

# **City of Scottsbluff, Nebraska**

**Monday, March 16, 2020**

**Regular Meeting**

## **Item Subdiv.1**

**Council to discuss and consider action on an application for the creation of an Agricultural Estate Dwelling Site from Laverne T. Scoggan for property located at 230856 County Road J, Scottsbluff NE.**

**Staff Contact: Rick Kuckkahn, Interim City Manager**

**CITY OF SCOTTSBLUFF**  
**Agricultural Estate Dwelling Site Application**  
**Agricultural – ET Zoning District**

On the 12 day of February, 2020, Laverne T. Scoggan (being the record title owner of the real estate described in paragraphs 1 and 3 below), has caused to be made an application to the City of Scottsbluff, Scotts Bluff County for an exception to Agriculture (A-ET) District zoning, for an Agricultural Estate Dwelling Site subject to all provisions of Part 13 Ag. District, specifically 25-3-19. 1-13, of the Zoning Regulations, as follows:

1. **LEGAL DESCRIPTION OF TRACT TO BE SEPARATED:** (An accurate survey, properly identifying the tract to be set out, must accompany this application):

*A Tract of land situated in the Southeast Quarter of the Southeast Quarter of Section 7, Township 22 North, Range 54 West of the 6th P.M., Scotts Bluff County, Nebraska, more particularly described as follows:*

**COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 7, THENCE WESTERLY ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 7, ON AN ASSUMED BEARING OF N89°58'57"W, A DISTANCE OF 363.24 FEET, TO THE POINT OF INTERSECTION WITH THE SOUTHWEST CORNER OF A TRACT OF LAND AS SHOWN ON A SURVEY PLAT, SIGNED BY RONALD L. VOGEL, DATED OCT. 27, 1972, AS FILED IN THE SCOTTS BLUFF COUNTY SURVEYORS OFFICE, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING, THENCE BEARING N02°28'03"E, ON THE WEST LINE OF SAID SURVEYED TRACT, A DISTANCE OF 435.97 FEET, TO THE POINT OF INTERSECTION WITH THE EASTERLY EXTENSION OF THE NORTH LINE OF LOT 1A, SCOGGAN ADDITION, AS RECORDED IN DEED BOOK 215, PAGE 208, SCOTTS BLUFF COUNTY, REGISTER OF DEEDS, THENCE BEARING N89°58'18"W, ON THE EASTERLY EXTENSION THEREOF, A DISTANCE OF 463.45 FEET, TO THE POINT OF INTERSECTION WITH THE NORTHEAST CORNER OF SAID LOT 1A, SCOGGAN ADDITION, THENCE BEARING S00°01'14"W, ON THE EAST LINE OF SAID LOT 1A, A DISTANCE OF 435.66 FEET MEASURED (435.60 FEET RECORD), TO THE POINT OF INTERSECTION WITH THE SOUTHEAST CORNER OF SAID LOT 1A, SAID POINT ALSO BEING ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 7, THENCE BEARING S89°58'57"E, ON SAID SOUTH LINE, A DISTANCE OF 444.83 FEET, TO THE POINT OF BEGINNING, CONTAINING AN AREA OF 4.54 ACRES, MORE OR LESS.**



a. An existing farmstead site (describe previous use)

X THIS EXISTING FARMSTEAD SITE HAD PREVIOUSLY BEEN USED AS  
THE HEAD QUARTERS FOR THE SCOGGAL FARM OPERATION AND HOME  
OF MR. AND MRS. SCOGGAL SR., BOTH ARE DECEASED.

b. A conveyance to a farm-ranch owner's relative (set out the names of the relatives and relationship to the owner):

c. A conveyance to a farm-ranch owner, to be used for dwelling purposes for that farm-ranch owner:

d. Marginal usage land (describe completely as to the reason such land is "marginal use"):

6. **ACCESS TO PUBLIC ROAD** (Describe access: Must have a minimum width of 150 feet on an existing dedicated public road; or if an interior section type, there must be an access road of at least 25 feet in width. Also, access roads on the dedicated public road must be:

444.83 FEET on the south line of the tract to be separated.

7. **PRELIMINARY PLAN REQUIREMENTS** (Following procedures in Scottsbluff Municipal Code Book of the City of Scottsbluff Subdivision Regulations, as required by the City of Scottsbluff Development Services Department):

8. **REQUIREMENT:** Before any action can be taken, applicant shall submit a receipt from the Scotts Bluff County Treasurer's Office showing that the current property taxes have been paid.

9. **NOTE:** Assuming that the City of Scottsbluff Planning Commission and City Council approve the referenced application for the creation of an Agricultural Estate Dwelling Site, then the applicant herein is required to have recorded for public record, at the direction of the City of Scottsbluff City Council, a "CERTIFICATE", which sets out the action taken by the Commission and Council (at the cost of the applicant). Furthermore, there shall be a clear understanding that as to the referenced legal description (paragraph 3, above), a request for an Agricultural Estate Dwelling Site shall be granted ONE TIME ONLY, so as to carry out the intent as expressed in Section 25-3-19.1 of the Scottsbluff Municipal Code Zoning Regulations. Furthermore, in the event that the Agricultural Estate Dwelling Site is no longer actually used for the purpose in existence upon giving of such approval, then it is understood that the approval granted by the City Council shall be automatically revoked.

Owner Name: Laverne T. Scoggan  
Address: 230856 CR J  
City/State: Scottsbluff, NE 69361  
Phone #'s: Ferrell Ross, Asmus Bros. Realty, 308-635-3133  
Email: asmus@allophone.com  
Signature: Laverne T. Scoggan  
Ag-Estate Address: 230856 CR J  
City/State: Scottsbluff, NE 69361

City of Scottsbluff, Development Services

Amy Ball

RECEIVED: Date February 18, 2020 Receipt # 208655

**CITY OF SCOTTSBLUFF - CITY COUNCIL**

**The City of Scottsbluff Council, having received and reviewed the application of:**

FOR AN EXCEPTION TO Agriculture (A) District Zoning for an Agricultural Estate Dwelling Site (Part 25-3-19.1-13 of the Scottsbluff Municipal Code Zoning Regulations) and having taken said application and request into consideration on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and then having heard comments and testimony thereon do hereby:

Approve: \_\_\_\_\_

Disapprove: \_\_\_\_\_

the request as stated.

**COMMENTS:**

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

**CITY OF SCOTTSBLUFF  
CITY COUNCIL**

ATTEST:

**MAYOR**

CITY CLERK

CITY OF SCOTTSBLUFF - PLANNING COMMISSION

The City of Scottsbluff Council, having received and reviewed the application of:

Laverne T. Scoggan

FOR AN EXCEPTION TO Agriculture (A) District Zoning for an Agricultural Estate Dwelling Site (Part 25-3-19.1-13 of the Scottsbluff Municipal Code Zoning Regulations) and having taken said application and request into consideration on the 9<sup>th</sup> day of March, 20 20 and then having heard comments and testimony thereon do hereby:

Approve: X

Disapprove: \_\_\_\_\_

the request as stated.

COMMENTS:

The application complies with the above Zoning requirments from  
25-3-19 thru 13.

Dated this 9<sup>th</sup> day of March, 20 20

CITY OF SCOTTSBLUFF  
PLANNING COMMISSION

  
CHAIRMAN

  
SECRETARY

PLANNING COMMISSION MINUTES  
REGULAR SCHEDULED MEETING  
MARCH 9, 2020  
SCOTTSBLUFF, NEBRASKA

The Planning Commission of the City of Scottsbluff, Nebraska met in a regular scheduled meeting on Monday, March 9, 2020, at 6:00 p.m. in the Council Chambers at Scottsbluff City Hall 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 March 1, 2020. The notice state the date, hour, and place of the meeting, and that the meeting was open to the public, that anyone with a disability desiring reasonable accommodation to attend the meeting should contact the Development Services Department. An agenda of the meeting is kept continuously current was available for public inspection at the Development Services Offices; provided, the Planning Commission could modify he agenda at the meeting in 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 is kept continuously current is available for the public inspection at the Development Services Offices at all time from publication to the time of the meeting.

Item 1) Chairperson, Angie Aguallo called the meeting to order. Roll call consisted of the following members. Anita Chadwick, Jim Zitterkopf, Mark Westphal, Henry Huber, Angie Aguallo, Becky Estrada arrived at 6:05 P.M.. Absent were Calan Wayman, Dana Weber, Dave Gompert. City Officials present were Gary Batt, Code Administrator II, Anthony Murphy, Scottsbluff Fire Department.

Item 2) Chairman Aguallo informed all those present of the Nebraska Open Meetings Act and that a copy is posted on the back wall of the Council Chambers.

Item 3) Acknowledgement of any changes in the agenda: None.

Item 4) Business not on the agenda: None.

Item 5) Citizens with items not scheduled on the regular agenda: None.

Item 6) The minutes of February 10<sup>th</sup> were reviewed. Conclusion, a motion was made by Westphal and seconded by Chadwick to approve the minutes from February 10, 2020 meeting. "Yeas": Chadwick, Westphal, Aguallo. "Nays": None. "Absent": Wayman, Weber, Gompert. "Abstained": Ziterkopf, Huber, Estrada. Motion Carried.

Item 7) Chairperson Aguallo opened the public hearing. Gary Batt read from the Staff Report, that the applicant Edwin Petersen was seeking a Special Permit to allow a residence within his building at 1714 East 17<sup>th</sup> Street. Batt said the applicant has the building where he works on and parks his private cars. The applicant's in-laws will reside in the residence. Batt said that the building is located in a C-3 Zone and a residence is allowed by Special Permit. Batt said the residence would need to comply with the 2020 IRC: Correction; to read as the 2018 IRC. Batt then read the recommendations to approve, deny or table the item. Chairperson Aguallo then asked if anyone cared to address the members. The applicant, Edwin Petersen came to the podium and explained the plan to have a residence in the structure. He said the area of the residence is currently the office and that he planned to utilize this location for the residence.

Westphal then asked if he planned to reside there, Petersen explained his in-laws will reside there, that they currently reside in Chadron and need to live in Scottsbluff due to access to doctors. Westphal then asked if this was the building west of Anchor Baptist church, Petersen said it was the old Beta Seed building. Westphal asked if there are apartments located across the alley. Petersen said there are. Westphal asked Batt if these apartments are zoned residential. Batt replied they are zoned R-4. Chairperson Aguillo asked if anyone else had questions, there being none, she closed the public hearing, then she asked for a motion. Zitterkopf made a motion and seconded by Westphal to approve the Special Permit for 1714 East 17<sup>th</sup> Street. "Yeas": Chadwick, Zitterkopf, Estrada, Westphal, Huber, Aguillo. "Nays": None. "Abstained": None. "Absent": Wayman, Weber, Gompert. Motion Carried.

Item 8) Chairperson Aguillo opened the public hearing. Batt read from the Staff Recommendation that Issac and Hannah Holscher had made a Special Permit application to have a residence within their business at 422 Avenue B (Fitness Warehouse). Batt showed the members the layout for the residence which was also attached with the member's packet. Batt explained this business is located in a C-3 Zoning district. Batt said the residence will need to comply with the 2020 IRC, Correction: should be 2018 IRC. Batt then stated that gymnasiums are allowed in a C-3 and that is the requirement to have a residence by Special Permit. Batt then read to approve, deny or table the application. Chairperson Aguillo then asked if anyone would care to address the members concerning this application. The applicant Hannah Holscher came to the podium. Hannah explained their desire to utilize a portion of the building at 422 Avenue B as their residence. Batt stated that the Holschers have an independent means of egress to the outside from this proposed residence. Westphal asked how many employees they currently have, to which, Hannah answered that she and her husband are the employees. With no one else coming forward, Chairperson Aguillo closed the public hearing asking for a motion. Westphal made a motion and seconded by Chadwick to approve the Special Permit for 422 Avenue B. "Yeas": Chadwick, Zitterkopf, Estrada, Westphal, Huber, Aguillo. "Nays": None. "Abstained": None. "Absent": Wayman, Weber, Gompert.

Item 9) Chairperson Aguillo then opened the public hearing for an Ag Estate Dwelling Site (AEDS) application for Lavern T. Scoggans. Batt read from the staff report that the property located at 230856 County Road J, a Tract of land situated in the Southeast Quarter of the Southeast Quarter of Section 7, Township 22 North, Range 54 West of the 6 P.M., Scotts Bluff County, Nebraska. The legal will be attached with these minutes. Batt continued, the applicant L.T. Scoggans being the record title owner, had made application to the city of Scottsbluff for an exception to the Agriculture (A) zoning district, for an AEDS subject to the provisions of part 13, Ag District, specifically 25-3-19, parts 1-13, of the Zoning Regulations. The Planning Commission may permit an AEDS out of less than 80 acres of reserved land. Each 80 acre tract (or less) shall serve the reservation requirements of only one AEDS. Batt stated that there would be 4.54± acres used for the AEDS with 47.29 acres in reserve. Batt said there is an existing farmstead that had been used as headquarters for Scoggan's farming operations. Batt said the property has the minimum width of 150 feet on an existing dedicated public road with a 25 foot access road. Batt then continued with the recommendation to approve the AEDS of 4.54± Acres in the tract of land situated in the SE Quarter of the SE Quarter of Section 7, Township 22 North, Range 54 West of the 6<sup>th</sup> P.M., Scotts Bluff County, Nebraska. Or to Deny the application or to Table the application. Chairperson Aguillo then asked if anyone wanted to speak with the members. Farrell Ross approached the podium and stated he was the real estate agent for the Scoggan property. He said the plan is to sell off the 4.54± acres and keep the remaining 47.29 acres for ag production. Henry Huber asked what was the amount reserve? Farrell said it was 47 acres more or less. Huber asked if this was to be kept as Agriculture? Batt replied it was. Farrell then returned to his seat. Chairperson Aguillo asked if anyone else had anything further, there being none. Chairperson Aguillo then closed the public hearing asking

for a motion. Estrada made the motion seconded by Zitterkopf to allow the AEDS for 230856 County Road J, Scotts Bluff County, Nebraska. "Yeas": Chadwick, Estrada, Westphal, Huber, Zitterkopf, Agullo. "Nays": None. "Abstained": None. "Absent": Wayman, Weber, Gompert. " Motion Carried".

Item 10) Chairperson Aguallo asked if there was any further business, Batt replied no. Chairperson Aguallo then asked for a motion to Adjourn. Estrada made the motion to adjourn seconded by Chadwick. The members all signified by saying yes to adjourn at 6:25 PM.

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Chairperson, Angie Aguallo

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Gary Batt, Secretary