

# **City of Scottsbluff, Nebraska**

**Tuesday, January 19, 2021**

**Regular Meeting**

## **Item Subdiv.1**

**Council to discuss and consider action on a preliminary and final plat of Lot 1, Block 1, Frank Properties and approve the Resolution.**

**Staff Contact: Gary Batt, Code Administrator**

# Agenda Statement

Item No.

For Meeting of: January 19, 2021

**AGENDA TITLE:** Preliminary Plat and Final Plat of Lot 1, Block 1, Frank Properties, an addition to the City of Scottsbluff, situated in the SE ¼ of the SE ¼ of Section 15, Township 22 North, Range 55 West of the 6<sup>th</sup> PM, Scotts Bluff County, Nebraska.

**SUBMITTED BY DEPARTMENT/ORGANIZATION:** Development Services Department

**PRESENTATION BY:** Rick Kuckkahn

**SUMMARY EXPLANATION:** The Preliminary Plat and Final Plat is being done prior to make way for the rezoning of the property, ±1.07 acres, from Agricultural to C-2 zoning, to allow the prospective buyer to build a new business (automated carwash) at the location.

**BOARD/COMMISSION RECOMMENDATION:** Scottsbluff Planning Commission voted to approve the Preliminary Plat and Final Plat and send it to the Scottsbluff City Council.

**STAFF RECOMMENDATION:** Development Services recommends the approval of the Preliminary and Final Plat for Lot 1, Block 1, Frank Properties, an addition to the City of Scottsbluff, situated in the SE ¼ of the SE ¼ of Section 15, Township 22 North, Range 55 West of the 6<sup>th</sup> PM, Scotts Bluff County, Nebraska. A positive recommendation to the Scottsbluff City Council.

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### EXHIBITS

Resolution

Ordinance

Contract

Minutes

Plan/Map

Other (specify) \_\_\_\_\_

**NOTIFICATION LIST:** Yes  No  Further Instructions

Rev: 11/15/12 City Clerk

Please list names and addresses required for notification.

**APPROVAL FOR SUBMITTAL:** \_\_\_\_\_  
City Manager

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Rev: 11/15/12 City Clerk

PLANNING COMMISSION MINUTES  
REGULAR SCHEDULED MEETING  
JANUARY 11, 2021  
SCOTTSBLUFF, NEBRASKA

The Planning commission of the City of Scottsbluff, met in regular scheduled meeting on Monday, January 11, 2021, at 6:00 PM in the Scottsbluff City Council Chambers at 2525 Circle Drive, Scottsbluff, Nebraska. A notice of the meeting has been published in the Star-Herald, a newspaper of local circulation in the City, on January 1, 2021. The notice stated the date, time, and location of the meeting, and that the meeting was open to the public, that anyone with a disability desiring reasonable accommodation to attend should contact the Development Services office. An agenda is kept continuously current is available for public inspection at the Development Services office provided; the Planning Commission can modify the agenda at the meeting, if the business was determined that an emergency so required. A notice, along with a copy of the agenda, had been delivered to each Planning Commission member.

1. Chairman Dana Weber called the meeting to order. Roll call consisted of the following members. Jim Zitterkopf, Becky Estrada, Mark Westphal, Angie Aguallo, Dana Weber. "Absent": Anita Chadwick, Callan Wayman, Henry Huber, Dave Gompert. City Officials present: Gary Batt (Secretary Planning Commission), Anthony Murphy, City Fire Marshal, Zackary Glaubius, Project& Planning Coordinator.
2. Chairman Weber informed all those present of the Nebraska Open Meetings Act and that a copy was located on the south wall of the Council Chamber.
3. Acknowledgement of any changes in the agenda: None.
4. Business not on the agenda: None.
5. Citizens with items not on the agenda: None.
6. The minutes from December 14, 2020 meeting were reviewed. Conclusion, a motion was made by Westphal and seconded by Aguallo to approve the minutes from the December 14, 2020 meeting. "Yeas": Zitterkopf, Estrada, Westphal, Aguallo, Weber. "Abstained": None, "absent": Chadwick, Wayman, Huber, Gompert. " The motion carried".
7. Chairman Weber opened the public hearing for the Rezoning request from Brian Frank to rezone ±1.07 acres from Agricultural to C-2 zoning. Gary Batt was asked to read the background of the request for zoning change. The property being rezoned is ±1.07 acres of Lot 1, Block 1, Frank Properties, an addition to the City of Scottsbluff, situated in the SE1/4 of the SE1/4 of Section 15, Township 22 North, Range 55 West of the 6<sup>th</sup> PM, Scotts Bluff County , Nebraska. Batt said the rezoning would provide a service for the community, the rezone is in compliance with the

2016 Comprehensive Plan, land usage is in compliance with the Comp Plan. Batt said the rezone would not cause any hazards to the adjacent properties nor create any special problems for the neighborhood or community, being in harmony with the plan for the area. Batt read the plan is for development of an automated or coin-operated car wash which is a permitted use in a C-2 zone. Batt read the ±1.07 acres is bordered to the east and north by C-2 zone properties. In addition, approximately 200 feet south is zoned as C-2. Batt read the remaining property would remain as agricultural zoning. Batt then read the Approval recommendation for the property, the Denial of the rezone and the Table of the rezone. Chairman Weber then asked if anyone cared to speak on behalf of the request. Greg Schilz of MC Schaff and Associates came forward and stated that he was representing Brian Frank in the rezoning. He stated the applicant and new buyer was also present at the meeting. That person was John Hoehne. John then addressed the members and stated that he was purchasing the property, he said the property qualifies for TIF program and depending upon if the rezoning proceeds, he plans to move forward with putting out bids in February 2021. Chairman Weber then asked if members had questions. Mark Westphal asked if the property is located west of Viaero Wireless. Greg Schilz replied yes. It appeared there were no more questions so Chairman Weber then closed the public hearing and asked for a motion to approve the rezone. Mark Westphal made the motion and was seconded by Jim Zitterkopf to approve the Rezoning of the ±1.07 acres from Ag to C-2 zoning. "Yeas": Zitterkopf, Estrada, Westphal, Aguallo, Weber. "Abstained": None. "Absent": Chadwick, Wayman, Huber, Gompert. "The Motion Carried".

8. Chairman Weber then opened the public hearing for the Preliminary Plat and Final Plat. Chairman Weber then asked Gary Batt to read the background for the request. Batt read the applicant Brian Frank has requested approval of a Preliminary Plat and Final Plat of Lot 1, Block 1, Frank Properties, an addition to the City of Scottsbluff, situated in the SE ¼ of the SE ¼ of Section 15, Township 22 North, Range 55 West of the 6<sup>th</sup> PM, Scotts Bluff County, Nebraska. The property is ±1.07 acres, situated along the south side of the 1000 block of West 29<sup>th</sup> Street. The property is bordered to the east by Viaero Wireless, on the north is Home Depot, to the west is AG land and south is a combo of AG and C-2 zoning. The purpose of the Preliminary plat is to incorporate the property to be developed. Batt then read the recommendations to approve, deny or table for possible reasons. Chairman Weber then asked if any members had any questions, there being none, Chairman Weber then closed the public hearing and asked for a motion to approve the Preliminary Plat and Final Plat. Angie Aguallo then made a motion seconded by Mark Westphal to approve the Preliminary and Final Plats for ±1.07 acres of Lot 1, Block 1, Frank Properties, an addition to the City of Scottsbluff, situated in the SE ¼ of the SE ¼ of Section 15, Township 22 North, Range 55 West of the 6<sup>th</sup> PM, Scotts Bluff County, Nebraska. "Yeas": Zitterkopf, Estrada, Westphal, Aguallo, Weber. "Abstained": None, "Absent": Chadwick, Wayman, Huber, Gompert. "The Motion Carried".
9. Chairman Weber then asked if there was any further business, with there being none, Chairman Weber called the meeting adjourned asking for members to signify by saying aye, the five present said aye.

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Chairman Dana Weber.

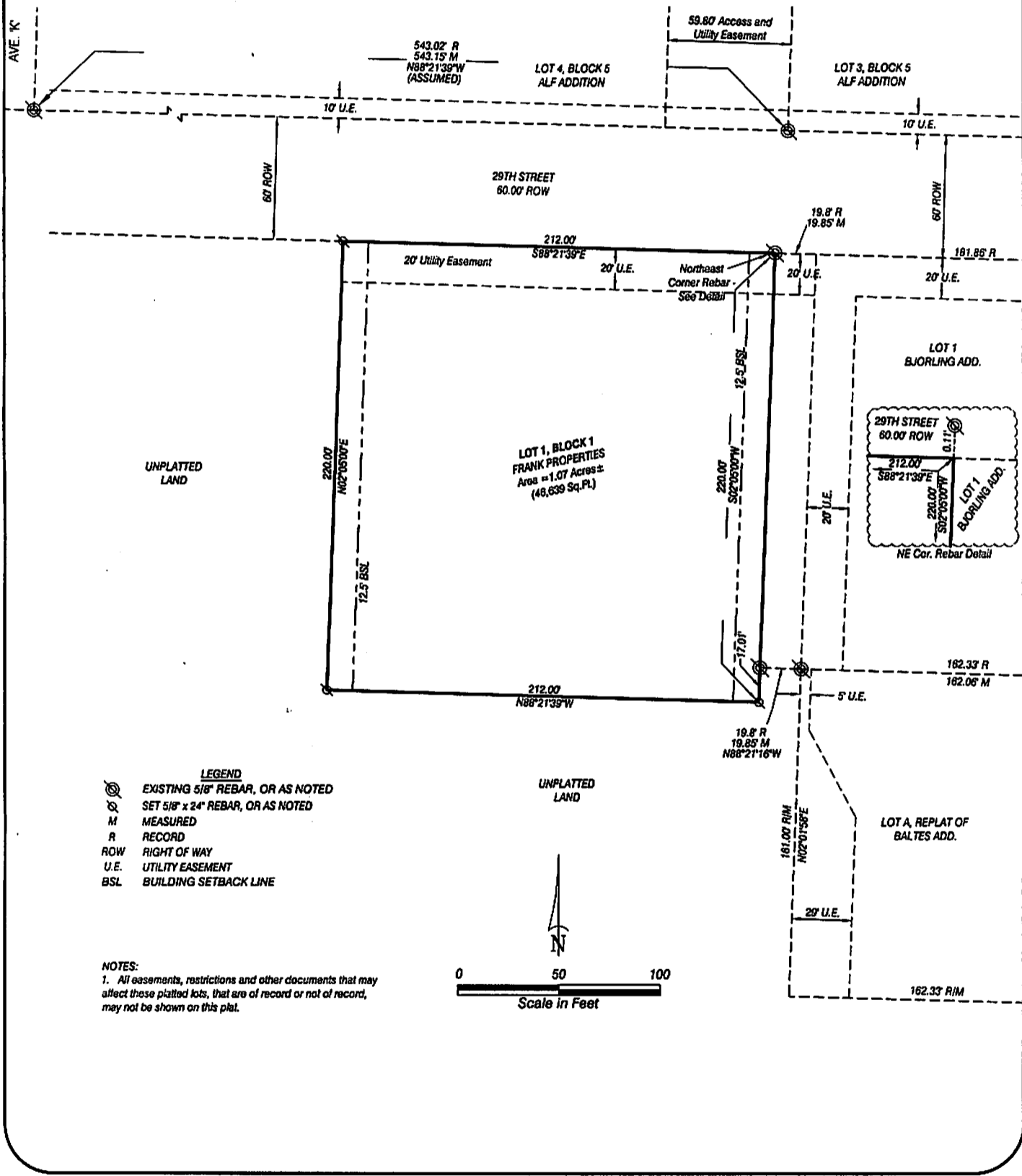
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Secretary Gary Batt.

# FINAL PLAT

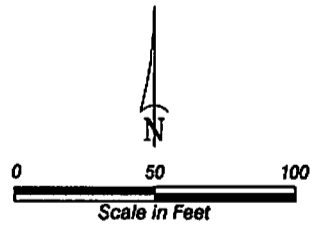
## LOT 1, BLOCK 1, FRANK PROPERTIES, AN ADDITION TO THE CITY OF SCOTTSBLUFF,

SITUATED IN THE SOUTHEAST QUARTER OF THE  
SOUTHEAST QUARTER OF SECTION 15,  
TOWNSHIP 22 NORTH, RANGE 55 WEST  
OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA



- LEGEND**
- ⊙ EXISTING 5/8" REBAR, OR AS NOTED
  - ⊗ SET 5/8" x 24" REBAR, OR AS NOTED
  - M MEASURED
  - R RECORDED
  - ROW RIGHT OF WAY
  - U.E. UTILITY EASEMENT
  - BSL BUILDING SETBACK LINE

**NOTES:**  
1. 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.



**RESOLUTION NO. 20-\_\_\_**

**BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SCOTTSBLUFF, NEBRASKA:**

**WHEREAS, BE IT RESOLVED**, the final plat of Lot 1, Block 1, Frank Properties, an Addition to the City of Scottsbluff, situated in the SE<sup>1</sup>/<sub>4</sub> of the SE<sup>1</sup>/<sub>4</sub> of Section 15, Township 22 North, Range 55 West of the 6<sup>th</sup> P.M., Scotts Bluff County, Nebraska, dated December 11, 2020, duly made, acknowledged and certified, is approved and the Mayor is authorized to sign the Final Plat on behalf of the City of Scottsbluff, Nebraska. Such Final Plat is ordered to be filed and recorded in the office of the Register of Deeds, Scotts Bluff County, Nebraska.

Passed and approved this \_\_\_\_ day of January, 2021.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk