



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

**Regular Meeting**  
**October 13, 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. September 8, 2025
6. **Public Hearing**
  - A. Planning Commission to Conduct a Public Hearing to Consider a Special Use Permit for Residential Use in a Commercial Building at Lot 1, H & H Judy Subdivision, Commonly Identified as 708 South Beltline West.
7. **Schedule a Meeting**
  - A. November 10, 2025
8. **Adjournment**

PLANNING COMMISSION MINUTES  
REGULAR SCHEDULED MEETING  
September 8, 2025  
SCOTTSBLUFF, NEBRASKA

The Planning Commission for the City of Scottsbluff met in regular scheduled meeting on Monday, September 8, 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 August 28, 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, Jim Zitterkopf "Absent" Kendall Palu, Dave Gompert, Dana Weber, Henry Huber "Excused" Linda Redfern. City Officials present were Zachary Glaubius, Development Services Director, Taylor Stephens, GIS Coordinator.
- 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 August 11, 2025 meeting were reviewed. **Conclusion:** a motion was made by Aguallo and seconded by Zitterkopf to approve the minutes. "Yeas:" Becky Estrada, Angie Aguallo, Callan Wayman, Jim Zitterkopf "Nays" None "Absent" Kendall Palu, Dave Gompert, Henry Huber, Dana Weber "Abstain" Mary Bowman. The motion carried.
- 6 Estrada introduced Item 6A, Planning Commission to conduct a Public Hearing to consider a Preliminary Plat and Final Plat of Lots 1 and 2, Block 1, Papa Moon Subdivision, commonly identified as 230975 County Road J. Estrada opened the public hearing at 6:01 PM. Glaubius stated the preliminary plat and final plat are for land that is currently un-platted. Glaubius stated the owner intends to split off two (2) smaller properties from the larger property, and a rezone will follow. Glaubius stated one property has a dwelling and the other has grape fields and a garage. Glaubius stated the rezone will be a request to change the zoning to R1-B. Glaubius stated there is a Three (3) acre minimum with both properties meeting the performance standards of the R-1B district. Glaubius stated the request is in line with the comprehensive plan which calls for the area to be zoned as Rural Residential. Glaubius pointed out that the lots are unusual shapes with Lot 2 containing a twenty (20) foot driveway to meet code standards of the drive abutting a public street. Glaubius stated the driveway will be designated as an access easement to be shared with Lot 1. Glaubius stated that R1-B zoning provisions require a minimum 200-foot lot width when measured to the halfway mark between the front and back of the property, which is difficult to distinguish on these lots. Glaubius stated while the Lots don't meet the exacts of code they meet the intent of code in staffs' opinion. Glaubius stated there will be a legal non-conforming structure created because of the garage on Lot 1, with the intent for a dwelling to be built in the future, and no structure may be added on to the garage until such swelling is built. Glaubius stated staff recommends a positive

recommendation by the Planning Commission to City Council on the approval of the plats. Estrada asked for any comments. Troy Dondelinger from M.C. Shaff and Associates addressed the commission with no comments. Estrada closed the public hearing at 6:04 PM.

- 7 **Conclusion:** A motion was made by Zitterkopf and seconded by Bowman to make a positive recommendation on approval of the preliminary and final plats of Lots 1 and 2, Block 1, Papa Moon Subdivision to City Council. "Yeas:" Becky Estrada, Callan Wayman, Mary Bowman, Jim Zitterkopf, Angie Aguallo "Nays" None "Absent" Henry Huber, Kendall Palu, Dave Gompert, Dana Weber "Excused" Linda Redfern. The motion carried.
- 8 Estrada introduced item 6B, Planning Commission to conduct a Public Hearing to consider a Rezone of Lots 1 and 2, Block 1, Papa Moon Subdivision from A Agricultural to R1-B Rural Residential Estate. Estrada opened the public hearing at 6:04 PM. Glaubius stated the Rezone meets the intent of R1-B and is in line with the Comprehensive Plan. Glaubius pointed out a notch in the property where the Winery is located will remain A Agricultural Zone to prevent the Winery building from becoming a legal non-conforming use. Estrada closed the public hearing at 6:05 PM.
- 9 **Conclusion:** A motion was made by Aguallo and seconded by Bowman to make a positive recommendation on approval of the preliminary and final plats of Lots 1 and 2, Block 1, Papa Moon Subdivision to City Council. "Yeas:" Becky Estrada, Callan Wayman, Mary Bowman, Jim Zitterkopf, Angie Aguallo "Nays" None "Absent" Henry Huber, Kendall Palu, Dave Gompert, Dana Weber "Excused" Linda Redfern. The motion carried.
- 10 Estrada introduced Item 6C, Planning Commission to conduct a Public Hearing regarding a Zoning Text Amendment to Chapter 25 Article 12 regarding Nonconforming Development. Glaubius stated a couple months back it was proposed to change Special Use Permits to Conditional Use Permits. After further review Glaubius realized such change would create multiple legal non-conforming uses, because all the references to non-conforming uses are tied to the adoption of this section of Code. Glaubius stated the way it currently reads a non-conforming use is a use that's been in place since the adoption of the code with roughly the year 2000 as the reference point being tied to an Ordinance from that year. Glaubius stated after looking at other cities including; Kearney and Grand Island, it was discovered the City of Scottsbluff runs into a problem with regards to non-conforming lots and buildings with the current code only pertaining to non-conforming uses. Glaubius stated after review of Kearney and Grand Island the code will expand to include; Non-Conforming Uses, Non-Conforming Lots, Non-Conforming Buildings, and Non-Conforming Off-Street Parking. Glaubius stated Code will include the date to determine a non-conforming use will be set as February 6, 2000, due to Ordinance 36-39 which is the total repeal and re-adoption of Chapter 25. Glaubius stated the importance of keeping the 2000 date to prevent the City from moving the clock forward every time a code change is made. Glaubius cited an example of a Mobile Home Park on East Overland that is a legal non-conforming use; by keeping this date set it enables the City to enforce the requirements to meet Code, without creating new non-conforming uses by continually changing the date. Glaubius stated the importance of adding non-conforming buildings to this section, by citing an example where a citizen bought a house on East 8<sup>th</sup> Street that is located within the building set-back. The Citizen wanted to build an addition on the front of the house, but by doing so there would be a two (2) foot notch on the house. Glaubius stated by adding non-conforming buildings it would give clarity when the City ran into similar situations in the future. Glaubius stated Language was mirrored from State Statues. Glaubius stated a Lot would not become a legal non-conforming Lot if part of it was acquired for public reasons. Glaubius cited an example on East 27<sup>th</sup> where houses along Irwin and Addison are located close together to accommodate the 27<sup>th</sup> street right-of-way, and these lots would not be considered legal non-

conforming lots. Glaubius stated the importance of adding non-conforming parking facilities, citing a case on East Overland around 3<sup>rd</sup> and 2<sup>nd</sup>, where there is typically older commercial development that is built-out on the entire lot. Glaubius stated the area is currently zoned C3 and it would not be in the best interest of the City to change the zoning to C1 to get rid of the parking requirements. Adding legal non-conforming off-street parking facilities would be a way for the City to allow someone to use the facilities without going before the Board of Adjustment and requesting a Variance. This update would allow such person, or at the very least delay the process of them needing a Variance for parking, unless the City were to receive an abundance of complaints from neighboring properties. Glaubius concluded with mentioning it would be a complete re-write of Article 12 dealing with non-conforming uses, and that staff recommends the Planning Commission make a positive recommendation to City Council on the adoption of the revised Chapter 25, Article 12. Estrada closed the Public Hearing at 6:10 PM.

- 11 **Conclusion:** A motion was made by Aguallo and seconded by Zitterkopf to make a positive recommendation on Zoning Text Amendment to Chapter 25 Article 12 regarding Nonconforming Development to City Council. "Yeas:" Becky Estrada, Callan Wayman, Mary Bowman, Jim Zitterkopf, Angie Aguallo "Nays" None "Absent" Henry Huber, Kendall Palu, Dave Gompert, Dana Weber "Excused" Linda Redfern. The motion carried.
- 12 Item 7A: Staff to provide Planning Commission with update on Comprehensive Plan. Glaubius provided a brief update stating Staff reviewed the Comprehensive Plan draft for the third time with great progress being made. Staff is wrapping up current land use maps, and will be moving on to future land use maps. This is being broken up into neighborhoods, which differs for the 2016 plan, with the hope for a little more flexibility while still maintaining a certain rigidity. Glaubius stated Department Heads were met with to go over respective chapters. Glaubius stated Consultants plan to be in the area for open houses on the plans, but cautioned a certain optimism in that plan, commenting it will likely be December or January.
- 13 Item 7B: Staff to provide Planning Commission with update on upcoming zoning text amendment proposals. Glaubius stated this feeds of the changes to Chapter 25, Article 12. Glaubius stated he has the Conditional Use Text finalized, but staff will need to go in and change all the Zoning Districts. Glaubius stated he wants to circle-back to combining AR and R1-B into an RR District to have one less Zoning District. Glaubius stated staff will also be looking at cleaning up Sign Code.
- 14 Item 8: Planning Commission to recognize Linda Redfern for her service to the community on the Planning Commission. Glaubius stated Redfern's term ends September 30, 2025, and she declined to renew. She will be recognized for her service on the Planning Commission. Glaubius mentioned a new alternate will need to be selected to fill the vacant spot.
- 15 Planning Commission confirmed the next meeting date of October 13, 2025.
- 16 Item 9: Adjournment
- 17 Adjournment: Motion was made by Bowman and seconded by Zitterkopf to adjourn the meeting at 6:14 PM. "Yeas:" Becky Estrada, Callan Wayman, Mary Bowman, Jim Zitterkopf, Angie Aguallo "Nays" None "Absent" Henry Huber, Kendall Palu, Dave Gompert, Dana Weber "Excused" Linda Redfern. The motion carried.

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Becky Estrada, Chairperson

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Zachary Glaubius, Secretary

# **City of Scottsbluff, Nebraska**

**Monday, October 13, 2025**

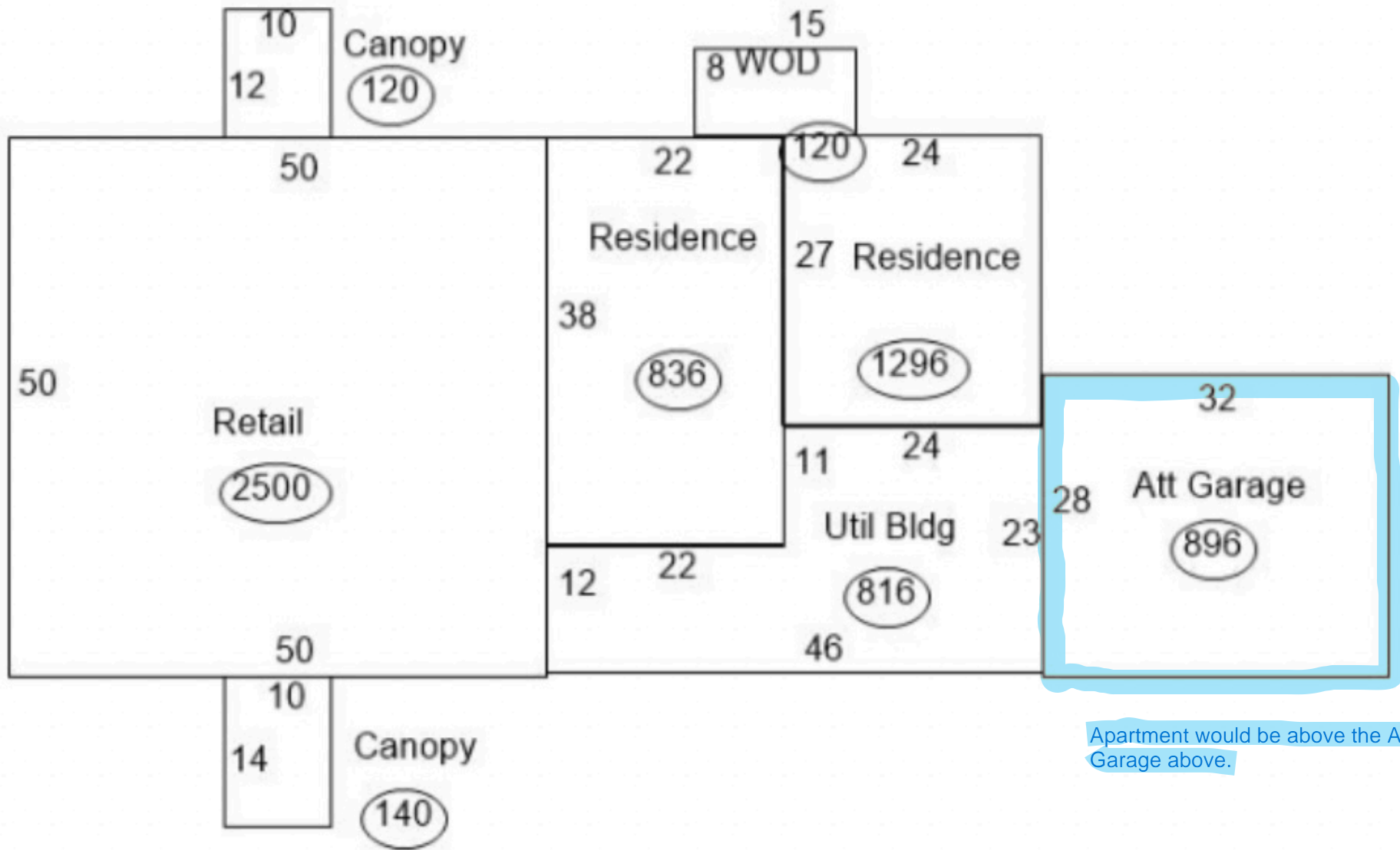
**Regular Meeting**

## **Item 6.A**

**Planning Commission to Conduct a Public Hearing to Consider a Special Use Permit for Residential Use in a Commercial Building at Lot 1, H & H Judy Subdivision, Commonly Identified as 708 South Beltline West.**

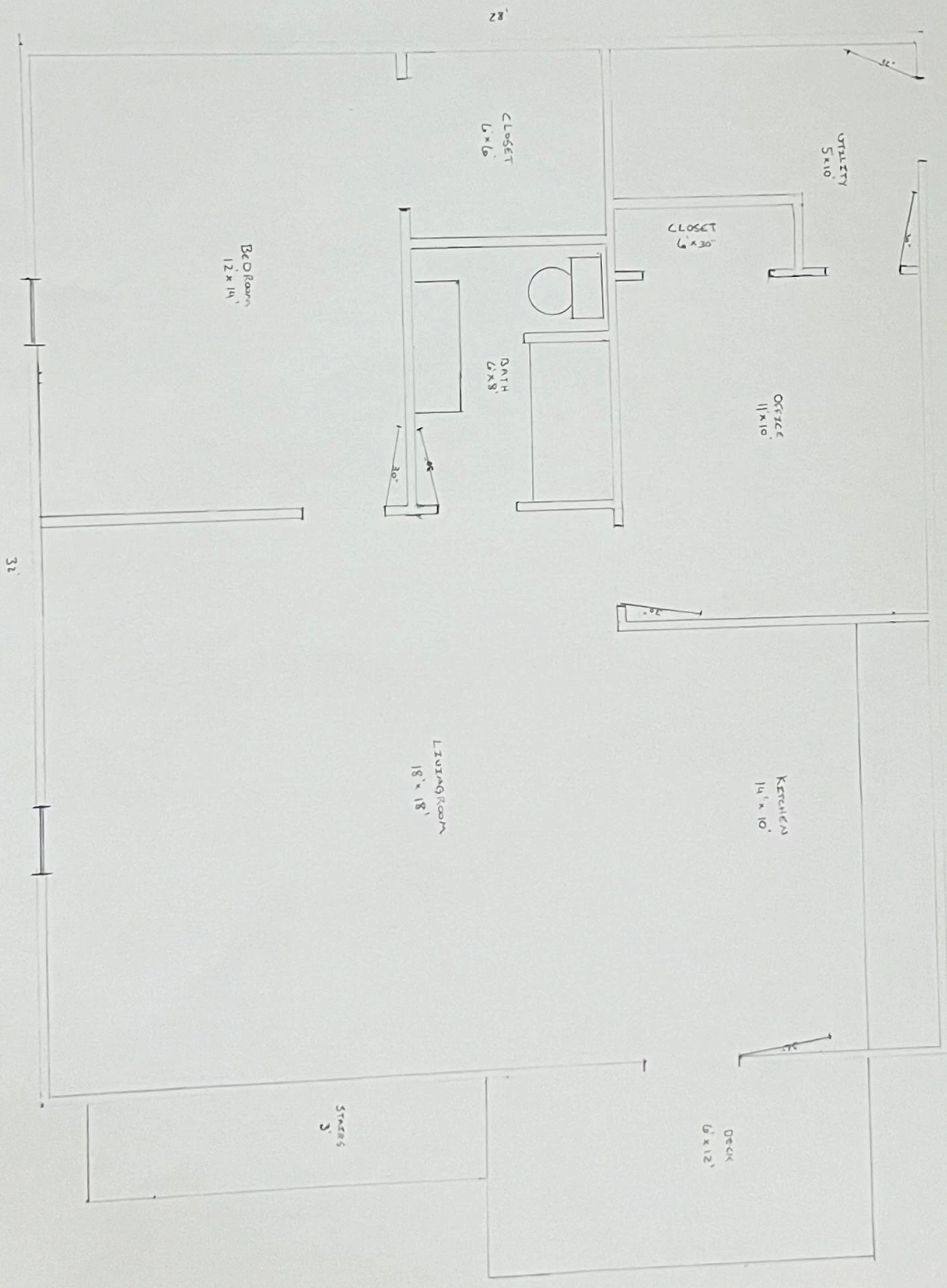
**Staff Contact:** Zachary Glaubius

<b>Applicant Name</b>	<b>Applicant Address</b>
Jannah McCarter	708 S Beltline Hwy W Scottsbluff, NE
<b>Applicant Phone Number</b>	<b>Applicant Email</b>
3086721134	jennahellis16@gmail.com
<b>Additional Contact Details: (surveyor, engineer, architect, attorney, etc.)</b>	
<b>Name</b>	<b>Address</b>
Scott Fischer	
<b>Email</b>	<b>Phone</b>
S.E.fischer@hotmail.com	3086313610
<b>Property Information</b>	
<b>General Location/Address</b>	<b>Legal Description</b>
708 W SOUTH BELTLINE HWY	LT 1, H & H JUDY SUBDIV (11.96)
<b>Present use of property</b>	<b>Desired Use of Property</b>
Residential home and commercial rental (one building)	Residential home, commercial rental, & residential rental (one building)
<b>Required Information</b>	
<b>Which section of the Municipal Code authorizes the proposed use</b>	<b>Why should the special use permit be granted?</b>
25-3-15	The permit will be utilized to add a short term residential in the upper part of the far west side of the building. This will improve the space and area



Apartment would be above the Att Garage above.

SCALE: 1/8" = 1'-0"  
 25- Floor Joists  
 19/16 sq ft. sub floor  
 Ceiling height = 7'



# City of Scottsbluff Planning Commission

Development Services Staff Report – Zachary Glaubius

Prepared on: 10/8/2025

For Hearing of: October 13, 2025



## I. GENERAL INFORMATION

- A. Applicant:** Jennah McCarter  
708 S. Beltline Highway West  
Scottsbluff, Nebraska 69361
  
- B. Property**
  - Owner:** Same as Applicant
  
- C. Proposal:** Special Use Permit for residential dwelling units in C-3 Heavy Commercial District
  
- D. Legal Description:** Lot 1, H & H Judy Subdivision
  
- E. Location:** 708 S. Beltline Highway West
  
- F. Existing Zoning & Land Use:** C-3 Heavy Commercial – Martial Arts Club/ Tattoo Parlor/  
Apartment
  
- G. Size of Site:** Approximately 10.83 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	Automobile Commercial	C-3 Heavy Commercial	Aulicks
East	Automobile Commercial	C-3 Heavy Commercial	Vacant land
South	Automobile Commercial	C-3 Heavy Commercial	North Platte River
West	Automobile Commercial	C-3 Heavy Commercial	Essential Fuels (WTT)

### B. Relevant Case History

- 1. None

## III. ANALYSIS

- A. Comprehensive Plan:** The Future Land Use Map of the Comprehensive Plan currently shows the site as Automobile Commercial
  - 1. Appropriate zones for East Overland are C-2, C-3, PBC, and R-4

**B. Traffic & Access:**

1. Access to the property would be via South Beltline Highway West.
2. An access road easement is located along the northern property line to provide access to Lot 2, H & H Judy Subdivision, and Lot A, Block 2, County Addition from South Beltline Highway West

**C. Utilities**

1. Water, Sewer, and Stormwater are located in the South Beltline Highway West ROW

**D. Zoning**

1. Per 25-3-14 C, residential use is a special permit use in the C-3 Heavy Commercial District.
  - i. Residential use is only permitted within the confines of a building in which a permitted use is conducted.
  - ii. Tattoo Parlor and Private Gymnasium are permitted uses in the C-3 district.
2. The property is located in the floodway (far south) and the floodplain (building).

**IV. STAFF COMMENTS**

- A. A special permit is assigned to the business owner and not the land itself.
- B. 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.
- C. The applicant will use the western part of the building for new residential uses. The new dwelling will be located on a second floor, so it will be elevated off of the floodplain.
- D. The property already has a residence. The SUP for an additional residence will bring this legal nonconforming use into conformance.
- E. The property has 17 off-street parking stalls.
  - a. Staff approximates 13 stalls needed for commercial uses and 2 stalls for residential uses.

**V. FINDINGS OF FACT**

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

1. The Comprehensive Plan identifies the area as Automobile which includes a mix of commercial and residential uses.
2. Apartments 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 Comprehensive Plan Future Land Use Map supports the use.
6. The use is in accordance with the intents and purposes of the Code.

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

1. None

**VI. STAFF RECCOMENDATION**

- A.** Staff recommends Planning Commission issue the special use permit to Jennah McCarter for residential uses at Lot 1, H & H Judy Subdivision, commonly identified as 708 South Beltline Highway West.

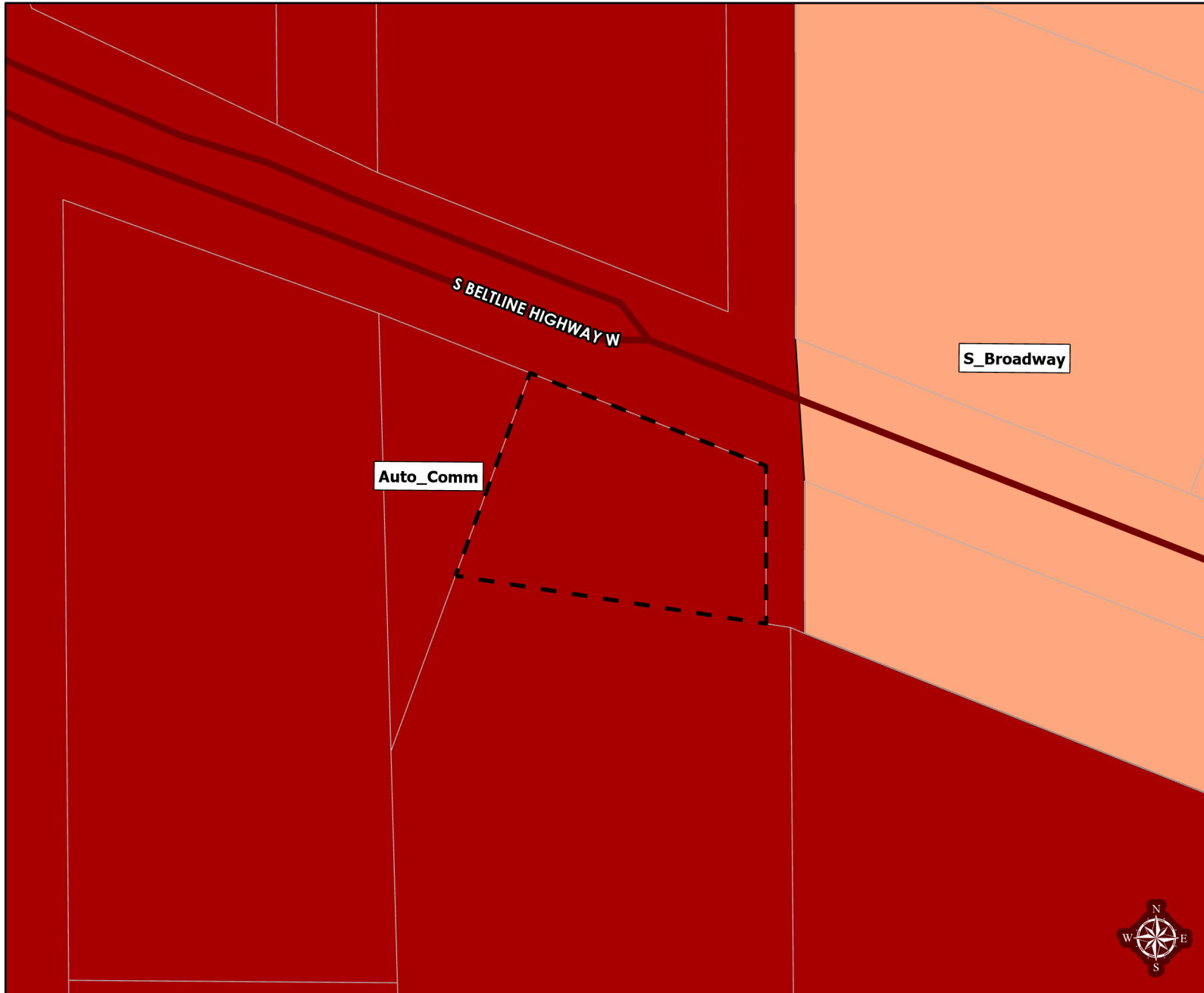


- Property Location(s)
- Street Centerlines
  - Highway
  - Main Road
  - Residential/Rural
- Official City Zoning
  - (A) Agriculture
  - (AR) Agriculture Residential
  - (C-1) Central Business District
  - (C-2) Neighborhood Commercial
  - (C-3) Heavy Commercial
  - (M-1) Light Manufacturing & Industrial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

Taylor Stephens  
City of Scottsbluff GIS  
Created on 9/29/2025  
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.

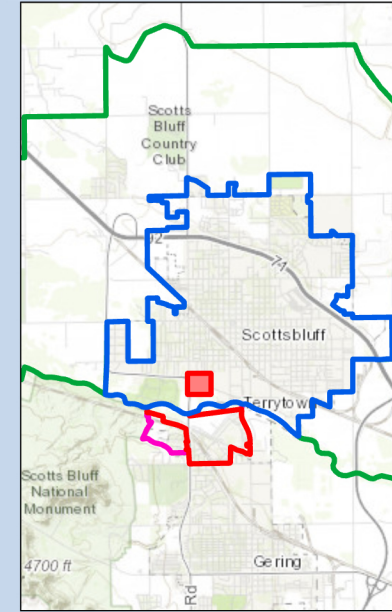
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- Proposed Changes
- Parcel Boundaries
- 2016 Comp. Plan Land Use**
- Automobile Commercial
- Avenue B and Hospital Campus
- Central Business District
- East Overland
- Highway 26 Commercial
- Northwest Commercial
- Residential
- Rural
- Rural Residential
- 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 9/29/2025  
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- Corporate Limits
  - Proposed Changes
- Street Centerlines
- CLASS**
- Highway
  - Main Road
  - Residential/Rural
  - Parcels
  - Address

Taylor Stephens  
City of Scottsbluff GIS  
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