

City of Scottsbluff, Nebraska

Monday, July 19, 2021

Regular Meeting

Item Subdiv.1

Council to discuss and consider action on an application for the creation of an Agriculture Estate Dwelling Site from Frank Properties 2, LLC for property located at 240677 Highland Road, Scottsbluff, NE and authorize the Mayor to sign the Certificate.

Staff Contact: Zachary Glaubius, Planning Administrator

CITY OF SCOTTSBLUFF
AGRICULTURAL ESTATE DWELLING SITE APPLICATION
AGRICULTURAL – ET ZONING DISTRICT

On the 8th day of June, 2021,

Frank Properties 2, LLC. (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. If more space is needed, please attach the legal description. See Attached 2.81 Acres ±
-

2. **SIZE (ACREAGE) IN ABOVE DESCRIBED TRACT TO BE SEPARATED:**
Total Area = 2.81 Acres ± / Net Area = 2.54 Acres ±
-

3. **LEGAL DESCRIPTION OF BALANCE OF LAND WHICH IS TO BE RESERVED:**
See Attached Total Area = 166.05 Acres ± / Net Area = 157.97 Acres ±
-
-
-
-
-
-

4. **SIZE (ACREAGE) IN ABOVE DESCRIBED TRACT TO BE RESERVED:**
Total Area = 166.05 Acres ± / Net Area = 157.97 Acres ±
-
-
-

5. **INTENT** (Must have one or more of the following; each should be specifically described):

a). An existing farmstead site (describe previous use) _____

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:

Splitting off 2.81 acres from the farm ground (166.05 acres) so the owner, Frank Properties 2, LLC.,

would eventually be able to sell off said 2.81 acre AEDS

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

288.00 feet on the north side of property (Highland Road)

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.

CITY OF SCOTTSBLUFF
AGRICULTURAL ESTATE DWELLING SITE APPLICATION
AGRICULTURAL – ET ZONING DISTRICT

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 therein 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: Frank Properties 2, LLC.

Address: PO Box 2395

City/State: Scottsbluff, Nebraska 69361

Telephone: 308-631-8350

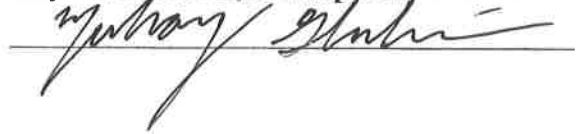
Email Address: bryanfrank@bfenterprising.com

Signature: X 

Ag-Estate Address: 240024 Frank Dr.

City/State: Scottsbluff, Nebraska 69361

City of Scottsbluff, Development Services



RECEIVED:

Date: 6-9-21

Receipt #: 248971 + 250311

Filing Fee - \$100.00

Public Hearing Notifications per Property Owner \$3.00 each (10)

2.81 ACRE LEGAL DESCRIPTION

A TRACT OF LAND SITUATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 22 NORTH, RANGE 54 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 22 NORTH, RANGE 54 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA, THENCE EASTERLY ON THE NORTH LINE OF SAID SECTION 29, ON AN ASSUMED BEARING OF S88°41'07"E, A DISTANCE OF 717.53 FEET, TO THE TRUE POINT OF BEGINNING, THENCE CONTINUING ON THE NORTH LINE OF SAID SECTION 29, BEARING S88°41'07"E, A DISTANCE OF 288.00 FEET, THENCE BEARING S01°46'50"W, ON A LINE PARALLEL WITH THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 29, A DISTANCE OF 426.00 FEET, THENCE BEARING N88°41'07"W, ON A LINE PARALLEL WITH THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 29, A DISTANCE OF 288.00 FEET, THENCE BEARING N01°46'50"E, ON A LINE PARALLEL WITH THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 29, A DISTANCE OF 426.00 FEET TO THE POINT OF BEGINNING, SAID TRACT OF LAND CONTAINING AN AREA OF 2.81 ACRES, MORE OR LESS

AND SAID TRACT TO INCLUDE A PIVOT IRRIGATION EASEMENT (0.05 ACRES±) AS SHOWN ON THE ACCOMPANYING SURVEY

NORTHEAST QUARTER LEGAL DESCRIPTION (166.05 Acre Remainder)

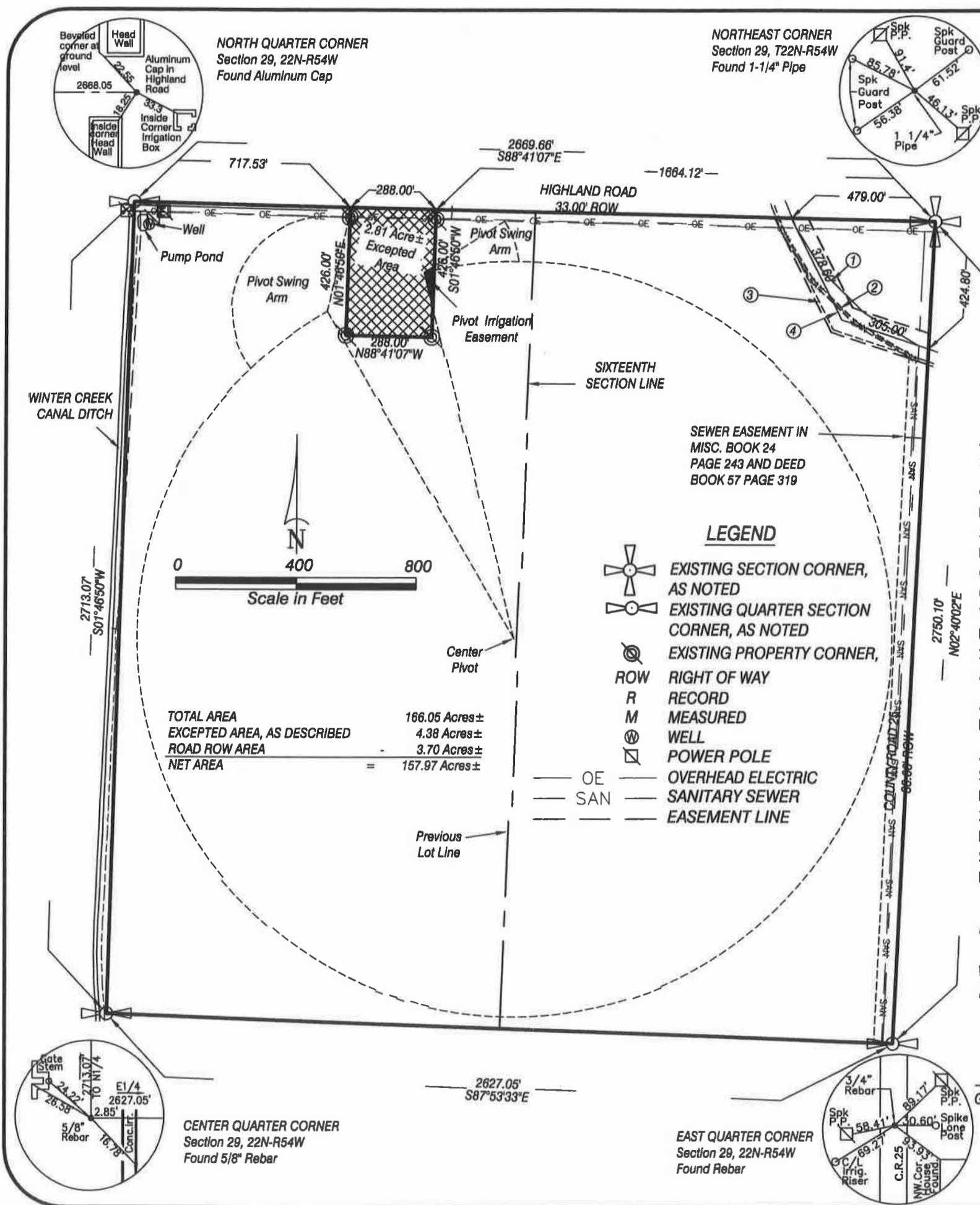
THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 22 NORTH, RANGES 54 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA.

EXCEPT FOR THE FOLLOWING DESCRIBED TRACT OF LAND:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 22 NORTH, RANGE 54 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA, THENCE EASTERLY ON THE NORTH LINE OF SAID SECTION 29, ON AN ASSUMED BEARING OF S88°41'07"E, A DISTANCE OF 717.53 FEET, TO THE TRUE POINT OF BEGINNING, THENCE CONTINUING ON THE NORTH LINE OF SAID SECTION 29, BEARING S88°41'07"E, A DISTANCE OF 288.00 FEET, THENCE BEARING S01°46'50"W, ON A LINE PARALLEL WITH THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 29, A DISTANCE OF 426.00 FEET, THENCE BEARING N88°41'07"W, ON A LINE PARALLEL WITH THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 29, A DISTANCE OF 288.00 FEET, THENCE BEARING N01°46'50"E, ON A LINE PARALLEL WITH THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 29, A DISTANCE OF 426.00 FEET TO THE POINT OF BEGINNING, SAID TRACT OF LAND CONTAINING AN AREA OF 2.81 ACRES, MORE OR LESS

AND ALSO EXCEPT THE FOLLOWING DESCRIBED TRACT OF LAND, AS DESCRIBED IN DEED BOOK 29, PAGE 503, AS FOLLOWS:

A TRACT OF LAND 100 FEET IN WIDTH ACROSS THE NORTHEAST QUARTER, OF THE NORTHEAST QUARTER, OF SECTION 29, TOWNSHIP 22 NORTH, RANGE 54 WEST OF THE 6TH P.M., BEING 50 FEET ON EACH SIDE OF AND AT RIGHT ANGLES TO A CENTER LINE DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EAST LINE OF SECTION 29, WHICH IS 424.8 FEET SOUTH OF THE NORTHEAST QUARTER OF SAID SECTION 29, THENCE N72°52'W, A DISTANCE OF 305.00 FEET, THENCE N28°01'W, A DISTANCE OF 378.6 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 29, WHICH IS 479 FEET WEST OF THE NORTHEAST CORNER OF SAID SECTION 29, CONTAINING 1.57 ACRES, MORE OR LESS



- ① DRAINAGE DITCH HAS BEEN BURIED. LOCATION BASED OFF OF AERIAL PHOTO AND DISTANCE FROM EXISTING SID NO. 4-A SURVEYED MANHOLE LOCATIONS
- ② ACTUAL SURVEYED LOCATION OF SID NO. 4-A SANITARY SEWER LINE AND 10' EASEMENT BASED OFF OF DISTANCE FROM EXISTING MANHOLE LOCATIONS
- ③ SID DISTRICT NO. 4-A: RECORDED IN MISC. BOOK 95 PAGE 240. EASEMENT BASED OFF OF THE WARRANTY DEED LOCATION OF DRAINAGE DISTRICT NO. 2 IN DEED BOOK 29 PAGE 503
- ④ 1.57 ACRE ± EXCEPTED AREA - DRAINAGE DISTRICT NUMBER TWO: CENTERLINE BASED ON WARRANTY DEED RECORDED IN DEED BOOK 29 PAGE 503. 50' EACH SIDE OF CENTERLINE

TRACT IN NE1/4 OF
SECTION 29, T22N-R54W
SCOTTS BLUFF COUNTY,
NEBRASKA
PAGE 10F2
JOB# RM210133-00

GENERAL NOTES:

1. THE RECORDED WARRANTY DEED DESCRIPTION OF DRAINAGE DISTRICT NO. 2 DOES NOT APPEAR TO MATCH THE 'AS BUILT' LOCATION OF THE CENTERLINE OF THE, NOW BURIED, DITCH. SID NO. 4-A EASEMENT (MISC. BOOK 95 PAGE 240) APPEARS TO BE BASED OFF OF THE 'AS BUILT' LOCATION OF DRAINAGE DISTRICT NO. 2 AND NOT THE RECORDED LOCATION (DEED BOOK 29 PAGE 503)
2. 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.

SURVEYOR'S CERTIFICATE

I, Gregg M. Schilz, a Nebraska Registered Land Surveyor, hereby certify I, or under my direct supervision, have surveyed THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 22 NORTH, RANGES 54 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA, EXCEPT FOR THE FOLLOWING DESCRIBED TRACT OF LAND:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 22 NORTH, RANGE 54 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA, THENCE EASTERLY ON THE NORTH LINE OF SAID SECTION 29, ON AN ASSUMED BEARING OF S88°41'07"E, A DISTANCE OF 717.53 FEET, TO THE TRUE POINT OF BEGINNING, THENCE CONTINUING ON THE NORTH LINE OF SAID SECTION 29, BEARING S88°41'07"E, A DISTANCE OF 288.00 FEET, THENCE BEARING S01°46'50"W, ON A LINE PARALLEL WITH THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 29, A DISTANCE OF 426.00 FEET, THENCE BEARING N88°41'07"W, ON A LINE PARALLEL WITH THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 29, A DISTANCE OF 288.00 FEET, THENCE BEARING N01°46'50"E, ON A LINE PARALLEL WITH THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 29, A DISTANCE OF 426.00 FEET TO THE POINT OF BEGINNING, SAID TRACT OF LAND CONTAINING AN AREA OF 2.81 ACRES, MORE OR LESS;

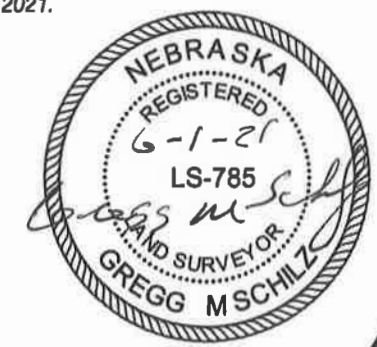
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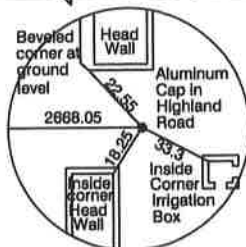
That the accompanying plat is a true delineation of said survey drawn to a scale of 400 feet to the inch. That all dimensions are in feet and decimals. That all corners found or set are marked as shown.

WITNESS MY HAND AND SEAL this 1st day of June, 2021.
FOR THE FIRM OF M. C. SCHAFF AND ASSOCIATES, INC.

Gregg M. Schilz
Gregg M. Schilz, Nebraska Registered Land Surveyor, L.S. 785



NORTH QUARTER CORNER
Section 29, 22N-R54W
Found Aluminum Cap



SURVEYOR'S CERTIFICATE

I, Gregg M. Schilz, a Nebraska Registered Land Surveyor, hereby certify I, or under my direct supervision, have surveyed A TRACT OF LAND SITUATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 22 NORTH, RANGE 54 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS

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AND SAID TRACT TO INCLUDE A PIVOT IRRIGATION EASEMENT (0.05 ACRES±) AS SHOWN ON THE ACCOMPANYING SURVEY

That the accompanying plat is a true delineation of said survey drawn to a scale of 50 feet to the inch. That all corners found or set are marked as shown. That all dimensions are in feet and decimals.

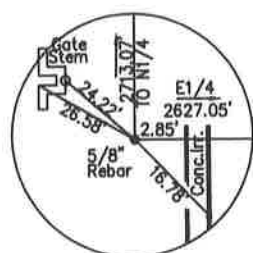
WITNESS MY HAND AND SEAL this 1st day of JUNE, 2021.
FOR THE FIRM OF M.C. SCHAFF & ASSOCIATES, INC.

Gregg M. Schilz
Gregg M. Schilz, Nebraska Registered Land Surveyor, L. S. 785

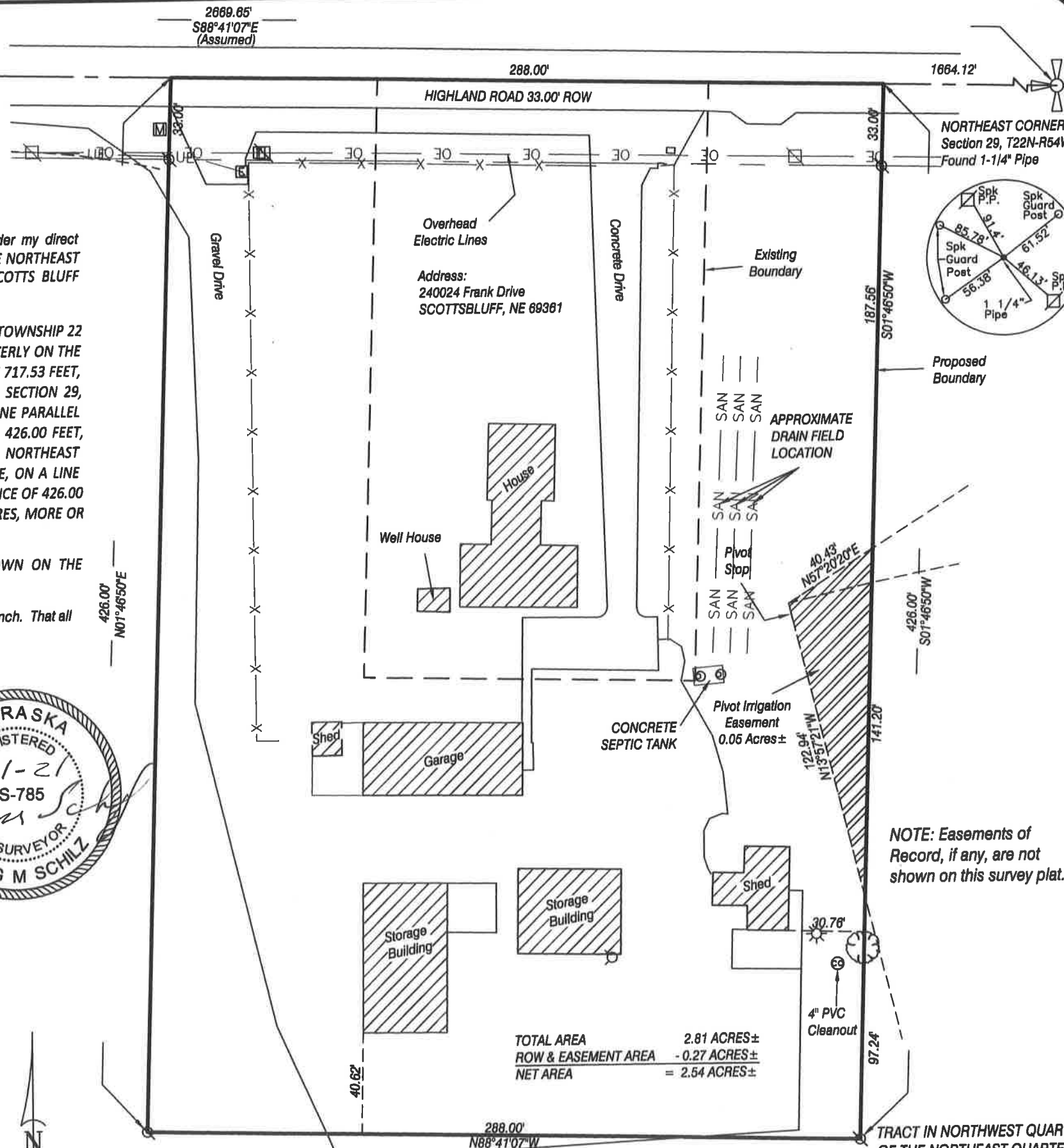
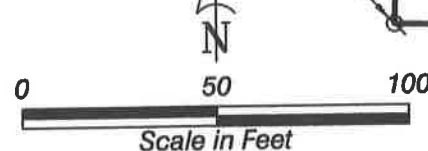


LEGEND

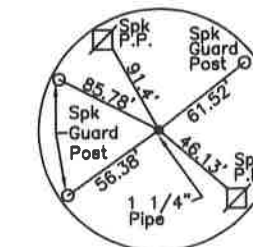
- EXISTING SECTION CORNER, AS NOTED
- EXISTING QUARTER SECTION CORNER, AS NOTED
- EXISTING PROPERTY CORNER, AS NOTED
- SET 5/8" X 24" REBAR W/CAP
- EASEMENT LINES
- STRUCTURES
- ROW
- RIGHT OF WAY RECORD MEASURED
- WELL
- YARD HYDRANT



CENTER OF SECTION
Section 29, 22N-R54W
Found 5/8" Rebar



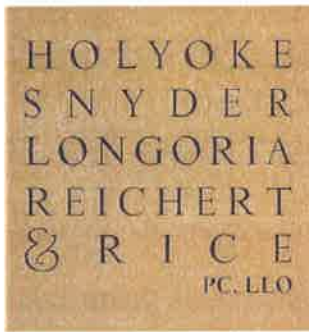
NORTHEAST CORNER
Section 29, T22N-R54W
Found 1-1/4" Pipe



NOTE: Easements of Record, if any, are not shown on this survey plat.

TRACT IN NORTHWEST QUARTER
OF THE NORTHEAST QUARTER
OF SECTION 29, T22N-R54W
SCOTTS BLUFF COUNTY, NE
JOB# RM210133-00

TOTAL AREA 2.81 ACRES±
ROW & EASEMENT AREA - 0.27 ACRES±
NET AREA = 2.54 ACRES±



Attorneys At Law
1714 Second Avenue
Post Office Box 2424
Scottsbluff, NE 69363-2424

Telephone: (308) 635-5000
Facsimile: (308) 635-8000
www.panhandlejustice.com

Thomas T. Holyoke
Andrew W. Snyder
Jonas I. Longoria
Katy A. Reichert
Brendan J. Rice*

*Licensed in Nebraska & Wyoming

May 13, 2021

Mr. Gregg Schilz
MC Schaff
818 South Beltline Highway East
Scottsbluff, NE 69361

Re: Ownership of lands situated in the NE¼, Section 29, Township 22 North,
Range 54 West of the 6th P.M., Scotts Bluff County, Nebraska

Dear Mr. Schilz:

I am writing on behalf of my client, Frank Properties 2, LLC, a Nebraska limited liability company, in response to your request to evaluate the ownership of lands referenced above.

From a review of the records of the Register of Deeds of Scotts Bluff County, Nebraska, I have identified two (2) recent deeds which are dispositive as to ownership of the subject real estate. The first of which is Instrument Number 2020-2862, recorded on June 25, 2020. This deed conveys multiple parcels of real property located in Scotts Bluff County. In particular, one of these parcels is the entire East Half of the Northeast Quarter of Section 29, Township 22 North, Range 54 West of the 6th P.M., Scotts Bluff County, Nebraska.


The second deed in consideration is Instrument Number 2020-2945 which conveys the entirety of the West Half of the Northeast Quarter of Section 29, Township 22 North, Range 54 West of the 6th P.M., Scotts Bluff County, Nebraska. While the west half technically consists of two (2) separate tax parcels, 25057 and 25065, representing the farm ground and the homesite respectively, both parcels were conveyed by the same deed.

Both of the foregoing deeds were executed by Bryan Frank, Successor Trustee of the Connie Frank Trust, during the course of administering Connie's estate. Bryan had the requisite authority under Nebraska law to execute such deeds as the Successor Trustee.

My opinion is that Frank Properties 2, LLC, is the owner of the full fee simple interest in and to the entirety of the Northeast Quarter of Section 29, Township 22 North, Range 54 West of the 6th P.M., Scotts Bluff County, Nebraska. Should you have any further comments or questions, or need more information from me, please do not hesitate to ask. Thank you.

Mr. Gregg Schilz
Page 2 of 2
May 13, 2021

Very Truly Yours,

A handwritten signature in dark ink, appearing to read "Brendan J. Rice", written in a cursive style.

Brendan J. Rice

BJR:sq

Taxes Due

Served by WEBSERVER-1

 0  Step 5 of 8

Scotts Bluff County

Parcel	Name
0010025065	FRANK PROPERTIES 2 LLC PO BOX 2395 SCOTTSBLUFF NE 69363

Legal
PT W 1/2 NE 29-22-54 (.71) 240024 FRANK DR 0.710 ACRES

Payment Information

Select which payment(s) you would like to make and click on continue.

[Interest Calculator](#) 

[Tax Breakdown](#) 

Delinquency Dates

1st Half: 05/01/2021

2nd Half: 09/01/2021

Parcel Information

Tax District	68
Levy	1.99420000
Value	\$ 225,380
Tax Sale(s)	

Tax Information

Gross Tax Assessed	\$ 4,494.54
Exemption/Credit	\$ 230.36
Net Tax	\$ 4,264.18

Year: 2020 Statement: 5476

Net Tax Due	\$ 4,264.18
First Payment	\$ 0.00
Second Payment	\$ 2,132.09
Unpaid Tax Due	\$ 2,132.09

Real Estate Tax

Receipt Date 4/26/2021
Pay Second Half

Receipt date is the business date the payment was posted, not the date received from the taxpayer.

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Taxes Due

Served by WEBSERVER-1

0 Step 5 of 8

Scotts Bluff County

Parcel **Name**
0010025057 FRANK PROPERTIES 2 LLC
 PO BOX 2395
 SCOTTSBLUFF NE 69363

Legal
PT W1/2 NE 29-22-54 (81.62)
240051 FRANK DR
81.620 ACRES

Payment Information

Select which payment(s) you would like to make and click on continue.

Interest Calculator

Tax Breakdown

Delinquency Dates

1st Half: 05/01/2021
2nd Half: 09/01/2021

Parcel Information

Tax District
Levy
Value
Tax Sale(s)

Tax Information

68	Gross Tax Assessed	\$ 5,725.74
1.99420000	Exemption/Credit	\$ 331.66
\$ 287,119	Net Tax	\$ 5,394.08

Year: 2020 Statement: 5475

Net Tax Due
First Payment
Second Payment
Unpaid Tax Due

Real Estate Tax

\$ 5,394.08	Receipt Date 4/27/2021 Pay Second Half
\$ 0.00	
\$ 2,697.04	
\$ 2,697.04	

Receipt date is the business date the payment was posted, not the date received from the taxpayer.

The following is provided for your information.
▶ This property contains drainage assessment.

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Taxes Due

Served by WEBSERVER-1

Scotts Bluff County

 0  Step 5 of 8

Parcel	Name
0010025049	FRANK PROPERTIES 2 LLC PO BOX 2395 SCOTTSBLUFF NE 69363

Legal
E1/2 NE 29 22 54 (83.18) 29-22-54 83.180 ACRES

Payment Information

Select which payment(s) you would like to make and click on continue.

[Interest Calculator](#) 

[Tax Breakdown](#) 

Delinquency Dates

1st Half: 05/01/2021

2nd Half: 09/01/2021

Parcel Information

Tax District
Levy
Value
Tax Sale(s)

68
1.99420000
\$ 160,678

Tax Information

Gross Tax Assessed	\$ 3,204.24
Exemption/Credit	\$ 197.06
Net Tax	\$ 3,007.18

Year: 2020 Statement: 5474

Net Tax Due
First Payment
Second Payment
Unpaid Tax Due

Real Estate Tax

\$ 3,007.18
\$ 0.00
\$ 1,503.59
\$ 1,503.59

Receipt Date 4/27/2021

[Pay Second Half](#)

Receipt date is the business date the payment was posted, not the date received from the taxpayer.

The following is provided for your information.

☒ This property contains drainage assessment.

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City of Scottsbluff Planning Commission

Development Services Staff Report – Zachary Glaubius

Prepared on: June 29, 2021 For Hearing of: July 12, 2021



I. GENERAL INFORMATION

- A. Applicant:** Frank Properties 2, LLC
PO Box 2395
Scottsbluff, NE 69361
- B. Property**
Owner: Same as Applicant
- C. Proposal:** Request for Creation of an Agricultural Estate Dwelling Site at 80497 CR 22
- D. Legal Description:** A tract of land located in the Northwest Quarter of the Northeast Quarter of Section 29, Township 22 North, Range 54 West of the 6th P.M., Scotts Bluff County, Nebraska.
- E. Location:** 240024 Frank Drive. South of intersection of Highland Road and Bridge Road
- F. Existing Zoning & Land Use:** A-Agricultural. This site is a farmstead and farm ground.
- G. Size of Site:** AEDS: Total Area: Approximately 2.81 Acres | Net Area: Approximately 2.54 Acres
Agricultural/Vacant Land to be Reserved: Total Area: Approximately 166.05 Acres
Net Area: Approximately 157.97 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	R-1B Rural Residential Estate C-3 Heavy Commercial	Single-Family Dwellings
East	Rural	A-Agricultural	Farm Ground
South	Rural	A -Agricultural	Farm Ground
West	Rural	A -Agricultural	Farm Ground

B. Relevant Case History

1. N/A

III. ANALYSIS

- A. Comprehensive Plan:** The Future Land Use Map of the Comprehensive Plan currently shows the site as Rural.

B. Traffic & Access:

1. Current access to site is from frontage to CR 22.
2. The proposed AEDS will have a width of 225 feet along County Road 22.

C. Utilities:

1. The AEDS is located in the extra-territorial jurisdiction and is not served by sewer or stormwater utilities.
2. The AEDS could access to a city water main on the northside of Highland Road

IV. STAFF COMMENTS

- A.** The reserved area comprises of two parcels owned by the applicant. Each parcel is currently more than 80 acres. The parcel surrounding the proposed AEDS will decrease to below 80 acres if the AEDS is approved.
- B.** An irrigation easement will be created on the new AEDS.

V. FINDINGS OF FACT

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

1. The agricultural use and AEDS designation are consistent with the Comprehensive Plan Future Land Use Map.
2. The expansion of the existing farmstead parcel will result in all farm buildings to be on a single parcel.
3. The AEDS will not create any nonconforming yards or structures.
4. The plan meets the minimum requirements of code.
5. The reserved agricultural land exceeds the minimum requirement.

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

1. None foreseen

VI. STAFF RECCOMENDATION

- A.** Staff recommends the Planning Commission make a positive recommendation to City Council to approve the Agricultural Estate Dwelling designation of a tract of land described as a tract of land located in the Northwest Quarter of the Northeast Quarter of Section 29, Township 22 North, Range 54 West of the 6th P.M., Scotts Bluff County, Nebraska.

VII. PUBLIC NOTIFICATION

- A.** Notification letters were mailed to property owners within 300 feet of the proposed AEDS. Ten (10) letters were mailed in total. One sign was posted on the property more than 10 days before the date of the meeting indicated the date, time, and place of the public hearing.



Bureau of Land Management, Nebraska Game & Parks Commission, Esri
Canada, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

Proposed Changes

Street Centerline

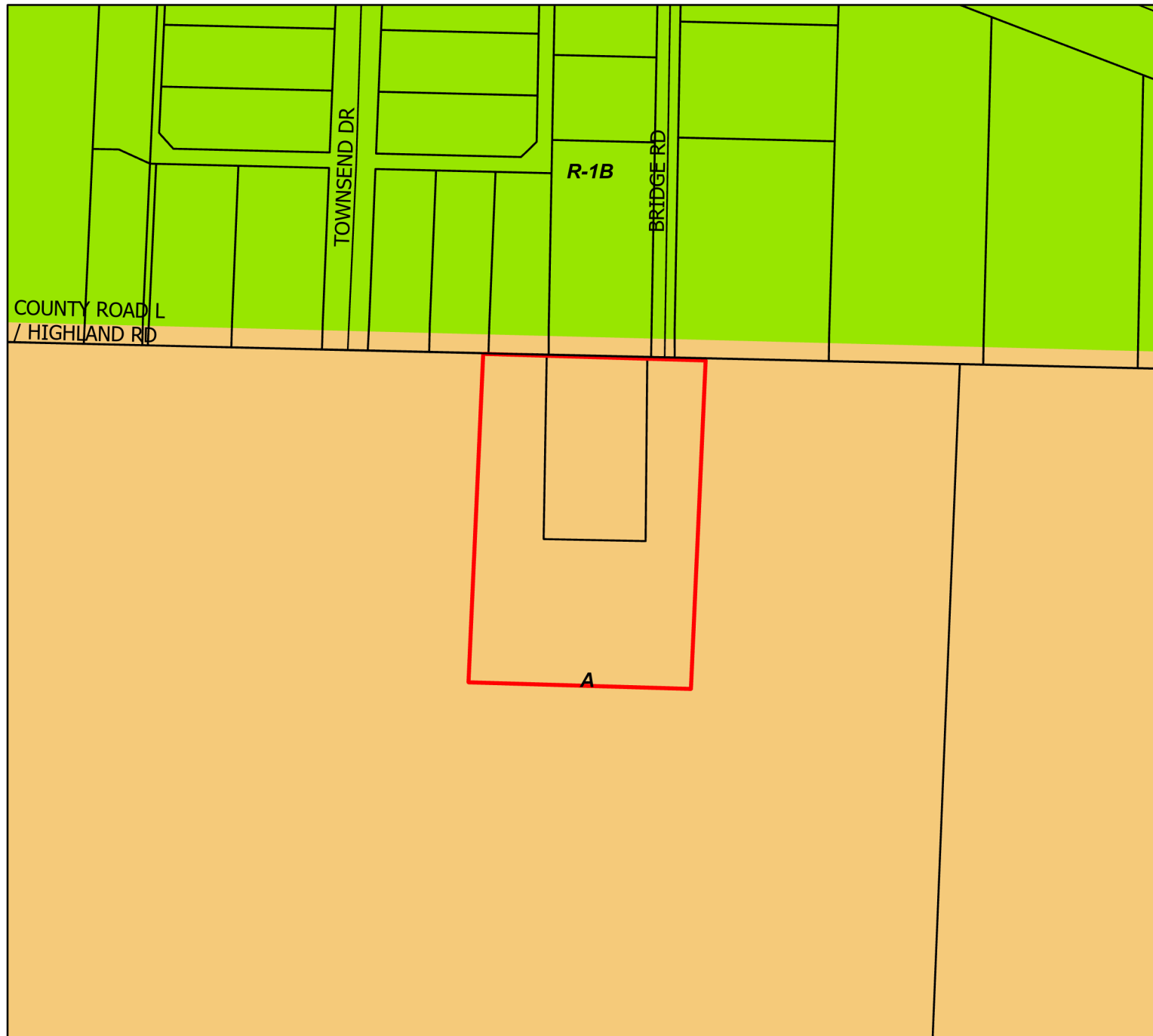
— Highway

— Main Road

— Residential

Taylor Stephens
City of Scottsbluff GIS
Created on July 2nd, 2021
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.



Street Centerline

- Highway
- Main Road
- Residential
- Proposed Changes
- Parcel Boundaries

Zoning

- A
- AR
- C-1
- C-2
- C-3
- M-1
- M-2
- O&P
- PBC
- R-1
- R-1A
- R-1B
- R-4
- R-6

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2016 Comp. Plan Future Land Use Overview



Street Centerline

- Highway
- Main Road
- Residential

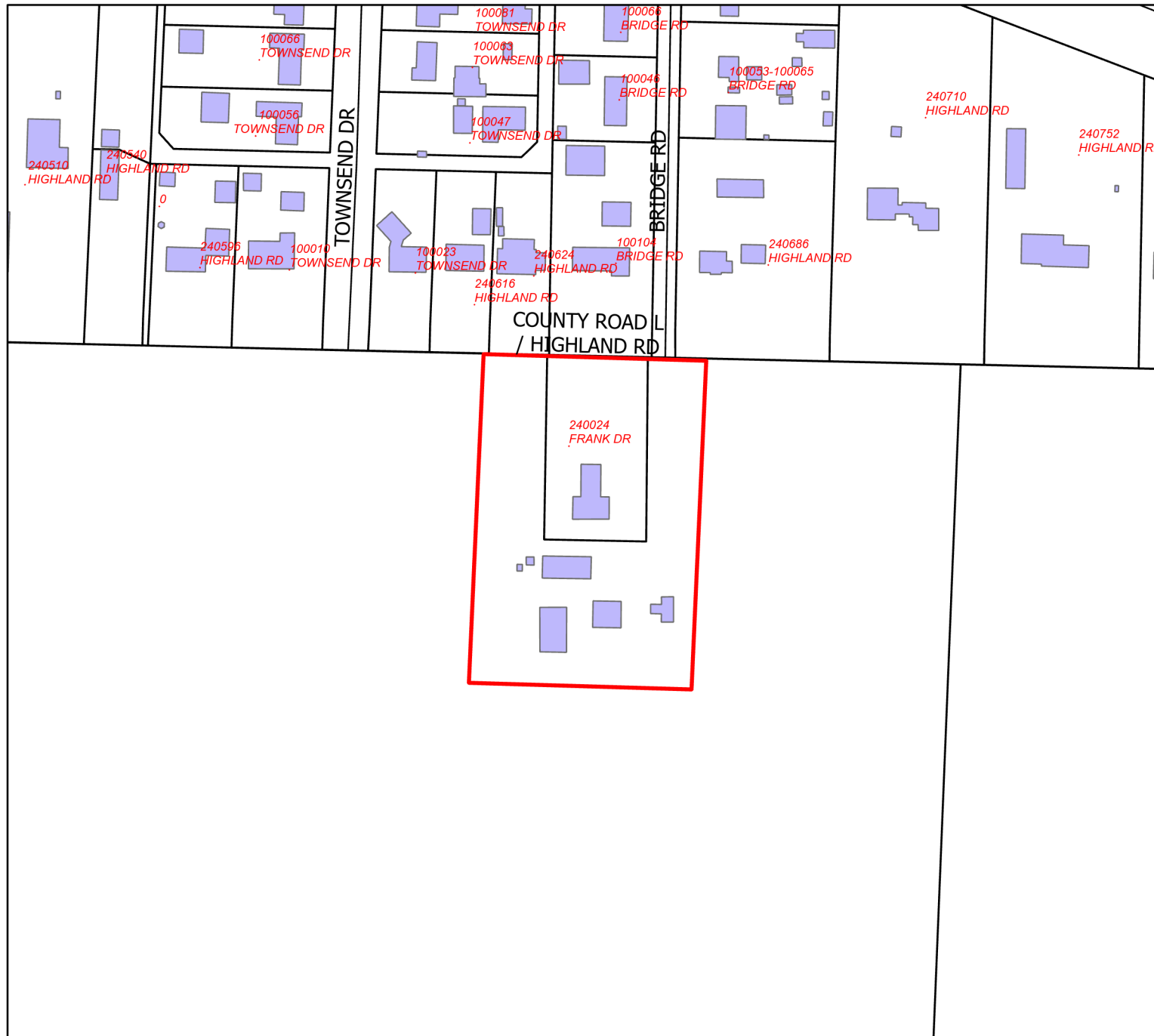
2016 Comp. Plan Land Use

- Automobile Commercial
- Avenue B and Hospital Campus
- Central Business District
- East Overland
- Highway 26 Commercial
- Northwest Commercial
- Residential
- Rural
- Rural Residential
- Southeast Industrial and Commercial
- South Broadway
- WNCC and Surrounding Area
- Proposed Changes

Bureau of Land Management, Nebraska Game & Parks Commission, Esri
Canada, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

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City of Scottsbluff GIS
Created on July 2nd, 2021
Coordinate System:
NAD 1983 StatePlane Nebraska FIPS 2600 Feet
Lambert Conformal Conic

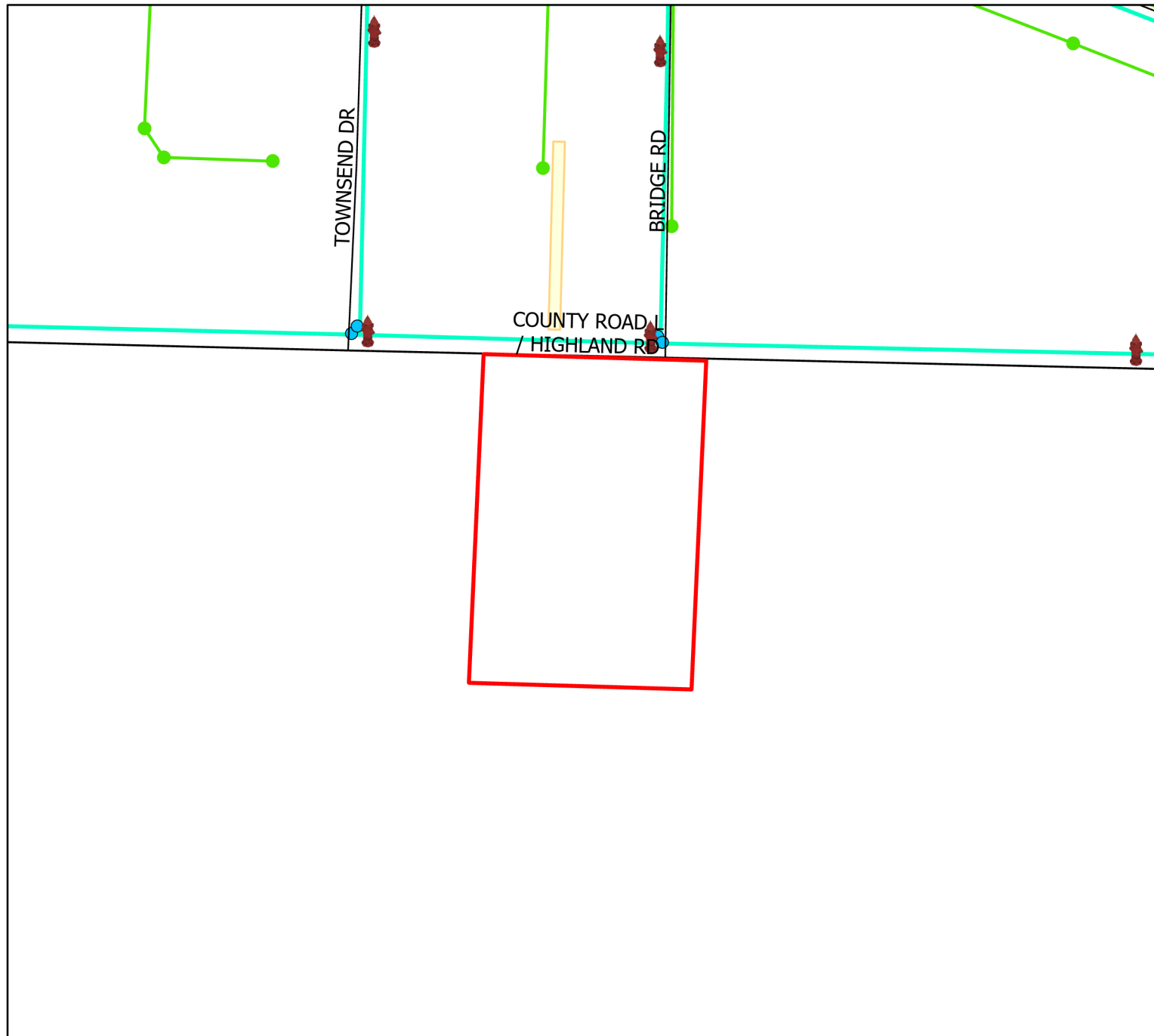
The City makes no representation or warranty as to the accuracy, timeliness, or completeness, and in particular, its accuracy in labeling or displaying dimensions, contours, property boundaries, or placement or location of any map features thereon.



- Proposed Changes
- Street Centerline**
- Highway
- Main Road
- Residential
- Building
- Parcel Boundaries

Taylor Stephens
City of Scottsbluff GIS
Created on July 2nd, 2021
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Lambert Conformal Conic

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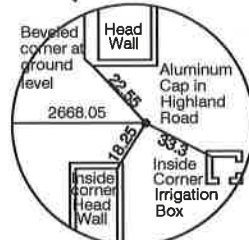


- Proposed Changes
- Street Centerline
- Highway
- Main Road
- Residential
- ◆ Water Curbstop
- Water Valve
- Water Manhole
- Fire Hydrants
- Water Lines
- Verified_Manhole
- Wastewater Lines
- ▲ Outfall
- Stormwater Inlet
- Stormwater Manhole
- Stormwater Arc
- Easement

Taylor Stephens
City of Scottsbluff GIS
Created on July 2nd, 2021
Coordinate System:
NAD 1983 StatePlane Nebraska FIPS 2600 Feet
Lambert Conformal Conic

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NORTH QUARTER CORNER
Section 29, 22N-R54W
Found Aluminum Cap



SURVEYOR'S CERTIFICATE

I, Gregg M. Schilz, a Nebraska Registered Land Surveyor, hereby certify I, or under my direct supervision, have surveyed A TRACT OF LAND SITUATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 22 NORTH, RANGE 54 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 22 NORTH, RANGE 54 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA, THENCE EASTERLY ON THE NORTH LINE OF SAID SECTION 29, ON AN ASSUMED BEARING OF S88°41'07"E, A DISTANCE OF 717.53 FEET, TO THE TRUE POINT OF BEGINNING, THENCE CONTINUING ON THE NORTH LINE OF SAID SECTION 29, BEARING S88°41'07"E, A DISTANCE OF 288.00 FEET, THENCE BEARING S01°46'50"W, ON A LINE PARALLEL WITH THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 29, A DISTANCE OF 426.00 FEET, THENCE BEARING N88°41'07"W, ON A LINE PARALLEL WITH THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 29, A DISTANCE OF 288.00 FEET, THENCE BEARING N01°46'50"E, ON A LINE PARALLEL WITH THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 29, A DISTANCE OF 426.00 FEET TO THE POINT OF BEGINNING, SAID TRACT OF LAND CONTAINING AN AREA OF 2.81 ACRES, MORE OR LESS

AND SAID TRACT TO INCLUDE A PIVOT IRRIGATION EASEMENT (0.05 ACRES±) AS SHOWN ON THE ACCOMPANYING SURVEY

That the accompanying plat is a true delineation of said survey drawn to a scale of 50 feet to the inch. That all corners found or set are marked as shown. That all dimensions are in feet and decimals.

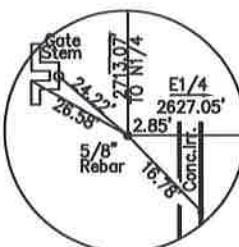
WITNESS MY HAND AND SEAL this 13TH day of July, 2021.
FOR THE FIRM OF M.C. SCHAFF & ASSOCIATES, INC.

Gregg M. Schilz
Gregg M. Schilz, Nebraska Registered Land Surveyor, L. S. 785



LEGEND

- EXISTING SECTION CORNER, AS NOTED
- EXISTING QUARTER SECTION CORNER, AS NOTED
- EXISTING PROPERTY CORNER, AS NOTED
- SET 5/8" X 24" REBAR W/CAP
- EASEMENT LINES
- STRUCTURES
- ROW
- RIGHT OF WAY RECORD MEASURED
- WELL
- YARD HYDRANT



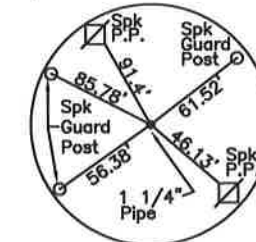
CENTER OF SECTION
Section 29, 22N-R54W
Found 5/8" Rebar

0 50 100
Scale in Feet

2669.65'
S88°41'07"E
(Assumed)

288.00'
HIGHLAND ROAD 33.00' ROW

1664.12'
NORTHEAST CORNER
Section 29, T22N-R54W
Found 1-1/4" Pipe



Proposed Boundary

Existing Boundary

Concrete Drive

Overhead Electric Lines

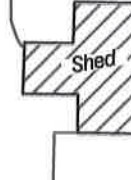
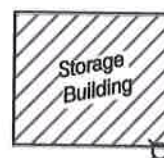
Address:
240677 Highland Road
SCOTTSBLUFF, NE 69361

Well House



CONCRETE SEPTIC TANK

Pivot Irrigation Easement
0.05 Acres±



TOTAL AREA 2.81 ACRES±
ROW & EASEMENT AREA - 0.27 ACRES±
NET AREA = 2.54 ACRES±

NOTE: Easements of Record, if any, are not shown on this survey plat.

TRACT IN NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, T22N-R54W SCOTTS BLUFF COUNTY, NE JOB# RM210133-00

PLANING COMMISSION MINUTES
REGULAR SCHEDULED MEETING
July 12, 2021
SCOTTSBLUFF, NEBRASKA

The Planning Commission for the City of Scottsbluff met in regular scheduled meeting on Monday, July 12, 2021, 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 local circulation in the City, on July 2, 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 current and 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 copy of the agenda packet was delivered to each Planning Commission member.

- 1 Chairman Dana Weber called the meeting to order at 6:00 PM. Roll call consisted of the following members being present, Mark Westphal, Henry Huber, Dana Weber, Callan Wayman, Jim Zitterkopf, "Absent": Anita Chadwick, Angie Aguillo, Dave Gompert, Becky Estrada, Linda Redfern (Alternate). City Officials present were Zachary Glaubius, Secretary/Planning Administrator, Gary Batt, Code Administrator II, and Anthony Murphy, Fire Prevention Officer.
- 2 Chairman Weber 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 Alternate member Linda Redfern arrived at the meeting at 6:02 PM.
- 6 The minutes from the June 14, 2021 meeting were reviewed. Conclusion, a motion was made by Wayman and seconded by Huber to approve the minutes from January 25, 2021 meeting. "Yeas": Westphal, Huber, Redfern, Wayman, Zitterkopf, Weber. "Abstained": None, "Absent": Aguillo, Chadwick, Gompert, Estrada. The motion carried.
- 7 Members Becky Estrada and Dave Gompert arrived to the meeting at 6:05 PM.
- 8 Chairman Weber opened the public hearing for the Final Plat of Lots 1 & 2 of Block 2, Webber Manor Fourth Addition. Weber asked Glaubius for an overview of the final plat. Glaubius stated the area is currently zoned C-2 and vacant. Glaubius stated Lot 2 would not have any street frontage as required by the subdivision code 21-1-23, however since the land would be received by the city, this would not be an issue. Staff recommended positive recommendation to the City Council. Representative for the applicant Jack Baker with Baker & Associates spoke to the Planning Commission. Baker reiterated that the applicant intends to donate Lot 2 to the city as the land is of no use to anyone except the city. Baker stated Lot 2 would be split again in the future between the city and National Guard. Wayman asked if the access to Lot 5 Webber Manor would be through 31st Street rather than through Lot 2. Baker stated the access to Lot 5 would still be through 31st Street and the access road through Lot 2 is currently impassible due to a fallen tree. Weber closed the public hearing and asked for a recommendation on the final plat of Lots 1 & 2 of Block 2, Webber Manor Fourth Addition. Wayman made a positive recommendation for the resolution, seconded by Westphal to the City Council to make a positive recommendation to the City Council to approve the final plat. "Yeas": Estrada, Westphal, Huber, Gompert, Wayman, Zitterkopf, Weber, Redfern. "Abstained": None, "Absent": Aguillo, Chadwick. The motion carried.

- 9 Chairman Weber opened the public hearing for an Agricultural Estate Dwelling Site at 240024 Frank Drive. Weber asked Glaubius for an overview of AEDS. Glaubius stated the area is currently zoned A-Agricultural. Glaubius stated the applicant is seeking the designation of AEDS for an expanded parcel as the current farmstead parcel does not include the outbuildings. The AEDS would meet the 2-acre minimum area and will create an irrigation easement. Staff recommended positive recommendation to the City Council. Gregg Schilz with MC Schaff spoke for the applicant to the Planning Commission. Schilz stated the existing parcel was suppose to be an AEDS in the past. Schilz explained the irrigation easement is for the center pivot, and stated the applicant either wants to sell the parcel or give it to his son. Fire Marshal Anthony Murphy then spoke to the board. Murphy stated the 911 system is based off the official addresses, and that Frank Drive is not a true street with the correct signage. Murphy stated Frank Drive is not a recognized street in the 911 system. Murphy requested the Planning Commission require the commission to change the address to 240677 Highland Road. Weber inquired if Frank Drive could be made into a recognized road. Murphy stated it may need to meet city specifications to be considered a road, and Weber stated it would then be easier to change the parcel's address. Murphy stated that one of the outbuildings had been used as a residence in the past and would require its own address too. Weber closed the public hearing and asked for a recommendation on the AEDS. made a positive recommendation on the AEDS with the Emergency Services compliant address of 240677 Highland Road and the secondary residence as 240681 Highland Road. Gompert asked if there was a someone residing in the outbuilding. Murphy stated that he was using past knowledge and was not aware if the building were occupied or not. Schilz stated he believed the building was being used for storage. Westphal stated it would be beneficial to have an address assigned to the building if in the future it serves as a residence. Weber concurred. Zitterkopf seconded Westphal's recommendation. "Yeas": Estrada, Westphal, Huber, Gompert, Wayman, Zitterkopf, Weber, Redfern. "Abstained": None, "Absent": Aguillo, Chadwick. The motion carried.
- 10 Chairman Weber opened the public hearing for an Agricultural Estate Dwelling Site at 80497 County Road 22. Weber asked if there was a representative for the AEDS present. Greg Schilz represented the applicant and stated the applicant is looking to sell the farmstead off. Schilz stated an issue with this AEDS is that an existing structure crosses the section/property line, however the structure was built long ago. Weber then asked for staff comments. Glaubius stated it was zoned A-Agricultural and shown as rural in the Comprehensive Plan. Glaubius stated the reserve area does not meet the 80-acre minimum however per 25-3-19.10d, the planning commission may permit the creation of an AEDS out of less than 80 acres of reserved land in the event that the intent of the AEDS is maintained. Glaubius also reiterated a structure crosses an existing property line. Staff recommended a positive recommendation. Gompert asked if the structure would cost any future issues. Batt stated it remain as an existing non-conforming structure. Weber closed the public hearing and asked for a recommendation. Estrada made a positive recommendation for the resolution, seconded by Westphal to the City Council to make a positive recommendation to the City Council to approve the final plat. "Yeas": Estrada, Westphal, Huber, Gompert, Wayman, Zitterkopf, Weber, Redfern. "Abstained": None, "Absent": Aguillo, Chadwick. The motion carried.
- 11 Chairman Weber asked if there was any further business, with there being none, he declared the meeting adjourned at 6:25 PM with the members to signify by saying Aye. Estrada, Westphal, Huber, Gompert, Wayman, Zitterkopf, Weber, Redfern all signified by saying aye.

Chairman Dana Weber

Zachary Glaubius, Secretary

For Recording Only
RET: Development Services, City of Scottsbluff

CERTIFICATE

This certificate should be indexed and recorded against the real estate described in Paragraph 2 and 3 below.

The following action was taken by the Scottsbluff City Planning Commission, and the Scottsbluff City Council.

TO-WIT:

1. Frank Properties 2, LLC 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. The Planning Commission approved the same at their regular meeting on July 12, 2021 and the City Council accepted such recommendations by approving the same, as provided by law, at the meeting of the Scottsbluff City Council on July 19, 2021.

2. Legal description of the tract-site (AEDS), separated as an Agricultural Estate Dwelling Site is: A tract of land situated in the Northwest Quarter of the Northeast Quarter of Section 29, Township 22 North, Range 54 West of the 6th P.M., Scotts Bluff County, Nebraska, more particularly described as follows:

Commencing at the Northwest Corner of the Northeast Quarter of Section 29, Township 22 North, Range 54 West of the 6th P.M., Scotts Bluff County, Nebraska, thence Easterly on the North Line of said Section 29, on an assumed bearing of S88°41'07"E, a distance of 717.53 feet, to the true point of beginning, thence continuing on the North Line of said Section 29, bearing S88°41'07"E, a distance of 288.00 feet, thence bearing S01°46'50"W, on a line parallel with the West Line of the Northeast Quarter of said Section 29, a distance of 426.00 feet, thence bearing N88°41'07"W, on a line parallel with the North Line of the Northeast Quarter of said Section 29, a distance of 288.00 feet, thence bearing N01°46'50"E, on a line parallel with the West Line of the Northeast Quarter of said Section 29, a distance of 426.00 feet to the point of beginning, said tract of land containing an area of 2.81 acres, more or less.

And said tract to include a pivot irrigation easement (0.05 Acres±) as shown on the accompanying survey.

3. The legal description of the reserved real estate pursuant to Part 25-3-19: A tract of land situated in the Northeast Quarter of Section 29, Township 22 North, Ranges 54 West of the 6th P.M., Scotts Bluff County, Nebraska. Reserved acreage of 166.05 acres, more or less.

STATE OF NEBRASKA)
CITY OF SCOTTSBLUFF)
COUNTY OF SCOTTS BLUFF)

I, Jeanne McKerrigan the duly appointed, qualified, and acting Mayor for the City of Scottsbluff, County of Scotts Bluff, State of Nebraska, do hereby certify that the foregoing is a true and complete recitation of the action taken by the City Planning Commission, and City Council, as it relates to the subject therein described, as shown by the records and minutes of the referenced public bodies. IT WITNESS WHEREOF, I DO HERBY SET MY OFFICIAL HAND, THIS

_____ DAY OF _____, _____.

Mayor, City of Scottsbluff
Jeanne McKerrigan

STATE OF NEBRASKA)
CITY OF SCOTTSBLUFF)
COUNTY OF SCOTTS BLUFF)

On the date immediately above set out, before me, a Notary Public duly commissioned and qualified to act in Scottsbluff, Scotts Bluff County, personally came the referenced Mayor , to me known to be the identical person whose name is affixed to the foregoing certificate, and acknowledged the same to be his voluntary act and deed as such official.

Notary Public
(NOTARY SEAL & COMMISSION EXPIRES)