



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

Regular Meeting
June 9, 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 Development Services Director** (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. May 12, 2025
6. **Public Hearing**
 - A. Public Hearing regarding a Special Use Permit for Auto Sales and Service to Arthur Smith at Lot 1, Block 1, East Portal Second Addition, commonly identified as 1914 E 20th Street.
 - B. Public Hearing regarding a Rezone of a tract of land, commonly identified as land southeast of the eastern terminus of Delta Drive from A Agricultural to C-3 Heavy Commercial (Parcel ID 010230610).
 - C. Public Hearing regarding a Preliminary and Final Plats of Block 1, Allen's Landmark Addition, commonly identified as 1902 W. Overland.
 - D. Public Hearing regarding a Zoning Text Amendment to Chapters 6, 21, 23, & 25 regarding the renaming of Special Use Permits to Conditional Use Permits.
7. **Old Business**
 - A. Planning Commission to remove revised Planning Commission Rules and Procedures

from the Table

B. Planning Commission to take action on the revised Planning Commission Rules and Procedures

8. **Schedule a Meeting**

A. July 14, 2025

9. **Adjournment**

City of Scottsbluff, Nebraska
Monday, June 9, 2025
Regular Meeting

Item 5.A

May 12, 2025

Staff Contact: Zachary Glaubius

PLANNING COMMISSION MINUTES
REGULAR SCHEDULED MEETING
May 12, 2025
SCOTTSBLUFF, NEBRASKA

The Planning Commission for the City of Scottsbluff met in regular scheduled meeting on Monday, May 12, 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 May 1, 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, Mary Bowman, Linda Redfern (Alternate) "Absent" Dave Gompert, Dana Weber, Jim Zitterkopf, Henry Huber, Kendall Palu. City Officials present were Zachary Glaubius, Development Services Director, Taylor Stephens, GIS Coordinator, Chris Perales, Fire Marshal, and Gary Batt, Code Administrator II
- 2 Estrada informed those present of the Nebraska Open Meetings Act and that a copy was located on the south wall of the Council Chambers.
- 3 Acknowledgement of any changes in the agenda: None.
- 4 Business not on the agenda: None.
- 5 The minutes from the April 14, 2025 meeting were reviewed. **Conclusion:** a motion was made by Wayman and seconded by Bowman to approve the minutes. "Yeas" Becky Estrada, Angie Aguallo, Callan Wayman, Linda Redfern, Mary Bowman "Nays" None "Absent" Jim Zitterkopf, Dana Weber, Dave Gompert, Kendall Palu, Henry Huber "The motion carried.
- 6 Estrada introduced Item 6 New Businesses. Estrada introduced Item 6A Planning Commission to make a positive recommendation on an annexation request by Deidra Bruner for a tract of land commonly identified as southwest of 21st Avenue and E. 27th Street, also commonly identified as Parcel #010226966. Glaubius stated City Council needs a recommendation from Planning Commission on whether to approve or deny an annexation request. Glaubius stated the annexation request letter is in the agenda packet. Glaubius stated the staff recommends a positive recommendation on approval of the annexation request. Brenda Anderson, realtor for Deidra Bruner, stated the only annexed land originally with the Triple Peaks Subdivision was the platted land. Anderson stated the building on Lot 3 will be bigger than originally thought which will require the annexation, rezone, and replat. Anderson stated Bruner is requesting all of the property be annexed to avoid having to do another annexation request in the near future. Estrada asked for a recommendation by Planning Commission.
- 7 **Conclusion:** A motion was made by Wayman and seconded by Bowman to make a positive recommendation on approval of the annexation request by Deidra Bruner to City Council. ""Yeas" Becky Estrada, Angie Aguallo, Callan Wayman, Linda Redfern, Mary Bowman "Nays" None "Absent" Jim Zitterkopf, Dana Weber, Dave Gompert, Kendall Palu, Henry Huber "The motion carried.

- 8 Estrada introduced Item 6B, Planning Commission to take action on the revised Planning Commission Rules and Regulations. Glaubius stated staff is requesting this agenda item be tabled as Glaubius needs more time to work on the rules and regulations update.
- 9 **Conclusion:** A motion was made by Aguallo and seconded by Bowman to table taking action on the revised Planning Commission Rules and Regulations. “Yeas” Becky Estrada, Angie Aguallo, Callan Wayman, Linda Redfern, Mary Bowman “Nays” None “Absent” Jim Zitterkopf, Dana Weber, Dave Gompert, Kendall Palu, Henry Huber “The motion carried.
- 10 Estrada introduced Item 7A, Planning Commission to conduct a public hearing to regarding a Preliminary Plat and Final Plat of Lot 3A, Block 1, Triple Peaks Subdivision, commonly identified as a tract of land south of 18th Avenue and E 37th Street (Parcel ID 010001567). Estrada opened the public hearing at 6:05 PM. Glaubius stated this is a preliminary plat and final plat for part of the land in the annexation request. Glaubius stated Lot 3 will be replatted as Lot 3A in order to increase the size of the property. Glaubius stated the new plats are not very different than the original Triple Peaks Subdivision plat. Glaubius stated the developer’s agreement will need to be updated for the new legal and to extend the deadline for constructing public improvements. Glaubius stated the original agreement required the public improvements be constructed by December of 2025, and this will change to December of 2027. Glaubius stated staff recommends positive recommendation on approval of the preliminary and final plat on the condition City Council finds the revised contract for public improvements acceptable. Estrada closed the public hearing at 6:07 PM.
- 11 **Conclusion:** A motion was made by Wayman and seconded by Bowman to make a positive recommendation on approval of preliminary plat and final plat of Lot 3A, Block 1, Triple Peaks Subdivision on the condition the City Council finds the revised contract for public improvements acceptable to City Council. “Yeas” Becky Estrada, Angie Aguallo, Callan Wayman, Linda Redfern, Mary Bowman “Nays” None “Absent” Jim Zitterkopf, Dana Weber, Dave Gompert, Kendall Palu, Henry Huber “The motion carried.
- 12 Estrada introduced Item 7B Planning Commission to conduct a public hearing regarding a Rezone of two tracts of land, commonly identified as land southwest of 21st Avenue and E. 27th Street from AR Agricultural Residential to O-P Office and Professional (Parcel IDs 010237089 and 010226966). Estrada opened the public hearing at 6:08 PM. Glaubius stated this is a rezone for the unplatted land in the annexation request as well as some additional unplatted land already within the City. Glaubius stated the rezone will change the unplatted land from AR Agricultural Residential to O-P Office and Professional. Glaubius stated the rezone is aligned with the Comprehensive Plan and staff recommends a positive recommendation on approval of the rezone request to City Council. Estrada closed the public hearing at 6:09 PM.
- 13 **Conclusion:** A motion was made by Aguallo and seconded by Redfern to make a positive recommendation on approval of rezone request of Parcels 010237089 and 010226966 from AR Agricultural Residential to O-P Office and Professional to City Council. “Yeas” Becky Estrada, Angie Aguallo, Callan Wayman, Linda Redfern, Mary Bowman “Nays” None “Absent” Jim Zitterkopf, Dana Weber, Dave Gompert, Kendall Palu, Henry Huber “The motion carried.
- 14 Estrada introduced Item 7C Planning Commission to conduct a public hearing regarding a Rezone of Lot 1, Block 1, Parkside Addition, commonly identified as 1510 W Overland Drive from R-1A Single-Family Residential to C-3 Heavy Commercial. Estrada opened the public hearing at 6:09 PM. Glaubius stated this rezone is similar to the two past West Overland rezones that changed residential areas to commercial areas. Glaubius stated the Comprehensive Plan calls for the Lot 1, Block 1, Parkside Addition to be residential, however staff recommends approval of the rezone as the property is located in the floodplain, powerlines crossing it, a water main crossing it, the pathway crossing it, and a former road. Glaubius stated the property is already

platted and has all required utilities. Glaubius stated the rezone would call into effect the landscaping ordinance. Glaubius stated the landscaping ordinance would require screening and buffer yards between the commercial land and residential land. Glaubius stated staff recommends a positive recommendation on approval of the rezone request for Lot 1, Block 1, Parkside Addition from R-1A to C-3. Penny Strong, 1114 Avenue O, stated she lived next door to the proposed rezone. Strong said she liked the hearing the bird sing on the property and did not want commercial behind her house. Strong stated residential should stay residential and that she wanted the Planning Commission to vote as if they were living in her house. Lee Hernandez, 1507 W. Overland, stated she and her family have lived at that address for over 60 years. Hernandez stated that she recently moved back to Scottsbluff to care for her elderly mother and does not like the look of the god-awful power poles. Hernandez stated she received the letter, has never attending a Planning Commission meeting, and plans on attending other meetings. Hernandez stated when she found out the rezone was to change the property from residential to commercial, her question was who owns the property and what are they going to do with the large lot. Hernandez stated she agreed with Strong that the neighborhood is quiet and any disruption to the neighbor she opposes. Hernandez stated she seems to be on the fringe of West Overland and it seems that neighborhood has been forgotten. Hernandez stated the neighborhood is quiet and would recommend the property owner turn the property into a park because the new walkway. Hernandez reiterated that she did not know the intentions and if the pathway would be blocked. Kelly Madison, 1009 Avenue O, stated she agreed with a possible park going on the proposed rezone property because of the pathway. Madison stated the highway is already busy and the crossing to the zoo is dangerous already. Madison stated she was concerned about making the area busier with a commercial district. Madison stated they can hear the zoo animals in the morning, and who knows what will go on the property if it becomes commercial. Madison stated a park should go there since the ugly powerlines were installed. Madison stated she is against anything other than a park on the property. Estrada closed the public hearing at 6:20 PM. Bowman thanked the neighbors for coming to the meeting and that she was afraid no one would come. Bowman stated she drove through the neighborhood this morning and agreed it was a quiet residential neighborhood. Bowman stated she cannot for the life of her figure out why the property should be rezoned to Heavy Commercial. Wayman asked if the City used to own the property. Glaubius confirmed. Wayman stated he was not sure if the rezone to commercial fit with the neighborhood even though there was infrastructure crossing the property and the floodplain. Redfern stated the property was difficult to develop as residential due to the floodplain. Glaubius stated that from his understanding the southern portion would have a storage shed on it. Aguillo inquired if the applicant was present. Bowman asked for clarification on whether the property was already commercial. The other board members stated it was residential. Aguillo asked if they only wanted a storage shed. Strong asked to speak again. Estrada instructed her to come to the podium. Strong stated once its commercial, the property owner could sell it and it could become any other permitted commercial use. Redfern stated the property use to be an arboretum. Redfern stated going from residential to commercial is a big jump. Wayman stated this was especially true considering it is residential on three sides. Redfern stated professional buildings would be more appropriate than heavy commercial.

- 15 **Conclusion:** A motion was made by Redfern and seconded by Bowman to make a negative recommendation on approval of rezone request of Lot 1, Block 1, Parkside Addition from R-1A to C-3 Heavy Commercial. City Council. "Yeas" Becky Estrada, Angie Aguillo, Callan Wayman, Linda Redfern, Mary Bowman "Nays" None "Absent" Jim Zitterkopf, Dana Weber, Dave Gompert, Kendall Palu, Henry Huber "The motion carried.

- 16 Estrada opened Item 7D Planning Commission to conduct a public hearing regarding a preliminary plat and final plat of Lots 2A and 4A, Block 2, Clemens-Reinhardt Subdivision, commonly identified as land south of W. 36th Street and west of the Scottsbluff Drain (Parcels 010355065, 0103355073, and 010355081). Estrada opened the public hearing at 6:21 PM. Glaubius stated the plats are for the land just east of the Chili's restaurant. Glaubius stated the zoning will remain the same and access will be via W. 36th Street. Glaubius stated the developer will construct a cul-de-sac at the end of W. 36th Street, so the street will not cross the Scottsbluff Drain and access the Five Oaks subdivision. Glaubius stated the cul-de-sac will be included in the contract for public improvements. Glaubius stated a setback sidewalk will be constructed on Lot 2A and 4A. Glaubius stated there will be two new inlets on W. 36th Street which will drain in the Scottsbluff Drain and the runoff from the private property will drain into the existing retention pond at the far east of the subdivision. Glaubius stated permission from the property owner is included in the packet to allow the buyer and their engineering firm to prepare the plat. Glaubius stated per the subdivision code, a street ending with a cul-de-sac cannot exceed 400 feet. Glaubius stated however the 1996 Standards and Specification Book Section 502.5 waives this requirement based on seven conditions. Glaubius stated the unique width of W. 36th Street will be continued to the cul-de-sac. Glaubius stated that half of Chili's driveway is located on Lot 2A and an access easement will need to be dedicated. Glaubius stated the easement discussion is still ongoing between the buyer and Chilis owner. Glaubius stated a contract for public improvements is required and will include landscaping, sidewalks, street/cul-de-sac, and stormwater infrastructure. Glaubius stated an agreement between Chilis and the property owners of Lots 2A and 4A was requested to ensure Chili's stormwater runoff reaches the retention pond. Glaubius stated staff recommends a positive recommendation on approval of the preliminary and final plat to City Council on the conditions that City Council finds the contract for public improvements acceptable and the access easement for Lot 1 and Lot 2A is dedicated. Glaubius stated the applicant's representative was available via zoom. Tami Salzman, 3612 Maple Drive, asked if there were height limits for the property. Glaubius stated the zoning district has a height limit of 35 feet. Glaubius stated city staff will review compliance when the building permit is submitted. Estrada closed the public hearing at 6:29 PM. Bowman asked if W. 36th Street would be widened as the findings of fact stated the street would be brought into compliance. Glaubius stated the street would not be widened, but it would be brought into compliance with the turnaround requirement. Bowman stated it was a narrow road and two-way traffic is tight. Bowman asked if there was a way to require the developer to widen the road. Glaubius stated the City would not be able to require the developer to widen the entire road due to what was being platted. Glaubius stated it was something that could be explored in the future via a paving district, but could not be required right now.
- 17 **Conclusion:** A motion was made by Wayman and seconded by Aguallo to make a positive recommendation on approval preliminary plat and final plat of Lots 2A and 4A, Block 2, Clemens-Reinhardt Subdivision subject to the proposed conditions to City Council ""Yeas" Becky Estrada, Angie Aguallo, Callan Wayman, Linda Redfern, Mary Bowman "Nays" None "Absent" Jim Zitterkopf, Dana Weber, Dave Gompert, Kendall Palu, Henry Huber "The motion carried.
- 18 Planning Commission confirmed the next meeting date of June 9, 2025.
- 19 Item 9: Adjournment
- 20 Adjournment:: A motion was made by Wayman and seconded by Aguallo to make a adjourn the meeting at 6:30 PM ""Yeas" Becky Estrada, Angie Aguallo, Callan Wayman, Linda Redfern, Mary Bowman "Nays" None "Absent" Jim Zitterkopf, Dana Weber, Dave Gompert, Kendall Palu, Henry Huber "The motion carried.

Becky Estrada, Chairperson

Zachary Glaubius, Secretary

City of Scottsbluff, Nebraska

Monday, June 9, 2025

Regular Meeting

Item 6.A

Public Hearing regarding a Special Use Permit for Auto Sales and Service to Arthur Smith at Lot 1, Block 1, East Portal Second Addition, commonly identified as 1914 E 20th Street.

Staff Contact:



City of Scottsbluff
Special Use Application
Permit Identifier 2025-16CUP

Type:

Applicant Name Arthur Smith Applicant Address 40840 Sugar Factory Road Scottsbluff, Ne.
Applicant Email a1truckperformance@g mail.com Applicant Phone 3086416664

Contact Name Contact Address
Conact Email Contact Phone

Property Information

General Location/Address 1914 E 20TH ST
Legal Description LT 1, BLK 1, EAST PORTAL 2ND ADD
Present Use of Property: Automotive repair and sales
Desired Use of Property: Automotive repair and sales

Required Information

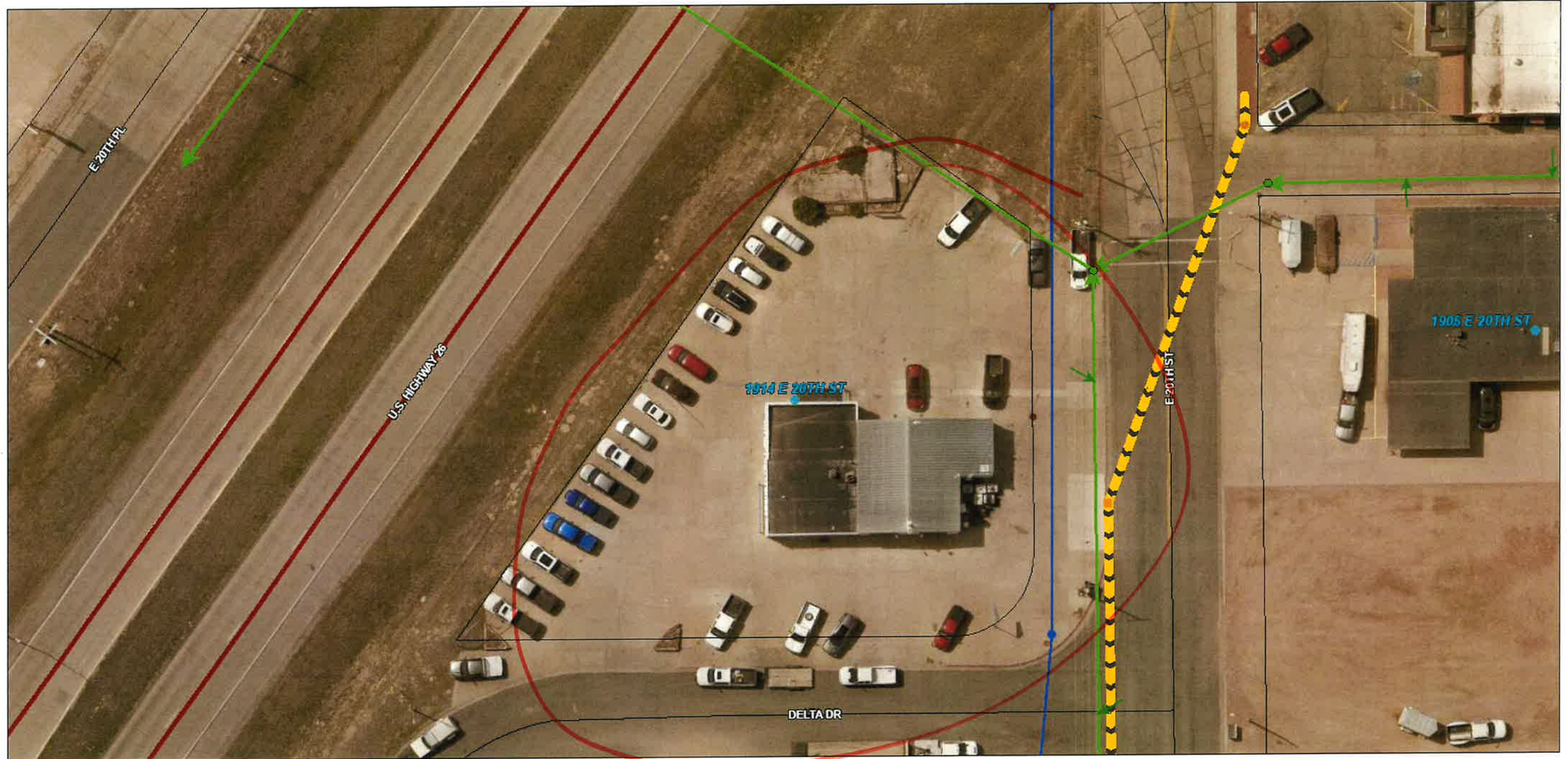
Which section of the Municipal Code authorizes the proposed use?
25-2-136 USED CAR LOT

Why should the special use permit be granted?

This property was previously a repair and sales car lot. We have purchased this property to continue to use this property as a Automotive Repair and Sales

Issued By

City of Scottsbluff Webmap

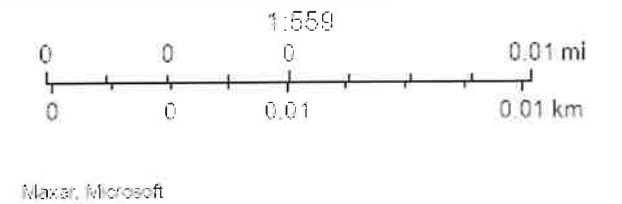


5/21/2025, 1:00:06 PM

- | | | |
|----------------|-----------------------|--------------------|
| Address Novotx | Water Features | Stormwater Inlet |
| Parcels | MANHOLE | Stormwater Line |
| Sewer Manhole | ALL OTHERS | Street Centerlines |
| Sewer Laterals | Water Lines | Highway |
| Sewer Lines | Stormwater Manhole | Residential/Rural |

- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations

Just like this Art



City of Scottsbluff Planning Commission

Development Services Staff Report – Zachary Glaubius

Prepared on: June 4, 2025 For Hearing of: June 9, 2025



I. GENERAL INFORMATION

- A. Applicant:** Arthur Smith
40840 Sugar Factory Road
Scottsbluff, NE 69361

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

- C. Proposal:** Special Use Permit for Auto Sales and Services at 1914 E. 20th Street

- D. Legal Description:** Lot 1, Block 1, East Portal Second Addition

- E. Location:** 1914 E. 20th Street

- F. Existing Zoning & Land Use:** C-2 Neighborhood & Retail Commercial – Vacant Former Auto Sales Business

- G. Size of Site:** Approximately 24,313 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
North	Highway 26 Commercial	C-2 Neighborhood & Retail Commercial	Project Detail / Pet Grooming Business
East	Highway 26 Commercial	C-2 Neighborhood & Retail Commercial	Enterprise Car Rental / Drywall Business
South	Highway 26 Commercial	C-3 Heavy Commercial	Commercial Buildings
West	Highway 26 Commercial	C-2 Neighborhood & Retail Commercial	Highway 26 Expressway

B. Relevant Case History

1. The previous car dealership appeared to be a legal non-conforming use as the property was a C-3 Zone in 2007.

III. ANALYSIS

- A. Comprehensive Plan:** The Future Land Use Map of the Comprehensive Plan currently shows the site as Highway 26 Commercial.
- B. Traffic & Access:**

1. Access to the property is via E 20th Street and Delta Drive
- C. Utilities**
1. Water, Sewer, and Stormwater mains are located in the E. 20th Street ROW
 2. A sewer main runs along the western property line of the property.
- D. Zoning**
1. Per 25-3-14 C, Auto sales and service is a special permit use in the C-2 Neighborhood and Retail Commercial Zoning District.

IV. STAFF COMMENTS

- A.** Research on the property shows it was formerly C-3 which permits auto sales and service as a principal permitted use. A rezone between 2007 and 2008 resulted in the property becoming C-2 where a special use permit is needed for auto sales and service.
- B.** Even though a car dealership was previously located at the property, the ownership change requires a special use permit to be approved to reestablished auto sales and services.
- C.** A special permit is assigned to the business owner and not the land itself.
- D.** Per 25-13-3, the Planning Commission may issue a special permit for the use of a lot, tract of land, building, or structure in circumstances and a manner authorized by other articles of this chapter if the Commission finds the proposed use:
- a. Provides a service required by the neighborhood or community and is consistent with sound principles of land use;
 - b. Will not be injurious to the use of neighboring lots, tracts of land, buildings, or structures;
 - c. Will not create special hazards or problems for the area in which it is located;
 - d. Is related to and harmonious with the general plan for the area in which it is located, as indicated by this chapter
 - e. Otherwise, is in accordance with the intents and purposes of this chapter. The Commission may make the use which is authorized in the special permit subject to reasonable conditions which in the discretion of the Planning Commission are necessary to carry out the intents and purposes of this chapter.

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.
2. Auto mobile sales and service represent services that are required by the community and the use is consistent with the surrounding zonings and uses.
3. The use will not be injurious to neighboring uses.
4. The use will not create special hazards or problems.
5. The use is in accordance with the intents and purposes of the Code.
6. The special use permit will bring a former legal non-conforming use into conformance as a special permit use.

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

1. None

VI. STAFF RECCOMENDATION

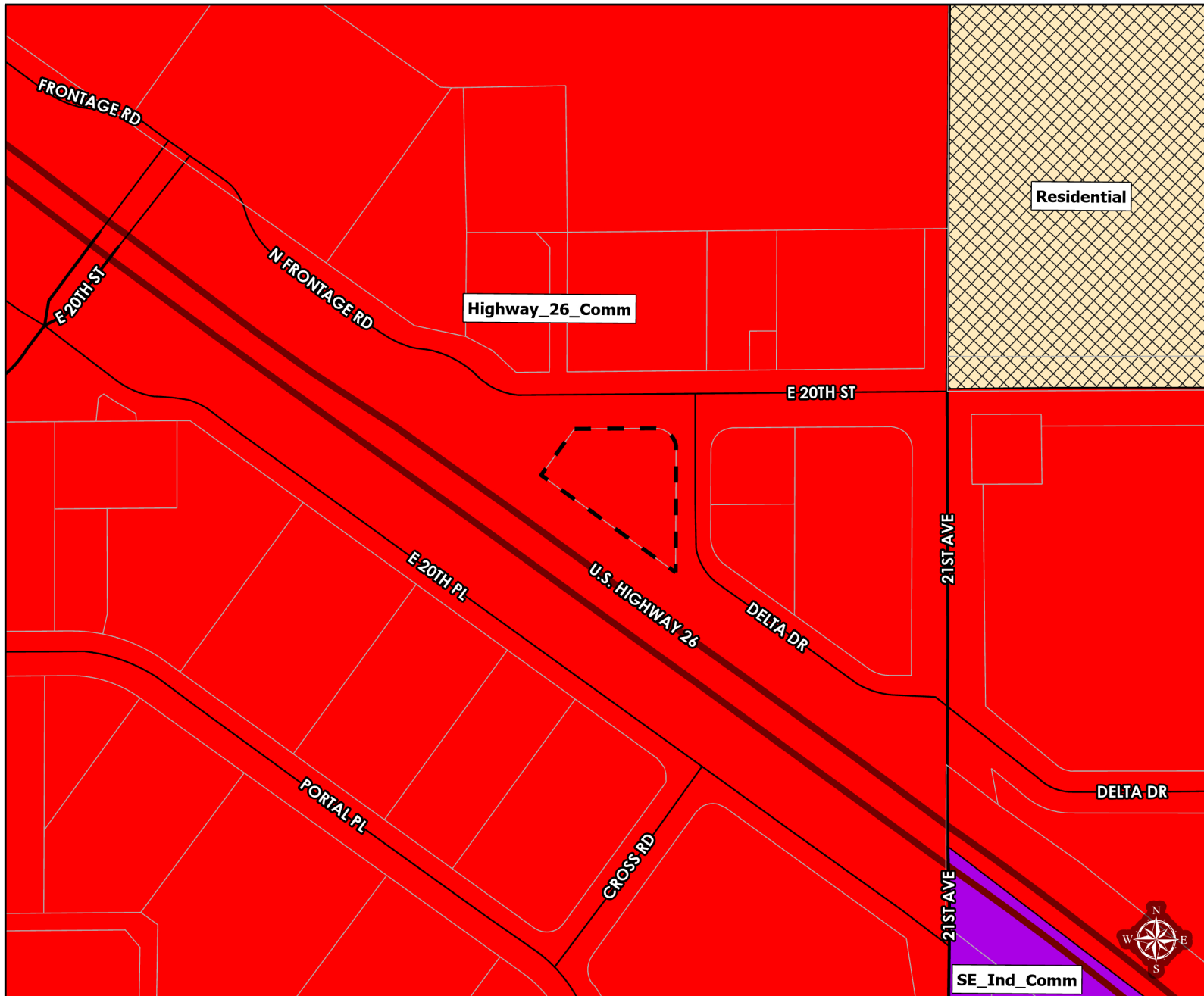
- A.** Staff recommends Planning Commission approve the special use permit to Arthur Smith for automobile sales and service at 1914 E. 20th Street.



- 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

Taylor Stephens
 City of Scottsbluff GIS
 Created on 6/2/2025
 Coordinate System: NAD 1983 (2011)
 StatePlane Nebraska FIPS 2600 Feet
 Lambert Conformal Conic

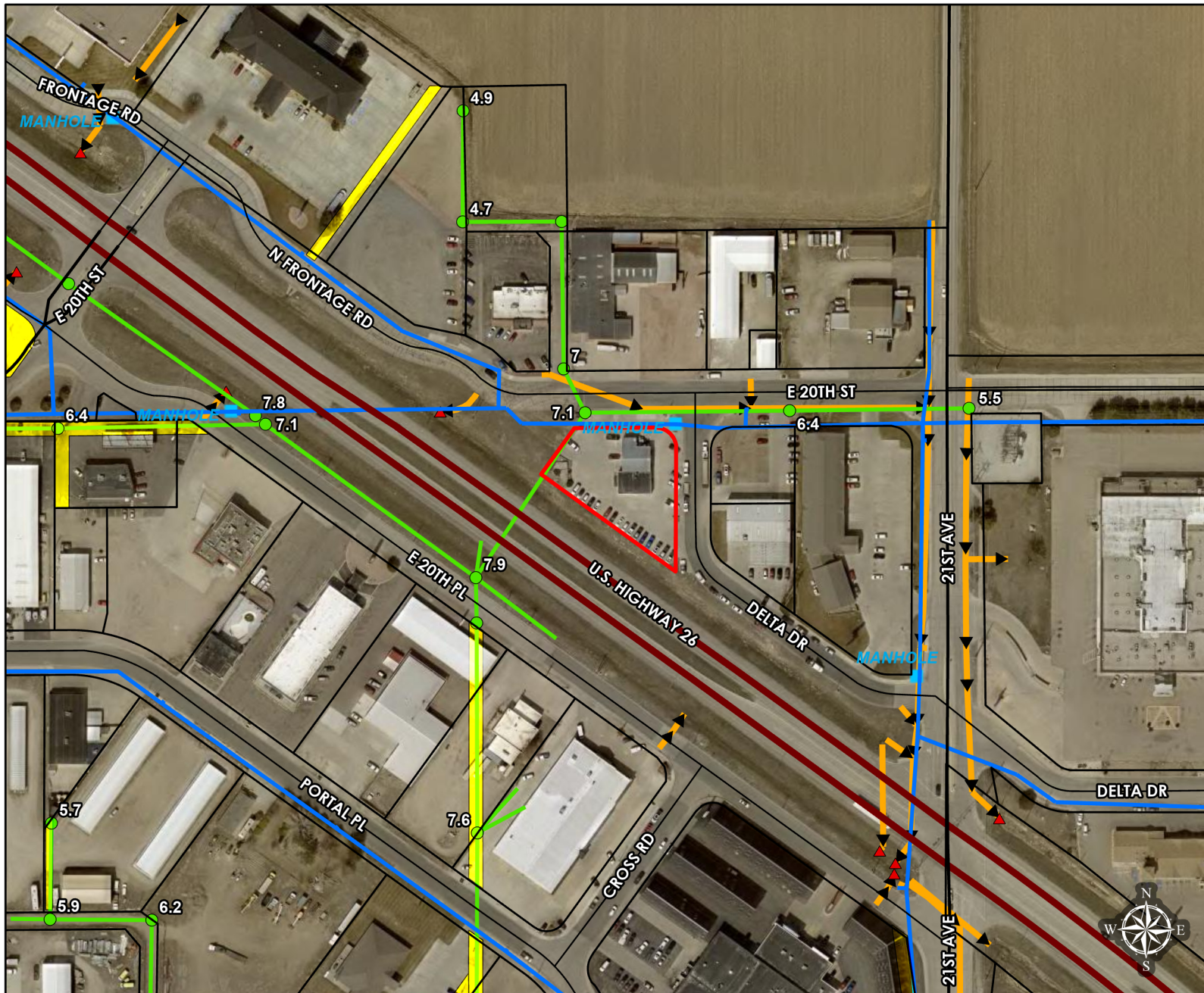
The City makes no representation or warranty as to the accuracy, timeliness, or completeness, and in particular, its accuracy in labeling or displaying dimensions, contours, property boundaries, or placement or location of any map features thereon.



- 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)

Taylor Stephens
 City of Scottsbluff GIS
 Created on 6/2/2025
 Coordinate System: NAD 1983 (2011)
 StatePlane Nebraska FIPS 2600 Feet
 Lambert Conformal Conic

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

Taylor Stephens
 City of Scottsbluff GIS
 Created on 6/2/2025
 Coordinate System: NAD 1983 (2011)
 StatePlane Nebraska FIPS 2600 Feet
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City of Scottsbluff, Nebraska

Monday, June 9, 2025

Regular Meeting

Item 6.B

Public Hearing regarding a Rezone of a tract of land, commonly identified as land southeast of the eastern terminus of Delta Drive from A Agricultural to C-3 Heavy Commercial (Parcel ID 010230610).

Staff Contact:



City of Scottsbluff
Zoning Amendment Application
Permit Identifier 2025-14Z

Applicant Name	JEO Consulting Group	Applicant Address	120 East 16th Street Scottsbluff, NE
Applicant Email	bgross@jeo.com	Applicant Phone	308-632-3123
Contact Name		Contact Address	
Contact Email		Contact Phone	

Property Information

General Location/Address

Legal Description PT E1/2 SW 19-22-54 (8.99)

Current Zoning District(s) A

Proposed Zoning District: C-3

Does the proposed zoning district abut the property: Yes

Total Area (square feet or acre): 8.76 Acres

Required Information (§25-15-2)

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

To build a Bomgaars Retail Store on the property

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

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

buildings?

Similar businesses abut the property, and all construction will comply with the City's Subdivision Regulations regarding Setback, etc.

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

All construction will comply with the City's Subdivision Regulations regarding Setback, etc.

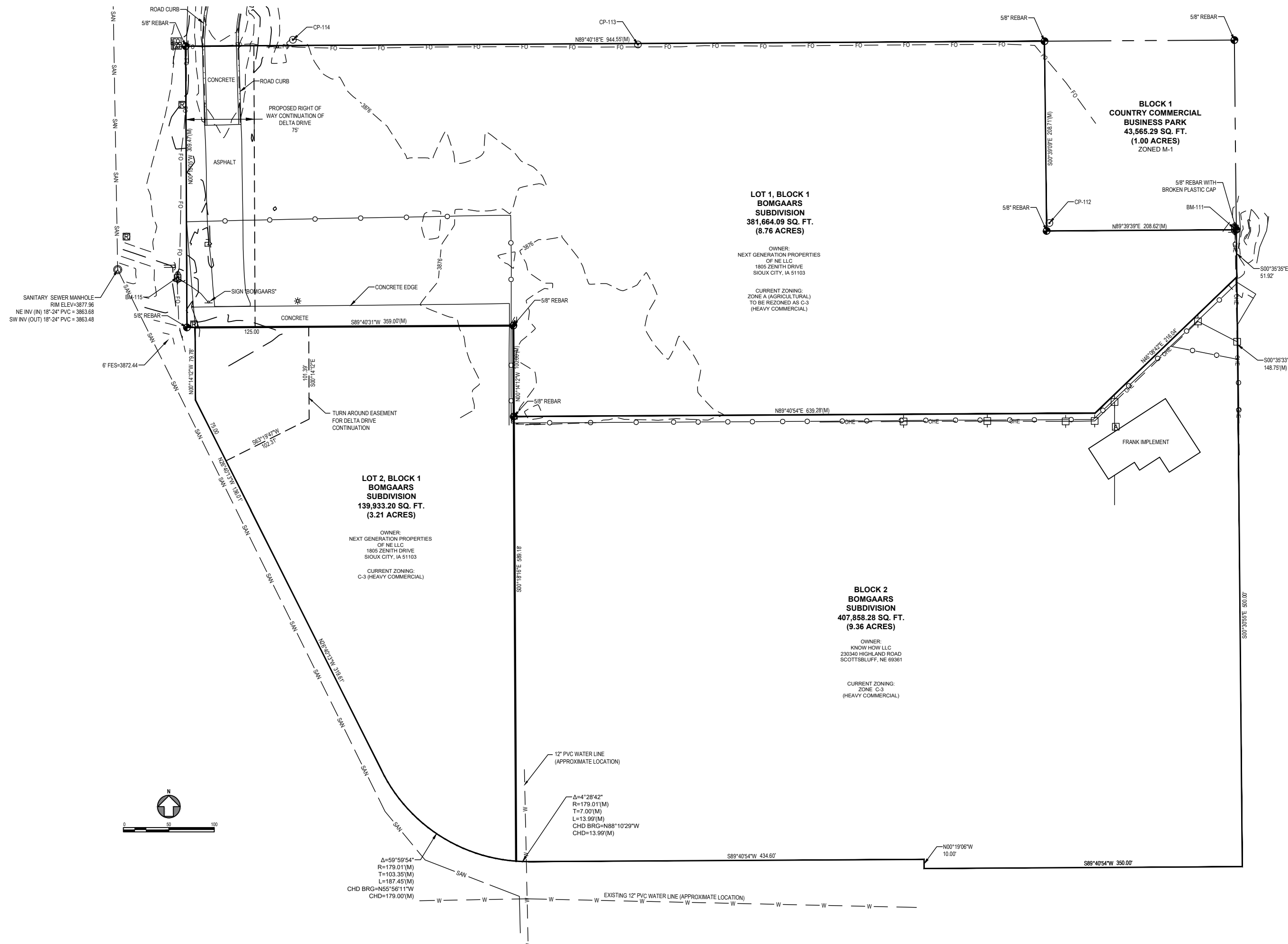
Would the proposed zoning district be harmonious and consistent with the City of Scottsbluff Comprehensive Plan for the area?

Yes

Why should the rezone request be granted?

To facilitate construction of a business in the area, increasing tax revenue in the process.

Issued By



PRELIMINARY PLAT
LOT 1 AND LOT 2, BLOCK 1
BOMGAARS SUBDIVISION
PROPOSED LOT PLAN

PART OF THE E 1/2 OF THE SW QUARTER
SECTION 19
TOWNSHIP 22 NORTH, RANGE 45 WEST
SCOTTS BLUFF COUNTY, NEBRASKA

PROJECT NO. 250594
 DATE 5/8/2025
 DRAWN BY BEG
 FILE NAME 250594 PPLAT.dwg
 FIELD BOOK SCOTTSBLUFF #2
 FIELD CREW AM
 SURVEY FILE NO. ----

City of Scottsbluff Planning Commission

Development Services Staff Report – Zachary Glaubius

Prepared on: June 4, 2025 For Hearing of: June 9, 2025



I. GENERAL INFORMATION

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

- B. Property**
Owner: Next Generation Properties of NE, LLC
1805 Zenith Drive
Sioux City, IA 51103

- C. Proposal:** Rezone property from A Agricultural to C-3 Heavy Commercial

- D. Legal Description:** Parcel 010230610 (a tract of land in part of the Eastern Half of the Southwest Quarter 19-25-54)

- E. Location:** South of the Southeast Terminus of Delta Drive

- F. Existing Zoning & Land Use:** A Agricultural / Floodplain & Outdoor Storage for Bomgaars / Vacant Land

- G. Size of Site:** Approximately 8.71 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	Highway 26 Commercial	C-3 Heavy Commercial	Vacant Land
East	Highway 26 Commercial	M-1 Light Manufacturing and Industrial / A Agricultural	Cell Tower and Railroad ROW
South	Highway 26 Commercial	C-3 Heavy Commercial	Bomgaars, Frank Parts, Hi-Tech Repair, Frank Implement
West	Highway 26 Commercial	C-3 Heavy Commercial	Stormwater Detention Pond owned by Menards

B. Relevant History

1. The property was rezoned between 2007 and 2008 from M-1 Light Manufacturing and Industrial to A Agricultural.

III. ANALYSIS

A. Comprehensive Plan: The Future Land Use Map of the Comprehensive Plan currently shows the site as Highway 26 Commercial.

1. Appropriate Zones for Highway 26 Commercial include
 - i. C-2
 - ii. O-P
 - iii. R-4
 - iv. PBC

B. Traffic & Access:

1. Access to the property is via Delta Drive

C. Utilities:

1. A sewer main is located in the right-of-way of Highway 26
2. No water main serves the property
3. Stormwater infrastructure is limited in this area.

IV. STAFF COMMENTS

- A. The rezone is the merging of two existing C-3 Districts.
- B. Although the Comprehensive Plan identifies this area as Highway 26 which does not include C-3, City Staff recommend this rezone to C-3 Commercial as the property is surrounded by C-3 on three sides.
- C. As the property is unplatted land, the property will need to be platted prior to future development.
- D. The purpose of the rezone is to allow the owner to build a new retail store on the property.
- E. The property is located in the floodplain overlay zone, and any development on the property will be required to meet the floodplain ordinance requirements.

V. FINDINGS OF FACT

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

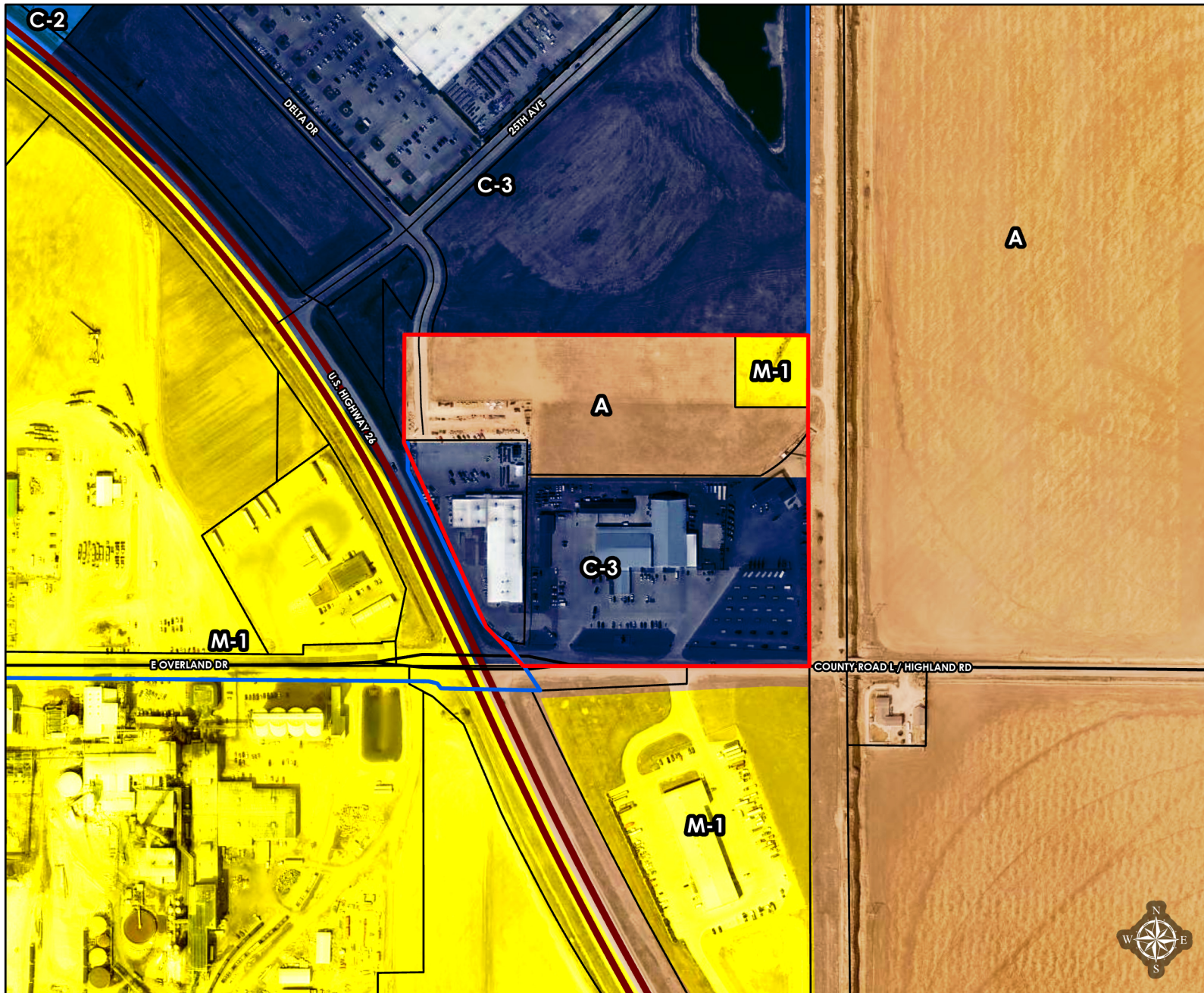
1. The rezone would not be injurious to adjacent properties as the lot will serve as the other properties are already C-3 Heavy Commercial
2. No special hazards or problems will be created from the rezone as the lot is adjacent to existing C-3 areas.

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

1. The Comprehensive Plan future land use map identifies the land as Highway 26 Commercial, which does not include C-3 as an appropriate zone.

VI. STAFF RECOMMENDATION

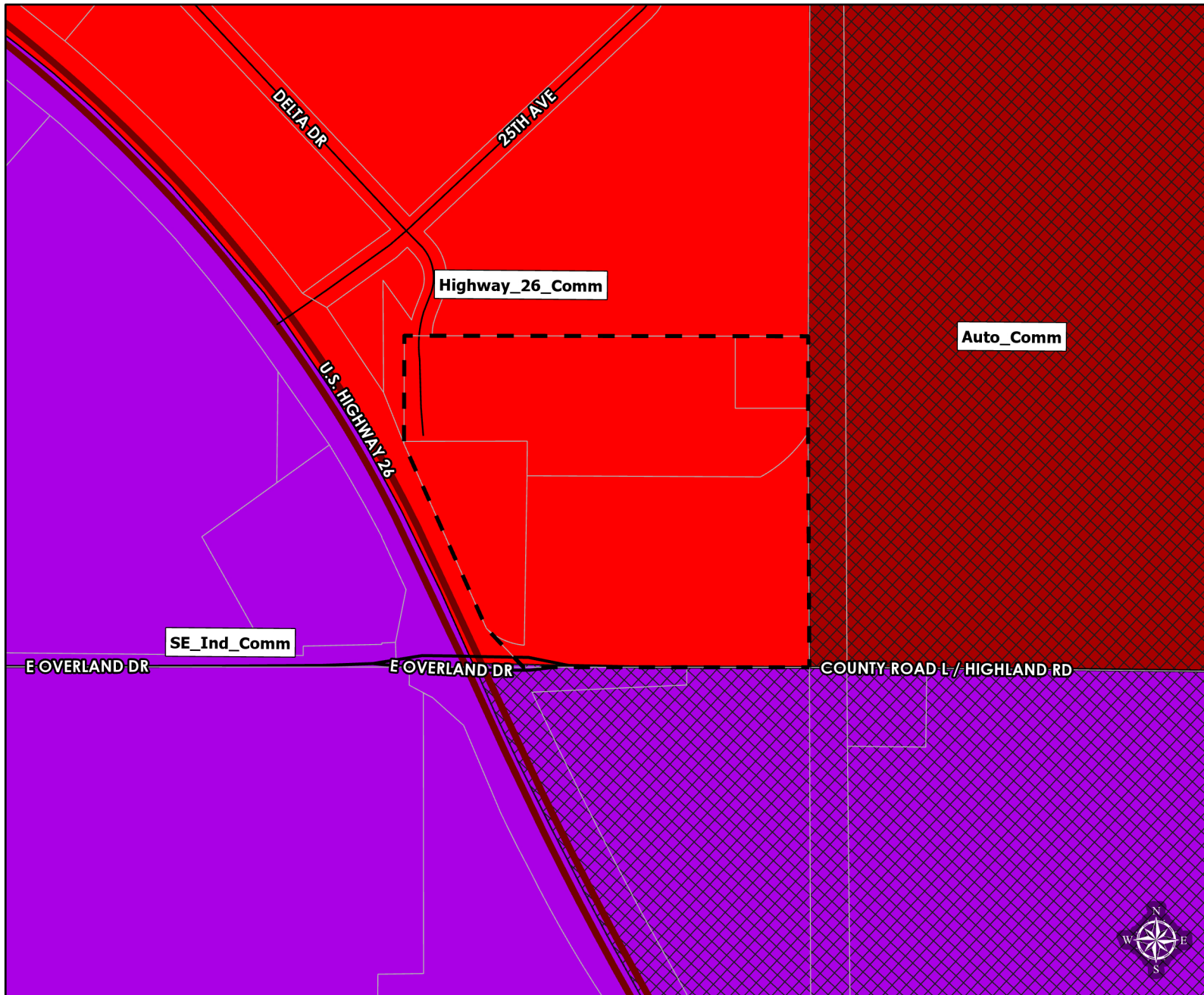
- A.** Staff recommends Planning Commission make a positive recommendation on approval of the rezone of the Parcel 010230610 (a tract of land in part of the Eastern Half of the Southwest Quarter 19-25-54, commonly identified as a tract of land south of the southeast terminus of Delta Drive by City Council.



- 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

Taylor Stephens
City of Scottsbluff GIS
Created on 6/2/2025
Coordinate System: NAD 1983 (2011)
StatePlane Nebraska FIPS 2600 Feet
Lambert Conformal Conic

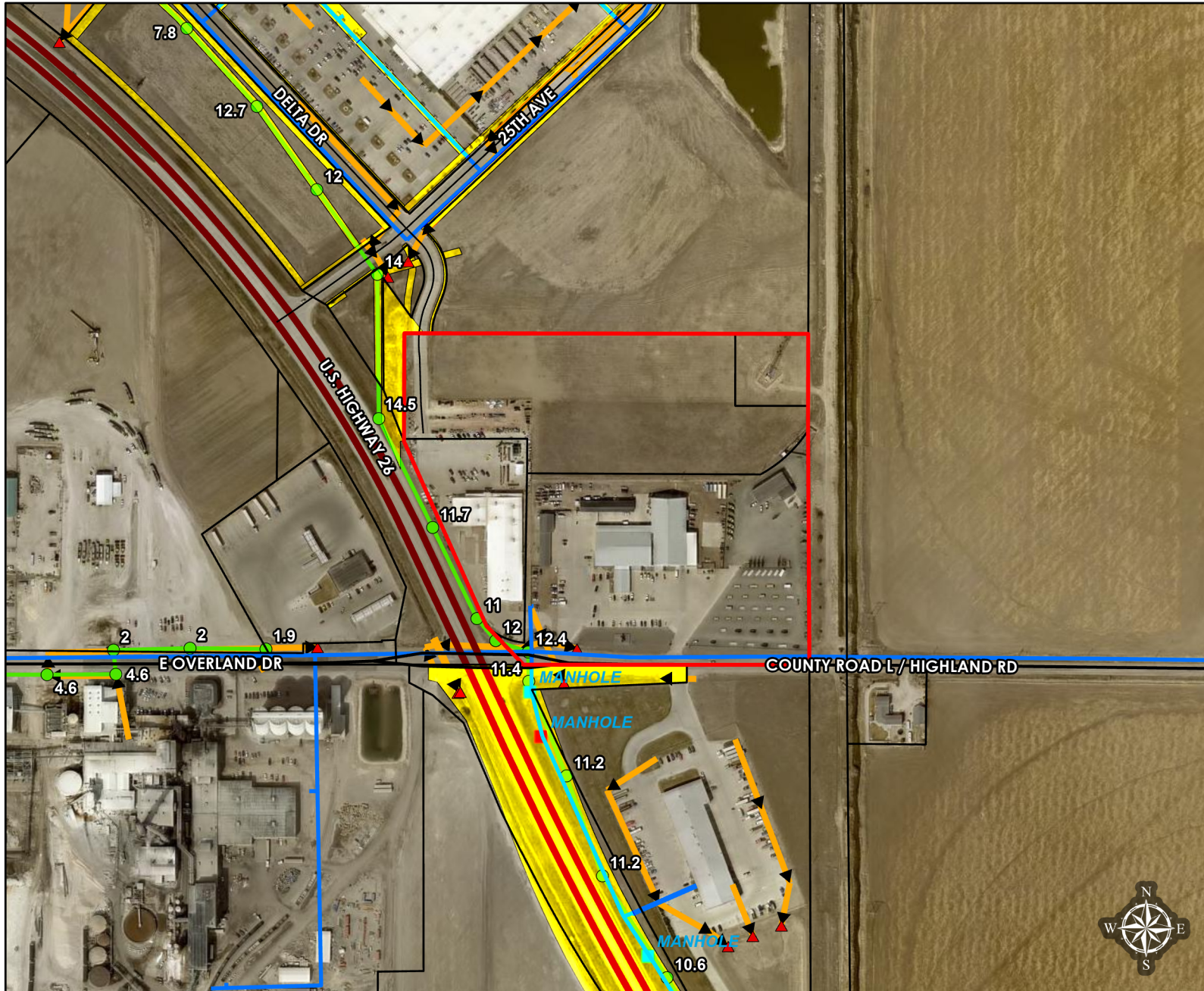
The City makes no representation or warranty as to the accuracy, timeliness, or completeness, and in particular, its accuracy in labeling or displaying dimensions, contours, property boundaries, or placement or location of any map features thereon.



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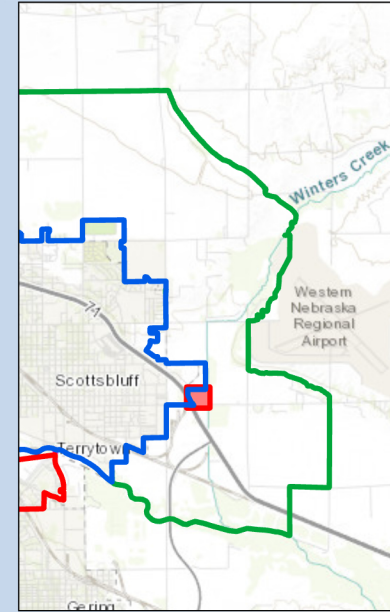
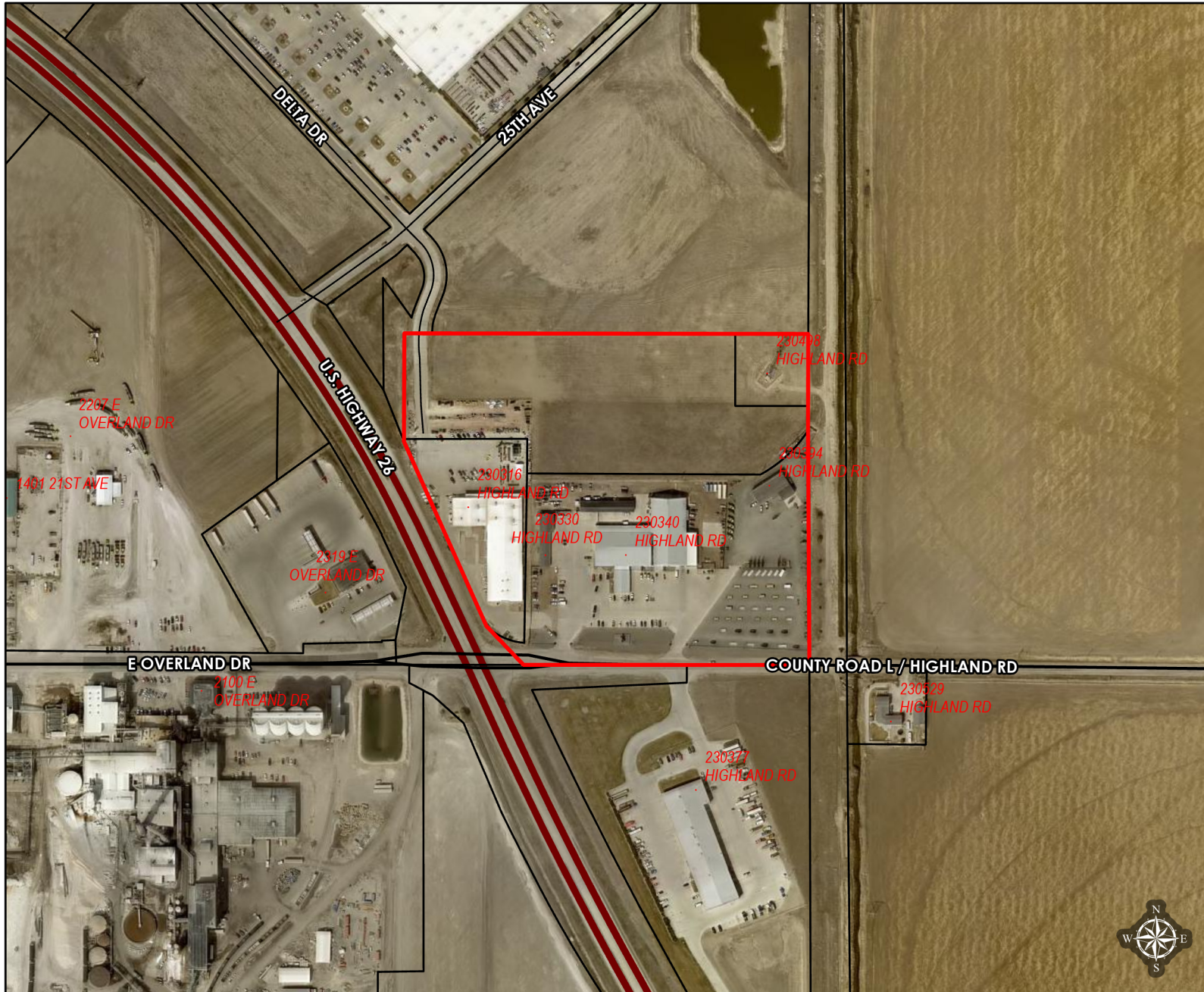
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- Highway
- Main Road
- Residential/Rural
- Wastewater MH
- Wastewater Lines
- Outfall
- Stormwater Inlet
- Stormwater Manhole
- Stormwater Arc
- Concerning Parcel(s)
- Water_Lines
- Easements
- Parcels

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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, June 9, 2025

Regular Meeting

Item 6.C

Public Hearing regarding a Preliminary and Final Plats of Block 1, Allen's Landmark Addition, commonly identified as 1902 W. Overland.

Staff Contact: Zachary Glaubius



City of Scottsbluff
Subdivision Application
Permit Identifier 2025-53SD

Type: Preliminary Plat

Applicant Name Survey Dept MC Schaff Applicant Address 818 S BELTLINE HWY
E SCOTTSBLUFF,
Nebraska

Applicant Email survey@mcschaff.com Applicant Phone 3086351926

Contact Name Contact Address
Conact Email Contact Phone

Subdivision Information

Proposed Name of Subdivision ALLEN SUBDIVISION

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) R1-A

Total Area (square feet or acre) 2.35 AC+/-

Number of Past Replat/Plat Amendments 0

Describe the reason for the subdivision
for development



City of Scottsbluff
Subdivision Application
Permit Identifier 2025-56SD

Type: Preliminary Plat

Applicant Name Survey Dept MC Schaff Applicant Address 818 S BELTLINE HWY
E SCOTTSBLUFF,
Nebraska

Applicant Email survey@mcschaff.com Applicant Phone 3086351926

Contact Name Travis Allen Contact Address 2801 18th Avenue

Contact Email allentravis1984@gmail.com Contact Phone 3086729746
om

Subdivision Information

Proposed Name of Subdivision ALLEN'S LANDMARK

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) C-3 HEAVY COMMERCIAL

Total Area (square feet or acre) 2.35 AC+/-

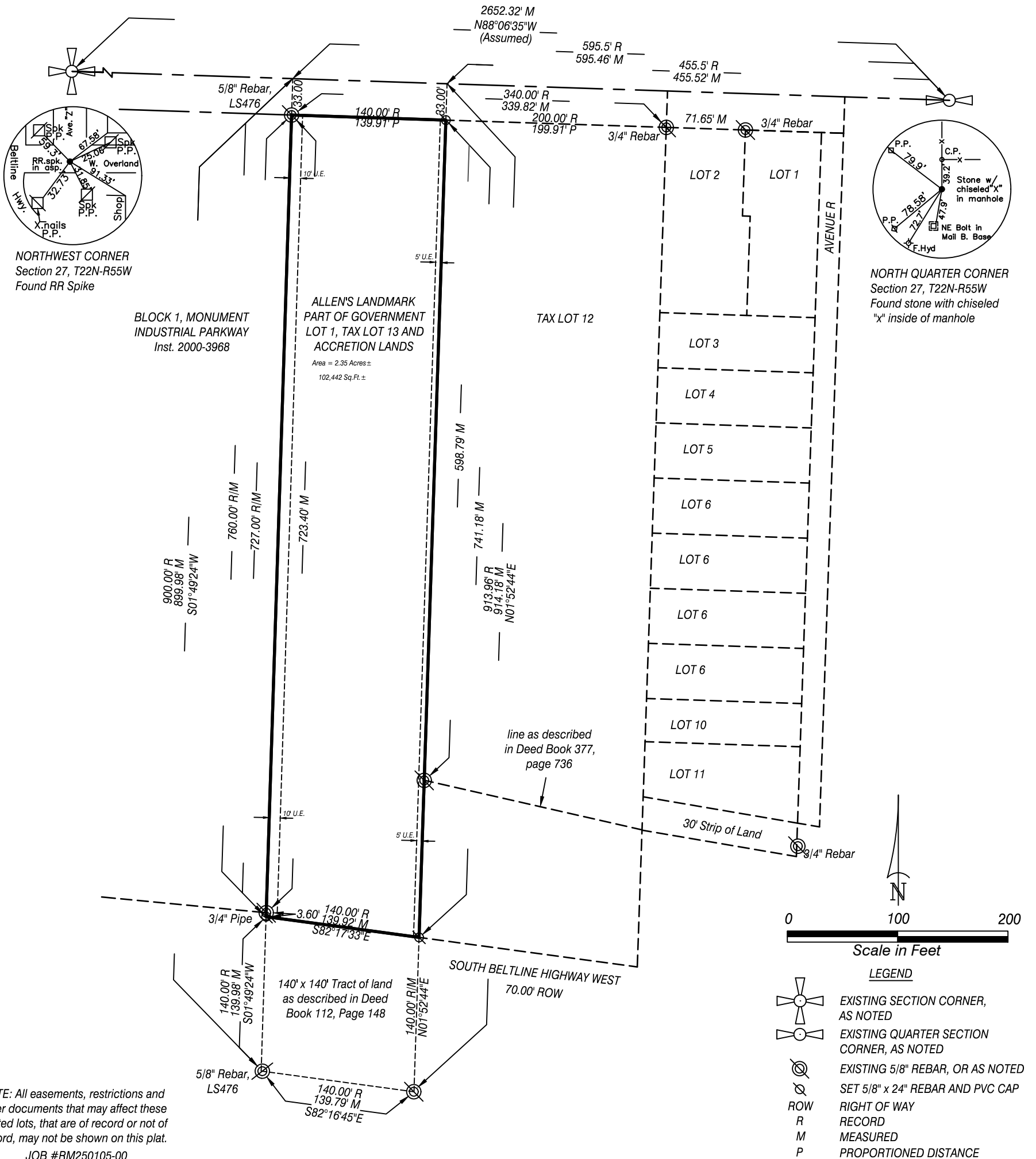
Number of Past Replat/Plat Amendments 0

Describe the reason for the subdivision
FOR DEVELOPMENT

FINAL PLAT

BLOCK 1, ALLEN'S LANDMARK, AN ADDITION TO THE CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA

IN PART OF GOVERNMENT LOT 1, TAX LOT 13 AND
ACCRETION LANDS SITUATED IN THE NORTHEAST
QUARTER OF THE NORTHWEST QUARTER OF SECTION 27,
TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH P.M.,
SCOTTS BLUFF COUNTY, NEBRASKA



NOTE: All easements, restrictions and other documents that may affect these platted lots, that are of record or not of record, may not be shown on this plat.
JOB #RM250105-00

City of Scottsbluff Planning Commission

Development Services Staff Report – Zachary Glaubius

Prepared on: June 3, 2025 For Hearing of: June 9, 2025



I. GENERAL INFORMATION

- A. **Applicant:** MC Schaff
818 S Beltline Highway East
Scottsbluff, NE 69361

- B. **Property**
- C. **Owner:** Travis Allen
2801 18th Avenue
Scottsbluff, NE 69361

- D. **Proposal:** Preliminary and Final Plat – Block 1, Allen’s Landmark Addition

- E. **Legal Description:** Part of Government Lot 1, Tax Lot 13 and Accretion Land0s situated in the Northeast Quarter of the Northwest Quarter of 27-22-55

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

- G. **Existing Zoning & Land Use:** C-3 Heavy Commercial / Floodplain Overlay Zone - Vacant

- H. **Size of Site:** Approximately 2.35 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

B. Relevant History

1. A rezone from R-1A Single-Family Residential to C-3 Heavy Commercial was approved by City Council on May 5, 2025.

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.
2. The driveway off of South Beltline Highway West has been permitted by NDOT.

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.
4. Two new utility easements will be dedicated with this plat.
 - i. 10' utility easement along west property line for existing utilities
 - ii. 5' utility easement along east property line for future utilities
 1. It is presumed a 5' utility easement will be dedicated on the adjacent property when said property is platted.

IV. STAFF COMMENTS

- A. As the City considers Tax Lots as unplatted land, the property will need to be platted prior to the issuance of a building permit.
- B. Per 4-1-23, the land must be properly subdivided prior to the issuance of a building permit.
- C. The property owner intends to build a shop on the property for a tree removal/landscaping business.
- D. The property is located in the floodplain overlay zone.
- E. As the City considers Tax Lots as unplatted land, the property will need to be platted prior to the issuance of a building permit.

V. FINDINGS OF FACT

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

1. The C-3 District does not have a minimum lot size.
2. Block 1 has the minimum 20 feet length abutting a public street.
3. A building permit cannot be issued for the property until it is platted.

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

1. None

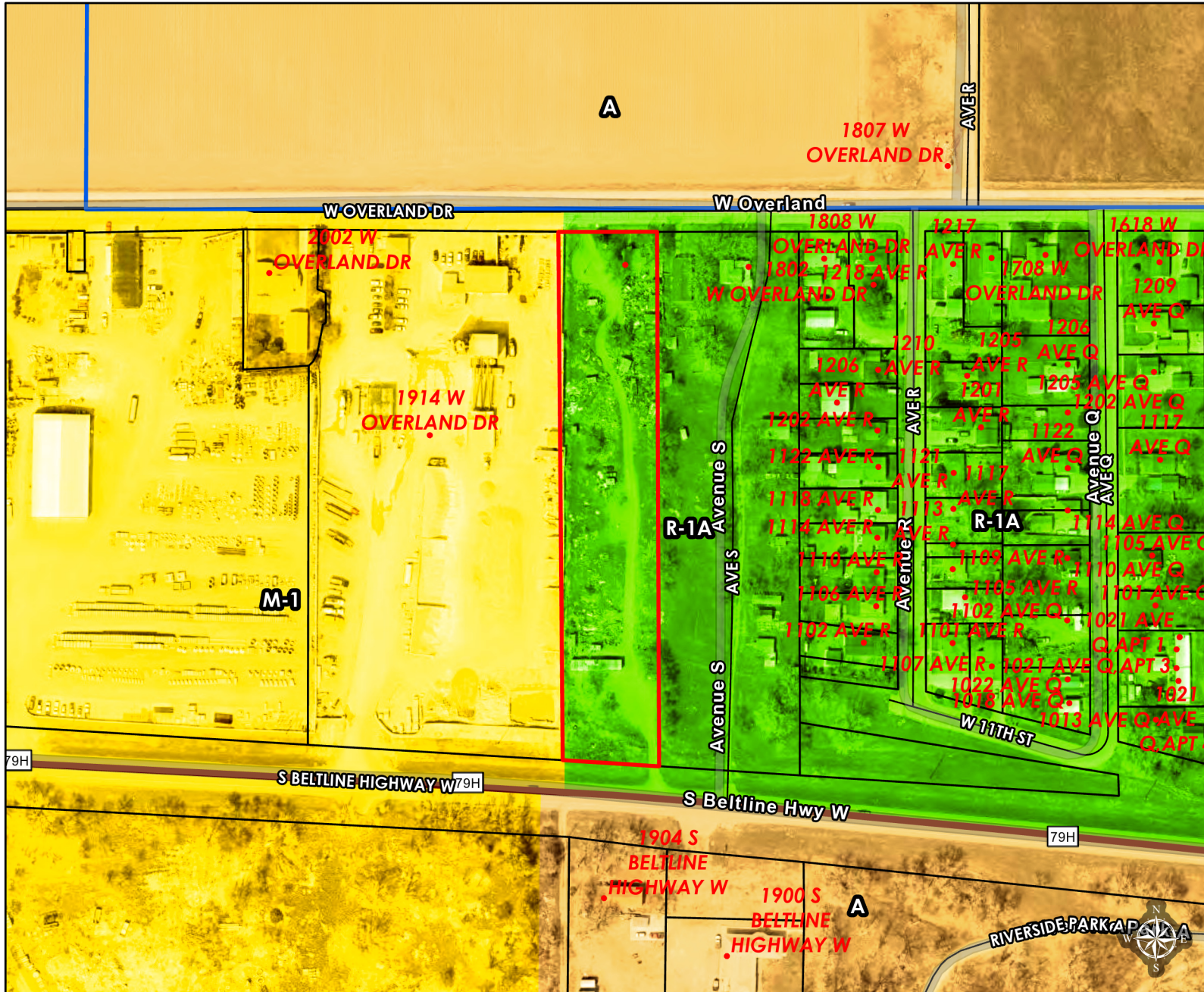
VI. STAFF RECCOMENDATION

A. Staff recommends Planning Commission make a positive recommendation on approval of the preliminary and final plat of Block 1, Allen's Landmark Addition, commonly identified as 1902 W. Overland by City Council.

1902 W Overland Rezone

Zone change from R-1A to C-3

Zoning Overview



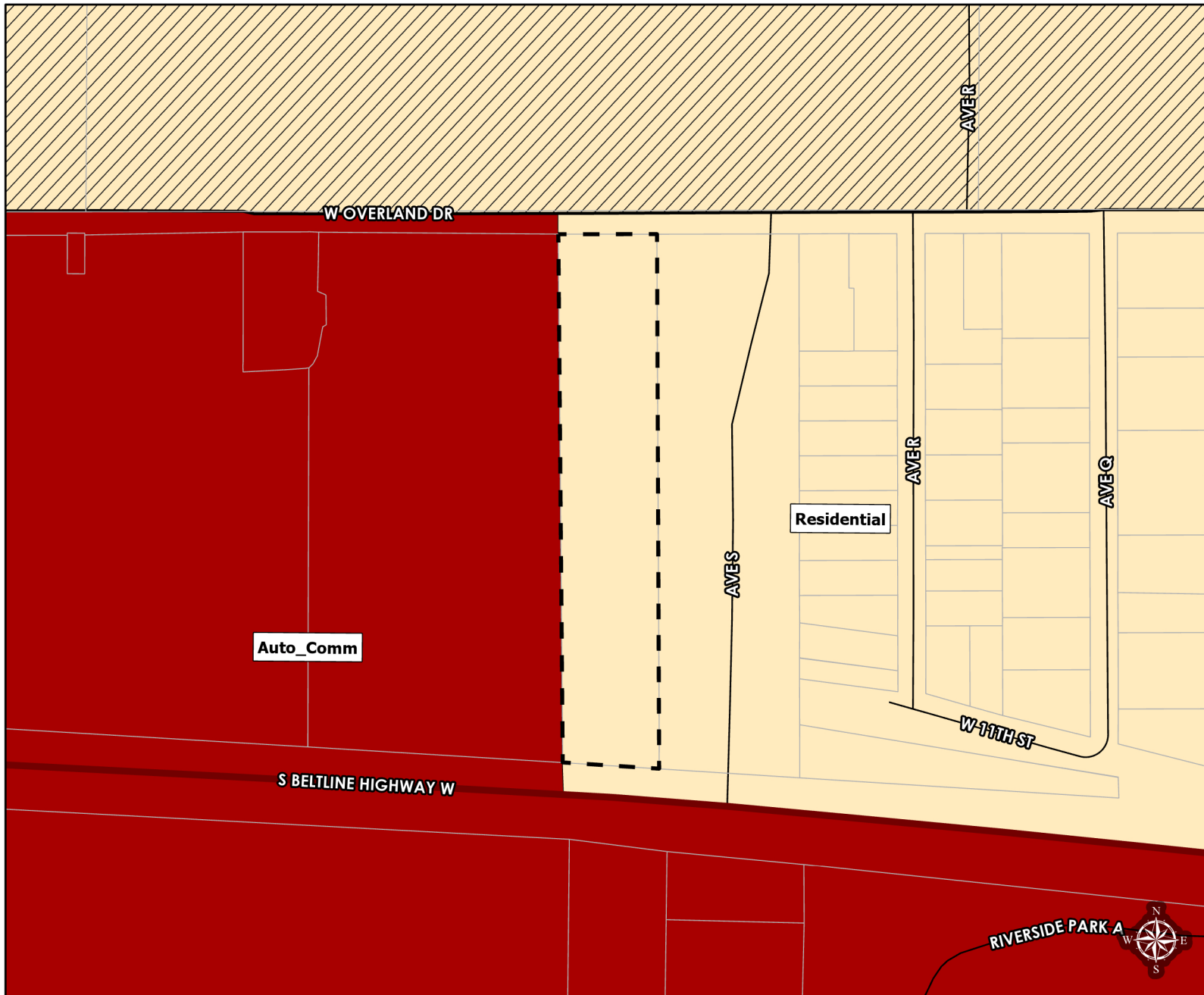
- Property Location(s)
- Street Centerlines
 - Highway
 - Main Road
 - Residential/Rural
- Official City Zoning
 - (A) Agriculture
 - (AR) Agriculture Residential
 - (C-1) Central Business District
 - (C-2) Neighborhood Commercial
 - (C-3) Heavy Commercial
 - (M-1) Light Manufacturing & Industrial
 - (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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Lambert Conformal Conic

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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
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- Residential
- Rural
- Rural Residential
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- Highway
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- 2016 Comp. Plan Development**
- LTD (10 - 20 yrs)
- NTD (Less than 5 yrs)
- STD (5 - 10 yrs)

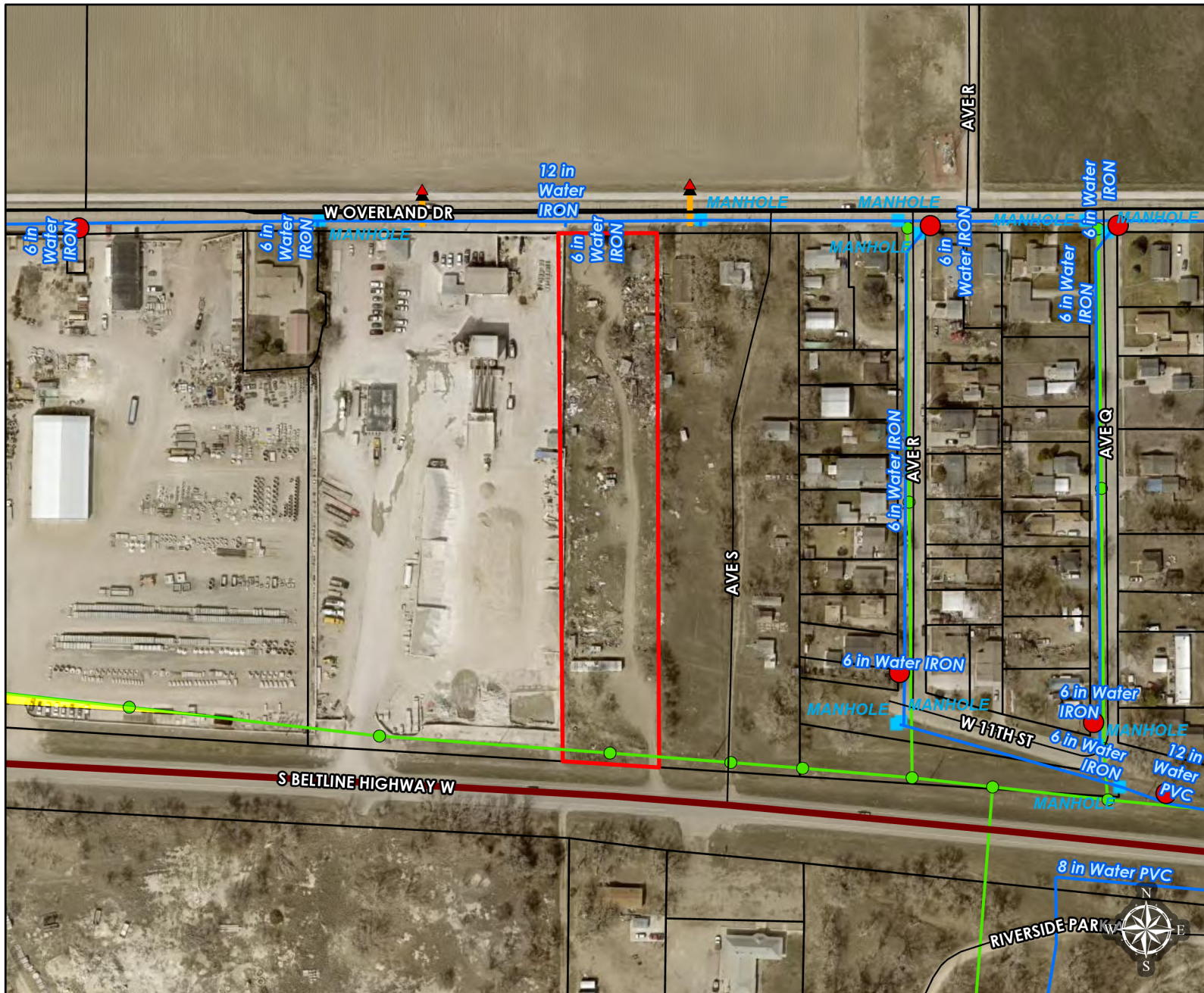
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1902 W Overland Rezone

Zone change from R-1A to C-3

Utilities Overview



- Highway
- Main Road
- Residential/Rural
- Water Curbstop
- Wastewater MH
- Wastewater Lines
- Outfall
- Stormwater Inlet
- Stormwater Manhole
- Stormwater Arc
- Concerning Parcel(s)
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Page 40 of 69

City of Scottsbluff, Nebraska

Monday, June 9, 2025

Regular Meeting

Item 6.D

Public Hearing regarding a Zoning Text Amendment to Chapters 6, 21, 23, & 25 regarding the renaming of Special Use Permits to Conditional Use Permits.

Staff Contact:

City of Scottsbluff Planning Commission

Development Services Staff Report – Zachary Glaubius

Prepared on: June 4, 2025 For Hearing of: June 9, 2025



I. GENERAL INFORMATION

- A. At the January 9, 2023 Planning Commission meeting, Development Services staff proposed a list of revisions to Chapter 25.
- B. One of the revisions was renaming Special Use Permits to Conditional Use Permits due to:
 - i. State Statute referring to the permits as conditional use permits
 - ii. Typically, other Nebraska cities, villages, and counties refer to the permits as conditional use permits.
 - iii. Special Use Permit can be easily confused with a Special Permit or Special Event Permit.

II. STAFF COMMENTS

- A. Staff has performed an initial review of the Municipal Code to identify references to special use permits and special permits.
- B. Special permits are referenced in the following Chapters:
 - i. Chapter 6: City Government
 - ii. Chapter 21: Subdivisions
 - iii. Chapter 23: Water
 - iv. Chapter 25: Zoning
- C. Staff recommends Planning Commission to table the proposed zoning text amendment for the following reasons:
 - i. Additional time for the Planning Commission to review the extensive revisions
 - ii. Additional time for city staff to review the Municipal Code for potential additional revisions.

III. STAFF RECCOMENDATION

- A. Staff recommends the Planning Commission review and table the proposed zoning text amendment regarding renaming special use permits to conditional use permits in Chapters 6, 21, 23, & 25 until the July 14, 2025 Planning Commission meeting.

§ 6-6-29. LAND USE PERMITS

The following fees are hereby imposed for matters pertaining to zoning and land use:

A. Subdivision/Plat Fees

Amended Plat	\$200
Preliminary Plat	\$200
Final Plat	\$200
Plat Vacation	\$200
Agricultural Estate Dwelling Site	\$200

B. Zoning Fees

Zoning Amendment	\$300
Conditional Use Permit	\$300
Special Permit – Parking (Shared Facility or Exception)	\$150
Planned Unit Development	\$300
Mobile Home Park License	\$150 (first 20 spaces \$5 (each additional space over 20 spaces)

C. Board of Adjustment Fees

Appeal Application	\$150
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D. Other Fees

Zoning Verification Letter	\$20
Zoning/Land Use Map (11" x 17")	\$20

§ 21-1-40 PLANNED UNIT DEVELOPMENT; WAIVER; MODIFICATION.

Anything in the preceding sections of this article to the contrary notwithstanding, if a proposed subdivision comprises, or is wholly comprised within, an area with respect to which the Planning Commission shall have issued a conditional use permit authorizing a planned unit development as provided in Article 9 of Chapter 25 of this code, the City Council may, with respect to such subdivision, or a part thereof, waive or modify the requirements in this article concerning the design of streets, street right-of-way width, width of construction of streets, length of streets, length or width of blocks, design of cul-de-sacs, necessity or location of curb, gutter and sidewalks, type of construction of streets and sidewalks, utilities design, and public facilities design. (Ord. 1116, passed 2-25-1957; Ord. 2489, passed - -1979)

§ 21-1-48 REPEALED

§ 23-1-23 SAME; PLANNED UNIT DEVELOPMENT.

Anything in § 23-1-22 of this article to the contrary notwithstanding, if a connection is to be made to property concerning which the Planning Commission shall have issued a conditional use permit authorizing the development of a planned unit development as provided in Chapter 25 of this code, the City Council may, with respect to such development, or a part thereof, waive or modify the requirement in § 23-1-22 of this code concerning the minimum diameter of water connections between the main or lateral and the curb stop to permit connections not less than three-quarters inch in diameter. (Ord. 3044, passed - -1987)

§ 25-2-132 USE; CONDITIONAL.

USE; CONDITIONAL. A use classified as conditional may be appropriate or desirable in a specified zone, but requires conditional approval as if not carefully located or designed, it may create special problems, such as excessive bulk, height, or abnormal traffic conditions.

§ 25-3-23 GENERAL REQUIREMENTS.

(X) *Uses requiring a conditional use permit.* The following uses which, in absence of a conditional use permit granted by the Planning Commission, are not permitted in any zone or, as the case may be, if certain zones are permitted if the Planning Commission grants a conditional use permit for the use:

- (1) Accessory living quarters for persons employed in agricultural work on the land;
- (2) Animal hospital or dog kennel;
- (3) Slaughtering of animals or poultry;
- (4) Outdoor amusement enterprises;
- (5) Cemetery;
- (6) A family child care home which is already permitted in a zone when providing care for more than 12 hours per day. Provided that any individual child may only be present for 12 hours or less per day but the family child care home may operate any time of the day or night after a special permit is approved;
- (7) Drive-in theater;
- (8) Golf course or driving range;
- (9) Hospital, sanitarium, or chemical dependency rehabilitation facility;
- (10) Livestock feeding or sale yard;
- (11) Nuisance-producing agricultural use;
- (12) Nursing home;
- (13) Private club or social center;
- (14) Sand or gravel pit or plant, borrow pit, stripping of top soil, or recycling concrete rubble and the retail sale of the resulting product;
- (15) Private or parochial school or similar institution;
- (16) Oil or gas well; and
- (17) Facility providing temporary care for runaway or homeless minors. The term "runaway or homeless minors" includes, but is not limited to, minors of that description who are placed in the facility by order of a court or by other public agency.

§ 25-4-6 REPEALED

§ 25-5-4 LOCATION.

An off-street parking facility must be provided by the owner or person in possession of the premises which the facility is to serve, and shall be situated on the premises to be served by the facility. Provided, the Planning Commission may issue a permit:

- (A) For two or more lots or tracts of land to be served by one facility; or
- (B) For a facility to be developed or used on a lot or tract of land (although such development or use otherwise would be prohibited by this chapter) for the purpose of serving an adjoining lot or tract of

land in respect of which a conditional use permit for a facility could be issued. (Ord. 3639, passed - - 2000)

§ 25-6-9 RESIDENCE SUBDIVISION IDENTIFICATION; PERMIT.

Anything in § 25-6-8 of this article to the contrary notwithstanding, the Planning Commission may grant a conditional use permit for the erection and maintenance of one or two subdivision identification signs at each collector or arterial street entrance to a subdivision in a residence zone. The area of such a sign or, if there be two signs, the aggregate area of the two signs at a particular entrance shall not exceed 35 square feet; provided, further, no such sign(s) exceeding 36 inches in height may be erected within a triangular area bounded on two sides by the intersecting right-of-way lines of the two abutting streets and on the third side by a line connecting a point on each such boundary line which is 20 feet from the point of such intersection. The sign(s) shall identify the subdivision by name or symbol only, and may have indirect illumination. The sign shall be maintained in good condition by the owner at all times. (Ord. 3639, passed - -2000)

§ 25-6-16 SIGNS; WHERE REQUIRED BY LAW.

Signs that are required by law may be erected without securing a permit. (Ord. 3639, passed - -2000)

§ 25-7-30 RECOMMENDATIONS; PLANNING COMMISSION.

The Planning Commission may adopt, by resolution, additional recommended standards of general applicability concerning the design and construction of planned unit developments which are compatible with the intent and purposes of the city's zoning and subdivision ordinances and comprehensive development plan. Provided, compliance or noncompliance with such recommendations shall not be a factor to be considered by the Commission in granting or denying an application for a conditional use permit for a planned unit development. (Ord. 3639, passed - -2000)

§ 25-7-34 SETBACKS; PUBLIC STREET, OTHER VEHICULAR ACCESSWAYS, AND ABUTTING PROPERTY LINE.

(A) Public street. The minimum setback from a publicly dedicated street for all buildings and structures exceeding 42 inches in height in a residential condominium development shall be that which is required in the zone in which such development is located; provided, this restriction shall not apply to construction of a six-foot decorative wall or fence along an arterial highway or other public street in a situation in which such construction is necessary to diminish noise and establish pedestrian traffic-control, if permitted or required by the Planning Commission in connection with issuance of the conditional use permit.

(B) Other vehicular accessways.

(1) The minimum distance between buildings and vehicular accessways, other than publicly dedicated streets, on a condominium development site shall be:

(a) Between vehicular accessway and that portion of a building used for human habitation: ten feet; and

(b) Between travel lanes on vehicular accessway and garage or parking structure: five feet. However, where garages attached or adjacent to the residence building they are to serve are to be constructed, a minimum of 50% of the area of such garages shall set back not less than 20 feet from the curblines, or back of sidewalk, whichever distance is greater.

(2) The distance between uncovered and unenclosed parking spaces and any ground floor area of a building used for human habitation shall not be less than six feet.

(C) Abutting property line. The minimum setback from a property line of abutting property for all buildings 30 feet or less in height, except garages, shall be ten feet. The minimum setback from an interior property line for garages shall be ten feet; provided, such a structure may be constructed at a zero setback if:

(1) The finished grade of the condominium development at the common property line shall not be higher by more than one foot than the finish grade on abutting property;

(2) The wall of such structure constructed along the common property line shall be a full fire separation wall; and

(3) No portion of the structure or architectural features shall project over the common property line. (Ord. 3639, passed - -2000)

Chapter 25 Article 7 (f) CONDITIONAL USE PERMITS

§ 25-7-63 CONDITIONAL USE PERMIT; ZONING MODIFICATIONS.

The Planning Commission may issue a special conditional use permit authorizing a planned unit development in the R-1, R-1a, R-4, R-6, O-P, C-1, C-2, C-3, M-1, and M-2 Districts, and for that purpose, modifying as to that development, as provided in this article, zoning regulations relating to height, setback, area requirements, and other provisions of this chapter which otherwise would apply to the development, if the Commission determines that the requirements of this article are met; provided, the Commission may not issue a conditional use permit for residential uses in the C-1, C-2, C-3, M-1, and M-2 Districts. (Ord. 3639, passed - -2000)

§ 25-7-64 PRELIMINARY PLAN; CONCEPTUAL REVIEW.

(A) A developer, before submitting to the Planning Commission an application for a conditional use permit for a planned unit development, shall present preliminary plans for the development to the

City Planner for conceptual review. The developer shall be prepared to outline during the presentation discussion the scope and character of the project.

(B) This presentation shall include, but not be limited to:

(1) A tentative statistical summary of the proposal, including gross site area, net site area, number of each variety of dwelling units, total number of dwelling units, garages and parking spaces, the area devoted to open space, common ground and recreational area, and the proposed traffic circulation system;

(2) A tentative site plan, including a topographical map;

(3) A description of building types;

(4) A tentative staging plan and a general time schedule of expected completion dates of elements of the plan;

(5) A tentative financial plan and description of the intended means of financing any proposed recreational and community facilities;

(6) Size and scope of accessible shopping facilities, if any;

(7) Size and scope of any other community facilities;

(8) Preliminary statement regarding ownership and maintenance of open space, common ground, and recreational areas; and

(9) Changes, if any, of zoning requested. (Ord. 3828, passed - -2005)

§ 25-7-65 APPLICATION FOR CONDITIONAL USE PERMIT; FILING; FEE.

An application for a conditional use permit for a planned unit development, addressed to the Planning Commission, shall be filed with the City Planner after completion of the review by the City Planner of the preliminary plans for development. The application shall be accompanied by a filing and investigation fee as provided in Chapter 6, Article 6 of this code of ordinances. Such application shall be submitted to the City Planner not less than one month prior to the meeting of the Planning Commission at which the conditional use permit application is first to be presented. (Ord. 3828, passed - -2005)

§ 25-7-66 APPLICATION; FORM; CONTENT.

(A) An application to the Planning Commission for a conditional use permit for a planned unit development shall be signed as required in, and contain the information required by the provisions of this chapter pertaining to applications generally for conditional use permits. To the extent that such information does not include the following, the application also shall include information or, as the case may be, be accompanied by documents, as follows:

(1) A site plan, in six copies, depicting:

(a) The building sites, showing the arrangement and location of all buildings, structures, and improvements proposed and to be retained or constructed, and the gross floor area and ground floor area of each unit and building type. Both existing and proposed off-site improvements shall be included;

(b) The location and design of on-site circulation, including pedestrian ways, on-site parking and location, and loading areas;

(c) The location of all landscaped areas, fences, and trash storage areas and how utility services are to be provided;

(d) Contours at intervals of two feet or spot elevations on a 100-foot grid if the land is approximately flat;

(e) All streets adjoining the development site, and the width of existing and planned right-of-way;

(f) Designation of individual lots if construction of the proposed development is to occur in separate phases, or if such lots are proposed to be sold to individual owners; and

(g) Existing development on adjacent properties within 200 feet.

(2) A landscape plan, including tentative landscape plant schedule, showing the location of existing trees, if any, proposed to be removed and proposed to be retained, and the amount, size, type, and location of landscaped areas, planting beds, and plant materials, including provisions for irrigation;

(3) Two architectural renderings, showing all elevations and floor plans of the proposed buildings and structures as they will appear on completion. All exterior surfacing materials shall be shown on the elevations, including type and color of materials;

(4) Scale drawings of all signs and exterior lighting, showing size, location, materials, colors, copy, and method of illumination. These shall include all light standard specifications;

(5) Preliminary grading plan and drainage plan which will assure that the development will be properly related to the site and to surrounding properties and structures;

(6) Calculations indicating the land area devoted to each use in the planned unit development and its percentage of the total area;

(7) Density of dwelling units per net acre of the total project area;

(8) Number and location of all required parking, including visitor parking, and whether parking is proposed to be covered or open;

(9) A time schedule indicating when construction is to begin, the anticipated rate of development include dates for phase construction, and the approximate completion date;

(10) Adequate drawings describing the system for disposition of sanitary waste and stormwater;

(11) A vicinity map, showing the general arrangement of streets within 1,000 feet of the exterior boundaries of the proposed development site;

(12) A statement describing the provisions made or to be made for the effective care and maintenance of all of the following improvements, if not owned or maintained by the state or a governmental subdivision: streets, drives, sidewalks, and other pedestrian ways; common open spaces (including landscaping thereof), common recreational, and other common areas and spaces; exterior lighting; perimeter or common walls, fences, gates, and hedges; signs; sewer and water mains and appurtenances, including fire hydrants; and other utilities equipment;

(13) Special engineering studies and other soil investigations in the case of a planned unit development which is proposed to be located within a hazard area as defined and delineated in the city's comprehensive development plan, if required by the Development Services Director; and

(14) Any other drawings or additional information which the Director may determine to be necessary to adequately consider the drawings required by this article and determine compliance with the purposes and intent of the chapter.

(B) The application proper shall be made on a form provided by the Development Services Department. (Ord. 3639, passed - -2000)

§ 25-7-67 ADDITIONAL DOCUMENTS; CONDOMINIUM PROPERTY.

(A) If the planned unit development site has been, or is proposed to be, subjected to a condominium property regime as provided in the Condominium Property Act or Nebraska Condominium Act, there shall be submitted to the Planning Commission with the application for a conditional use permit for the development:

(1) A copy of the master deed which has been proposed to be recorded in the office of the Register of Deeds, which deed shall include covenants, conditions, and restrictions making provision for the effective care and maintenance of all of the following improvements, if not owned or maintained by the state or a governmental subdivision: streets, drives, sidewalks, and other pedestrian ways; common open spaces (including landscaping thereof); common recreational and other common areas and spaces; exterior lighting; perimeter or common walls, fences, gates, and hedges; signs; sewer and water mains and appurtenances, including fire hydrants; and other utilities equipment. Such covenants, conditions, and restrictions shall include a recital to the effect that they cannot be made less restrictive without the approval of the City Council; and

(2) Attached to the copy of the master deed, a copy of the plans of any building which complies both in form and in content with the requirements of the Condominium Property Act or the Nebraska Condominium Act.

(B) Such master deed and attached plans, if not already recorded in the office of the Register of Deeds, shall be so recorded before a conditional use permit for the planned unit development may issue. (Ord. 3639, passed - -2000)

§ 25-7-68 ADDITIONAL DOCUMENTS; NON-CONDOMINIUM PROPERTY.

If the planned unit development site has not been, and is not proposed to be, subjected to a condominium property regime under the Condominium Property Act or the Nebraska Condominium Act, there shall be submitted to the Planning Commission with the application for a conditional use

permit for the development a set of written covenants, conditions, and restrictions signed and acknowledged by the owner of the site and in such form as to be indexable against the site in the office of the Register of Deeds, which make provision, in a manner analogous to that provided in § 25-7-70 of this article, for the effective care and maintenance of improvements not owned or maintained by the state or a governmental subdivision. Such covenants, conditions, and restrictions, if approved by the Planning Commission, shall be recorded in the office of the Register of Deeds before a conditional use permit for the planned unit developments may issue. (Ord. 3639, passed - -2000)

§ 25-7-69 CONCURRENT APPLICATIONS.

Applications for approval of a preliminary plat or for zoning ordinance amendments which relate to an application for a conditional use permit for a planned unit development may be submitted concurrently to the Planning Commission and, in the discretion of the Commission, may be considered by it concurrently. (Ord. 3639, passed - -2000)

§ 25-7-70 ABILITY TO PERFORM; CONSTRUCTION SCHEDULE.

The applicant shall satisfy the Planning Commission of applicant's ability to carry out the proposed plan, and shall submit a schedule of construction. (Ord. 3639, passed - -2000)

§ 25-7-71 RECOMMENDATION BY DIRECTOR.

The Development Services Director shall make recommendations to the Planning Commission concerning approval, conditional approval, or denial of a pending application for a conditional use permit for a planned unit development. (Ord. 3639, passed - -2000)

§ 25-7-72 BOND.

If the Planning Commission finds that a conditional use permit for a planned unit development should issue, it shall fix the amount of a bond to be filed by the owner of the development site with the City Clerk, and by him or her approved, prior to issuance of the permit. The bond shall be executed by the owner and by a corporate surety authorized to do business in the state. The bond shall be payable to the city to reimburse the city for any damage the city may sustain in the event the owner, his or her successors, or assigns shall fail to construct and maintain the planned unit development, or any part thereof, in compliance with the requirements of this article, and with the covenants, conditions, and restrictions required under this article to be recorded, including, but not limited to, reasonable expense the city may incur, whether by or without litigation, in obtaining, or attempting to obtain, compliance by the owner, his or her successors, and assigns, with this article and with such covenants, conditions, and restrictions. The condition of the bond shall be that the owner, his or her successors, and assigns shall construct and maintain the planned unit development in compliance with the requirements of this article, as amended, and with the covenants, conditions, and restrictions recorded with the Register of Deeds as required by such article; otherwise, the bond shall remain in full force and effect. (Ord. 3639, passed - -2000)

§ 25-7-73 CONDITIONAL USE PERMIT; PROVISIONS.

A conditional use permit for a planned unit development may authorize the development to be carried out in accordance with the plan submitted, or with such modifications or conditions, to be specified in the permit, as the Planning Commission shall deem to be necessary to effectuate the purposes of this article. Conditions may include, but shall not be limited to, such matters as the recording of a final plat, easements or other additional covenants or restrictions, or time limits or a sequence of development to be observed. (Ord. 3639, passed - -2000)

§ 25-7-74 CONDITIONAL USE PERMIT; DURATION; BUILDING PERMIT; CONSTRUCTION.

If a conditional use permit for a planned unit development is issued, a building permit must be obtained and construction of the development must begin within one year after the date of issuance of the special permit. (Ord. 3639, passed - -2000)

§ 25-7-75 CONDITIONAL USE PERMIT; RENEWAL.

A conditional use permit for a planned unit development cannot be renewed. However, a new application for such a permit may be submitted to and acted upon by the Planning Commission. (Ord. 3639, passed - -2000)

§ 25-7-76 CONDITIONAL USE PERMIT; TRANSFER.

If ownership of the planned unit development site, or a part thereof, is transferred, the conditional use permit shall be deemed revoked, unless the Planning Commission shall approve transfer of the permit to the successor in interest in the development site. A mortgaging of the development site, or a part thereof, shall not constitute a transfer of ownership within the meaning of this section. (Ord. 3639, passed - -2000)

§ 25-7-80 OCCUPANCY; PERMIT.

No unit in a planned unit development may be occupied until:

(A) The Development Services Director or his or her authorized agent has inspected the project and found that all conditions of the conditional use permit have been completed with; and

(B) An occupancy permit has been issued by the Director or his or her authorized agent. (Ord. 3639, passed - -2000)

§ 25-8-5 BUILDING; REQUIREMENTS.

A home occupation may be carried on only within a building, except as otherwise provided in this section. No building may be remodeled, added to, or otherwise altered in such a manner as to diminish or otherwise alter the residence character of the structure. Access to that part of a dwelling used for a home occupation may be had only through an entrance used also as an entrance to the part of the building occupied as a dwelling. The Planning Commission may issue a conditional use permit authorizing photographic sessions to be conducted by a commercial photographer outdoors on residential premises occupied by the photographer; the permit may include authorization for such work to be done, also, by photographer business associates or employees of the photographer. (Ord. 3639, passed - -2000)

ARTICLE 13: CONDITIONAL USE PERMITS

Section

- 25-13-1 Conditional use permit; nature
- 25-13-2 Conditional use permit; standards; procedures; adoption
- 25-13-3 Conditional use permits; issued; when; conditions
- 25-13-4 Application; fee
- 25-13-5 Application; hearing; notice
- 25-13-6 Findings
- 25-13-7 Planning Commission; decision; time
- 25-13-8 Conditional use permit; pending variance
- 25-13-9 Conditional use permit; duration; building permit
- 25-13-10 Building permit; certificate of occupancy
- 25-13-11 Conditional use permit; termination, expansion, repair, expiration, revocation
- 25-13-12 Repealed
- 25-13-13 Repealed
- 25-13-14 Repealed
- 25-13-15 Repealed
- 25-13-16 Repealed
- 25-13-17 Repealed
- 25-13-18 Repealed

§ 25-13-1 CONDITIONAL USE PERMIT; NATURE.

A Conditional use permit is a permit for a use which, because of its potential impacts, may be permitted only after reviewed by the Planning Commission and granting of conditional use approval.

(Ord. 3639, passed - -2000)

§ 25-13-2 CONDITIONAL USE PERMIT; STANDARDS; PROCEDURES; ADOPTION.

The Planning Commission, before hearing or acting upon any application for a conditional use permit under any provision of this chapter, shall, by resolution, adopt standards and procedures to be applied and followed by the Commission for the purpose of equitably and judiciously granting such conditional use permits, which standards and procedures shall be subject to approval by the City Council, all as provided by state law. Such resolution(s), when adopted, shall govern all proceedings before and by the Planning Commission concerning conditional use permits. The adoption by the Planning Commission of a resolution in the following form:

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SCOTTSBLUFF, NEBRASKA, that the Planning Commission hereby adopts “as the standards and procedures to be applied and followed by it for the purpose of equitably and judiciously granting conditional use permits under Chapter 25 of the municipal code as now existing or hereafter amended” all of the standards and procedures prescribed in such chapter, as now existing or hereafter amended, concerning the issuance of conditional use permits, shall constitute adoption by the Commission of the standards and procedures required by the statute; and the standards and procedures thus adopted by the Commission shall be deemed to have been approved by the City Council.(Ord. 3639, passed - -2000)

§ 25-13-3 CONDITIONAL USE PERMITS; ISSUED; WHEN; CONDITIONS.

The Planning Commission may issue a conditional use permit for the use of a lot, tract of land, building, or structure in circumstances and a manner authorized by other articles of this chapter if the Commission finds the proposed use:

- (A) Provides a service required by the neighborhood and community;
- (B) Complies with all applicable provisions of this chapter, including setback regulations, lot size regulations, and parking minimums;
- (C) Will not be injurious to the use of neighboring lots, tracts of land, buildings, or structures;
- (D) Will not create special hazards or problems for the area in which it is located;
- (E) Is in conformity with the Comprehensive Plan; and
- (F) Otherwise is in accordance with the intents and purposes of this chapter. The Commission may make the use which is authorized in the conditional use permit subject to reasonable conditions which in the discretion of the Planning Commission are necessary to carry out the intents and purposes of this chapter. (Ord. 3639, passed - -2000)

§ 25-13-4 APPLICATION; FEE.

(A) An application for a conditional use permit shall be signed by the owner of the lot, tract of land, building, or structure in respect of which the permit is sought and, if the use is proposed by a person other than the owner, by such other person, and shall be filed with the Development Services Director.

(B) The application shall be addressed to the Development Services Director and shall contain:

(1) An address and legal description of the lot or tract of land and the building or structure thereon, if there is any, for which the conditional use permit is requested;

(2) The name(s) of the owner(s);

(3) A description of the nature and operating characteristics of the proposed use;

(4) A statement of the section of this chapter which is asserted to authorize the use for which the conditional use permit is requested; and

(5) A statement explaining how the proposed use is consistent with the Comprehensive Plan;

(6) A plat or site plan showings the dimensions and location of such land, and of any structures, installations, equipment, or change of surface contemplated, including all public ways, with access thereto;

(7) A statement explaining how the proposed use is consistent with the intent of the zoning district in which the use is located. (Ord. 3639, passed - -2000)

§ 25-13-5 APPLICATION; HEARING; NOTICE.

An application for a conditional use permit shall be filed with the Development Services Director. The application shall be accompanied by a filing fee as provided in Chapter 6, Article 6 of this code of ordinances. Such application shall be submitted to the Development Services Director not less than one month (30 days) prior to the meeting of the Planning Commission at which the conditional use permit application is first to be presented. The Development Services Director or designee shall give notice of the time, place, and purpose of the hearing in the same manner as notice is required to be given by Neb. RS 19-904 and 19-905. Any person entitled to notice may waive notice of a hearing in writing. Such waiver must accompany the application. (Ord. 3639, passed - -2000)

§ 25-13-6 FINDINGS.

No conditional use permit shall be issued unless the Planning Commission shall find in writing that there exists as a basis for the permit the facts that under this chapter authorize issuance of the permit. (Ord. 3639, passed - -2000)

§ 25-13-7 PLANNING COMMISSION; DECISION; TIME.

If the Planning Commission fails to act on an application after three regular meetings of the Commission, the Commission shall be deemed to have issued the conditional use permit effective on the date of the second regular meeting without conditions; provided, if the applicant requests or consents in

writing to a continuance of the hearing beyond such date, the preceding provisions of this section shall not apply. (Ord. 3639, passed - -2000)

§ 25-13-8 CONDITIONAL USE PERMIT; PENDING VARIANCE.

No conditional use permit may be issued while an application for a variance is pending on hearing or determination by the Board of Adjustment or on appeal from its decision. (Ord. 3639, passed - -2000)

§ 25-13-9 BUILDING PERMIT; CERTIFICATE OF OCCUPANCY.

Neither a building permit nor a certificate of occupancy for a use requiring a conditional use permit may be issued before a conditional use permit is issued by the Planning Commission. If the Commission issues a conditional use permit for a use which requires a building permit or a certificate of occupancy, or both, neither a building permit nor, as the case may be, certificate of occupancy may be issued until a ten-day appeal period has expired. (Ord. 3639, passed - -2000)

§ 25-13-10 CONDITIONAL USE PERMIT; TERMINATION, EXPANSION, REPAIR, EXPIRATION, REVOCATION

(A) Termination: A conditional use permit may not be transferred and, if a change of ownership of the lot or tract of land for which the conditional use permit was issued occurs, the conditional permit shall thereupon terminate.

(B) Expansion: Any expansion or enlargement of the conditional use as approved and shown on the site plan submitted during the application process shall be treated as a new use and require a new application following the provisions of this article.

(C) Repair: Ordinary repairs and maintenance may be performed upon structures associated with a conditional use permit so long as such repairs and maintenance do not expand or enlarge the use.

(D) Expiration. If the conditional use has not commenced within 12 months from the date of approval or is discontinued for a period of 12 consecutive months it shall expire.

(E) Revocation. If any of the conditions required by this Code, or those placed on the conditional use permit in order to make it meet this Code, are violated, the property owner shall be notified in writing and allowed a maximum of 30 days from the date of receipt of the letter to bring the use back in to conformance. Such letter shall be sent by certified mail, return receipt requested, or hand served to the property owner, or if an entity, to the property owner's registered agent, and state the condition(s) being violated. Should the property owner fail to bring the use back into conformance, the Planning Commission shall place the item on the next regular meeting agenda and determine whether or not the use still meets the conditions of this Code and, if not, revoke the conditional use permit. Upon revocation, the nonconforming use of the property shall cease immediately. Any continued nonconforming use shall be prosecuted in the same manner as all other zoning code violations. (Ord. 3639, passed - -2000)

§ 25-13-11 TEMPORARY USES

A conditional use permit for a temporary use listed in Chapter 25 Article 3 may not be granted for more than one year, but may be renewed for periods not exceeding one year each for written application made at least 30 days before the one period expires.

§ 25-13-12 REPEALED

§ 25-13-13 REPEALED

§ 25-13-14 REPEALED

§ 25-13-15 REPEALED

§ 25-13-16 REPEALED

§ 25-13-17 REPEALED

§ 25-13-18 REPEALED

§ 25-20-10 CONDITIONAL USE PERMIT.

The Planning Commission may issue a conditional use permit authorizing the erection, maintenance, and operation of WECS in any zone, and modifying as to such system, as provided in this article, zoning regulations pertaining to height, setback, and other provisions of this chapter which otherwise would apply to the system, if the Commission determines that the requirements of this article, and of Article 16 of this chapter, have been met. (Ord. 3639, passed - -2000)

§ 25-20-11 CONDITIONAL USE PERMIT; APPLICATION.

(A) An application for a conditional use permit to erect, maintain, and operate a WECS shall comply with the requirements for an application for a special permit as described elsewhere in the municipal code and, in addition, shall include the following information:

(1) Address and telephone number of the owner of the lot or tract of land and, if the WECS is to be erected, maintained, or operated by some other person, the name, address, and telephone number of such other person; and

(2) A plot plan and development plan drawn in sufficient scale and detail to clearly describe:

(a) The property lines and physical dimensions of the proposed site, including all public streets and alleys abutting the site;

(b) The location and total height of the WECS;

(c) The location, dimensions, and types of all major existing structures and uses of the site;

(d) The location of all above ground utility lines and other WECSs on the site or within a radius from the center of the tower which is equal to one and one-half times the total height of the proposed WECS;

(e) The location and size of all buildings, structures, and trees exceeding 35 feet in height within a 500-foot radius of the proposed WECS (for purposes of this requirement, electrical transmission and distribution lines, antennas, slender or open lattice towers, and open fences are not considered structures);

(f) Where applicable, the location of all transmission facilities proposed for installation;

(g) Where applicable, the location of all road and other service structures proposed as part of the installation; and

(h) The zoning districts within which are situated the lot or tract of land and adjacent lots and tracts of land.

(B) There also shall be submitted with the application a copy of a proposed policy of liability insurance in an amount satisfactory to the Development Services Director.

(C) If the WECS is to be erected, maintained, or operated by a person other than the owner of the lot or tract of land, the application shall be signed, also, by such other person. (Ord. 3639, passed - -2000)

§ 25-20-12 CONDITIONAL USE PERMIT; ARTICLE 13 REQUIREMENTS.

All of the other requirements and provisions of Article 13 of this chapter concerning proceedings on applications for a conditional use permit, the terms of such a permit, the issuance of building permits and certificates of occupancy, and the transfer of conditional use permits shall apply to a conditional use permit issued under this article. (Ord. 3639, passed - -2000)

§ 25-21-5 SATELLITE EARTH STATION; NUMBER; EXCEPTION AND PERMIT.

Not more than one satellite earth station may be installed on a lot or tract of land in an R District, or on two or more lots or tracts of land in such a zone which are occupied or used in common; provided, the Planning Commission may issue a conditional use permit for installation of one or more additional such stations in a planned unit development if the Commission shall determine that technological considerations (including, but not necessarily limited to, the adequacy of signals received) reasonably require use of an additional station or stations. (Ord. 3639, passed - -2000)

City of Scottsbluff, Nebraska

Monday, June 9, 2025

Regular Meeting

Item 7.B

Planning Commission to take action on the revised Planning Commission Rules and Procedures

Staff Contact:

City of Scottsbluff Planning Commission

Development Services Staff Report – Zachary Glaubius

Prepared on: June 4, 2025 For Hearing of: June 9, 2025



I. GENERAL INFORMATION

- A. Following a review of the Planning Commission rules and regulations, it came to staff attention that an action requires a majority of the Planning Commission (5 votes).
- B. This poses as a source of confusion as a quorum is also 5 members.
 - a. If only 5 members are present, it would require all 5 members to vote the same to make an action (positive or negative recommendation)
- C. Staff research shows the current rules are based on a template from the 2002 Nebraska Planning Handbook.
- D. Staff reviewed the Planning Commission rules of other Nebraska cities, and found Papillion's to be optimal template.

II. REQUESTED CHANGES

- A. Staff is proposing a change to allow for action to be taken by the majority of the quorum.
- B. Staff is proposing the rules provide additional information including the rules and requirements for first class city Planning Commission in Nebraska State Statutes.

III. STAFF RECCOMENDATION

- A. Staff recommends the Planning Commission approve the new Planning Commission Rules and Procedures.

Planning Commission Rules and Procedures

City of Scottsbluff, Nebraska



Section 1: Definitions.

- A. **Alternate Member.** The individual who may be appointed by the City Council, pursuant to the Scottsbluff Municipal Code, to serve on the Planning Commission when a Regular Member is not present and capable of voting on an application or other matter before the Planning Commission. The Planning Commission may include up to one Alternate Member.
- B. **Member.** Any individual Regular Member or Alternate Member appointed by the City Council, pursuant to the Scottsbluff Municipal Code, to serve on the Planning Commission. **Members**, plural, shall refer to all Regular Members and the Alternative Member, collectively.
- C. **Planning Commission or Commission.** The Planning Commission of the City of Scottsbluff, as authorized pursuant to Neb. Rev. Stat. § 19-924 through 19-929, inclusive, and Scottsbluff Municipal Code § 6-2-116 through 6-2-122, inclusive, which is composed of nine Regular Members and, if appointed, one Alternate Member.
- D. **Regular Member.** Any individual appointed by the City Council, other than the Alternate Member, to serve on the Planning Commission pursuant to state statute and the Scottsbluff Municipal Code. The Planning Commission shall include nine Regular Members.

Section 2: Commission Appointment; Membership.

- A. The City Manager, with the approval of the City Council, shall appoint the Members of the Planning Commission who shall represent, insofar as is possible, different professions, interests, and occupations in the municipality and the extraterritorial jurisdiction of the municipality.
- B. The Planning Commission shall consist of nine Regular Members, subject to Section 2(A) of these Planning Commission Rules and Procedures. Two of the Regular Members may be residents of the area over which the City is authorized to exercise extraterritorial zoning and subdivision regulation; all other Regular Members shall be residents of the municipality. When the total number of

residents residing in the area over which the City exercises extraterritorial or subdivision regulation exceeds one thousand residents, at least one Regular Member of the Planning Commission shall be a resident of such area.

- C. The City Manager may appoint one Alternate Member to the Planning Commission, subject to Section 2(A). The Alternate Member may attend any meeting but may only serve as a voting and participating Member of the Planning Commission at any time when less than the full number of Regular Members is present and capable of voting.

Section 3: Term; removal; vacancies; compensation; other municipal offices.

- A. The Regular Members of the Planning Commission shall each serve a three-year term of office unless reappointed to the Planning Commission by the City Manager. Each Regular Member shall hold office until his or her successor is appointed and approved. Any Regular Member may, after a public hearing, be removed by the City Manager with the consent of a majority vote of the Council for inefficiency, neglect of duty or malfeasance in office, or other good and sufficient cause. If a Regular Member's position becomes vacant other than through the expiration of a term of office, the vacancy shall be filled by the City Manager for the unexpired portion of the term. Regular Members shall serve without compensation. No Regular Member shall hold any other elected or appointed municipal office, except when appointed to serve on the Board of Adjustment.
- B. The Alternate Member of the Planning Commission shall serve a three-year term of office, and he or she shall hold office until his or her successor is appointed and approved. If the City Manager determines that an Alternate Member is no longer required to serve on the Planning Commission, the Alternate Member's term shall end upon completion of his or her appointed term of office. The Alternate Member may be removed from office in the same manner as a Regular Member. If the Alternate Member's position becomes vacant other than through the expiration of the term, the vacancy shall be filled for the unexpired portion of the term by the City Manager with the approval of a majority vote of the members of the City Council should the City Manager determine that appointment of an Alternate Member is necessary. The Alternate Member shall serve without compensation and shall hold no other municipal office.

Section 4: Organization; keeping of records; funding; meetings; duty; review.

- A. At the time of the Planning Commission's first meeting in October of each year, the Planning Commission shall organize by electing from among its Regular Members a Chairperson and Vice Chairperson. Such election shall be by a majority vote of the Members present. No Member of the Planning Commission shall serve in the capacity as both the Chairperson and Vice Chairperson of the Planning Commission.
- B. It shall be the duty of a member of the City's Development Services Department to keep full and correct minutes and records of all meetings and to file the same with the Development Services Director where they shall be available for public inspection at any reasonable time.
- C. It shall be the duty of the Planning Commission to make and adopt plans for the physical development of the municipality, including any areas outside its boundaries which, in the Planning Commission's judgment, bear relation to the planning of the municipality.
- D. All actions by the Planning Commission shall be subject to the review and supervision of the City Council. The Planning Commission shall be responsible for making such reports and performing such other duties as the City Council may, from time to time, designate.

Section 5: Filing of Applications

- A. A pre-application meeting with City staff is required prior to submission of any application to be considered by the Planning Commission.

All applications to be heard by the Planning Commission shall be filed with the Planning Department by the deadlines set by the Planning Commission Schedule. The minimum deadline shall be 30 days. All required submittal information must be received prior to an item being scheduled for Planning Commission.

- B. Items will be placed on the Planning Commission's agenda only if all necessary revisions to the material have been completed and submitted by the "Revision Deadline."
- C. The scheduling of City Council dates will be determined based on the action of the Planning Commission and the completion of all requirements. The earliest scheduled City Council date shall be the first meeting of the subsequent month

following the Planning Commission meeting where the application was reviewed.

- D. As noted on the Planning Commission Schedule, all submittal deadlines and meeting dates are subject to change.

Section 6: Notice

- A. Legal notice shall be provided as required by law. In addition, the Development Services Department will send written notice to affected owners of property within 300 feet of the subject site at least ten (10) days before the date of the public hearing; notice of public hearings shall be posted on properties as applicable; and a notice of public hearing shall be published at least ten (10) days before the date of the public hearing. For agenda items, such as ordinance amendments, that are not related to specific properties, notification through news media, the city website, or both, as applicable, will be sufficient unless further action is mandated by law or ordinance.

Section 7: Agendas

- A. An agenda of the matters to come before the Planning Commission will be prepared by the Development Services Department and disseminated to all Members and known interested parties. Items not on the agenda will not be heard by the Planning Commission unless, by unanimous vote of the Members present, it determines that an emergency exists and that the public interest dictates that the matter be heard. The matters shall be heard in the order that the items appear on the agenda.

Section 8: Quorum; Meetings

- A. A number of Members equal to a majority of the number of Regular Members shall constitute a quorum for the purpose of doing business. As such, the presence of the Alternate Member shall be counted in order to establish quorum. For example, if four Regular Members and one Alternate Member are present, a quorum necessary for the purpose of doing business as the Planning Commission shall be considered established.
- B. The Planning Commission shall meet on the second Monday of each month, unless otherwise adopted by the Planning Commission and designated in the Planning Commission Schedule. At each such scheduled meeting, the Planning

Commission will conduct its normal business and hold any public hearings as warranted.

- C. The Planning Commission shall begin its regular meetings at 6:00pm in the City Council Chambers of the City Hall Building, Scottsbluff, Nebraska.
- D. The meeting shall be called to order by the Planning Commission Chairperson or Vice Chairperson if the Chairperson is not present and capable of voting.
- E. The order of business at regular meeting shall be as follows:
 - 1. Roll Call
 - 2. Notice of Nebraska Open Meetings Act
 - 3. Notice of Changes in the Agenda by Staff
 - 4. Citizens with Business not Scheduled on the Agenda
 - 5. Approval of Minutes
 - 6. Old Business
 - 7. New Business
 - 8. Public Hearings (if applicable)
 - 9. Other Business
 - 10. Staff Reports
 - 11. Notice of Next Meeting
 - 12. Adjournment
- F. All meetings in which official action is taken shall be open to the general public.

Section 9: Nature of Testimony; Duty of Appellant

- A. The role and function of the Planning Commission is to advise the City Council and City Manager concerning planning matters and take final action upon those applications where the Planning Commission has final authority. Testimony before the Planning Commission should be relative to the planning aspects of the matter being heard. A written statement supporting or opposing an agenda item may be submitted to the Planning Commission as a part of the public hearing in order to be included as a part of the record.
- B. The Planning Commission may ask questions of persons testifying. There shall, however, be no cross-examination or direct questioning in front of the Planning Commission between proponents and opponents. All questions and testimony shall be directed to the Planning Commission.
- C. Material and testimony submitted should be as factual as possible.

Section 10: Presentation of Testimony

- A. City staff will be requested to present the staff report. The staff report shall include all pertinent information including but not limited to the nature of the request, location, area, zoning district, access, utilities, maps, and alignment with the Comprehensive Plan. Staff may make a recommendation to the Planning Commission.
- B. The applicant or his/her representative will then be requested to present his/her testimony. That person shall first state his/her name and address and if the party appearing is not the applicant, the nature of his/her representative capacity. The applicant or representative should state as succinctly as possible:
 - 1. Why the applicant desires the action requested.
 - 2. Why the application is in accordance with sound planning practices.
- C. Following the applicant's testimony, other persons wishing to speak on that particular agenda item will be called upon to present testimony in the following order:
 - 1. Proponents and Opponents of the application;
 - 2. Neutral parties (or those seeking information about the application);
 - 3. Rebuttal by the applicant.
- D. All persons giving testimony are first required to sign the sign-in sheet. Each person shall then state their name and address. Such individual should then present his or her reasons why the application is or is not in accordance with sound planning practices.
- E. It is requested that large groups in attendance concerned with an application choose one or two spokespersons to present the group's testimony. The spokesperson may have the group stand to give the Planning Commission an idea of the number of persons sharing similar viewpoints. It should be recognized, however, that the Planning Commission is interested in factual information.
- F. All parties presenting testimony shall avoid repetition of statements and shall present their position as briefly as possible. Five (5) minutes is the maximum time for each individual's testimony. The Chairperson may grant additional time, in advance, for items of major significance, upon request. Individual speakers and spokespersons should not present testimony previously given. The Chairperson of the Planning Commission shall reserve the right to discontinue at any time repetitious or irrelevant testimony.

- G. All visual aid, handouts, supporting documentation, and electronic media used in the presentation shall be provided in sets of eleven (11) for the Planning Commission to review. A copy of these materials will be made a part of the record.
- H. The Planning Commission may call upon staff assistance or comments from the appropriate City of Scottsbluff personnel at any time during the proceedings.

Section 11: Withdrawal or Deferral

- A. Any matter which has not been advertised for public hearing may be withdrawn or deferred prior to preparation of the agenda before the meeting. Once the agenda has been prepared, items may be withdrawn or deferred only for good cause, with approval of the Development Services Department, the Chairperson, or Vice Chairperson if the Chairperson is not present and capable of voting.
- B. Any matter that has been advertised for public hearing must remain on the agenda so that the public hearing may be opened. The applicant may request that the Planning Commission take final action at a future meeting for any item where deferral is requested. It is at the discretion of the Planning Commissioners to close the public hearing at the meeting or hold it open until final action is taken.

Section 12: Final Action

- A. A majority of the quorum present are required to recommend approval or denial of a request or to approve or deny requests for which the Planning Commission has final authority.
- B. All votes may be determined by the majority vote of the quorum present at any meeting.
- C. A final action in which conditions are recommended by the Development Services Department or Planning Commission, shall include the conditions in the recommendation for approval or denial of a request or shall include the conditions in the approval or denial of requests for which the Planning Commission has final authority.

Section 13: Special Meetings

- A. Special meetings of the Planning Commission may be called by the Chairperson, Vice Chairperson, five Members, or as otherwise permitted by law.

Section 14: Amendment or Suspension of Rules

- A. These rules may be amended by an affirmative vote of five Members.
- B. These administrative rules may be suspended as to any matter before the Planning Commission, as otherwise permitted by law, by five affirmative votes of the Planning Commission.

Section 15: Chairperson and Vice Chairperson Vacancy, Absence, or Inability to Vote; Removal as Chairperson or Vice Chairperson.

- A. In the event of a vacancy by the Chairperson, the Vice Chairperson shall have the authority to act as the Chairperson until a replacement is elected.
- B. In the event the Chairperson is temporarily not present and capable of voting, the Vice Chairperson shall have the authority to act as Chairperson during such period.
- C. In the event that both the Chairperson and Vice Chairperson are temporarily not present and capable of voting, the present members may appoint a temporary Chairperson who will have the authority to act as Chairperson during such absence. Immediately thereafter, the Planning Commission shall elect a temporary Chairperson. Such election shall be by a majority vote of the Members present. The temporary Chairperson, so elected, shall have the authority to act as the Chairperson during the period that both the Chairperson and Vice Chairperson are temporarily not present and capable of voting, even if such period extends beyond a single Planning Commission meeting. The temporary Chairperson shall relinquish such office as soon as either the Chairperson or the Vice Chairperson is present and capable of voting.
- D. Either the Chairperson or the Vice Chairperson may be removed from the office of Chairperson or Vice Chairperson, respectively, by a two-thirds majority vote of the entire Commission prior to the expiration of the regular term of said offices in September of each year. Such removal shall not, however, constitute removal from the Planning Commission.

Section 16: Duties of Planning Commission Chairperson

- A. The Planning Commission Chairperson, or Vice Chairperson if the Chairperson is not present and capable of voting, shall be in charge of Planning Commission meetings and shall be responsible for directing the order of the Planning Commission meetings and for directing persons testifying before the Planning Commission to limit their testimony to matters having relevance to the planning issues related to the application.

Section 17: Duties of the Alternate Member

- A. The Alternate Member may attend any meeting but may only serve as a voting and participating Member of the Planning Commission at any time when less than the full number of Regular Members is present. In the event all nine Regular Members are present, the Alternate Member may sit with members of the public at the meeting, but he or she may not sit with the Regular Members. Similarly, the Alternate Member may participate in the meeting to the same extent as other members of the public, but he or she may not serve as a voting and participating Member of the Planning Commission.
- B. The Alternate Member shall be expected to attend and prepare for every Planning Commission meeting to the same extent as any Regular Member unless notified by the Development Services Department in advance that his or her presence at a particular meeting will not be required.

Section 18: Roberts Rules of Order

- A. Except as otherwise specifically set out herein, pursuant to state statute, or pursuant to Scottsbluff Municipal Code, all business before the Planning Commission shall be conducted in accordance with Roberts Rules of Order.

Adopted by the Planning Commission on this ____ day of _____, 2025.

Chairperson

Secretary