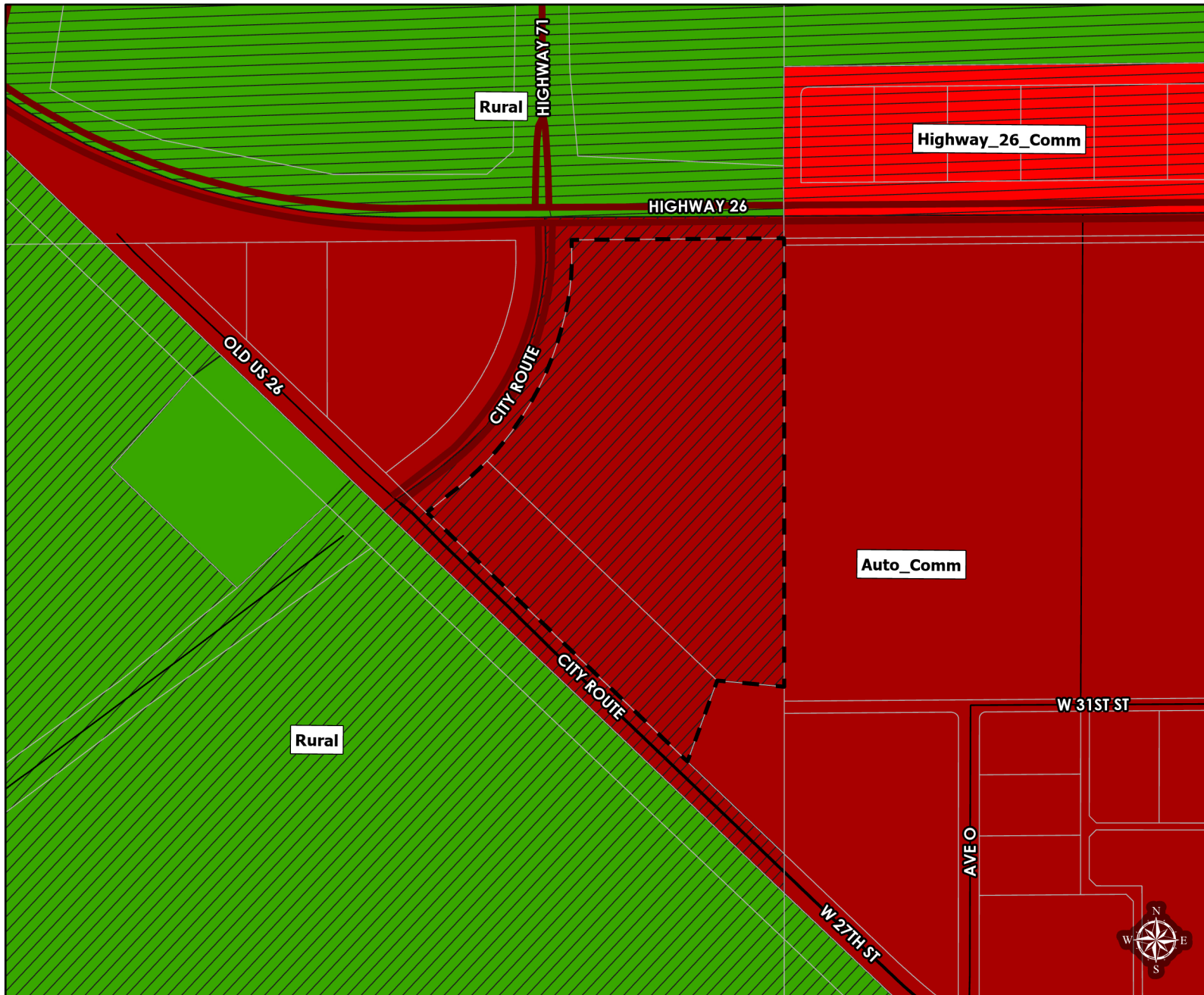
- Property Location(s)
- Street Centerlines
- Highway
- Main Road
- Residential/Rural
- Official City Zoning
- (A) Agriculture
- (AR) Agriculture Residential
- (C-1) Central Business District
- (C-2) Neighborhood Commercial
- (C-3) Heavy Commercial
- (M-1) Light Manufacturing & Industrial
- (M-2) Heavy 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
- Parcels
- Corporate and ETJ Boundaries
- Scottsbluff Corporate Limits
- Scottsbluff ETJ
- Address

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Whistle Creek Sub Rezone

Zone change from C-3 to M-1



- Proposed Changes
- Parcel Boundaries
- 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)

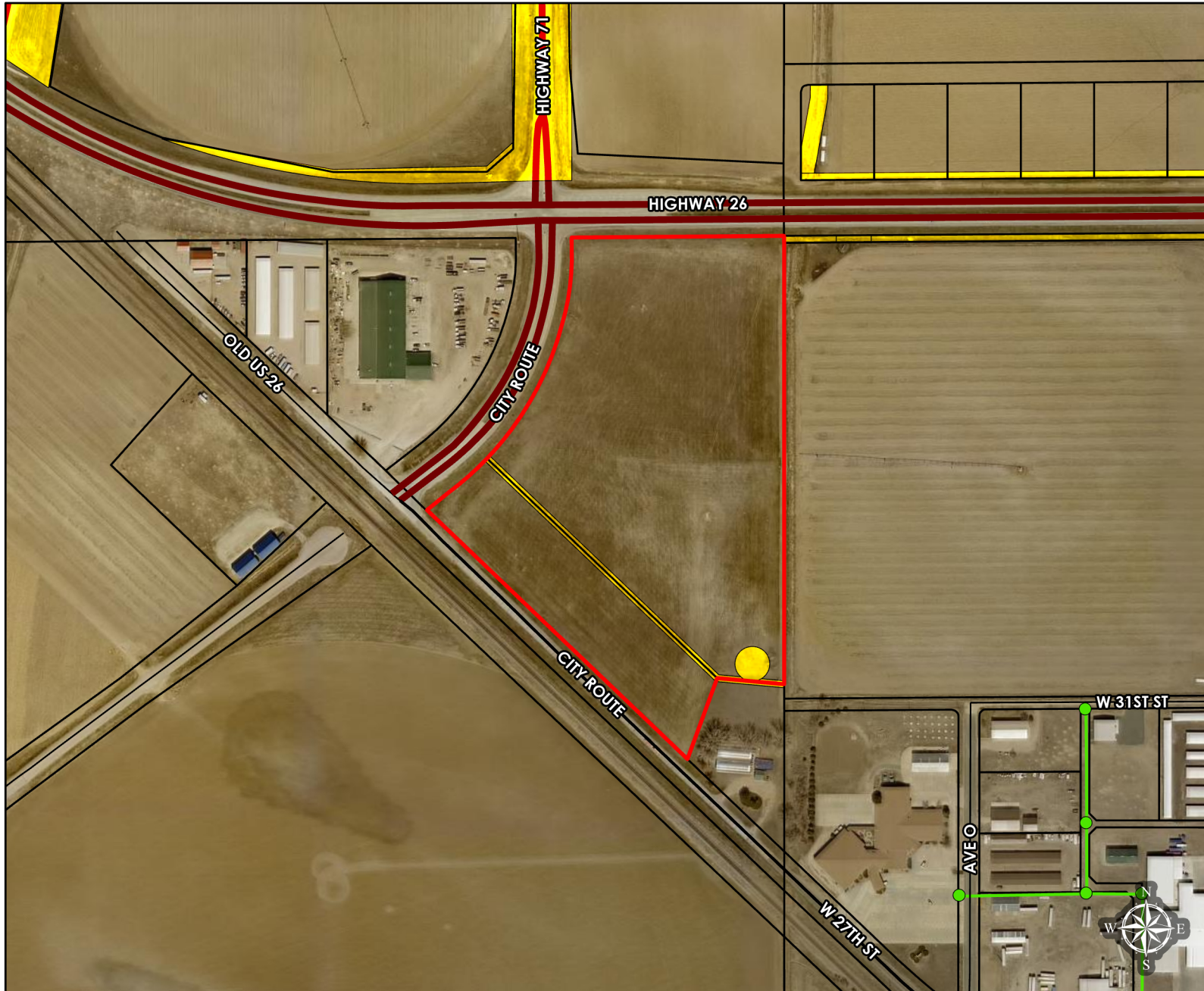
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Whistle Creek Sub Rezone

Zone change from C-3 to M-1

Utilities Overview



- Highway
- Main Road
- Residential/Rural
- Wastewater MH
- Wastewater Lines
- Concerning Parcel(s)
- Parcels
- Easements

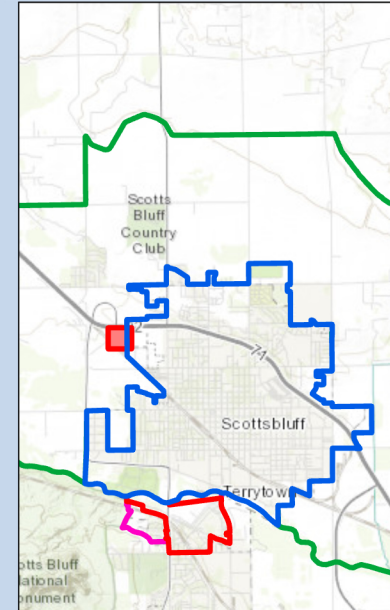
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Whistle Creek Sub Rezone

Zone change from C-3 to M-1

Aerial Overview



 Proposed Changes

 Street Centerlines

CLASS

 Highway

 Main Road

 Residential/Rural

 Parcels

 Address

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City of Scottsbluff, Nebraska

Monday, April 14, 2025

Regular Meeting

Item 6.D

Public Hearing regarding a Rezone of part of Lot 1, Tax Lot 13, and Accreted Lands in Section 27, Township 22 North, Range 55 West of the 6th PM from R-1A Single-family Residential to C-3 Heavy Commercial, commonly identified as 1902 W. Overland Drive.

Staff Contact: Zachary Glaubius



City of Scottsbluff
Zoning Amendment Application
Permit Identifier 2025-6Z

Applicant Name Travis Allen Applicant Address 2801 18th Ave
Scottsbluff, Nebraska
Applicant Email allentravis1984@gmail.com Applicant Phone 3086729746

Contact Name Contact Address
Contact Email Contact Phone

Property Information

General Location/Address 1902 W OVERLAND DR
Legal Description PT LT 1 TL 13 & ACCR, UNPL LANDS, 27-22-55 (2.41)
Current Zoning District(s) R-1A
Proposed Zoning District: C-3 Heavy Commercial
Does the proposed zoning district abut the property: No
Total Area (square feet or acre): 2.41 acres

Required Information (§25-15-2)

What is the reason for/intent of the rezone request?

Relocate tree removal business

Would the proposed zoning district provide a service required by the neighborhood and community?

Yes, it would replace residential land with commercial land in the floodplain

Would the proposed zoning district be consistent with sound principles of land?

Yes

Describe how the proposed zoning district would not be injurious to neighboring properties and buildings?

There is industrial to the west and there will landscaped bufferyard along R properties.

Describe how the proposed zoning district would not create special hazards or problems for the neighborhood and community?

No

Would the proposed zoning district be harmonious and consistent with the City of Scottsbluff Comprehensive Plan for the area?

The area is identified as residential in the comprehensive plan. However it is located in the floodplain.

Why should the rezone request be granted?

To allow the relocation of a business and to remove residential land from the floodplain.

Issued By

City of Scottsbluff Planning Commission

Development Services Staff Report – Zachary Glaubius

Prepared on: April 4, 2025 For Hearing of: April 14, 2025



I. GENERAL INFORMATION

- A. **Applicant:** Travis Allen
2801 18th Avenue
Scottsbluff, NE 69361

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

- C. **Proposal:** Rezone property from R-1A Single-Family Residential to C-3 Heavy Commercial

- D. **Legal Description:** Part of Lot 1 Tax Lot 13 & ACCR, 27-22-55

- E. **Location:** 1902 W. Overland Drive

- F. **Existing Zoning & Land Use:** R-1A Single-Family Residential & Vacant Land

- G. **Size of Site:** Approximately 2.41 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	Farmland
East	Residential	R-1A Single-Family Residential	Acreage
South	Automotive Commercial	A Agricultural	Single-Family Dwelling/Vacant Commercial Building
West	Automotive Commercial	M-1 Light Manufacturing and Industrial	Concrete Plant

III. ANALYSIS

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

- B. **Traffic & Access:**

1. Access to the property is via South Beltline Highway West to the south and W. Overland Drive to the north

C. Utilities:

1. A sewer main is located in the right-of-way of South Beltline Highway West
2. A water main is located in the right-of-way of West Overland Drive
3. Stormwater infrastructure is limited in this area.

IV. STAFF COMMENTS

- A. The rezone is the creation of a new C-3 District.
- B. Staff recommended the rezone to C-3 instead of the expansion of the existing M-1 zone.
- C. The C-3 zone will serve as a buffer between the more intensive M-1 zone and less intensive R-1A zone.
- D. The purpose of the rezone is to allow the owner to relocate his tree removal business to the site.
- E. Although the Comprehensive Plan identifies this area as Residential, City Staff recommend this rezone to C-3 Commercial for the following reasons:
 - a. The property is located in the floodplain and per ordinance, the City prefers commercial, agricultural, and industrial uses in the floodplain over residential uses.
- F. As the City considers Tax Lots as unplatted land, the property will need to be platted prior to future development.

V. FINDINGS OF FACT

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

1. The proposed rezone reduces the amount of residential land in the floodplain.
2. The rezone would not be injurious to adjacent properties as the lot will serve as a buffer between the M-1 and R-1A districts.
3. No special hazards or problems will be created from the rezone as the lot is adjacent to an industrial area.

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

1. The Comprehensive Plan future land use map identifies the land as Residential.
2. The rezone is the creation of a new C-3 district rather than an expansion of an existing district.

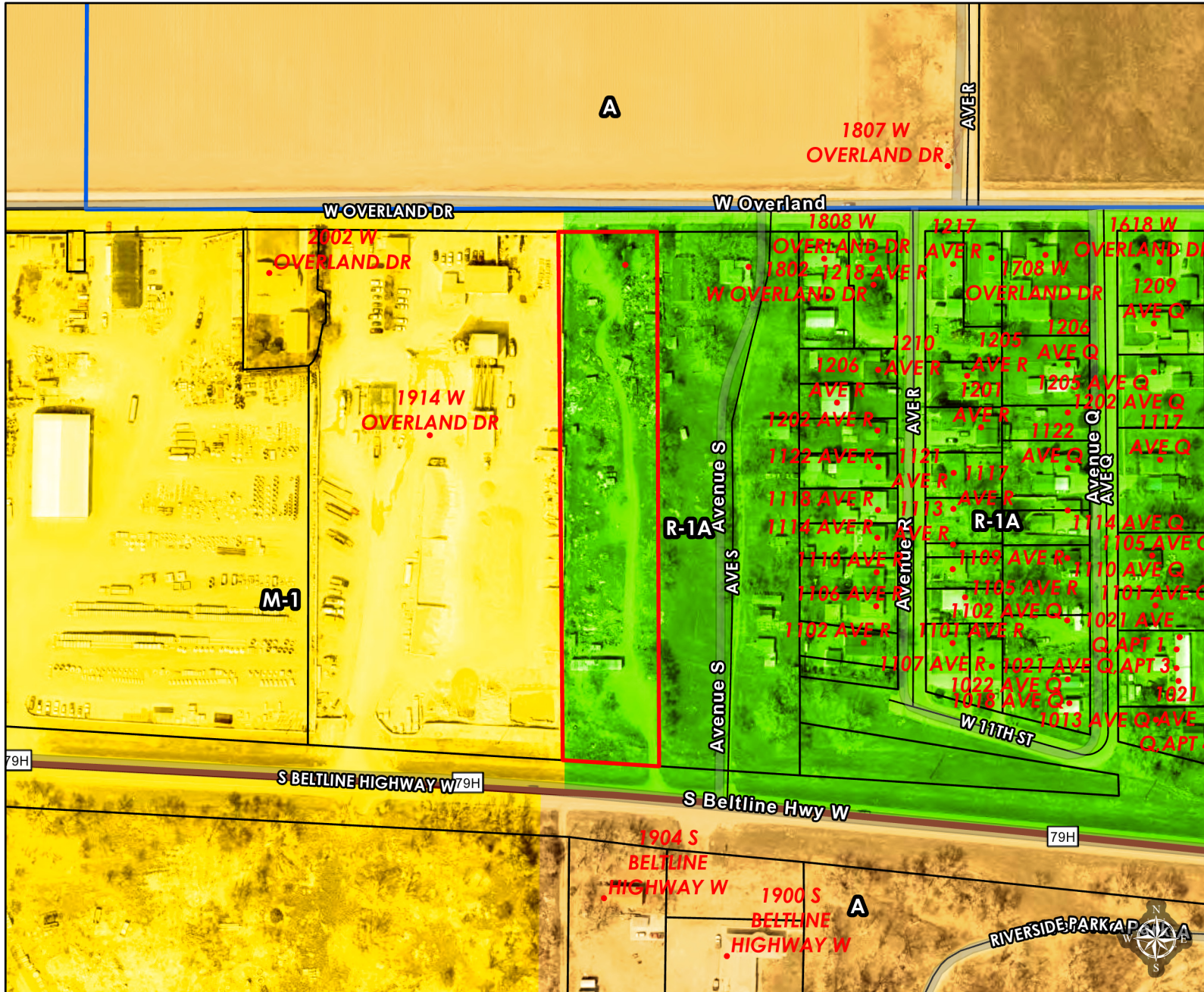
VI. STAFF RECOMMENDATION

- A. Staff recommends Planning Commission make a positive recommendation on approval of the rezone of the Part of Lot 1 Tax Lot 13 & ACCR, 27-22-55, commonly identified as 1902 W. Overland by City Council.

1902 W Overland Rezone

Zone change from R-1A to C-3

Zoning Overview



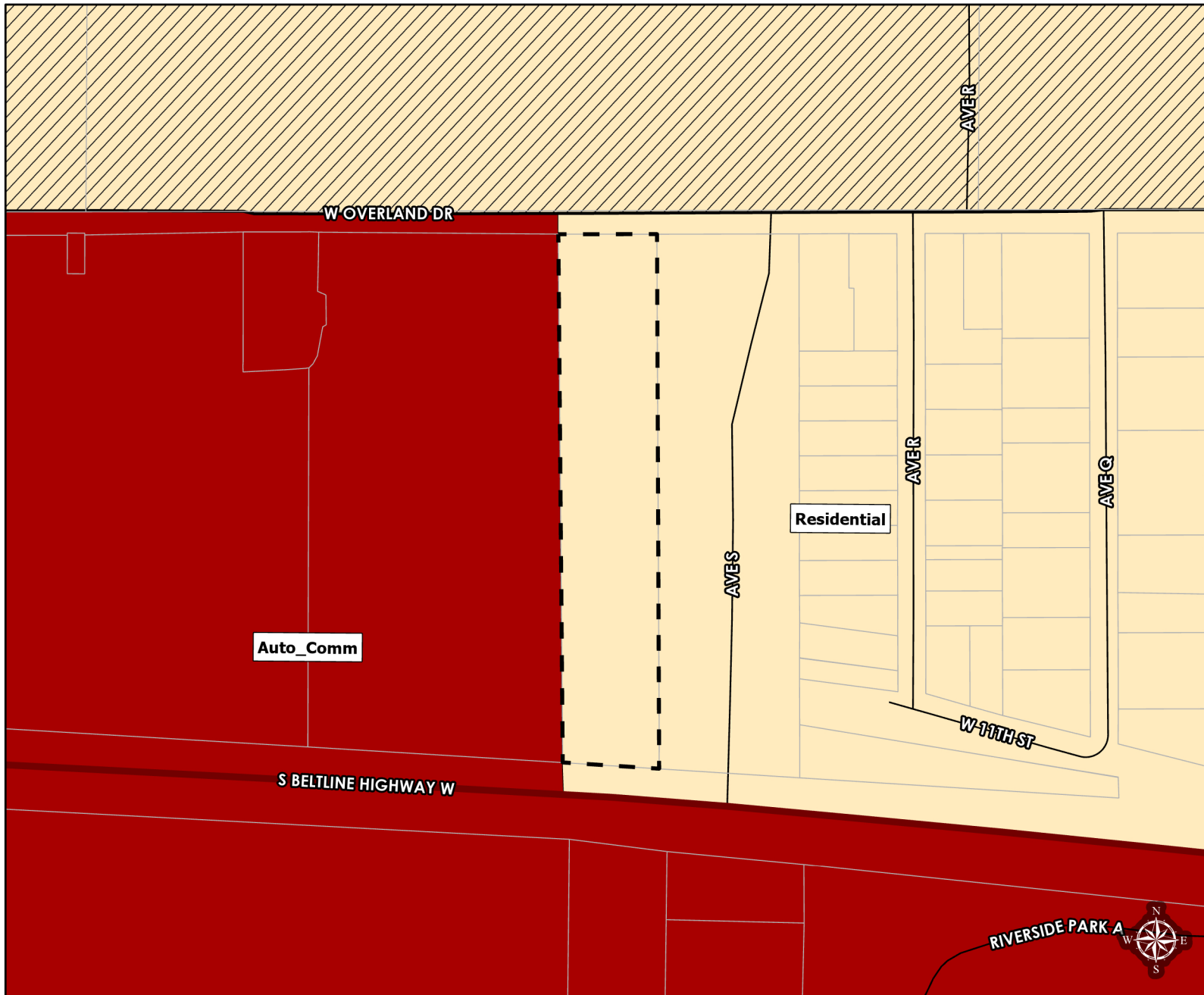
- Property Location(s)
- Street Centerlines
- Highway
- Main Road
- Residential/Rural
- Official City Zoning**
- (A) Agriculture
- (AR) Agriculture Residential
- (C-1) Central Business District
- (C-2) Neighborhood Commercial
- (C-3) Heavy Commercial
- (M-1) Light Manufacturing & Industrial
- (M-2) Heavy 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
- Parcels
- Corporate and ETJ Boundaries**
- Scottsbluff Corporate Limits
- Scottsbluff ETJ
- Address

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1902 W Overland Rezone

Zone change from R-1A to C-3



- Proposed Changes
- Parcel Boundaries
- 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)

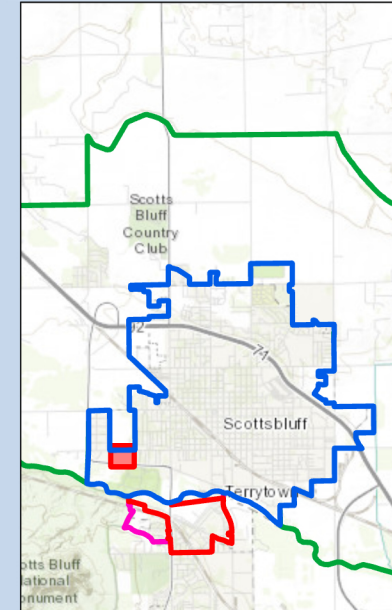
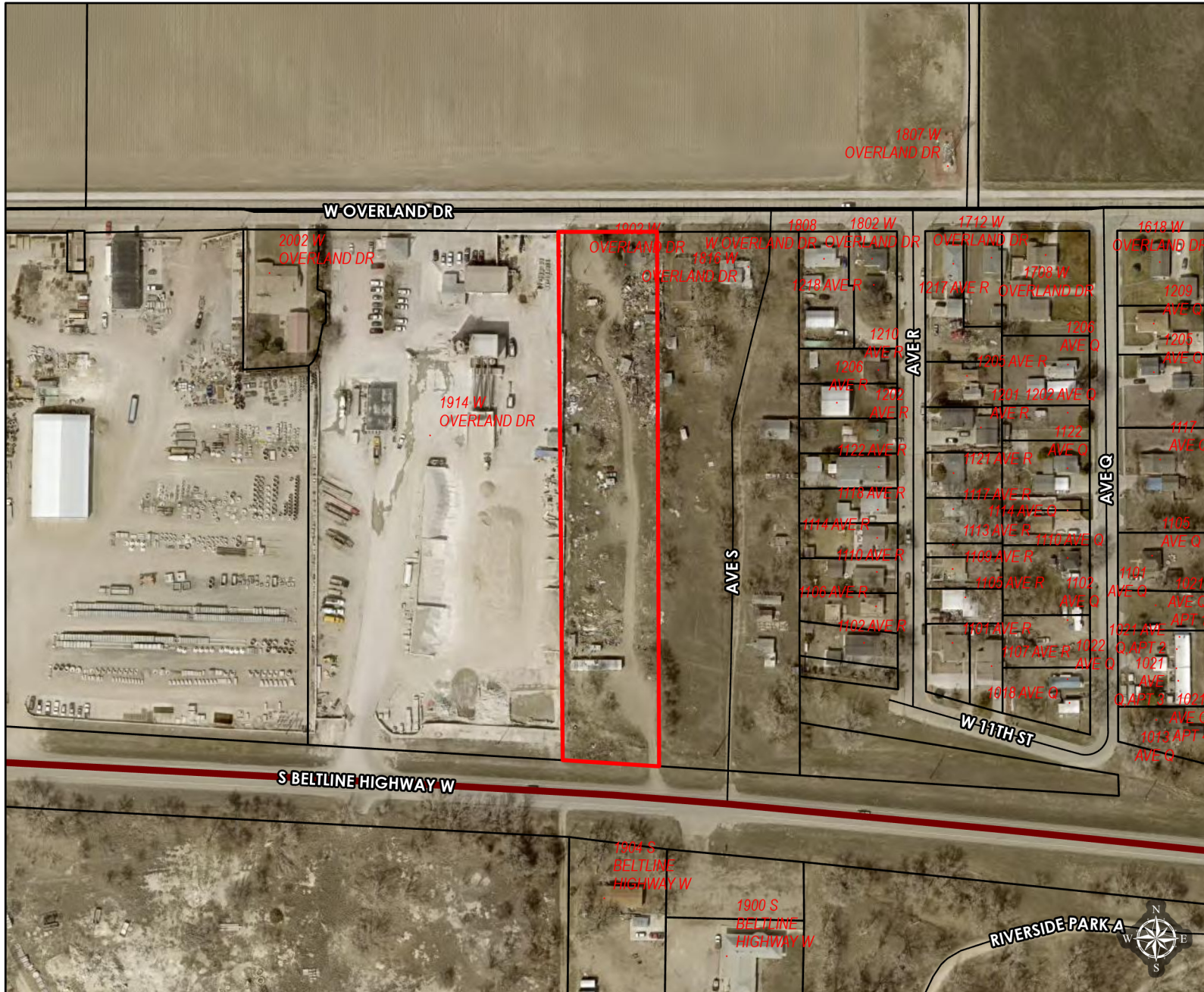
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1902 W Overland Rezone

Zone change from R-1A to C-3

Aerial Overview



- Proposed Changes
- Street Centerlines
- CLASS**
- Highway
- Main Road
- Residential/Rural
- Parcels
- Address

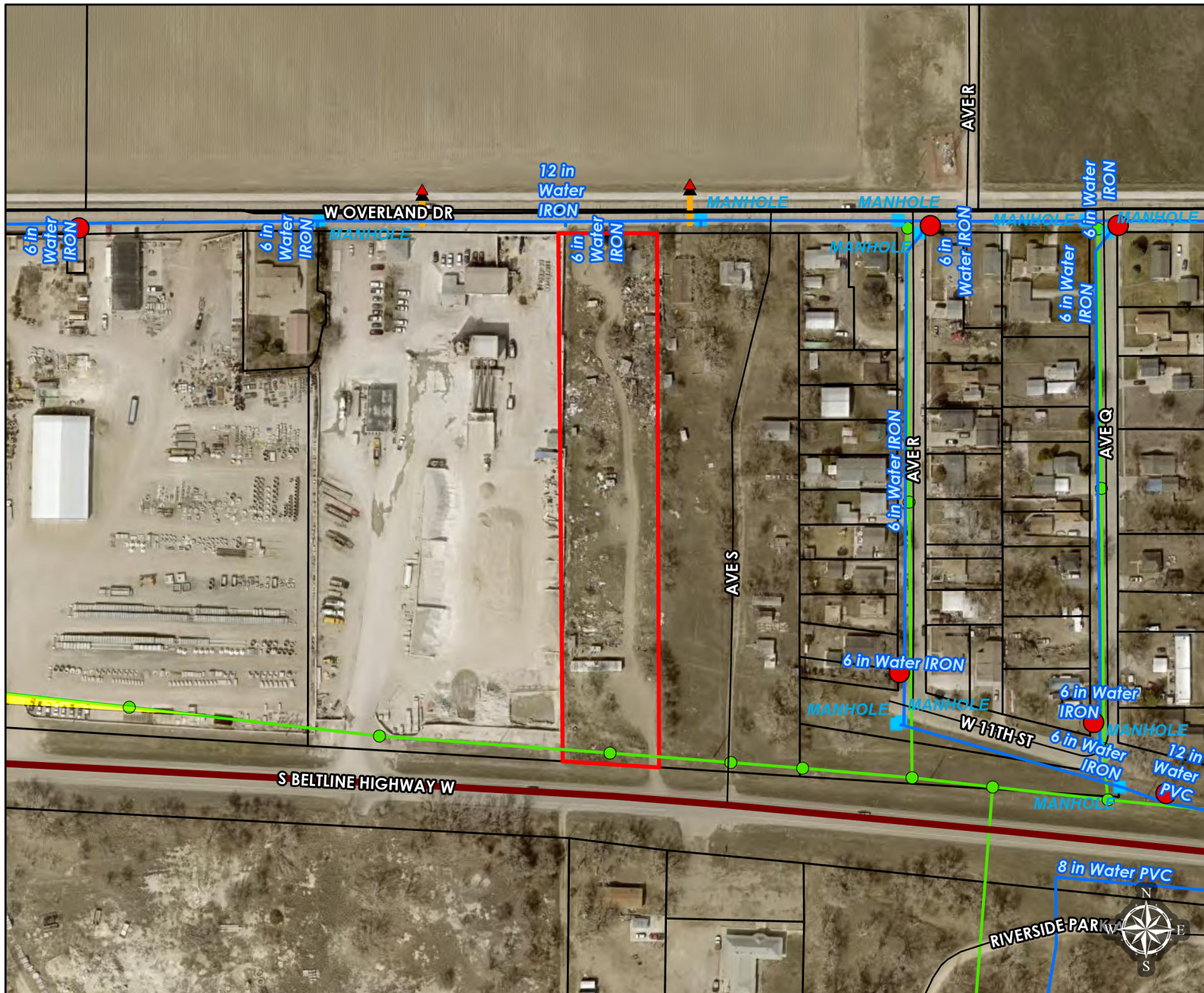
Taylor Stephens
City of Scottsbluff GIS
Created on 4/4/2025
Coordinate System: NAD 1983 (2011)
StatePlane Nebraska FIPS 2600 Feet
Lambert Conformal Conic

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.

1902 W Overland Rezone

Zone change from R-1A to C-3

Utilities Overview



- Highway
- Main Road
- Residential/Rural
- Water Curbstop
- Wastewater MH
- Wastewater Lines
- Outfall
- Stormwater Inlet
- Stormwater Manhole
- Stormwater Arc
- Concerning Parcel(s)
- Parcels
- Water_Lines
- Easements

Taylor Stephens
 City of Scottsbluff GIS
 Created on 4/4/2025
 Coordinate System: NAD 1983 (2011)
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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.

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City of Scottsbluff, Nebraska

Monday, April 14, 2025

Regular Meeting

Item 6.E

Public Hearing regarding a Zoning Text Amendment regarding the Definitions of Adult Day Service Facility & Respite Care Service Facility in addition to permitting said uses in the C-1, C-2, C-3, and O-P zoning districts as a Principal Permitted Uses.

Staff Contact:



City of Scottsbluff
Zoning Amendment Application
Permit Identifier 2025-8Z

Applicant Name	Ray Misner	Applicant Address	2621 5th Avenue Scottsbluff, Nebraska
Applicant Email	ray@compassshc.com	Applicant Phone	308-316-4608
Contact Name		Contact Address	
Contact Email		Contact Phone	

Property Information

General Location/Address	2621 5TH AVE
Legal Description	LT 1A, 5TH & 27TH SUB,REPL 1 & 2

Current Zoning District(s)

Proposed Zoning District:

Does the proposed zoning district abut the property:

Total Area (square feet or acre):

Required Information (§25-15-2)

What is the reason for/intent of the rezone request?

Zoning Amendment to Commercial Zones and
Definition for Adult Day Service

Would the proposed zoning district provide a service required by the neighborhood and community?

Yes, it adds a needed service.

Would the proposed zoning district be consistent with sound principles of land?

Yes

Describe how the proposed zoning district would not be injurious to neighboring properties and buildings?

No, adult service day service will be only in commercial districts

Describe how the proposed zoning district would not create special hazards or problems for the neighborhood and community?

No

Would the proposed zoning district be harmonious and consistent with the City of Scottsbluff Comprehensive Plan for the area?

Yes

Why should the rezone request be granted?

Allow adult day service. Fullfills major medical need in community, which is not addressed in current zoning code

Issued By



Ray Misner, Business Manager
Compass Respite and Day Center LLC
2621 5th Avenue, Suite 2
Scottsbluff, Nebraska 69361

March 4, 2025

CITY OF SCOTTSBLUFF
City Council/Planning Commission
2525 Circle Drive
Scottsbluff, Nebraska 69361

Honorable Council Members & Plan Commissioners,

Compass Home Healthcare and our affiliated divisions are committed to providing Scottsbluff with exceptional licensed medical services. With that in mind, I would like to extend our gratitude to the City of Scottsbluff and its leadership for working with us to improve the lives of its residents by expanding access to critical healthcare services.

Adult day services meet the needs of frail and functionally impaired adults of all ages by providing a supervised and secure setting. Our services include a wide range of group activities to increase or maintain independent living skills and self-sufficiency. As a licensed healthcare provider, we believe in a comprehensive model of services, one that provides for social interaction, medical monitoring, and overall care management.

Over the past six months, Compass Home Healthcare has been working on the launch of our newest division, Compass Respite and Day Center, the only facility of its kind in the State of Nebraska, as well as the blueprint of what we will be implementing in our other service areas. Today, I am asking for your support in clarifying the Zoning ordinance, as currently it is extremely vague as to the existence of Adult Day Services within commercial zones. We know that this is a valuable service that will be of great benefit to the Scottsbluff and Gerring communities, it is our hope that you will join us in making this service a reality in our community.



Additionally, we would ask for an expedited process in our zoning request, including the waiving of the three (3) meeting rule, we are currently working with difficult timelines in gaining regulatory approval of which will require this change prior to those approvals being received.

It is my understanding that we will be doing an “after Hours” social in early April through the Chamber of Commerce, it is my hope that you will join us during this event to both learn about our organization and review our operations in person. We lease much of the building at 2621 5th Avenue and have recently submitted an intent to purchase letters to the current building ownership. As part of our purchase, we would be looking to beautify the parking lot with greenery and better signage that will certainly bring great admiration from our surrounding neighbors.

Thank you for your time and attention, we look forward to addressing you and your questions when invited to do so. Please feel free to contact me in the meantime with any questions you may have, my email is Ray@Compassshhc.com, or I can be reached by phone at (308) 316-4608.

Sincerely,

A handwritten signature in black ink that reads "Ray Misner".

Ray Misner
Business Manager

City of Scottsbluff Planning Commission

Development Services Staff Report – Zachary Glaubius

Prepared on: April 3, 2025 For Hearing of: April 14, 2025



I. GENERAL INFORMATION

- A. Ray Misner, Business Manager of Compass Home Healthcare, approached the city regarding whether zoning code permitted adult day service facilities and respite care service facility in the C-2 Neighborhood and Retail Commercial District.
- B. After review of Chapter 25 of the Scottsbluff Code of Ordinances, staff determined neither use met the definitions of existing uses in zoning code.
- C. The propose zoning text amendment includes the following:
 - i. Definition of Adult Day Service Facility
 - ii. Definition of Respite Care Service Facility
 - iii. Addition of Adult Day Service Facility and Respite Care Service Facility as a Principal Permitted Use in the following districts:
 - 1. C-1 Central Business District
 - 2. C-2 Neighborhood and Retail Commercial District
 - 3. C-3 Heavy Commercial District
 - 4. O-P Office and Professional District
 - iv. Renumbering of Agricultural Attractions definition to maintain alphabetical order in Chapter 25 Article 2

II. STAFF COMMENTS

- A. Staff reviewed the definitions of adult day service and respite care service on the Nebraska Department of Health and Human Services website and discussed with NE DHHS staff on what the uses include.
- B. Staff modified the definitions from NE DHHS for both uses.
- C. The proposed zoning text amendment has been reviewed and approved by the City Attorney.
- D. The proposed zoning text amendment has been reviewed and approved by the applicant, Ray Misner.

III. STAFF RECCOMENDATION

- A. Staff recommends the Planning Commission make a positive recommendation to City Council on the adoption of the revised Chapter 25 Article 2 regarding the definitions of adult day service facility and respite care service facility in addition to adding the two uses to the C-1, C-2, C-3, and O-P Districts as principle permitted uses.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA AMENDING THE SCOTTSBLUFF MUNICIPAL CODE RELATING TO ZONING AT CHAPTER 25, ARTICLE 2, BY ADDING ADDITIONAL SECTIONS FOR THE DEFINITION OF ADULT DAY SERVICE FACILITY AT §25-2-3.1, DEFINITION OF AGRICULTURAL ATTRACTIONS AT §25-2-3.2 AND DEFINITION FOR RESPITE CARE SERVICE FACILITY AT §25-2-95.1; AND AMENDING THE SCOTTSBLUFF MUNICIPAL CODE AT CHAPTER 25, ARTICLE 3 IN THE OFFICE AND PROFESSIONAL DISTRICT, CENTRAL BUSINESS DISTRICT, NEIGHBORHOOD AND RETAIL COMMERCIAL DISTRICT AND HEAVY COMMERCIAL DISTRICT BY ADDING ADULT DAY SERVICE FACILITY AND RESPITE CARE SERVICE FACILITY AS PRINCIPAL PERMITTED USES; AND AMENDING THE SCOTTSBLUFF MUNICIPAL CODE AT §25-5-9, TO AMEND THE SURFACE REQUIREMENTS FOR OFF-STREET PARKING FACILITIES; TO PROVIDE FOR AN EFFECTIVE DATE AND TO PROVIDE 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 2, of the Scottsbluff Municipal Code is amended to add the following section:

“§ 25-2-3.1 ADULT DAY SERVICE FACILITY:

A place which provides care and an array of social, medical, or other support services for a period of less than 12 consecutive hours to four (4) or more persons who require or request such services due to age or functional impairment. An Adult Day Service Facility must obtain and hold appropriate licensure through the Nebraska Department of Health and Human Services.”

Section 2. Chapter 25, Article 2, of the Scottsbluff Municipal Code is amended to add the following section:

“§25-2-3.2 AGRICULTURAL ATTRACTIONS:

A premises used primarily for agricultural for the purpose of raising and harvesting crops for sale, that also includes a limited amount of area devoted to the provision of entertainment for a period of no more than four months per year. Examples of agricultural attractions include, but are not limited to, Pumpkin Patch, Apple Orchard, or Corn Maze. The sale of other goods and entertainment is permitted in areas of the premises during the allowable operating period. Attractions shall not include mechanical rides other than hayrack and sightseeing vehicles.”

Section 3. Chapter 25, Article 2 of the Scottsbluff Municipal Code is amended to add the following section:

“§25-2-95.1 RESPITE CARE SERVICE FACILITY:

A place that provides short-term temporary care on an intermittent basis to persons with special needs for a period of more than 12 hours, when the person's primary caregiver is unavailable to provide such care. Provided:

- 1) A Respite Care Service Facility will not and cannot provide services listed under 25-2-55.1 regarding Emergency Shelters and are therefore excluded from this definition.
- 2) A Respite Care Service Facility must obtain and hold appropriate licensure through the Nebraska Department of Health and Human Services.”

Section 4. Chapter 25, Article 3, Section 11 (B) of the Scottsbluff Municipal Code is amended to provide as follows:

“§25-3-11 O-P OFFICE AND PROFESSIONAL:

- (B) Principal permitted uses.
- (1) Accounting, auditing, and bookkeeping services;
 - (2) Adult Day Service Facility
 - (3) Arts and crafts studio;
 - (4) Bank automated teller facilities; indoor;
 - (5) Bank and saving and loan;
 - (6) Barber/beauty shop;
 - (7) Church;

- (8) Clinic;
- (9) Communication facilities including communication tower, such tower not to exceed 150 feet in height. No guy wires, outrigging, or other supporting structures may extend beyond the foundation of the tower;
- (10) Community center;
- (11) Educational or charitable institutions and educational or scientific research services;
- (12) Florist;
- (13) Gift shop;
- (14) Home occupations;
- (15) Hospital;
- (16) Insurance agency/services;
- (17) Laboratory, medical, dental, and optical;
- (18) Library;
- (19) Marriage and family counseling;
- (20) Mortuary;
- (21) Multi-family dwellings. Whenever a lot or tract of land is used in whole or part for residential purposes, preliminary and final site plans of a proposed development must be submitted to the Planning Commission for review and approval;
- (22) Municipal uses;
- (23) Offices and professional services;
- (24) Permanent cosmetic facility;
- (25) Pharmacy;
- (26) Professional membership organizations;
- (27) Professional schools;
- (28) Respite Care Service Facility
- (29) Rooming/boarding house;
- (30) School;
- (31) Single-family dwelling. Whenever a lot or tract of land is used in whole or part for residential purposes, preliminary and final site plans of a proposed development must be submitted to the Planning Commission for review and approval;
- (32) Tourist information booth; and
- (33) Two-family dwelling. Whenever a lot or tract of land is used in whole or part for residential purposes, preliminary and final site plans of a proposed development must be submitted to the Planning Commission for review and approval;”

Section 5. Chapter 25, Article 3, Section 13 (B) of the Scottsbluff Municipal Code is amended to provide as follows:

“§ 25-3-13 C-1 CENTRAL BUSINESS DISTRICT:

- (B) Principal permitted uses.
 - (1) Accounting, auditing, and bookkeeping services;
 - (2) Adult Day Service Facility
 - (3) Ambulance service;
 - (4) Amusement centers; indoor only;
 - (5) Animal clinic; indoor only;
 - (6) Arts and crafts studio;
 - (7) Auto storage and rental;
 - (8) Bakery or bakery goods store. The maximum gross floor area of a building permitted for this use is 6,400 square feet. Incidental, non-nuisance-producing processing, packaging, or fabricating is permitted if conducted entirely within a building;
 - (9) Bank automated teller facilities; outdoor;
 - (10) Bank automated teller facilities; indoor;
 - (11) Bank and savings and loan;
 - (12) Barber and beauty shop;
 - (13) Book and stationery store;
 - (14) Brew pub;
 - (15) Bus depot;
 - (16) Business college and trade school;
 - (17) Automated or coin-operated car wash;
 - (18) Church;
 - (19) Cleaning and laundry agency;
 - (20) Clinic;
 - (21) Communication facilities including communication tower, such tower not to exceed 150 feet in height. No guy wires, outrigging, or other supporting structures may extend beyond the foundation of the tower;

- (22) Community center (public);
- (23) Condominium with three or fewer apartments;
- (24) Confectionery stores;
- (25) Convenience stores without dispensing gasoline;
- (26) Convenience stores with dispensing gasoline;
- (27) Convenience warehouse storage facilities;
- (28) Day care center (child care center) or preschool;
- (29) Delicatessen;
- (30) Drive-thru photo facility;
- (31) Dwelling unit; two unit and multiple family within the confines of a building in which a business enterprise, retail sales, or service business may be conducted;
- (32) Educational and charitable institutions;
- (33) Educational and scientific research service;
- (34) Florist;
- (35) Food store and delicatessen;
- (36) Furniture refinishing. The entire business must be conducted within a building;
- (37) Furniture/appliance store;
- (38) Gift shop;
- (39) Grocery store;
- (40) Hardware store;
- (41) Hospital;
- (42) Hotel;
- (43) Insurance agency/services;
- (44) Jewelry store;
- (45) Laboratory, medical, dental, and optical;
- (46) Laundromat; self-service;
- (47) Library;
- (48) Lodge or club;
- (49) Marriage and family counseling;
- (50) Mortuary;
- (51) Motel;
- (52) Municipal uses;
- (53) Nursery for children;
- (54) Nursery for flowers/plants;
- (55) Offices; professional and service;
- (56) Parking lot, garage, or facility;
- (57) Pharmacy;
- (58) Photographic studio;
- (59) Printing and blueprinting;
- (60) Professional membership organizations;
- (61) Professional schools;
- (62) Railroad station;
- (63) Reducing/sun tanning;
- (64) Respite Care Service Facility;
- (65) Restaurant, bar, and tavern;
- (66) Retail stores and services;
- (67) Rooming/boarding house. Residential use is permitted above the ground floor and within the confines of a business building;
- (68) School;
- (69) Service station; full service;
- (70) Service station; mixed use;
- (71) Service station; self-service dispensing of gas only;
- (72) Shoe store;
- (73) Tattoo/body piercing establishment;
- (74) Temporary medical housing;
- (75) Theater; indoor;
- (76) Tire shop and recapping;
- (77) Tourist information booth;
- (78) Upholstery shops, provided till work is completed inside the building;
- (79) Utility business offices;
- (80) Warehousing facilities. Warehouse or storage facilities are permitted as the primary use on a lot or property only if a special permit is granted. A lot or property will not be eligible for consideration of the issuance of a special permit unless the proposed facility will be located on a lot immediately adjoining (or directly across an alley from) a property with an allowed C-1 District use; the proposed facility is necessary to and will be used as an accessory to the allowed use on the adjoining lot; and both lots are under the same ownership; and

(81) Wholesale stores and distributors. The maximum gross floor area of a building permitted for this use is 6,410 square feet. Incidental, non-nuisance-producing processing, packaging, or fabricating is permitted if conducted entirely within a building.”

Section 6. Chapter 25, Article 3, Section 14 (B) of the Scottsbluff Municipal Code is amended to provide as follows:

“§ 25-3-14 C-2 NEIGHBORHOOD AND RETAIL COMMERCIAL:

(B) Principal permitted uses.

- (1) Accounting, auditing, and bookkeeping services;
- (2) Adult Day Service Facility
- (3) Ambulance service;
- (4) Amusement centers; indoor only;
- (5) Animal clinic; indoor only;
- (6) Arts and crafts studio;
- (7) Automated or coin-operated car wash;
- (8) Bakery or bakery goods store;
- (9) Bank automated teller facilities; outdoor;
- (10) Bank automated teller facilities; indoor;
- (11) Bank and savings and loan;
- (12) Barber and beauty shop;
- (13) Book and stationery store;
- (14) Brew pub;
- (15) Church;
- (16) Cleaning and laundry agency;
- (17) Clinic;
- (18) Communication facilities including communication tower, such tower not to exceed 150 feet in height. No guy wires, outrigging, or other supporting structures may extend beyond the foundation of the tower;
- (19) Community center (public);
- (20) Confectionery stores;
- (21) Convenience stores with dispensing gasoline;
- (22) Convenience stores without dispensing gasoline;
- (23) Convenience warehouse storage facilities;
- (24) Dance, music, or voice studio;
- (25) Day care center (childcare center) or preschool;
- (26) Delicatessen;
- (27) Domestic violence shelter;
- (28) Drive-thru;
- (29) Educational and charitable institutions;
- (30) Educational and scientific research service;
- (31) Equipment rental and sales yard;
- (32) Florist;
- (33) Food store and delicatessen;
- (34) Furniture refinishing (the entire business must be conducted within a building);
- (35) Furniture/appliance store;
- (36) Gift shop;
- (37) Gymnasium; private;
- (38) Grocery store;
- (39) Hardware store;
- (40) Hospital;
- (41) Hotels/motels;
- (42) Insurance agency/services;
- (43) Jewelry store;
- (44) Laboratory, medical, dental, and optical;
- (45) Laundromat; self-service;
- (46) Library;
- (47) Lodge or club;
- (48) Marriage and family counseling;
- (49) Municipal uses;
- (50) Nursery for children;
- (51) Offices; professional and service;
- (52) Pharmacy;
- (53) Photographic studio;

- (54) Priming and blueprinting;
- (55) Professional membership organizations;
- (56) Professional schools;
- (57) Reducing/sun tanning;
- (58) Respite Care Service Facility;
- (59) Restaurant, bar, and tavern;
- (60) Retail stores and services;
- (61) Rooming/boarding house. Residential use is permitted above the ground floor and within the ground floor if to the back or side of a business building;
- (62) School;
- (63) Service station; full service;
- (64) Service station; mixed use;
- (65) Shoe store;
- (66) Tattoo/body piercing establishment;
- (67) Temporary medical housing;
- (68) Theater; indoor;
- (69) Tourist information booth;
- (70) Upholstery shop provided all work is completed within the building;
- (71) Utility business offices; and
- (72) Warehousing and wholesaling.”

Section 7. Chapter 25, Article 3, Section 15 (B) of the Scottsbluff Municipal Code is amended to provide as follows:

“§ 25-3-15 C-3 HEAVY COMMERCIAL:

- (B) Principal permitted uses.
 - (1) Accounting, auditing, and bookkeeping services;
 - (2) Adult Day Service Facility;
 - (3) Ambulance service;
 - (4) Amusement centers; indoor only;
 - (5) Animal clinic; indoor only;
 - (6) Animal clinic; indoor/outdoor;
 - (7) Arts and crafts studio;
 - (8) Auction house;
 - (9) Auto sales and service;
 - (10) Auto storage and rentals. All processing, packaging, or fabricating to be conducted wholly inside a building. Nuisance-producing processing, packaging, or fabricating not permitted;
 - (11) Automated or coin-operated car wash;
 - (12) Bakery or bakery goods store;
 - (13) Bank automated teller facilities; outdoor;
 - (14) Bank automated teller facilities; indoor
 - (15) Bank and savings and loan;
 - (16) Barber and beauty shop;
 - (17) Beverage bottling plant;
 - (18) Billboard. Billboards may not be placed everywhere in this zone. See special provisions dealing with billboards in Article 6 of this chapter;
 - (19) Boat building (small);
 - (20) Book and stationery store;
 - (21) Brewery;
 - (22) Brew pub;
 - (23) Bus depot;
 - (24) Business college and trade school;
 - (25) Cabinet shop. The entire business must be conducted within a building;
 - (26) Campground;
 - (27) Church;
 - (28) Cleaning plant; commercial. The maximum gross floor area of a building permitted for this use is 6,400 square feet. Incidental, non-nuisance-producing processing, packaging, or fabricating is permitted if conducted entirely within a building;
 - (29) Cleaning and laundry agency;
 - (30) Clinic;
 - (31) Communication facilities including communication tower, such tower not to exceed 150 feet in height. No guy wires, outrigging, or other supporting structures may extend beyond the foundation of the tower;
 - (32) Community center (public);

- (33) Confectionery stores;
- (34) Construction storage yard. Yard must be enclosed in Class 3 fence;
- (35) Convenience warehouse storage facility;
- (36) Convenience stores without dispensing gasoline;
- (37) Convenience stores with dispensing gasoline;
- (38) Dairy product processing;
- (39) Dance, music, or voice studio;
- (40) Day care center (childcare center) or preschool;
- (41) Delicatessen;
- (42) Distillery;
- (43) Drive-thru photo facility;
- (44) Drive-thru (fast food) restaurant;
- (45) Educational and scientific research service;
- (46) Equipment rental and sales yard;
- (47) Florist;
- (48) Food store and delicatessen;
- (49) Furniture refinishing. The entire business must be conducted within a building;
- (50) Furniture/appliance store;
- (51) Gift shop;
- (52) Gymnasium; private;
- (53) Grocery store;
- (54) Hardware store;
- (55) Hospital;
- (56) Insurance agency/services;
- (57) Jewelry store;
- (58) Laboratory, medical, dental, and optical;
- (59) Laundry; commercial plant. The maximum gross floor area of a building permitted for this use is 6,400 square feet. Incidental, non-nuisance-producing processing, packaging, or fabricating is permitted if conducted entirely within a building;
- (60) Laundromat; self-service;
- (61) Library;
- (62) Lodge or club;
- (63) Lumber yard;
- (64) Machine shop;
- (65) Marriage and family counseling;
- (66) Metal finishing. Retail and wholesale metal finishing permitted, providing the metal finishing equipment shall be used, and all parts to be or which have been processed, together with all materials and supplies, shall be stored, wholly within a building; and in addition, if metal plating is done, not more than three persons may function in the metal plating line, the metal plating line shall not use a floor area in excess of 1,500 square feet, and only a self-contained processing system shall be used. A metal plating line constitutes a metal plating process commencing with racking of a part to be plated and ending with unranking of such part;
- (67) Micro brewery;
- (68) Micro distillery;
- (69) Monument works; stone;
- (70) Mortuary;
- (71) Motel;
- (72) Municipal uses;
- (73) Nursery for children;
- (74) Nursery for flowers/plants;
- (75) Offices; professional and service;
- (76) Parking lot, garage or facility;
- (77) Pharmacy;
- (78) Photographic studio;
- (79) Printing and blueprinting;
- (80) Professional membership organizations;
- (81) Professional schools;
- (82) Public garage;
- (83) Railroad station;
- (84) Recreational vehicle sales lot;
- (85) Recreational vehicle storage lot; outside;
- (86) Reducing/sun tanning;
- (87) Respite Care Service Facility;
- (88) Restaurant, bar, and tavern;
- (89) Retail stores and services;

(90) Sandblasting. All commercial sandblasting of moveable objects to be conducted wholly inside a building;

(91) Service station; full service;

(92) Service station; mixed use;

(93) Service station; self-service dispensing of gas only;

(94) Shoe store;

(95) Shop for building contractor. The entire business must be conducted within a building;

(96) Sign shop;

(97) Tack shop;

(98) Tattoo parlor meeting the following conditions.

(a) Prior to operating a tattoo parlor, the operator/practitioner must first apply for and receive a permit and certificate of occupancy from the Development Services Director. The permit is subject to revocation if the permittee at any time fails to comply with the conditions set forth herein.

(b) The operator/practitioner must comply with any and all federal, state, and local regulations pertaining to the activity of tattoo artistry on the human skin.

(c) The operator/practitioner must submit to regular and/or unannounced inspections by the Department of Planning, Building and Development, the County Department of Health, and any other authority empowered to regulate such activities.

(d) All instruments and equipment must be cleaned and sterilized before use. Sterilization of equipment shall be accomplished by exposure to live steam for at least 30 minutes at a minimum pressure of 15 pounds per square inch, temperature of 240°F or 116°C.

(e) The operator/practitioner must positively identify each client and keep record of the client's name, age, mailing address, and phone number and not dispose of such information for a period of at least ten years. Any transfer in ownership or operation of the business will result in revocation of the permit. All records shall be relinquished to the Development Services Director at that time.

(f) The operator/practitioner may not perform work on anyone 18 years of age or younger without written permission from the minor's parent or legal guardian.

(g) The operator/practitioner shall comply with the OSHA (Occupation Safety and Health Act) blood borne pathogen rules as it relates to the disposition of hazardous waste materials.

(h) To prevent the cause and/or spread of infection or disease, any and all tattoo needles used for each client shall be disposed of properly and not reused.

(99) Temporary medical housing;

(100) Terminal yard; trucking;

(101) Theater; indoor;

(102) Theater; drive-in;

(103) Tire shop and recapping (the entire business must be conducted within a building);

(104) Tourist information booth;

(105) Tractor/trailer parking lot;

(106) Trailer parks;

(107) Travel trailers;

(108) Travel trailer, mobile home, and manufactured housing sales lot;

(109) Truck and tractor repair;

(110) Upholstery shop, provided all work is completed inside the building;

(111) Used car lot;

(112) Utility business offices; and

(113) Warehousing/wholesaling facilities.”

Section 8. Section 25-5-9 of the Scottsbluff Municipal Code is now amended to provide as follows:

“§ 25-5-9 SURFACE.

All off-street parking facilities, including approaches and maneuvering areas, shall be surfaced with concrete, asphalt, asphaltic concrete, or brick, and shall be maintained with materials sufficient to prevent mud, dust, or loose materials except as provided below:

1. Sites in the A, AR, and R-1B districts are exempt from this requirement
2. In residential districts (R-1, R-1A, R-4, R-6), all required parking spaces and driveways used for parking shall be paved, including driveways that lead to paved parking spaces.
3. In M-1 and M-2 Districts, the paving requirement for parking and loading areas serving industrial uses is not required. The approach from the public right-of-way plus an additional ten (10) foot of driveway on private property must be paved. In addition, disability accessible parking spaces must be paved.

4. In commercial and mixed-use districts (C-1, C-2, C-3, PBC, O-P), paving is not required for areas that are used for designated storage areas, service areas, or off-street parking areas which exceed the required number of parking stalls.”

Section 9. Any prior Sections 25-2-3.1, 25-2-3.2, 25-2-95.1, 25-3-11(B), 25-3-13(B), 25-3-14(B), 25-3-15(B) and 25-5-9 and all other ordinances and parts of ordinances in conflict herein 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 10: 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 _____, 2025.

Attest:

Mayor

City Clerk (Seal)

Approved as to form:

City Attorney

City of Scottsbluff, Nebraska

Monday, April 14, 2025

Regular Meeting

Item 6.F

Public Hearing regarding a Zoning Text Amendment regarding the Required Surface Material of Off-street Parking Facilities.

Staff Contact: Zachary Glaubius

City of Scottsbluff Planning Commission

Development Services Staff Report – Zachary Glaubius

Prepared on: April 4, 2025 For Hearing of: April 14, 2025



I. GENERAL INFORMATION

- A. Per 25-5-9, all weather surfacing is required on all off-street parking, loading, storage, sales, rental and service areas for motor vehicles, including service stations and used car lots.
- B. Per 25-2-5, all weather surfacing is a surface consisting of four inches of stabilized base overlaid with at least two inches of gravel, concrete, or asphaltic surfacing.
- C. From reviewing past files, it appears a zoning text amendment regarding the removal of gravel as an acceptable surface was proposed in 2006.

II. STAFF COMMENTS

- A. With current code, any off-street parking facility could consist of all gravel. This could be problematic for several reasons:
 - i. Dust
 - ii. Safety hazard from gravel/mud in the street
 - iii. Increased maintenance to stormwater drains and mains due to gravel/mud entering
 - iv. Unaesthetic image of the city and its neighborhoods
- B. Staff reviewed the required surfaces of other first-class cities in Nebraska for comparison.
- C. Most reviewed cities required paved parking with minimal exceptions.
- D. Staff preferred the parking surface requirements of Kearney which provided practical exceptions. After a positive conversation with the City Planner of Kearney, staff recommends revising 25-5-9 and modelling it after Kearney’s parking surface requirement code.
- E. Instead of outright removing gravel as an acceptable parking surface, staff is proposing to allow it in only four instances:
 - i. Gravel would be a permitted surface in AG, R-1B, and AR
 - ii. Gravel would be a permitted surface in M-1 and M-2
 - 1. Except accessible parking and driveway approaches
 - iii. Extra parking in the R zones could be gravel
 - iv. Storage areas, service areas, and excess parking could be gravel in the commercial zones

III. STAFF RECCOMENDATION

- A. Staff recommends the Planning Commission make a positive recommendation to City Council on the adoption of the revised Chapter 25 Article 2 regarding the definitions of adult day service facility and respite care service facility in addition to adding the two uses to the C-1, C-2, C-3, and O-P Districts as principle permitted uses.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA AMENDING THE SCOTTSBLUFF MUNICIPAL CODE RELATING TO ZONING AT CHAPTER 25, ARTICLE 2, BY ADDING ADDITIONAL SECTIONS FOR THE DEFINITION OF ADULT DAY SERVICE FACILITY AT §25-2-3.1, DEFINITION OF AGRICULTURAL ATTRACTIONS AT §25-2-3.2 AND DEFINITION FOR RESPITE CARE SERVICE FACILITY AT §25-2-95.1; AND AMENDING THE SCOTTSBLUFF MUNICIPAL CODE AT CHAPTER 25, ARTICLE 3 IN THE OFFICE AND PROFESSIONAL DISTRICT, CENTRAL BUSINESS DISTRICT, NEIGHBORHOOD AND RETAIL COMMERCIAL DISTRICT AND HEAVY COMMERCIAL DISTRICT BY ADDING ADULT DAY SERVICE FACILITY AND RESPITE CARE SERVICE FACILITY AS PRINCIPAL PERMITTED USES; AND AMENDING THE SCOTTSBLUFF MUNICIPAL CODE AT §25-5-9, TO AMEND THE SURFACE REQUIREMENTS FOR OFF-STREET PARKING FACILITIES; TO PROVIDE FOR AN EFFECTIVE DATE AND TO PROVIDE 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 2, of the Scottsbluff Municipal Code is amended to add the following section:

“§ 25-2-3.1 ADULT DAY SERVICE FACILITY:

A place which provides care and an array of social, medical, or other support services for a period of less than 12 consecutive hours to four (4) or more persons who require or request such services due to age or functional impairment. An Adult Day Service Facility must obtain and hold appropriate licensure through the Nebraska Department of Health and Human Services.”

Section 2. Chapter 25, Article 2, of the Scottsbluff Municipal Code is amended to add the following section:

“§25-2-3.2 AGRICULTURAL ATTRACTIONS:

A premises used primarily for agricultural for the purpose of raising and harvesting crops for sale, that also includes a limited amount of area devoted to the provision of entertainment for a period of no more than four months per year. Examples of agricultural attractions include, but are not limited to, Pumpkin Patch, Apple Orchard, or Corn Maze. The sale of other goods and entertainment is permitted in areas of the premises during the allowable operating period. Attractions shall not include mechanical rides other than hayrack and sightseeing vehicles.”

Section 3. Chapter 25, Article 2 of the Scottsbluff Municipal Code is amended to add the following section:

“§25-2-95.1 RESPITE CARE SERVICE FACILITY:

A place that provides short-term temporary care on an intermittent basis to persons with special needs for a period of more than 12 hours, when the person's primary caregiver is unavailable to provide such care. Provided:

- 1) A Respite Care Service Facility will not and cannot provide services listed under 25-2-55.1 regarding Emergency Shelters and are therefore excluded from this definition.
- 2) A Respite Care Service Facility must obtain and hold appropriate licensure through the Nebraska Department of Health and Human Services.”

Section 4. Chapter 25, Article 3, Section 11 (B) of the Scottsbluff Municipal Code is amended to provide as follows:

“§25-3-11 O-P OFFICE AND PROFESSIONAL:

- (B) Principal permitted uses.
- (1) Accounting, auditing, and bookkeeping services;
 - (2) Adult Day Service Facility
 - (3) Arts and crafts studio;
 - (4) Bank automated teller facilities; indoor;
 - (5) Bank and saving and loan;
 - (6) Barber/beauty shop;
 - (7) Church;

- (8) Clinic;
- (9) Communication facilities including communication tower, such tower not to exceed 150 feet in height. No guy wires, outrigging, or other supporting structures may extend beyond the foundation of the tower;
- (10) Community center;
- (11) Educational or charitable institutions and educational or scientific research services;
- (12) Florist;
- (13) Gift shop;
- (14) Home occupations;
- (15) Hospital;
- (16) Insurance agency/services;
- (17) Laboratory, medical, dental, and optical;
- (18) Library;
- (19) Marriage and family counseling;
- (20) Mortuary;
- (21) Multi-family dwellings. Whenever a lot or tract of land is used in whole or part for residential purposes, preliminary and final site plans of a proposed development must be submitted to the Planning Commission for review and approval;
- (22) Municipal uses;
- (23) Offices and professional services;
- (24) Permanent cosmetic facility;
- (25) Pharmacy;
- (26) Professional membership organizations;
- (27) Professional schools;
- (28) Respite Care Service Facility
- (29) Rooming/boarding house;
- (30) School;
- (31) Single-family dwelling. Whenever a lot or tract of land is used in whole or part for residential purposes, preliminary and final site plans of a proposed development must be submitted to the Planning Commission for review and approval;
- (32) Tourist information booth; and
- (33) Two-family dwelling. Whenever a lot or tract of land is used in whole or part for residential purposes, preliminary and final site plans of a proposed development must be submitted to the Planning Commission for review and approval;”

Section 5. Chapter 25, Article 3, Section 13 (B) of the Scottsbluff Municipal Code is amended to provide as follows:

“§ 25-3-13 C-1 CENTRAL BUSINESS DISTRICT:

- (B) Principal permitted uses.
 - (1) Accounting, auditing, and bookkeeping services;
 - (2) Adult Day Service Facility
 - (3) Ambulance service;
 - (4) Amusement centers; indoor only;
 - (5) Animal clinic; indoor only;
 - (6) Arts and crafts studio;
 - (7) Auto storage and rental;
 - (8) Bakery or bakery goods store. The maximum gross floor area of a building permitted for this use is 6,400 square feet. Incidental, non-nuisance-producing processing, packaging, or fabricating is permitted if conducted entirely within a building;
 - (9) Bank automated teller facilities; outdoor;
 - (10) Bank automated teller facilities; indoor;
 - (11) Bank and savings and loan;
 - (12) Barber and beauty shop;
 - (13) Book and stationery store;
 - (14) Brew pub;
 - (15) Bus depot;
 - (16) Business college and trade school;
 - (17) Automated or coin-operated car wash;
 - (18) Church;
 - (19) Cleaning and laundry agency;
 - (20) Clinic;
 - (21) Communication facilities including communication tower, such tower not to exceed 150 feet in height. No guy wires, outrigging, or other supporting structures may extend beyond the foundation of the tower;

- (22) Community center (public);
- (23) Condominium with three or fewer apartments;
- (24) Confectionery stores;
- (25) Convenience stores without dispensing gasoline;
- (26) Convenience stores with dispensing gasoline;
- (27) Convenience warehouse storage facilities;
- (28) Day care center (child care center) or preschool;
- (29) Delicatessen;
- (30) Drive-thru photo facility;
- (31) Dwelling unit; two unit and multiple family within the confines of a building in which a business enterprise, retail sales, or service business may be conducted;
- (32) Educational and charitable institutions;
- (33) Educational and scientific research service;
- (34) Florist;
- (35) Food store and delicatessen;
- (36) Furniture refinishing. The entire business must be conducted within a building;
- (37) Furniture/appliance store;
- (38) Gift shop;
- (39) Grocery store;
- (40) Hardware store;
- (41) Hospital;
- (42) Hotel;
- (43) Insurance agency/services;
- (44) Jewelry store;
- (45) Laboratory, medical, dental, and optical;
- (46) Laundromat; self-service;
- (47) Library;
- (48) Lodge or club;
- (49) Marriage and family counseling;
- (50) Mortuary;
- (51) Motel;
- (52) Municipal uses;
- (53) Nursery for children;
- (54) Nursery for flowers/plants;
- (55) Offices; professional and service;
- (56) Parking lot, garage, or facility;
- (57) Pharmacy;
- (58) Photographic studio;
- (59) Printing and blueprinting;
- (60) Professional membership organizations;
- (61) Professional schools;
- (62) Railroad station;
- (63) Reducing/sun tanning;
- (64) Respite Care Service Facility;
- (65) Restaurant, bar, and tavern;
- (66) Retail stores and services;
- (67) Rooming/boarding house. Residential use is permitted above the ground floor and within the confines of a business building;
- (68) School;
- (69) Service station; full service;
- (70) Service station; mixed use;
- (71) Service station; self-service dispensing of gas only;
- (72) Shoe store;
- (73) Tattoo/body piercing establishment;
- (74) Temporary medical housing;
- (75) Theater; indoor;
- (76) Tire shop and recapping;
- (77) Tourist information booth;
- (78) Upholstery shops, provided till work is completed inside the building;
- (79) Utility business offices;
- (80) Warehousing facilities. Warehouse or storage facilities are permitted as the primary use on a lot or property only if a special permit is granted. A lot or property will not be eligible for consideration of the issuance of a special permit unless the proposed facility will be located on a lot immediately adjoining (or directly across an alley from) a property with an allowed C-1 District use; the proposed facility is necessary to and will be used as an accessory to the allowed use on the adjoining lot; and both lots are under the same ownership; and

(81) Wholesale stores and distributors. The maximum gross floor area of a building permitted for this use is 6,410 square feet. Incidental, non-nuisance-producing processing, packaging, or fabricating is permitted if conducted entirely within a building.”

Section 6. Chapter 25, Article 3, Section 14 (B) of the Scottsbluff Municipal Code is amended to provide as follows:

“§ 25-3-14 C-2 NEIGHBORHOOD AND RETAIL COMMERCIAL:

(B) Principal permitted uses.

- (1) Accounting, auditing, and bookkeeping services;
- (2) Adult Day Service Facility
- (3) Ambulance service;
- (4) Amusement centers; indoor only;
- (5) Animal clinic; indoor only;
- (6) Arts and crafts studio;
- (7) Automated or coin-operated car wash;
- (8) Bakery or bakery goods store;
- (9) Bank automated teller facilities; outdoor;
- (10) Bank automated teller facilities; indoor;
- (11) Bank and savings and loan;
- (12) Barber and beauty shop;
- (13) Book and stationery store;
- (14) Brew pub;
- (15) Church;
- (16) Cleaning and laundry agency;
- (17) Clinic;
- (18) Communication facilities including communication tower, such tower not to exceed 150 feet in height. No guy wires, outrigging, or other supporting structures may extend beyond the foundation of the tower;
- (19) Community center (public);
- (20) Confectionery stores;
- (21) Convenience stores with dispensing gasoline;
- (22) Convenience stores without dispensing gasoline;
- (23) Convenience warehouse storage facilities;
- (24) Dance, music, or voice studio;
- (25) Day care center (childcare center) or preschool;
- (26) Delicatessen;
- (27) Domestic violence shelter;
- (28) Drive-thru;
- (29) Educational and charitable institutions;
- (30) Educational and scientific research service;
- (31) Equipment rental and sales yard;
- (32) Florist;
- (33) Food store and delicatessen;
- (34) Furniture refinishing (the entire business must be conducted within a building);
- (35) Furniture/appliance store;
- (36) Gift shop;
- (37) Gymnasium; private;
- (38) Grocery store;
- (39) Hardware store;
- (40) Hospital;
- (41) Hotels/motels;
- (42) Insurance agency/services;
- (43) Jewelry store;
- (44) Laboratory, medical, dental, and optical;
- (45) Laundromat; self-service;
- (46) Library;
- (47) Lodge or club;
- (48) Marriage and family counseling;
- (49) Municipal uses;
- (50) Nursery for children;
- (51) Offices; professional and service;
- (52) Pharmacy;
- (53) Photographic studio;

- (54) Priming and blueprinting;
- (55) Professional membership organizations;
- (56) Professional schools;
- (57) Reducing/sun tanning;
- (58) Respite Care Service Facility;
- (59) Restaurant, bar, and tavern;
- (60) Retail stores and services;
- (61) Rooming/boarding house. Residential use is permitted above the ground floor and within the ground floor if to the back or side of a business building;
- (62) School;
- (63) Service station; full service;
- (64) Service station; mixed use;
- (65) Shoe store;
- (66) Tattoo/body piercing establishment;
- (67) Temporary medical housing;
- (68) Theater; indoor;
- (69) Tourist information booth;
- (70) Upholstery shop provided all work is completed within the building;
- (71) Utility business offices; and
- (72) Warehousing and wholesaling.”

Section 7. Chapter 25, Article 3, Section 15 (B) of the Scottsbluff Municipal Code is amended to provide as follows:

“§ 25-3-15 C-3 HEAVY COMMERCIAL:

- (B) Principal permitted uses.
 - (1) Accounting, auditing, and bookkeeping services;
 - (2) Adult Day Service Facility;
 - (3) Ambulance service;
 - (4) Amusement centers; indoor only;
 - (5) Animal clinic; indoor only;
 - (6) Animal clinic; indoor/outdoor;
 - (7) Arts and crafts studio;
 - (8) Auction house;
 - (9) Auto sales and service;
 - (10) Auto storage and rentals. All processing, packaging, or fabricating to be conducted wholly inside a building. Nuisance-producing processing, packaging, or fabricating not permitted;
 - (11) Automated or coin-operated car wash;
 - (12) Bakery or bakery goods store;
 - (13) Bank automated teller facilities; outdoor;
 - (14) Bank automated teller facilities; indoor
 - (15) Bank and savings and loan;
 - (16) Barber and beauty shop;
 - (17) Beverage bottling plant;
 - (18) Billboard. Billboards may not be placed everywhere in this zone. See special provisions dealing with billboards in Article 6 of this chapter;
 - (19) Boat building (small);
 - (20) Book and stationery store;
 - (21) Brewery;
 - (22) Brew pub;
 - (23) Bus depot;
 - (24) Business college and trade school;
 - (25) Cabinet shop. The entire business must be conducted within a building;
 - (26) Campground;
 - (27) Church;
 - (28) Cleaning plant; commercial. The maximum gross floor area of a building permitted for this use is 6,400 square feet. Incidental, non-nuisance-producing processing, packaging, or fabricating is permitted if conducted entirely within a building;
 - (29) Cleaning and laundry agency;
 - (30) Clinic;
 - (31) Communication facilities including communication tower, such tower not to exceed 150 feet in height. No guy wires, outrigging, or other supporting structures may extend beyond the foundation of the tower;
 - (32) Community center (public);

- (33) Confectionery stores;
- (34) Construction storage yard. Yard must be enclosed in Class 3 fence;
- (35) Convenience warehouse storage facility;
- (36) Convenience stores without dispensing gasoline;
- (37) Convenience stores with dispensing gasoline;
- (38) Dairy product processing;
- (39) Dance, music, or voice studio;
- (40) Day care center (childcare center) or preschool;
- (41) Delicatessen;
- (42) Distillery;
- (43) Drive-thru photo facility;
- (44) Drive-thru (fast food) restaurant;
- (45) Educational and scientific research service;
- (46) Equipment rental and sales yard;
- (47) Florist;
- (48) Food store and delicatessen;
- (49) Furniture refinishing. The entire business must be conducted within a building;
- (50) Furniture/appliance store;
- (51) Gift shop;
- (52) Gymnasium; private;
- (53) Grocery store;
- (54) Hardware store;
- (55) Hospital;
- (56) Insurance agency/services;
- (57) Jewelry store;
- (58) Laboratory, medical, dental, and optical;
- (59) Laundry; commercial plant. The maximum gross floor area of a building permitted for this use is 6,400 square feet. Incidental, non-nuisance-producing processing, packaging, or fabricating is permitted if conducted entirely within a building;
- (60) Laundromat; self-service;
- (61) Library;
- (62) Lodge or club;
- (63) Lumber yard;
- (64) Machine shop;
- (65) Marriage and family counseling;
- (66) Metal finishing. Retail and wholesale metal finishing permitted, providing the metal finishing equipment shall be used, and all parts to be or which have been processed, together with all materials and supplies, shall be stored, wholly within a building; and in addition, if metal plating is done, not more than three persons may function in the metal plating line, the metal plating line shall not use a floor area in excess of 1,500 square feet, and only a self-contained processing system shall be used. A metal plating line constitutes a metal plating process commencing with racking of a part to be plated and ending with unranking of such part;
- (67) Micro brewery;
- (68) Micro distillery;
- (69) Monument works; stone;
- (70) Mortuary;
- (71) Motel;
- (72) Municipal uses;
- (73) Nursery for children;
- (74) Nursery for flowers/plants;
- (75) Offices; professional and service;
- (76) Parking lot, garage or facility;
- (77) Pharmacy;
- (78) Photographic studio;
- (79) Printing and blueprinting;
- (80) Professional membership organizations;
- (81) Professional schools;
- (82) Public garage;
- (83) Railroad station;
- (84) Recreational vehicle sales lot;
- (85) Recreational vehicle storage lot; outside;
- (86) Reducing/sun tanning;
- (87) Respite Care Service Facility;
- (88) Restaurant, bar, and tavern;
- (89) Retail stores and services;

(90) Sandblasting. All commercial sandblasting of moveable objects to be conducted wholly inside a building;

(91) Service station; full service;

(92) Service station; mixed use;

(93) Service station; self-service dispensing of gas only;

(94) Shoe store;

(95) Shop for building contractor. The entire business must be conducted within a building;

(96) Sign shop;

(97) Tack shop;

(98) Tattoo parlor meeting the following conditions.

(a) Prior to operating a tattoo parlor, the operator/practitioner must first apply for and receive a permit and certificate of occupancy from the Development Services Director. The permit is subject to revocation if the permittee at any time fails to comply with the conditions set forth herein.

(b) The operator/practitioner must comply with any and all federal, state, and local regulations pertaining to the activity of tattoo artistry on the human skin.

(c) The operator/practitioner must submit to regular and/or unannounced inspections by the Department of Planning, Building and Development, the County Department of Health, and any other authority empowered to regulate such activities.

(d) All instruments and equipment must be cleaned and sterilized before use. Sterilization of equipment shall be accomplished by exposure to live steam for at least 30 minutes at a minimum pressure of 15 pounds per square inch, temperature of 240°F or 116°C.

(e) The operator/practitioner must positively identify each client and keep record of the client's name, age, mailing address, and phone number and not dispose of such information for a period of at least ten years. Any transfer in ownership or operation of the business will result in revocation of the permit. All records shall be relinquished to the Development Services Director at that time.

(f) The operator/practitioner may not perform work on anyone 18 years of age or younger without written permission from the minor's parent or legal guardian.

(g) The operator/practitioner shall comply with the OSHA (Occupation Safety and Health Act) blood borne pathogen rules as it relates to the disposition of hazardous waste materials.

(h) To prevent the cause and/or spread of infection or disease, any and all tattoo needles used for each client shall be disposed of properly and not reused.

(99) Temporary medical housing;

(100) Terminal yard; trucking;

(101) Theater; indoor;

(102) Theater; drive-in;

(103) Tire shop and recapping (the entire business must be conducted within a building);

(104) Tourist information booth;

(105) Tractor/trailer parking lot;

(106) Trailer parks;

(107) Travel trailers;

(108) Travel trailer, mobile home, and manufactured housing sales lot;

(109) Truck and tractor repair;

(110) Upholstery shop, provided all work is completed inside the building;

(111) Used car lot;

(112) Utility business offices; and

(113) Warehousing/wholesaling facilities.”

Section 8. Section 25-5-9 of the Scottsbluff Municipal Code is now amended to provide as follows:

“§ 25-5-9 SURFACE.

All off-street parking facilities, including approaches and maneuvering areas, shall be surfaced with concrete, asphalt, asphaltic concrete, or brick, and shall be maintained with materials sufficient to prevent mud, dust, or loose materials except as provided below:

1. Sites in the A, AR, and R-1B districts are exempt from this requirement
2. In residential districts (R-1, R-1A, R-4, R-6), all required parking spaces and driveways used for parking shall be paved, including driveways that lead to paved parking spaces.
3. In M-1 and M-2 Districts, the paving requirement for parking and loading areas serving industrial uses is not required. The approach from the public right-of-way plus an additional ten (10) foot of driveway on private property must be paved. In addition, disability accessible parking spaces must be paved.

4. In commercial and mixed-use districts (C-1, C-2, C-3, PBC, O-P), paving is not required for areas that are used for designated storage areas, service areas, or off-street parking areas which exceed the required number of parking stalls.”

Section 9. Any prior Sections 25-2-3.1, 25-2-3.2, 25-2-95.1, 25-3-11(B), 25-3-13(B), 25-3-14(B), 25-3-15(B) and 25-5-9 and all other ordinances and parts of ordinances in conflict herein 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 10: 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 _____, 2025.

Attest:

Mayor

City Clerk (Seal)

Approved as to form:

City Attorney