



# **SCOTTSBLUFF CITY**

## **PLANNING COMMISSION AGENDA**

**Monday, March 11, 2019, 6:00 PM**  
**City Hall Council Chambers, 2525 Circle Drive, Scottsbluff, NE 69361**

**PLANNING COMMISSIONERS**

BECKY ESTRADA  
CHAIRPERSON

ANGIE AGUALLO  
VICE CHAIRPERSON

DANA WEBER

HENRY HUBER

MARK WESTPHAL

CALLAN WAYMAN

DAVID GOMPERT

JIM ZITTERKOPF

ANITA CHADWICK

LINDA REDFERN  
ALTERNATE

- 1. WELCOME TO THE PLANNING COMMISSION MEETING:** Chairman
- 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 back of the council chambers in the west corner.
- 3. ROLL CALL:**
- 4. NOTICE OF CHANGES IN THE AGENDA:** Additions may not be made to this agenda less than 24-hours prior to the beginning of the meeting unless added under item 5 of this agenda.
- 5. CITIZENS WITH ITEMS NOT SCHEDULED ON THE REGULAR AGENDA:** As required by State Law, no item may be considered under this item unless the Planning Commission determines that the matter requires an emergency action.
- 6. APPROVAL OF THE PLANNING COMMISSION MINUTES FROM:**
  - A Approve Minutes of the February 11, 2019 Meeting**
- 7. GGO ZONE:**
  - A Discuss and consider action on GGO Zone.**
- 8. 26 GROUP LLC:**
  - A Conduct a public hearing for the purpose of reviewing and obtaining comment on a redevelopment Plan submitted by 26 Group, LLC for the Fuel Station and Convenience Store Project.**  
The area to be redeveloped under the Redevelopment Plan is legally described as Lot 1, Block 1, Western Addition, City of Scottsbluff, Scotts Bluff County, Nebraska. This Redevelopment Plan includes a request for tax increment financing.
- 9. RESOLUTIONS:**
  - A Consider Resolution recommending approval of the Redevelopment Plan submitted by 26 Group, LLC for the Fuel Station and Convenience Store Project to the Community Redevelopment and City Council.**
- 10. STAFF REPORTS:**
  - A None**
- 11. OTHER BUSINESS:**
  - A None**
- 12. CLOSED SESSION (TO CONSIDER ANY OF THE ABOVE MATTERS, WHERE A CLOSED SESSION IS APPROPRIATE.):**
  - A Following passage of motion to enter into executive session, presiding officer must state purpose of executive session.**

2525 CIRCLE DRIVE • SCOTTSBLUFF, NEBRASKA 69361 • (308) 630-6243 • FAX (308) 630-6294

	<b>13. ADJOURN</b>
The public is invited to participate in all Planning Commission Meetings. If you need special accommodations to participate in the meeting, please contact the Development Services Department at (308) 630-6243, 24-hours prior to the meeting.	

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# **City of Scottsbluff, Nebraska**

**Monday, March 11, 2019**

**Regular Meeting**

**Item Appr. Min.1**

**Approve Minutes of the February 11, 2019 Meeting**

**Staff Contact:**

PLANNING COMMISSION MINUTES  
REGULAR SCHEDULED MEETING  
February 11, 2019  
6:00 PM  
SCOTTSBLUFF, NEBRASKA

The Planning Commission of the City of Scottsbluff, Nebraska met in regular scheduled meeting on February 11, 2019, at 6:00 PM in the Scottsbluff Council Chambers, at 2525 Circle Drive, Scottsbluff, Nebraska. A notice of the meeting had been published in the Star-Herald, a newspaper of general circulation in the city, on January 25, 2019 and February 1, 2019. The notice stated the date, time, and location of the meeting, that the meeting was open to the public, anyone with a disability desiring reasonable accommodation to attend the Planning Commission meeting should contact the Development Services Department, and that an agenda of the meeting kept continuously current was available for public inspection at Development Services Department office; provided; the city Planning Commission could modify the agenda at the meeting if the business was determined that an emergency so required. A similar notice, together with a copy of the agenda, also had been delivered to each Planning Commission member. An agenda kept continuously current was available for public inspection at the office of the Development Services Department at all times from publication to the time of the meeting.

Item 1: At 6:01 PM, Chairman Angie Aguallo called the meeting to order. Roll call consisted of the following members. Linda Redfern, Anita Chadwick, Jim Zitterkopf, Becky Estrada, Callan Wayman, Dave Gompert, Angie Aguallo.

Absent: Mark Westphal, Henry Huber, Dana Weber. City officials present were Anthony Murphy, City Fire Marshal and Gary Batt, Code Administrator II.

Item 2: Chairman Aguallo informed those present of the Nebraska Open Meetings Act and that a copy was posted in back of the council chambers in the west corner.

Item 3: Acknowledgement of any changes on the agenda; None.

Item 4: Business not on the agenda; None.

Item 5: Citizens with business not on the regular agenda: None.

Item 6: The minutes from the January 14, 2019 meeting were reviewed.

Conclusion: A motion was made by Wayman and second by Gompert to approve the minutes from the January 14, 2019 meeting. "Yeas": Zitterkopf, Estrada, Wayman, Gompert, Aguallo. "Nays": None, "Abstained": Redfern, Chadwick, "Absent": Westphal, Huber, Weber. Motion Carried.

Item 7: The Planning Commission opened a public hearing to consider designating an area bounded by US Highway 26 on the northeast, East Overland Drive on the south and 21<sup>st</sup> Avenue on the west as blighted and substandard. Batt reported that a study has been done and submitted for review of the above location containing 37.79 acres. The study examines existing conditions of land use, buildings, infrastructure, development patterns and general health, safety welfare aspects within the designated study area in the City of Scottsbluff. There are a numbers of opportunities for redevelopment existing

along and adjacent to this corridor in this Proposed Study Area. The corridors surrounding this area have some long standing successful business as well as recently developed local owned business and a National chain commercial growth. This study shows that the area considered for blighted and substandard has non-existent development.

Batt also informed the Planning Commission members that the City is allowed to designate up to 35% of its area within the corporate limits as blighted and substandard. Currently the total acreage within the City of Scottsbluff is 4,275.95 acres. Currently the city has just under 1048 acres designated as blighted and substandard slightly more than 24% of the City's total acreage. The proposed additional blighted and substandard area consists of 37.79 acres. Adding this proposed area to the existing blighted and substandard area brings the total blighted and substandard area to 185.7 acres or 25.4% of the total area of the City of Scottsbluff, remaining well within the 35% providing future opportunity to add more.

With the area designated as blighted and substandard developers will be able to apply for TIF funds to aid in infrastructure, extending utilities, and street within the area for development. This area is excellent for triggering new activity where adequate market forces are not present to move development in a positive direction. Batt stated the current zoning is M-1. Batt said the City gave a positive recommendation that City Council approve the blighted and substandard survey for area #12 be approved.

Dave Schaff spoke to the Planning Commission explaining the purpose of the study and what potential benefits for the location could be and the area would be eligible for TIF to be used as an incentive for development. Jim Zitterkopf asked about drainage of the acreage and Callan Wayman asked about the 35%. Dave explained the drainage is located at the southeast corner and the State of Nebraska appears to have cleaned or attempted to clean that location. Dave explained the requirements for allowing up to 35% to be blighted and substandard.

John Selzer Jr. spoke about the statutory regulations and that those are being met. John spoke about the following government entities that are involved NRD, Scottsbluff Public Schools, ESU 13, WNCC, and Scottsbluff County.

The public hearing then closed with no further comment.

Conclusion: A motion was made by Wayman and second by Estrada for a positive recommendation to approve an area bounded by US Highway 26 on the northeast, East Overland Drive on the south and 21<sup>st</sup> Avenue on the west as blighted and substandard. "Yeas": Redfern, Chadwick, Zitterkopf, Estrada, Wayman, Gompert, Aguillo. "Nays": None. "Abstained": None. "Absent": Westphal, Huber, Weber. Motion Carried.

Item 8: No further business, a motion was made to adjourn at 6:20 PM. By Zitterkopf and second by Estrada. "Yeas": Redfern, Chadwick, Zitterkopf, Estrada, Wayman, Gompert, Aguillo. "Nays": None "Abstained": None "Absent": Westphal, Huber, Weber. Motion Carried.

# **City of Scottsbluff, Nebraska**

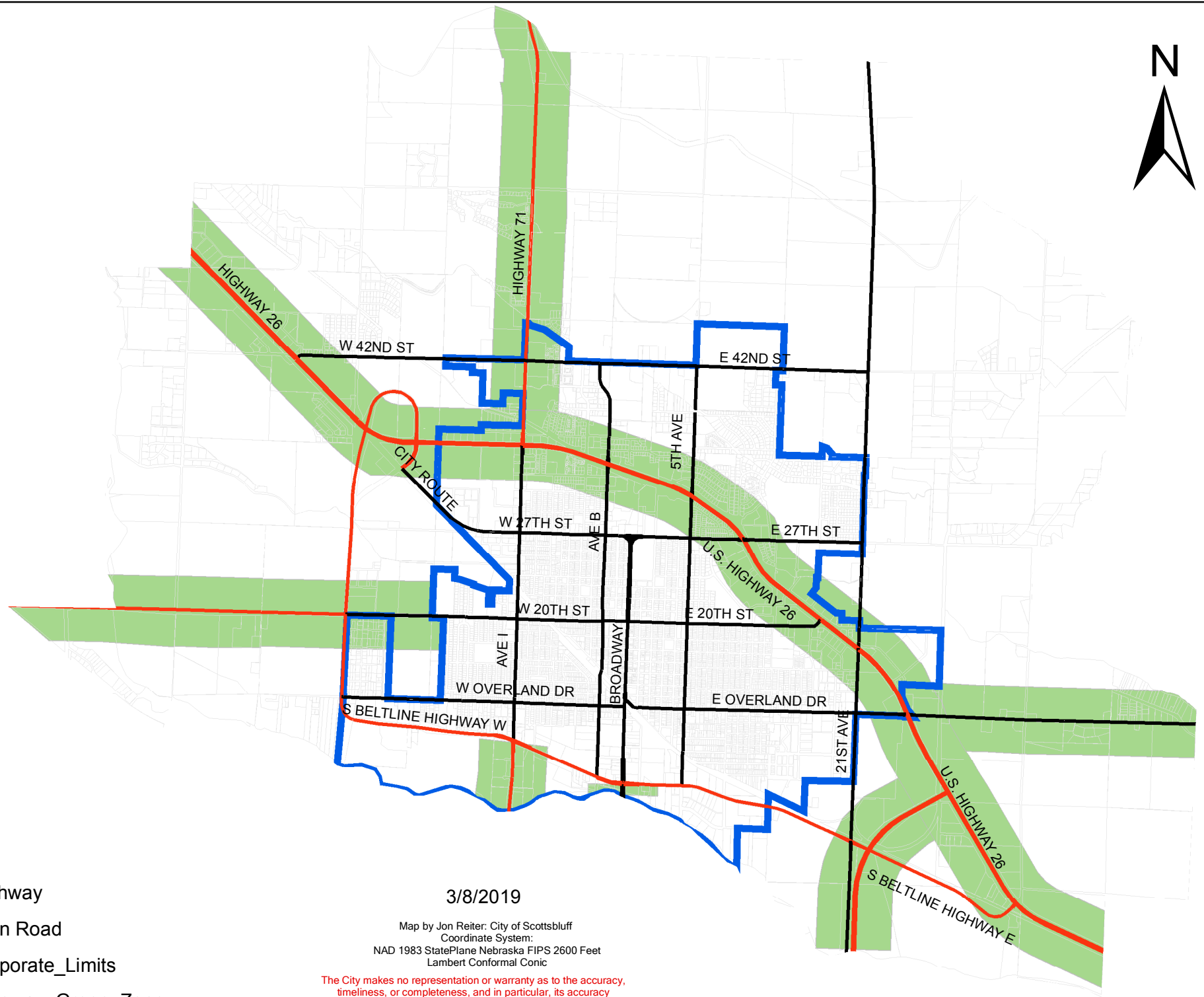
**Monday, March 11, 2019**

**Regular Meeting**

## **Item GGO1**

**Discuss and consider action on GGO Zone.**

**Staff Contact:**



## Legend

- Highway
- Main Road
- Corporate\_Limits
- Gateway\_Green\_Zone

3/8/2019

Map by Jon Reiter: City of Scottsbluff  
Coordinate System:  
NAD 1983 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.

# **City of Scottsbluff, Nebraska**

**Monday, March 11, 2019**

**Regular Meeting**

## **Item 26 Group1**

**Conduct a public hearing for the purpose of reviewing and obtaining comment on a redevelopment Plan submitted by 26 Group, LLC for the Fuel Station and Convenience Store Project.**

*The area to be redeveloped under the Redevelopment Plan is legally described as Lot 1, Block 1, Western Addition, City of Scottsbluff, Scotts Bluff County, Nebraska. This Redevelopment Plan includes a request for tax increment financing.*

**Staff Contact:**

# Simmons Olsen Law Firm, P.C., L.L.O.

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\*Also admitted in Wyoming  
\*\*Also admitted in Colorado

Please Direct All Correspondence  
To Scottsbluff Office

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To: City of Scottsbluff Planning Commission  
From: John L. Selzer, Deputy City Attorney  
Date: March 7, 2019  
Re: Fuel Station and Convenience Store Redevelopment Plan

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**Introduction:** At your March 11, 2019 meeting you will conduct a public hearing regarding the Redevelopment Plan for the Fuel Station and Convenience Store Project (the "Plan" and the "Project"). The Plan in your meeting packet is a preliminary plan and there may be updates to the Plan by the time of your meeting. However, there are no updates expected which would change the issues addressed in this memo. The proposed Project is in an area that has been designated as blighted and substandard and in need of redevelopment. After the public hearing, you will make a recommendation regarding the Plan and Project to the Scottsbluff Community Redevelopment Authority ("CRA") and City Council.

**Standard of Review:** The Planning Commission is tasked with reviewing and recommending whether the Project and Plan conform to the general plan for development of the City as a whole. Thus, you must analyze whether the Project and Plan conform to the 2016 Scottsbluff Comprehensive Plan (the "Comprehensive Plan").

**Issues Relevant to Your Review:** The Project Site is located at Lot 1, Block 1, Western Addition, City of Scottsbluff, Scotts Bluff County, Nebraska. The address is 1007 E. Hwy 26, Scottsbluff, Nebraska. According to the Comprehensive Plan, the Project Site is located in the Southeast Industrial and Commercial District. This area is characterized as having active daytime and nighttime hours, heavy personal and commercial vehicular traffic, a wide variety of buildings and a high amount of noise and smells tolerated closer to Highway 26. Under the theme, "Growing as a regional leader of commerce and economic opportunity" this area is listed as a "key area for heavier commercial and industrial." The Comprehensive Plan provides the following principles for sustainable development in this area:

- Plans and investments to increase economic viability of business corridor in East Overland.
- Encourage infill development through mitigation of blighted properties and incentives.
- Economic industrial growth on City periphery along Highway 26 and South 21<sup>st</sup> Avenue.

The Project Site is zoned as M-1 (Light Manufacturing and Industrial), which includes convenience stores with dispensing gasoline as a permitted use. Thus, no zoning changes are necessary.

**Conclusion:** If at the conclusion of the public hearing, the Planning Commission feels that the proposed Project and Plan conform to the Comprehensive Plan, it may recommend approval of the Plan and Project to the CRA and City Council. A proposed resolution has been provided.

Very truly yours,  
SIMMONS OLSEN LAW FIRM, P.C., L.L.O.  
/s/ John L. Selzer  
John L. Selzer, Deputy City Attorney

## **CITY OF SCOTTSBLUFF REDEVELOPMENT PLAN**

### ***Fuel Station and Convenience Store***

***By: 26 Group, LLC***

#### **1. Introduction/Executive Summary**

26 Group, LLC (the “Redeveloper”) submits this Redevelopment Plan (“Plan”) to the City of Scottsbluff City Council (the “City”), the City of Scottsbluff Planning Commission (“Planning Commission”), and the City of Scottsbluff Community Redevelopment Authority (the “CRA”), pursuant to the Nebraska Community Development Law, NEB. REV. STAT. § 18-2101 *et seq.*

Under this Plan, the Redeveloper proposes to develop the “Project Site” (as defined below) into a gasoline and diesel fuel station for cars, RVs, and trucks, along with convenience store with a fast food area, restrooms, and an office area. The Project Site has been declared to be blighted and substandard. The Redeveloper is requesting tax increment financing for certain eligible costs and expenses related to the Project.

#### **2. Blighted and Substandard Condition of Project Site (NEB. REV. STAT. §§ 18-2103 (3) and (31) and 18-2109)**

On February 19, 2019, the City declared the Project Site and surrounding areas as blighted and substandard as defined in the Nebraska Community Development Law.

#### **3. Statutory Elements (NEB. REV. STAT. §§ 18-2103(27) and 18-2111)**

- A. *Boundaries of the Project Site:*** The Project Site is located at Lot 1, Block 1, Western Addition, City of Scottsbluff, Scotts Bluff County, Nebraska. The address is 1007 E. Hwy 26, Scottsbluff, Nebraska. This Plan also includes adjacent public right of way as necessary for access, public utilities and other potential public improvements related to the Project Site. Aerial maps and the final plat of the Project Site is found in Attachment 1.
- B. *Land Acquisition:*** The owners of the Redeveloper, Eric and Brandy Reichert, acquired the Project Site in September of 2018 in contemplation of redeveloping the Project Site, conditional upon financing. The Project Site will be acquired by the Redeveloper for redevelopment.
- C. *Land Coverage and Building Intensities:*** The Project Site is approximately 5 acres (217,800 square feet). The proposed building coverages/intensities are as follows:
- Convenience Store: 7,000 square feet
  - Canopies: 24' x 132' and 24' x 144'
  - Paving: 100,000 square feet
  - Truck Wash: 5,500 square feet (not included in initial development)
  - Truck Scale: 1,000 square feet (not included in initial development)
- D. *Land Uses:*** See Attachment 2 for existing land uses of the area surrounding the Project Site. After development, the Project Site will be used as a fuel station and convenience store.

- E. Existing Uses and Condition:** The Project Site is currently vacant. A prior preliminary plat shows the current utilities and other conditions surrounding the Project Site. See Attachment 3.
- F. Site Plan:** See Attachment 4.
- G. Demolition and Removal of Structures:** No demolition and removal of structures will be necessary.
- H. Population Densities:** The Plan does not contemplate a change in population densities around the Project Site. Increased traffic to and use on the Project Site will likely result due to the increased employment and customers on the Project Site.
- I. Zoning Changes:** The Project Site is zoned as M-1 (Light Manufacturing and Industrial), which includes convenience stores with dispensing gasoline as a permitted use. Thus, no zoning changes are necessary.
- J. Additional Public Facilities and Utilities:** City water and sewer utilities will need to be extended to the Project Site. The location of such extensions will be subject to utility site plans approved by the City Engineer. It is necessary to increase the elevation of the Project Site. The Redeveloper and City staff are currently exploring an agreement under which the Redeveloper will excavate and use fill material from the City's stormwater detention facility located east of 27<sup>th</sup> Street and Highway 26 (the Scottsbluff Drain) to sufficiently elevate the Project Site in lieu of onsite storm water detention.
- K. Street Layouts, Street Levels, and Grades:** No changes to street layouts, street levels, and grades are needed for this Plan.
- L. Ordinance and Building Code Changes:** No ordinance or building code changes are contemplated by the Plan.
- 4. Conformity to General Plan of the City (NEB. REV. STAT. §§ 18-2112, 18-2113(1), and 18-2116(1)(a)).**

The Planning Commission, City, and CRA are all tasked with determining whether this Plan conforms to the general plan for the development of the City as a whole. NEB. REV. STAT. §§ 18-2112, 18-2113(1), and 18-2116(1)(a).

According to the City's 2016 Comprehensive Plan, the Project Site is located in the Southeast Industrial and Commercial District. This area is characterized as having active daytime and nighttime hours, heavy personal and commercial vehicular traffic, a wide variety of buildings and a high amount of noise and smells tolerated closer to Highway 26. Under the theme, "Growing as a regional leader of commerce and economic opportunity" this area is listed as a "key area for heavier commercial and industrial."

The Comprehensive Plan provides the following principles for sustainable development in this area:

- Plans and investments to increase economic viability of business corridor in East Overland.
- Encourage infill development through mitigation of blighted properties and incentives.
- Economic industrial growth on City periphery along Highway 26 and South 21<sup>st</sup> Avenue.

Thus, this Plan conforms to the Comprehensive Plan.

In addition, the Blight and Substandard Determination Study adopted by the City Council related to this Project Site recognizes that due to a number of challenges, this area has not kept pace with community standards while other areas along the Highway 26 corridor have seen steady growth and development.

The Study also recognizes that being adjacent to the sugar factory presents challenges. Traffic circulation is tight and parking is minimal. The sugar factory structures and activities present the appearance of limited space to the south.

This Plan begins to address these challenges by initiating growth and development along Highway 26 and near the sugar factory. The Project could encourage development to continue throughout the adjacent blighted and substandard areas including the East Overland Corridor.

## 5. Proposed Financing

**A. Tax Increment Financing.** The Redeveloper is requesting tax increment financing to pay for statutorily eligible expenses, to the extent such funds are available. The tax increment financing will be generated from the increased property taxes to be paid on the Project Site after development all in accordance with NEB. REV. STAT. § 18-2147. The amount of the available proceeds from tax increment financing ("TIF Revenues") is estimated at approximately \$900,000.00, calculated as follows:

2018 Assessed Value:		
Land:	\$ 100,895.00	
Building/Improvements	\$ .00	
Total		<u>\$ 100,895.00</u>
Estimated Value after Completion		
Land:	\$ 514,000.00	
Building/Improvements:	<u>\$2,362,360.00</u>	
Total		<u>\$2,876,360.00</u>
Increment Value:		\$2,775,465.00
Multiplied by approximate 2.17% levy	x 0.0216	
Annual TIF Revenues Generated (Rounded)		\$ 60,000.00
Multiplied by 15 years (Maximum Duration of TIF)	x <u>15</u>	
Estimated TIF Revenues Available:		<u>\$ 900,000.00</u>

This estimated amount must be reduced to present value based on an interest rate to be agreed upon by the Redeveloper and the City to support a tax increment financing bond ("TIF Indebtedness").

Because the Plan proposes the use of tax increment financing, the City must find that the Plan would not be economically feasible without the use of tax increment financing and the Project would not occur in the blighted and substandard area without the use of tax increment financing. The City and the CRA must also find that the costs and benefits of the Project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed and been found to be in the long-term best interest of the community. NEB. REV. STAT. §§ 18-2113(2) and 18-2116(1)(b).

The Redeveloper certifies that the Plan would not be economically feasible and would not occur in the blighted and substandard area without the use of tax increment financing. The Redeveloper has submitted a letter from its lender for the Project, Great Western Bank, stating that tax increment financing is necessary for the Project. See Attachment 5.

Notwithstanding the foregoing, the Redeveloper understands the liability of the CRA and City is limited to the TIF Revenues received by the CRA related to the Project to pay the TIF Indebtedness. The Redeveloper shall look exclusively to the TIF Revenues related to this Project for the payment of any TIF Indebtedness. The Redeveloper acknowledges that the above figures are, and any TIF Indebtedness will be set, based on estimates and assumptions, including expectations as to the completion of construction and property valuations suggested by the Redeveloper, which may alter substantially and materially, and that tax increment revenues may be altered or eliminated entirely based on future decision of the Nebraska Legislature or the voters of the State of Nebraska or by future court decisions.

Below are the portions of the project, and estimated costs, which the Redeveloper proposes to be paid for with TIF Revenues

Description	Estimated Cost
Site Acquisition	\$ 514,000.00
Site Preparation	\$ 150,000.00
Site Utilities	\$ 150,000.00
Gas Line Relocation	\$ 12,610.00
Engineering (Civil)	\$ 21,000.00
Plan Preparation/Legal	\$ 14,000.00
TOTAL	\$ 861,610.00

A preliminary statutory Cost-Benefit Analysis of the Project is attached as Attachment 6.

**B. Private Investment/Financing.** The Redeveloper will make a substantial private investment in and obtain private financing for in the private improvements such as the building and personal property estimated at \$4,000,000.00.

*Please note that all the figures in this Plan are estimates and tax increment financing granted will be based on actual costs incurred.*

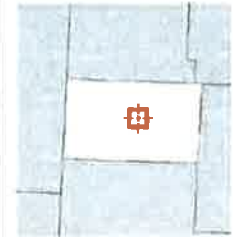
**6. Implementation of the Plan.**

Upon approval of this Plan, the Redeveloper will enter into a Redevelopment Contract with the CRA which shall govern the implementation of this Plan. All public improvements related to this Plan shall be according to (a) engineered plans and specifications approved in writing by the City in advance of commencement of construction, (b) all ordinances and codes adopted by the City, as in effect at the time that the public improvements are constructed, and (c) any other agreement related to the public improvements between the Redeveloper and the City. The Redevelopment Contract between the Redeveloper and the CRA shall not replace or supersede the need for the Redeveloper to obtain other agreements, consents, permits, or licenses from the City related to the public improvements or other improvements as may be required by the City for the type of work to be performed on the Project Site.

**26 Group, LLC Fuel Station and Convenience Store Redevelopment Plan  
Attachment 1  
Aerial Maps and Final Plat of Project Site**



**Overview**



**Legend**

- Parcels
- Roads

<b>Parcel ID</b>	010000446	<b>Alternate ID</b>	n/a	<b>Owner Address</b>	REICHERT/ERIC & BRANDY
<b>Sec/Twp/Rng</b>	19/22/54	<b>Class</b>	n/a		1502 19TH AVE
<b>Property Address</b>	1007 E HWY 26	<b>Acreage</b>	n/a		SCOTTSBLUFF NE 69361
<b>District</b>	n/a				
<b>Brief Tax Description</b>	BLK 1, WESTERN ADD (5)				
	(Note: Not to be used on legal documents)				

**DISCLAIMER:** This map measurement's and all associated data are approximate and not to be used for any official purposes. Scotts Bluff County assumes no liability associated with the use or misuse of this information.

Date created: 2/18/2019

Developed by  **Schneider**  
GEOSPATIAL



04/05/2014

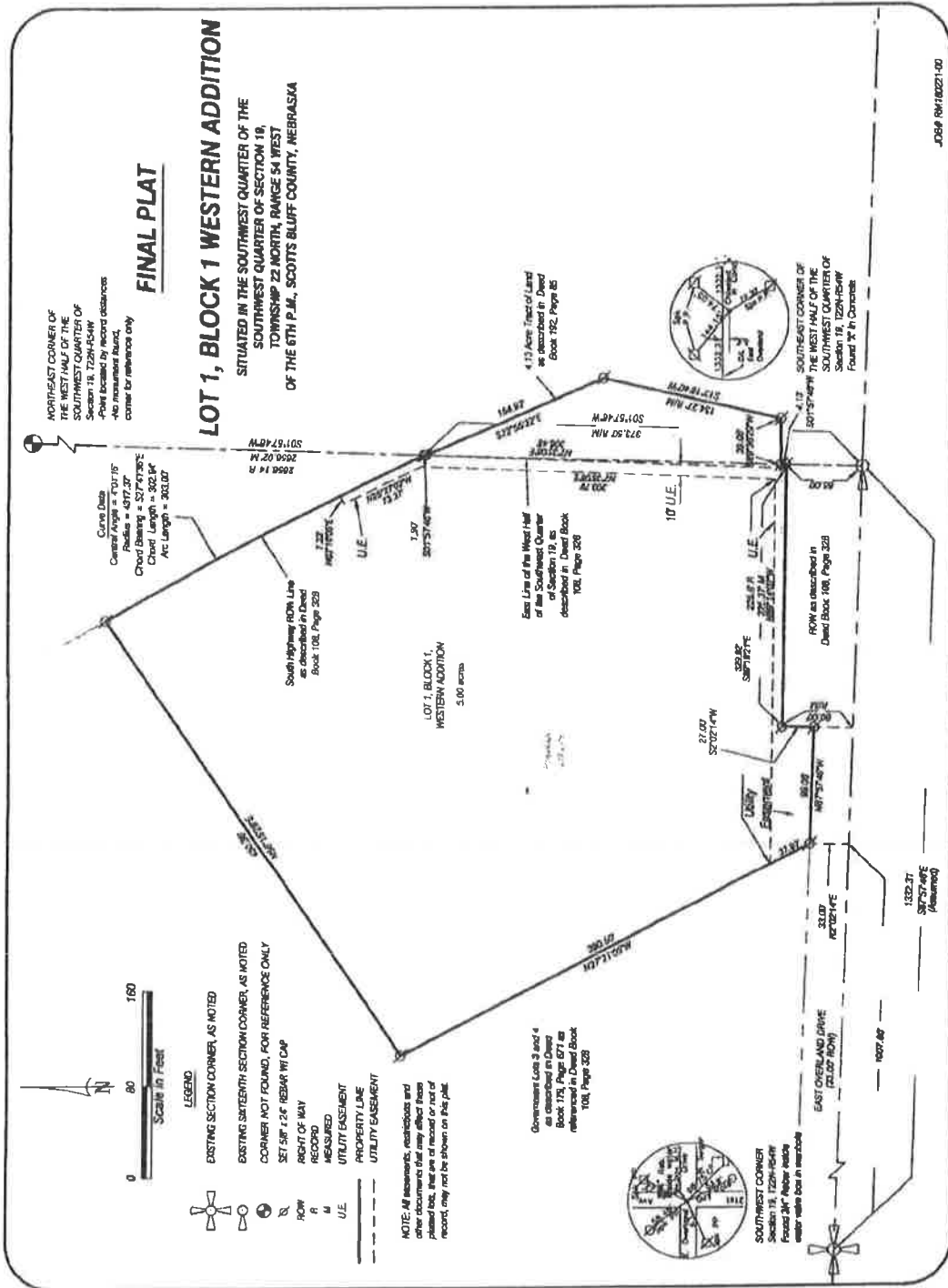




RECORDED  
SCOTTS BLUFF COUNTY NE

REGISTER OF DEEDS

NAME DATA \_\_\_\_\_ DO \_\_\_\_\_ POB \_\_\_\_\_ DT \_\_\_\_\_  
 12-20-93  
 93-24  
 H- 111-5 542865  
 R- 1 Office 1158



LOT 1, BLOCK 1,  
WESTERN ADDITION  
SCOTTSBLUFF, NEBRASKA  
SHEET 2 OF 3

### SURVEYOR'S CERTIFICATE

I, Dennis P. Sullivan, a Nebraska Registered Land Surveyor, hereby certify that I, or under my direct supervision, have surveyed and prepared a plat of a Tract of land situated in the Southwest Quarter of the Southwest Quarter of Section 19, Township 22 North, Range 64 West of the 6th P.M., Scotts Bluff County, Nebraska, more particularly described as follows:

Commencing at the Southwest Corner of Section 19, thence easterly on the south line of the Southwest Quarter of Section 19, on an assumed bearing of S87°57'46"E, a distance of 1007.86 feet, thence bearing N02°02'14"E, a distance of 33.00 feet, to the point of intersection with the north 33 foot right of way line of East Overland Drive, and the middle of a driveway, said point being the Point of Beginning, thence bearing N27°21'05"W, a distance of 390.50 feet, thence bearing N56°15'28"E, a distance of 450.38 feet, to the point of intersection with the south right of way line of U.S. Highway 26, as described in Deed Book 108, Page 328, and the point of intersection with a non-tangent curve to the right, said curve having a central angle of 4°01'16", a radius of 4317.37 feet, a chord bearing of S27°41'36"E and a chord length of 302.94 feet, thence southeasterly on the arc of said right of way line, a distance of 303.00 feet, to the point of intersection with the east line of the west half of the Southwest Quarter Section 19, and a point being 373.50 feet (Record and Measured) north of the section corner as described in Deed Book 108, Page 328, thence southerly on said quarter section line, bearing S01°57'46"W, a distance of 1.90 feet, to the point of intersection with a tract of land as described in Deed Book 192, Page 85, said line also being the south right of way line of U.S. Highway 26, thence southeasterly on the north line of said tract and said south right of way line, bearing S22°55'32"E, a distance of 164.92 feet, thence southwesterly on the east line of said tract and U.S. Highway 26 right of way, bearing S13°18'40"W, a distance of 154.27 feet, (record and measured), to the point of intersection with the north line of highway right of way as described in Deed Book 108, Page 328, thence bearing S89°36'29"W, a distance of 39.08 feet, to the point of intersection with the east line of the west half of the Southwest Quarter of Section 19, thence southerly on said quarter section line, bearing S01°57'46"W, a distance of 4.13 feet, and the point of intersection with the north right of way line of U.S. Highway 26 Right of Way as described in Deed Book 108, Page 328, thence northwesterly on said right of way line, bearing N89°14'02"W, a distance of 225.37 feet measured (225.6 feet record), thence southerly on said right of way line, bearing S02°02'14"W, a distance of 27.00 feet, to the point of intersection with the north 33 foot right of way line of East Overland Drive, thence bearing N87°57'46"W, a distance of 99.08 feet, to the Point of Beginning, said tract containing an area of 5.00 Acres, more or less.

That the accompanying plat is a true delineation of such survey drawn to a scale of 80 feet to the inch. That all dimensions are in feet and decimals. That each lot and block has its own number and that the boundary of the plat is shown with a heavy solid line with dashed lines being for orientation purposes only. That all corners found or set are marked as shown.

WITNESS MY HAND AND SEAL THIS 23<sup>rd</sup> DAY OF August, 2018.  
FOR THE FIRM OF M. C. SCHAFF AND ASSOCIATES, INC.

  
Dennis P. Sullivan, Nebraska Registered Land Surveyor, L. S. 562



### OWNER'S STATEMENT

We, the undersigned, being the owners of unplatted land situated in the Southwest Quarter of the Southwest Quarter of Section 19, Township 22 North, Range 64 West of the 6th p.m., Scotts Bluff County, Nebraska, as described in the foregoing 'Surveyor's Certificate' and shown on the accompanying plat have caused such real estate to be platted as LOT 1, BLOCK 1, WESTERN ADDITION to the City of Scottsbluff, Scotts Bluff County, Nebraska situated in the Southwest Quarter of the Southwest Quarter of Section 19, Township 22 North, Range 64 West of the 6th P.M., Scotts Bluff County, Nebraska.

We hereby dedicate the easements shown for the use and benefit of the public.

That the foregoing plat is made with the free consent and in accordance with the desires of the undersigned owners.  
Dated this 17 day of September, 2018.

Owner:  
A.E. Staley Manufacturing Co / Western Sugar

  
By: Jerry Barnett, Vice President of Agriculture

LOT 1, BLOCK 1,  
WESTERN ADDITION  
SCOTTSBLUFF, NEBRASKA  
SHEET 3 OF 3

### ACKNOWLEDGEMENT

STATE OF NEBRASKA )  
COUNTY OF SCOTTS BLUFF )

Before me, a Notary Public, qualified and acting in said County, personally came Jerry Damell, Vice President of Agriculture for A. E. Staley Manufacturing Corporation / Western Sugar to me known to be the identical person whose signature is affixed to the foregoing "Owner's Statement" and acknowledged the execution thereof to be his voluntary act and deed and the voluntary act and deed of the A. E. Staley Manufacturing Corporation / Western Sugar.

WITNESS MY HAND AND SEAL THIS 17 DAY OF September, 2018.

*Vicki E. Weber*  
Notary Public

My Commission Expires 09-02-22



### APPROVAL AND ACCEPTANCE

The foregoing plat of LOT 1, BLOCK 1, WESTERN ADDITION to the City of Scottsbluff, Scotts Bluff County, Nebraska situated in the Southwest Quarter of the Southwest Quarter of Section 19, Township 22 North, Range 54 West of the 6th P.M., Scotts Bluff County, Nebraska is hereby approved by the Mayor and City Council of the City of Scottsbluff, Scotts Bluff County, Nebraska,

by resolution duly passed this 17 day of September, 2018.

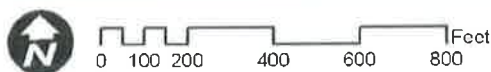
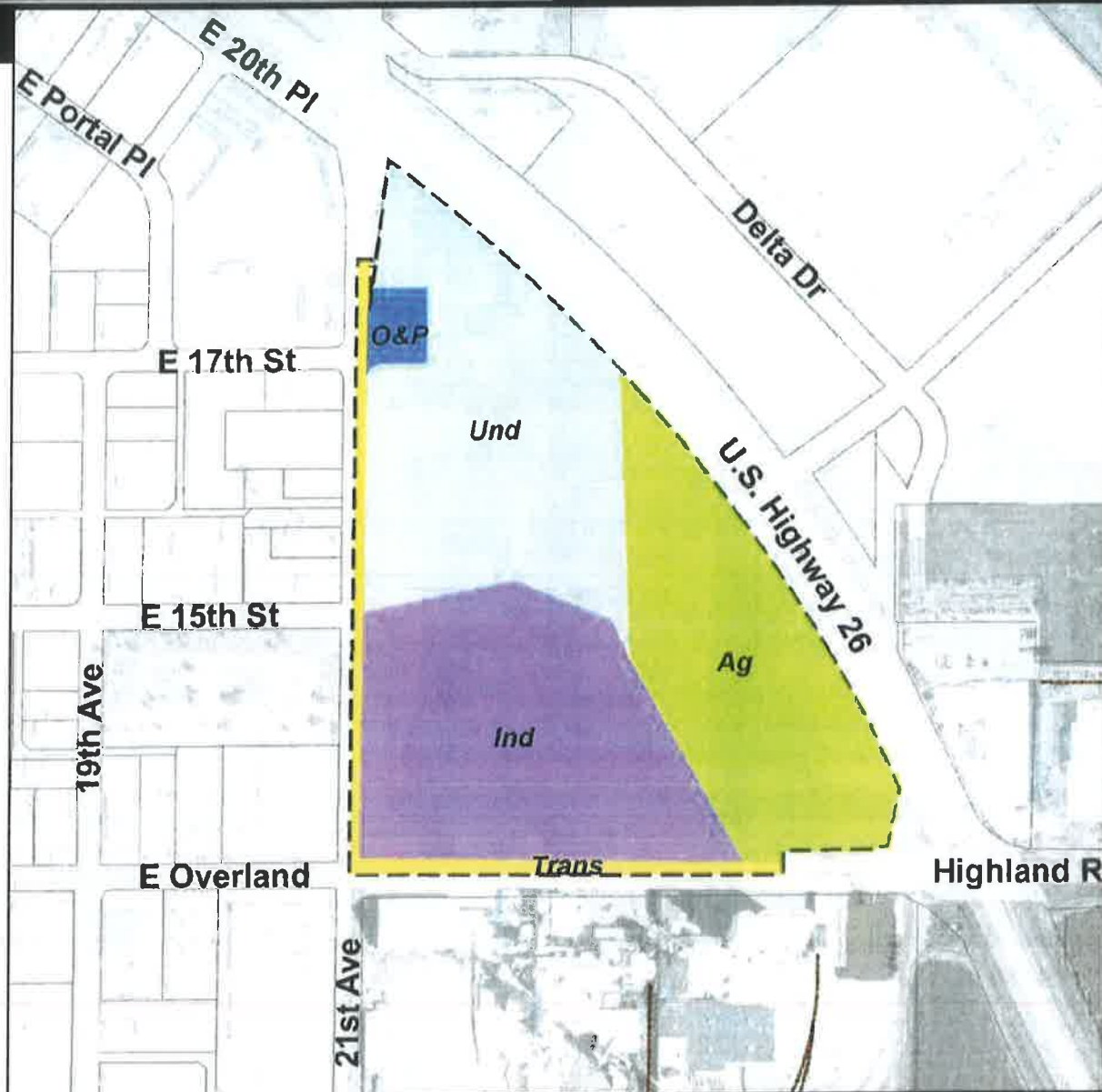
*Randy Melinger*  
Randy Melinger, Mayor

ATTEST:

*V. Melinger Wright*  
City Clerk



**26 Group, LLC Fuel Station and Convenience Store Redevelopment Plan  
Attachment 2  
Land Uses**



**Land Use**

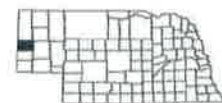
- Agriculture
- Office & Professional
- Industrial
- Public Streets
- Vacant / Undeveloped
- Study Area



**Existing Land Use**

City of Scottsbluff  
Scotts Bluff County, NE

Structure age obtained from  
Scotts Bluff County Assessor  
online data sheets, Jan. 2019.



**MCS**  
FAMILY OF COMPANIES

Headquarters  
818 South Beltline Highway East, Scottsbluff, Nebraska 69361  
Phone: (308) 635-1926 Fax: (308) 635-7807 [www.MCSfamilyofcompanies.com](http://www.MCSfamilyofcompanies.com)

Blight Study | City of Scottsbluff, NE

page 11

**26 Group, LLC Fuel Station and Convenience Store Redevelopment Plan  
Attachment 3  
Preliminary Plat**

# PRELIMINARY PLAT

## LOT 1, BLOCK 1 WESTERN ADDITION

SITUATED IN THE SOUTHWEST QUARTER OF THE  
SECTION 18, T22N-R54W  
OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA

DATE: 05/28/2014



**M. C. SCHAFF & ASSOCIATES, INC.**  
**818 SOUTH BELTLINE HIGHWAY EAST**  
**SCOTTS BLUFF, NEBRASKA 69381**

ENGINEERS ♦ PLANNERS ♦ DESIGNERS ♦ LAND SURVEYORS  
 PH: 308-636-1926 FAX: 308-636-7607 INTERNET: WWW.MCSCHAFF.COM

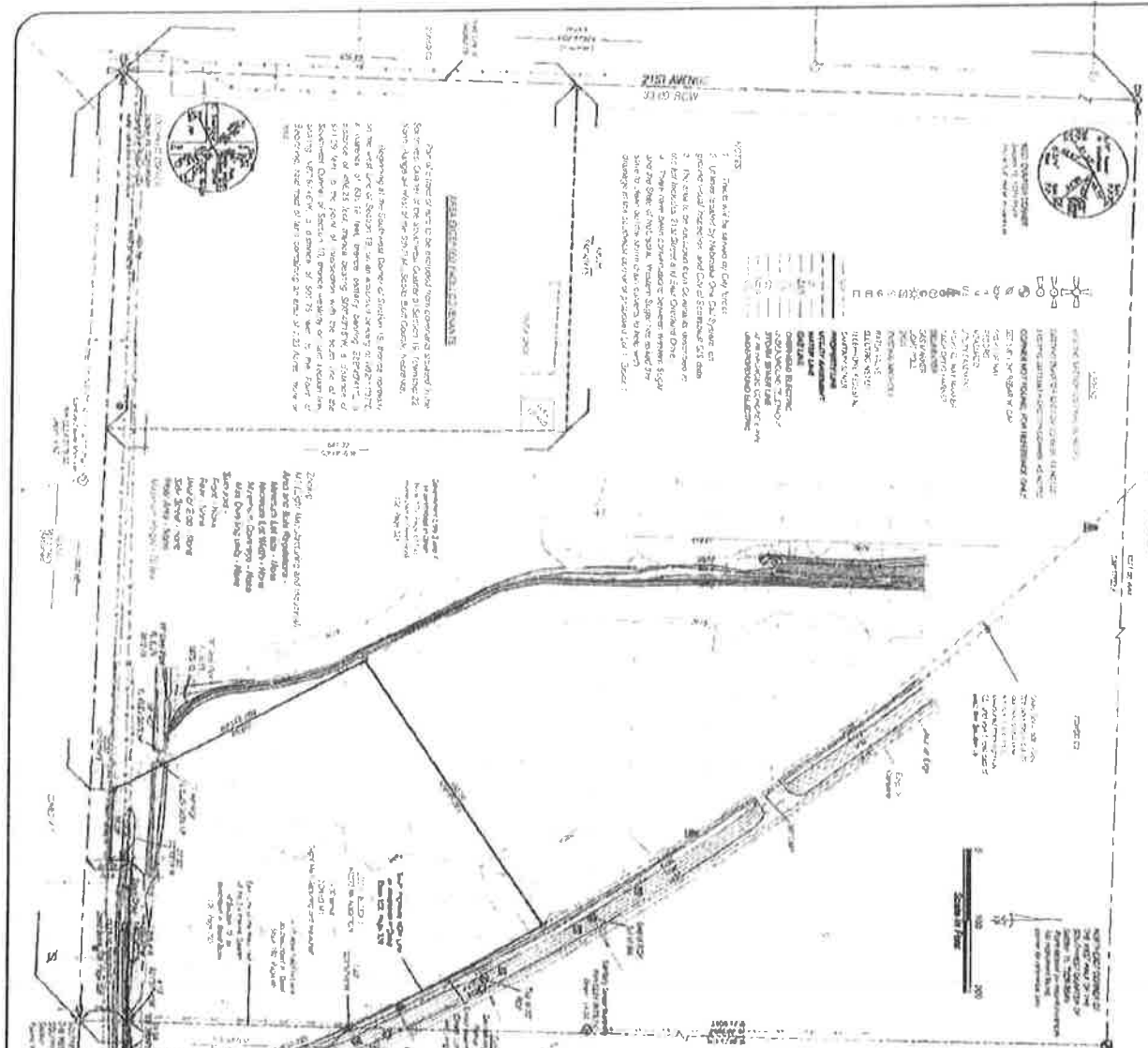
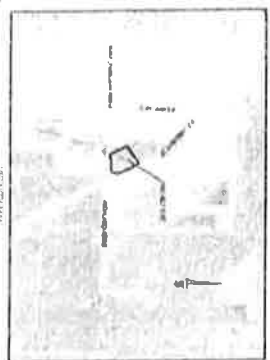
**PROJECT: LOT 1, BLOCK 1**  
**WESTERN ADDITION**  
**IN N51/4 OF SW1/4**  
**SECTION 18, T22N-R54W**  
**SCOTTS BLUFF COUNTY**  
**NEBRASKA**

**CLIENT: WESTERN SUGAR**

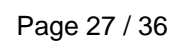
PROJECT NUMBER:	PH 10021 CO
PROJECT DATE:	05/28/2014
PROJECT LOCATION:	LOT 1, BLOCK 1
PROJECT TITLE:	PRELIMINARY PLAT

DATE:	05/28/2014
BY:	MC
CHECKED BY:	MC
APPROVED BY:	MC

PROJECT 1 OF 1
P.1



**26 Group, LLC Fuel Station and Convenience Store Redevelopment Plan  
Attachment 4  
Site Plan**



**26 Group, LLC Fuel Station and Convenience Store Redevelopment Plan  
Attachment 5  
Letter from Great Western Bank**



**Great Western Bank**<sup>®</sup>  
Making Life Great<sup>™</sup>  
Member FDIC

## Question #12b Attachment

January 15, 2019

26 Group, LLC  
C/O Eric and Brandy Reichert  
5415 Oriole Dr  
Scottsbluff, NE 69361

RE: Tax Increment Financing

To Whom It May Concern;

Great Western Bank has reviewed the proposed project and is willing to finance the project with the assistance of tax increment financing. In our financial analysis the project is not cost feasible to build without tax increment financing and Great Western Bank would not be able to fund the project without it.

Sincerely,

Troy Brandt  
Business Banker  
Great Western Bank

[GreatWesternBank.com](http://GreatWesternBank.com)

**26 Group, LLC Fuel Station and Convenience Store Redevelopment Plan  
Attachment 6  
Cost-Benefit Analysis**

**CITY OF SCOTTSBLUFF REDEVELOPMENT PLAN**

*Fuel Station and Convenience Store*

*By: 26 Group, LLC*

**Cost Benefit Analysis**

**A. *Tax Revenues and Tax Shifts Resulting from the Division of Taxes.*** The base value of the Project Site will be available to the local taxing jurisdictions regardless of the tax increment financing. The local taxing jurisdictions are the City, Scotts Bluff County, Scottsbluff Public Schools, WNCC, ESU 13, and North Platte NRD. The tax increment revenues created by the Project are estimated to be approximately \$60,000.00 per year. These tax increment revenues will not be available to local taxing jurisdictions for 15 years after the effective date of the division of taxes, or earlier if the TIF Revenues pay off the TIF Indebtedness early. During those times, the tax increment revenues from the Project Site will be used to reimburse the Redeveloper for the eligible development costs (with interest) necessary for the Project, as set forth in the Redevelopment Plan.

**B. *Public Infrastructure and Community Public Service Needs Impacts and Local Tax Impacts Arising from Project Approval.*** This Project will require getting City water and sewer utilities to the Project Site. Tax increment financing will pay for these improvements, and thus, no additional local tax impacts, except those identified in section A above will result from the Project.

The Redeveloper and City staff are currently exploring an agreement under which the Redeveloper will excavate and use fill material from the City's stormwater detention facility located east of 27<sup>th</sup> Street and Highway 26 (the Scottsbluff Drain) to sufficiently elevate the Project Site in lieu of onsite storm water detention.

**C. *Impacts on Employers and Employees of Firms Locating or Expanding Within the Boundaries of the Redevelopment Project Area.*** Currently there is no employment on the Project Site. Employment on the Project Site at the fuel station and convenience store is estimated by the Redeveloper as follows:

2 Full Time Managers  
2 Full Time Assistant Managers  
3 Full Time Cooks  
2 Part Time Cooks  
5 Part Time Cashiers

**D. *Impacts on other Employers and Employees within the City and immediate area located outside the Redevelopment Project Area.*** No negative impacts on other employers and employees in the area are expected.

**E. *Impacts on Student Populations of School Districts within the City.*** No negative impacts on the student population at Scottsbluff Public Schools are expected.

**F. *Other Impacts.***

- The Redeveloper estimates a substantial amount of personal property to be added as a result of this Project. Personal property taxes are not included in tax increment financing and are immediately available to the local taxing jurisdictions.
- The Project is expected to create additional sales tax revenues.

# **City of Scottsbluff, Nebraska**

**Monday, March 11, 2019**

**Regular Meeting**

## **Item Resolution1**

**Consider Resolution recommending approval of the  
Redevelopment Plan submitted by 26 Group, LLC for the Fuel  
Station and Convenience Store Project to the Community  
Redevelopment and City Council.**

**Staff Contact:**

**RESOLUTION \_\_\_\_\_**

**BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF  
SCOTTSDLUFF, NEBRASKA:**

**Recitals:**

a. Pursuant to the Community Development Law, NEB. REV. STAT. § 18-2101 *et seq.*, a redevelopment plan titled *Fuel Station and Convenience Store*, prepared by 26 Group, LLC (the “Redevelopment Plan”) has been submitted to the Planning Commission.

b. The Planning Commission has reviewed the Redevelopment Plan as to its conformity with the 2016 Scottsbluff Comprehensive Plan (the “Comprehensive Plan”).

**Resolved:**

1. The Planning Commission finds that Redevelopment Plan conforms to the Comprehensive Plan and recommends approval of the Redevelopment Plan to the Scottsbluff Community Redevelopment Authority and City Council.

2. All prior resolutions of the Commission in conflict with the terms and provisions of this Resolution are repealed to the extent of such conflicts.

3. This Resolution shall become effective immediately upon its adoption.

**PASSED and APPROVED** on March \_\_\_, 2019

**PLANNING COMMISSION OF THE CITY  
OF SCOTTSDLUFF, NEBRASKA**

ATTEST:

By: \_\_\_\_\_  
Chair

By: \_\_\_\_\_  
Recording Secretary

# **City of Scottsbluff, Nebraska**

**Monday, March 11, 2019**

**Regular Meeting**

**Item Staff Rep1**

**None**

**Staff Contact:**

# **City of Scottsbluff, Nebraska**

**Monday, March 11, 2019**

**Regular Meeting**

**Item Oth Bus.1**

**None**

**Staff Contact:**

# **City of Scottsbluff, Nebraska**

**Monday, March 11, 2019**

**Regular Meeting**

## **Item Clo Sess1**

**Following passage of motion to enter into executive session,  
presiding officer must state purpose of executive session.**

**Staff Contact:**