

City of Scottsbluff, Nebraska

Monday, September 20, 2021

Regular Meeting

Item Subdiv.2

Council to discuss and consider action on the final plat of Lots 7A and 7B, Block 1, Quindt Commercial Tracts, a subdivision of Lot 7 Block 1, Quindt Commercial Tracts, to the City of Scottsbluff and authorize the mayor to sign the Resolution.

Staff Contact: Zachary Glaubius, Planning Administrator

City of Scottsbluff - City Council

Development Services Staff Report - Zachary Glaubius

Prepared on: September 1, 2021 For Hearing of: September 7, 2021



I. GENERAL INFORMATION

- A. **Applicant:** Mark & Amy Westphal
222 E 37th Street
Scottsbluff, NE 69361
- B. **Property**
 - Owner: Same as Applicant
- C. **Proposal:** Request to replat Block 7, Quindt Commercial Tracts, into two separate lots and add an access easement
- D. **Legal Description:** Block 7, Quindt Commercial Tracts (to be replatted as Lots 7A and 7B, Block 1, Quindt Commercial Tracts)
- E. **Location:** 2001 E. 20th Street
- F. **Existing Zoning & Land Use:** C-2 Neighborhood and Retail Commercial. This site is currently being used as a convenience warehouse facility.
- G. **Size of Site:** Approximately 20,038.00 sq. ft.
- H. **Size of Future Sites:** Lot 7A: Approximately 17,831 sq. ft. | Lot 7B: Approximately 2,140 sq. ft.

II. COMMENTS FROM AUGUST 9, 2021 PLANNING COMMISSION MEETINGS

- A. Planning Commission Member Henry Huber stated he is the real estate agent for the adjoining property at 1905 E. 20th Street (the former Pioneer Animal Clinic). Huber stated his client has stated vehicles from 2001 E. 20th Street are parking on the client's property.

III. RELEVANT CASE HISTORY

- A. Site Observations by staff were conducted August 16, 2021 at 3:00 PM, August 17 at 7:00 AM, and August 18, 2021 at 9:00 PM. It was observed three to four vehicles were parking on the adjoining former Pioneer Animal Hospital Lot.
- B. Code Administrator II Gary Batt and Code Administrator I Sheila Hort conducted an inspection of the property at 7:45 AM on August 27, 2021. The inspection verified that workers for drywall business storing products at 2001 E. 20th Street were parking on the neighboring property located at 1905 E. 20th Street. The inspection found drywall supplies and equipment associated with drywall work in the southern bay of the main building.
- C. Development Services issued a certificate of occupancy on July 20, 2021. Fire Marshal Anthony Murphy has not issued a Certificate of Occupancy.

IV. STAFF COMMENTS

- A.** The August 27, 2021 inspection confirms inadequate parking is available at the existing 2001 E. 20th Street. Vehicles are being parked in the right-of-way and neighboring property to accommodate utilization of the property.
- B.** The August 27, 2021 inspection suggests the south bay is being used as a “a shop for building contractor” as equipment associated with drywall work was found in the bay. This is not a permitted use in the C-2 Zoning District.
- C.** The August 27, 2021 inspection confirms workers are reporting to work at the property and it is not being used as a convenience warehouse storage facility as defined in 25-2-27.1.
- D.** It is undetermined the square footage of the building that is being used for general commercial use. The parking requirement for general commercial is 1 space per 500 sq. ft. gross floor area compared to the warehouse parking requirement of 1 space per 1000 sq. ft. gross floor area per 25-5-1.
- E.** Photograph of vehicles parking on 1905 E. 20th Street from 8-16-2021 observation.



V. STAFF RECCOMENDATION

- A.** Due to the number of ongoing issues and the related parking as observed on multiple occasions staff recommends the denial of the final plat subdivision application of Lots 7A & 7B, Block 1, Quindt Commercial Tracts.

City of Scottsbluff Planning Commission

Development Services Staff Report – Zachary Glaubius

Prepared on: July 23, 2021 For Hearing of: August 9, 2021



I. GENERAL INFORMATION

- A. Applicant:** Mark & Amy Westphal
222 E 37th Street
Scottsbluff, NE 69361
- B. Property**
Owner: Same as Applicant
- C. Proposal:** Request to replat Block 7, Quindt Commercial Tracts, into two separate lots and add an access easement
- D. Legal Description:** Block 7, Quindt Commercial Tracts (to be replatted as Lots 7A and 7B, Block 1, Quindt Commercial Tracts)
- E. Location:** 2001 E. 20th Street
- F. Existing Zoning & Land Use:** C-2 Neighborhood and Retail Commercial. This site is currently being used as a convenience warehouse facility.
- G. Size of Site:** Approximately 20,038.00 sq. ft.

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	Commercial	C-2 Neighborhood and Retail Commercial	Farm Ground
East	Commercial	C-2 Neighborhood and Retail Commercial	ABC Seamless
South	Commercial	C-2 Neighborhood and Retail Commercial	Parking Lot, General Commercial Building
West	Commercial	C-2 Neighborhood and Retail Commercial	Former Pioneer Animal Clinic

B. Relevant Case History

1. This site is in the City of Scottsbluff Blighted and Substandard Area.

2. The certificate of occupancy for this parcel was issued on 7-20-21.

III. **ANALYSIS**

A. Comprehensive Plan: The Future Land Use Map of the Comprehensive Plan currently shows the site as Highway 26 Commercial (Commercial).

B. Traffic & Access:

1. Current access to Lot 7 is frontage to E. 20th Street.
2. The accesses above will remain for the proposed Lot 7B.
3. The proposed Lot 7A will be accessed from E. 20th Street through a 20' access easement.

C. Utilities:

1. The current lot has access to water, and sewer.
2. The proposed lots will need to have separate accesses to water and sewer.

IV. **STAFF COMMENTS**

- A.** The definition of a convenience warehouse storage facility is: A series of storage spaces contained in one building or in a series of buildings which are designed and used for the purpose of renting or leasing individual storage spaces to persons in order that any person renting or leasing one or more of such individual storage spaces shall have access for the purpose of storing property therein. (25-2-27.1).
- B.** The current use of the lot is convenience warehouse storage facility which requires 1 off-street parking space for every 1000 sq feet of building.
- C.** The building on the proposed Lot 7B will not meet the criteria of a convenience warehouse storage facility if on a separate lot. Single bay personal storage is not a permitted use in the C-2 zoning district.
- D.** No sidewalks exist on Lot 7 or the adjoining lots in conflict of 21-1-36. Owners of Lot 7A and 7B would be required to install sidewalks per the specifications of Chapter 20 Article 3 of the Municipal Code.

V. **FINDINGS OF FACT**

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

1. The Comprehensive Plan identifies the area as commercial and the lots will remain C-2.
2. There are no applicable setbacks or lot coverage requirements in the C-2 zoning district.
3. The 20' access easement will provide access to the off-street parking of Lot 7B and the majority of off-street parking 7A.
4. The current usage of Lot 7 and proposed Lot 7A meets the off-street parking requirements and is a permitted use in the C-2 district.
5. Lot 7B will meet the parking requirements and be a permitted use if used as a convenience warehouse storage facility. Letter from applicant and future owner state this intent.

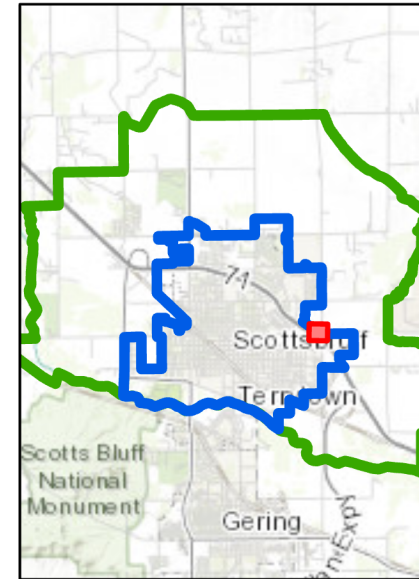
B. Findings of Fact to Not Recommend Approval May Include:

1. The existing Lot 7 has enough area to meet general commercial off-street parking requirements (1 stall per 500 sq ft). A subdivision of the existing Lot 7 will restrict the use of the Lot 7A & 7B to only warehousing and wholesaling.
2. The structure of Lot 7B is a single bay storage building, which is not a permitted use in the C-2 district.

3. As the current use of Lot 7B is not a permitted use, it would be required to meet the general commercial off-street parking requirements of two parking stalls. The proposed Lot 7B does not have enough area for additional parking stalls.
4. Due to the small area and dimensions of Lot 7B, its off-street parking cannot be accessed without crossing onto Lot 7A.
5. The Comprehensive Plan defines Highway 26 commercial as motorized vehicle oriented. The proposed layout of Lot 7B is not motorized vehicle oriented.
6. The small area of the proposed Lot 7B is not in character with the lot sizes of the surrounding neighborhood.
7. The small area is not in character with the C-2 district. Of the 197 C-2 parcels, only two existing parcels are less than 2,200 sq ft. Neither have structures, and both are used as paved accesses.

VI. STAFF RECCOMENDATION

- A. Staff recommends the Planning Commission make a negative recommendation on the approval of the Final Plat of Lots 7A & 7B, Block 1, Quindt Commercial Tracts.



- Street Centerline
- Highway
- Main Road
- Residential
- Proposed_Changes
- Area_Zoom_out

Taylor Stephens
City of Scottsbluff GIS
Created on July 29th, 2021
Coordinate System:
NAD 1983 StatePlane Nebraska FIPS 2600 Feet
Lambert Conformal Conic

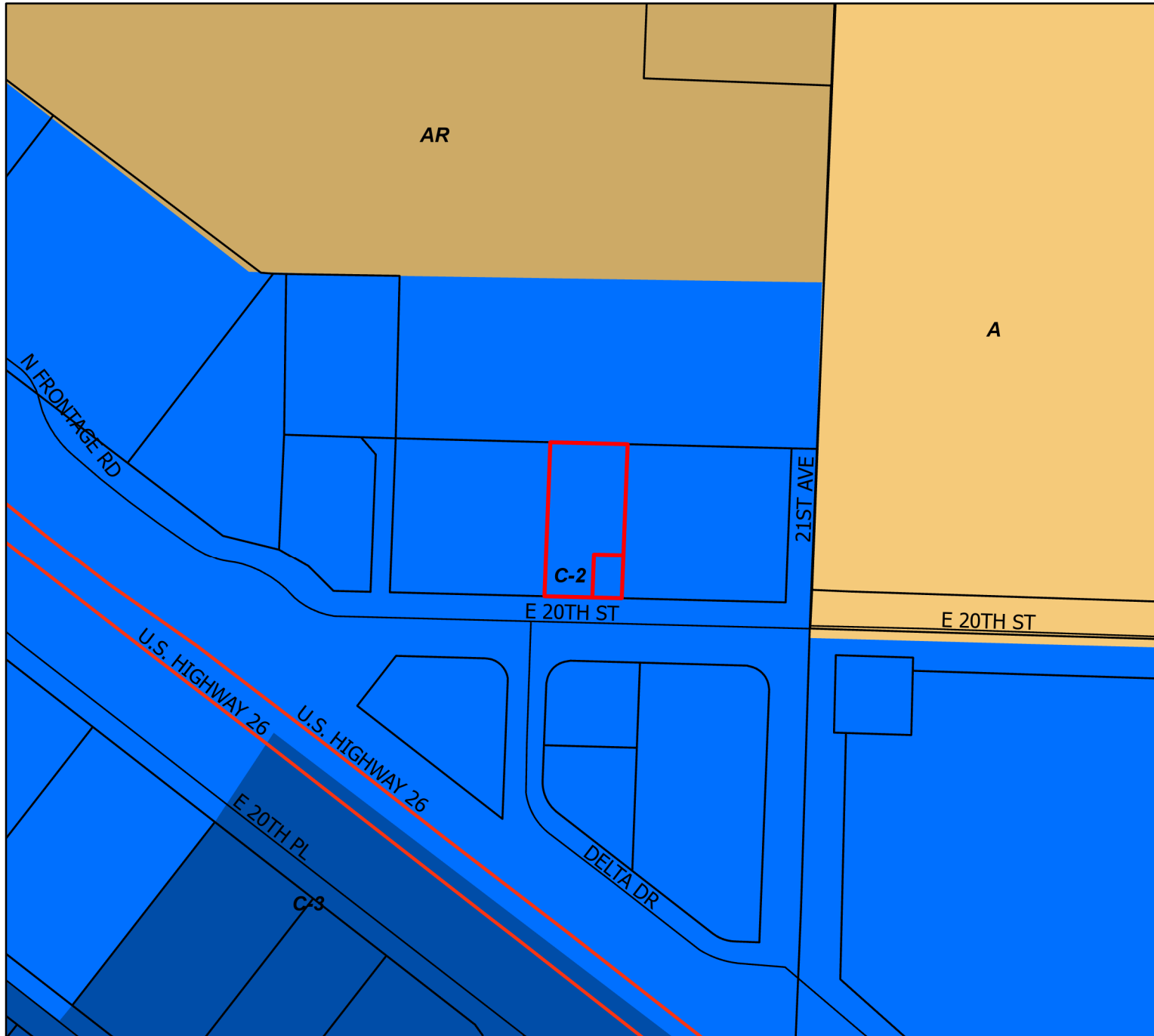
The City makes no representation or warranty as to the accuracy, timeliness, or completeness, and in particular, its accuracy in labeling or displaying dimensions, contours, property boundaries, or placement or location of any map features thereon.



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

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Street Centerline

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

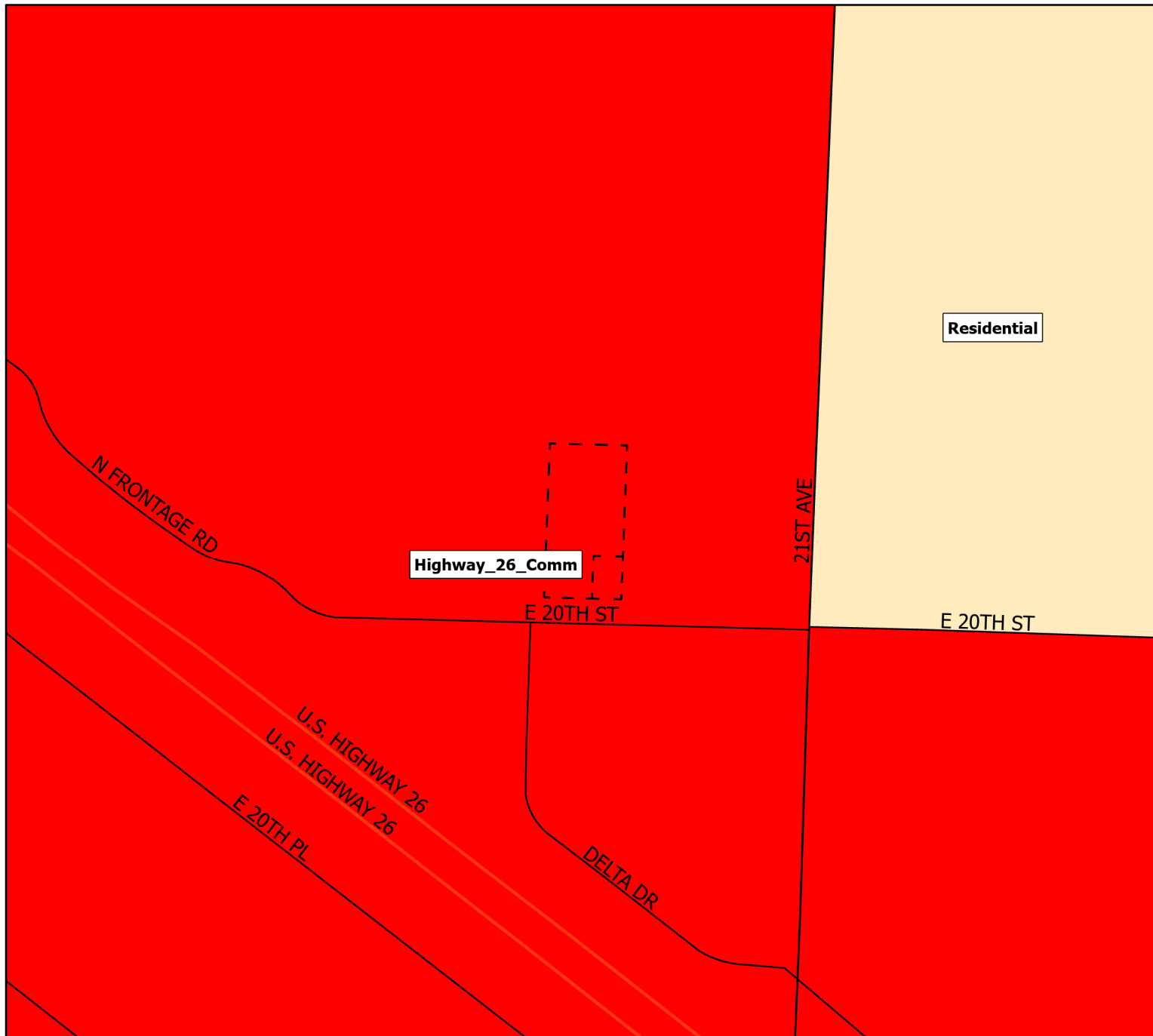
Zoning

- 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

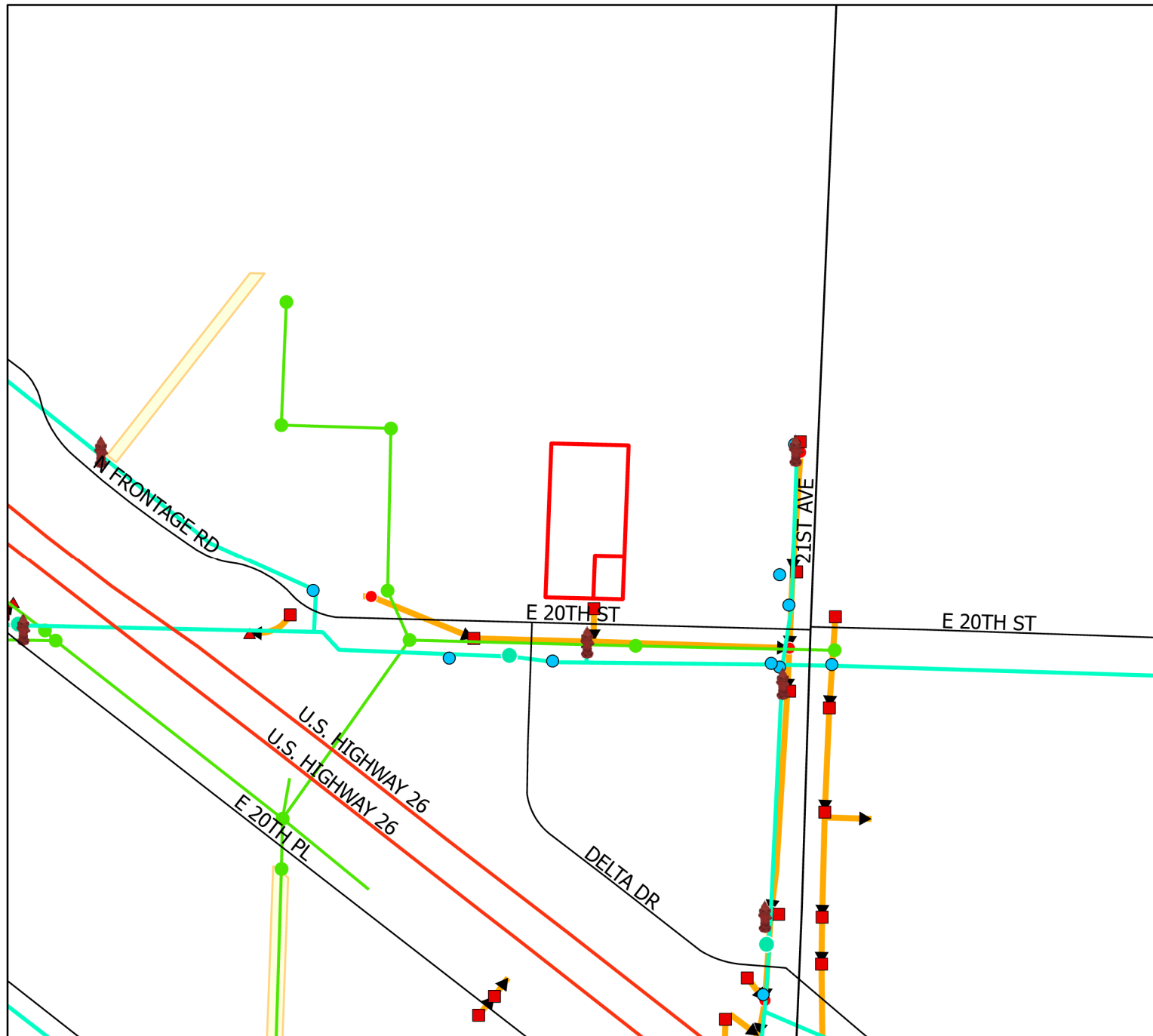
- Highway
- Main Road
- Residential

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

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- 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
- Proposed Changes

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Created on July 29th, 2021
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Lambert Conformal Conic

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FINAL PLAT OF LOTS 7A AND 7B, BLOCK 1,
QUINDT COMMERCIAL TRACTS,
A SUBDIVISION OF LOT 7, BLOCK 1, QUINDT COMMERCIAL TRACTS
TO THE CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA
SITUATED IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 22 NORTH,
RANGE 55 WEST OF THE 6TH PRINCIPAL MERIDIAN, SCOTTS BLUFF COUNTY, NEBRASKA

Sheet Revisions		
Date	Description	Initials
06-02-21	DRAFTED SURVEY	JCB

Baker & Associates Inc.
120 EAST 16TH STREET
SCOTTSBLUFF, NEBRASKA 68301
308-432-3123
www.baker-eng.com
Engineers • Architects • Surveyors
COPYRIGHT 2021

Final Plat of Lot 7A and 7B, Block 1, Quindt Commercial Tracts Title Sheet			
Baker Project Number: 6423-001-21			
Project Location: Scottsbluff, Scotts Bluff County Nebraska			
Owners: WESTPHAL/MARK A & AMY S			
Project Code	Last Mod. Date	Subset	Sheet No.
6423	07-29-2021	1 of 2	2

SURVEY NOTES

- BAKER AND ASSOCIATES, INC., PERFORMED ALL NECESSARY RESEARCH TO ESTABLISH CURRENT OWNERSHIP OF THE SUBJECT PROPERTY SHOWN HERE ON, UTILIZING CURRENT VESTING DOCUMENTS FROM PUBLIC RECORDS, A CERTIFICATE OF TITLE WAS ALSO PROVIDED BY FERGUSON TITLE SERVICES COMPANY TO VERIFY ALL OWNERSHIP AND RESEARCH.
- THE MONUMENTATION RECOVERED WAS LOCATED BY A COMBINATION OF GLOBAL POSITIONING SYSTEM (GPS) FAST STATIC, RTK AND RTK DATA LOGGING TECHNIQUES. CONVENTIONAL SURVEY METHODS WERE APPLIED WHEN REQUIRED.
- BASIS OF BEARINGS: ALL BEARINGS ARE BASED ON THE NORTH LINE OF LOT 7, BLOCK 1 QUINDT COMMERCIAL TRACTS. BEARING OF SAID LINE IS S88°12'36"E, AND IS OBTAINED FROM A GLOBAL POSITIONING SYSTEM (GPS) SURVEY BASED ON THE NEBRASKA HIGH ACCURACY REFERENCE NETWORK (NHARN). SAID GRID BEARING IS NAD 83 (2011) NEBRASKA STATE PLANE ZONE 2600.
- ALL DIMENSIONS SHOWN HEREON ARE U.S. SURVEY FEET.
- NOTICE: YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE (3) YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION, BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN (10) YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

LEGAL DESCRIPTION

LOT 7A

BEGINNING AT A POINT ON THE NORTHWEST CORNER OF LOT 7, BLOCK 1, QUINDT COMMERCIAL TRACTS TO THE CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA, A MONUMENT FOUND IN PLACE; THENCE ALONG THE NORTH LINE OF SAID LOT 7 S88°12'36"E, A DISTANCE OF 99.73 FEET TO A POINT ON THE NORTHEAST CORNER OF SAID LOT 7 SAID BEARING BEING THE BASIS OF BEARING OF THIS DESCRIPTION; THENCE S02°12'15"W A DISTANCE OF 143.81 FEET; THENCE N88°12'36"W A DISTANCE OF 38.09; THENCE S02°12'15"W A DISTANCE OF 56.16 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 7; THENCE ALONG SAID SOUTH LINE N88°14'17"W A DISTANCE OF 61.91 FEET; THENCE N02°16'54"E A DISTANCE OF 200.0 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION, CONTAINING 0.409 ACRE, MORE OR LESS.

LOT 7B

COMMENCING AT A POINT ON THE NORTHWEST CORNER OF LOT 7, BLOCK 1, QUINDT COMMERCIAL TRACTS TO THE CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA, A MONUMENT FOUND IN PLACE; THENCE ALONG THE NORTH LINE OF SAID LOT 7 S88°12'36"E, A DISTANCE OF 99.73 FEET TO A POINT ON THE NORTHEAST CORNER OF SAID LOT 7; SAID BEARING BEING THE BASIS OF BEARING OF THIS DESCRIPTION; THENCE S02°12'15"W A DISTANCE OF 143.81 FEET TO A POINT ON THE EAST LINE OF SAID LOT 7, SAID POINT BEING THE POINT OF BEGINNING OF THIS DESCRIPTION

THENCE S02°12'15"W A DISTANCE OF 56.14 FEET TO A POINT ON THE SOUTHEAST CORNER OF SAID LOT 7, A MONUMENT FOUND IN PLACE; THENCE ALONG THE SOUTH LINE OF SAID LOT 7 N88°14'17"W A DISTANCE OF 38.09 FEET; THENCE N02°12'15"E A DISTANCE OF 56.16 FEET; THENCE S88°12'36"E A DISTANCE OF 38.09 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION, CONTAINING .049 ACRE, MORE OR LESS.

OWNER'S AND DEDICATION STATEMENT

WE THE UNDERSIGNED, BEING THE OWNERS OF LOTS 7A AND 7B, BLOCK 1, QUINDT COMMERCIAL TRACTS, A SUBDIVISION OF LOT 7, BLOCK 1, QUINDT COMMERCIAL TRACTS TO THE CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA, STATE THAT THE FOREGOING FINAL PLAT IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE UNDERSIGNED OWNERS.

WE HEREBY DEDICATE ALL STREETS, ALLEYS, EASEMENTS, AND RIGHT OF WAYS TO THE BENEFIT AND USE OF THE PUBLIC.


MARK A. WESTPHAL

8-4-2021
DATE


AMY S. WESTPHAL

8-4-2024
DATE

ACKNOWLEDGMENT

STATE OF NEBRASKA)
COUNTY OF SCOTTS BLUFF)

BEFORE ME, A NOTARY PUBLIC, QUALIFIED AND ACTING IN SAID COUNTY, PERSONALLY CAME MARK A. WESTPHAL, 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 THEIR VOLUNTARY ACT AND DEED.

WITNESS MY NOTORIAL SEAL THIS 4th DAY OF August, 2021.


NOTARY PUBLIC



MY COMMISSION EXPIRES: April 17, 2024

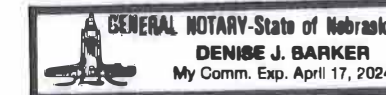
ACKNOWLEDGMENT

STATE OF NEBRASKA)
COUNTY OF SCOTTS BLUFF)

BEFORE ME, A NOTARY PUBLIC, QUALIFIED AND ACTING IN SAID COUNTY, PERSONALLY CAME AMY S. WESTPHAL, 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 THEIR VOLUNTARY ACT AND DEED.

WITNESS MY NOTORIAL SEAL THIS 4th DAY OF August, 2021.


NOTARY PUBLIC



MY COMMISSION EXPIRES: April 17, 2024

PROJECT VICINTY MAP



INDEX OF SHEETS

PAGE 1	TITLE SHEET
PAGE 2	PLAN SHEET

APPROVAL AND ACCEPTANCE

THE FOREGOING PLAT OF LOTS 7A AND 7B, BLOCK 1, QUINDT COMMERCIAL TRACTS, A SUBDIVISION OF LOT 7, BLOCK 1, QUINDT COMMERCIAL TRACTS TO THE CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA, WAS APPROVED BY THE MAYOR OF THE CITY OF SCOTTSBLUFF, NEBRASKA.

WE HEREBY ACCEPT ALL STREETS, ALLEYS, EASEMENTS AND RIGHT OF WAYS TO THE BENEFIT AND USE OF THE PUBLIC.

BY:

MAYOR _____

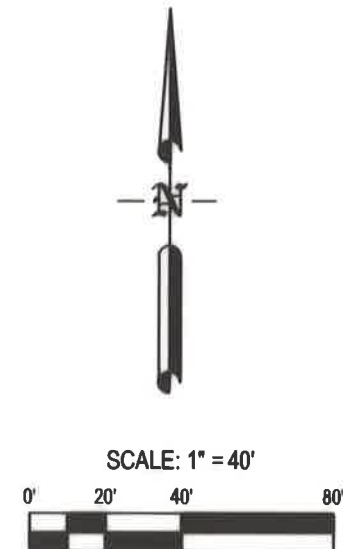
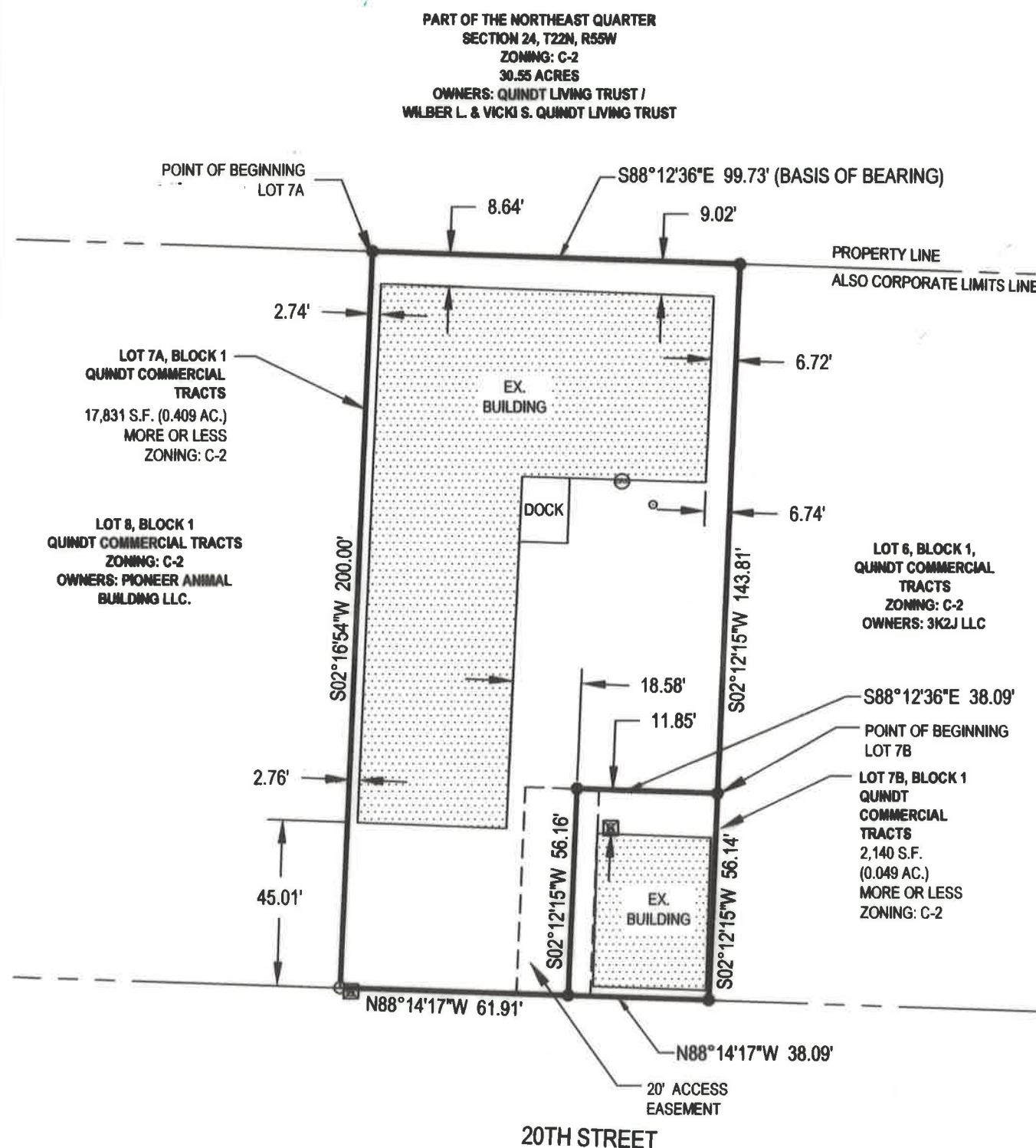
ATTESTED: CITY CLERK _____

**FINAL PLAT OF LOTS 7A AND 7B, BLOCK 1,
QUINDT COMMERCIAL TRACTS,
A SUBDIVISION OF LOT 7, BLOCK 1, QUINDT COMMERCIAL TRACTS
TO THE CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA**
SITUATED IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 22 NORTH,
RANGE 55 WEST OF THE 6TH PRINCIPAL MERIDIAN, SCOTTS BLUFF COUNTY, NEBRASKA

Sheet Revisions		
Date	Description	Initials
06-02-21	DRAFTED SURVEY	JCB

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120 EAST 16TH STREET
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Final Plat of Lot 7A and 7B, Block 1, Quindt Commercial Tracts Plan Sheet				
Baker Project Number: 6423-001-21				
Project Location: Scottsbluff, Scotts Bluff County Nebraska				
Owners: WESTPHAL/MARK A & AMY S				
Project Code	Last Mod. Date	Subset	Sheet No.	
6423	07-23-2021	2 of 2	2	



- = CORNER FOUND AS NOTED
- = CORNER SET
5/8"x24" REBAR WITH PINK PVC CAP
STAMPED "ACCUSTAR BOSSE" LS 603
- _{WC} = WITNESS CORNER SET
5/8"x24" REBAR WITH PINK PVC CAP
STAMPED "ACCUSTAR BOSSE" LS 603
- (M) = MEASURED DISTANCE
- (R) = RECORDED DISTANCE

SURVEYOR'S CERTIFICATE:

I, SCOTT M. BOSSE, NEBRASKA REGISTERED LAND SURVEYOR NUMBER 603, DO HEREBY CERTIFY THAT I HAVE SURVEYED LOTS 7A AND 7B, BLOCK 1, QUINDT COMMERCIAL TRACTS TO THE CITY OF SCOTTSBLUFF; THAT THE ACCOMPANYING DRAWING IS A CORRECT DELINEATION OF SAID SURVEY DRAWN TO A SCALE OF 40 FEET TO THE INCH; THAT SAID SURVEY AND DRAWING WAS CONDUCTED BY ME OR UNDER MY DIRECT SUPERVISION; THAT THE DISTANCES ARE GROUND DISTANCES GIVEN IN FEET AND DECIMALS OF A FOOT; AND THE MONUMENTS WERE FOUND OR SET AS INDICATED AND THE BOUNDARY IS DEPICTED BY A THICKENED SOLID LINE.

WITNESS MY HAND AND SEAL this 2ND day of August, 2021.

Scott M. Bosse
NEBRASKA REGISTERED LAND SURVEYOR NUMBER 603



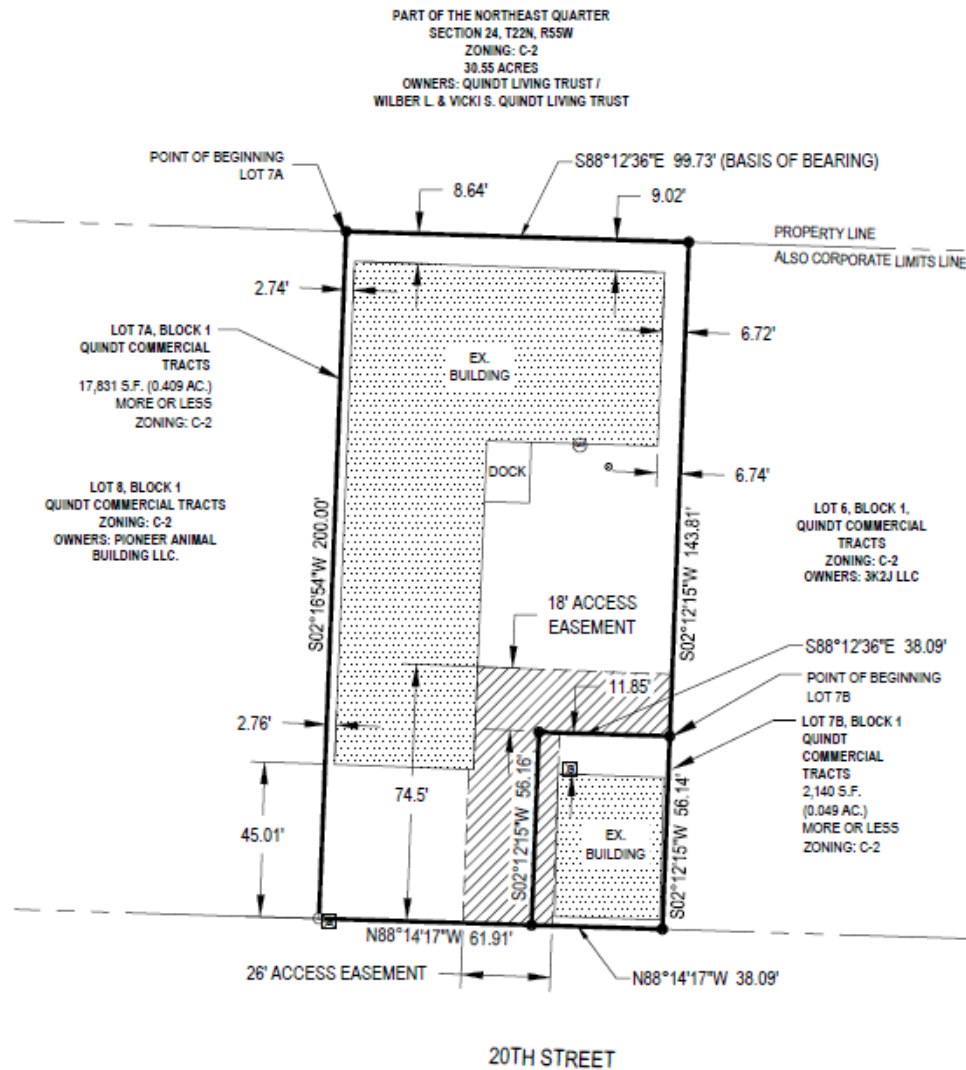
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Sheet Revisions		
Date	Description	Initials
06-02-21	DRAFTED SURVEY	JCB

Baker
Associates
Inc.
Engineers • Architects • Surveyors
CORPORATE 2020

1200 EAST 10TH STREET
SCOTTSBLUFF, NEBRASKA
308-403-0123
www.bakerassociates.com

Final Plat of Lot 7A and 7B, Block 1, Quindt Commercial Tracts				
Plan Sheet				
Baker Project Number: 6423-001-21				
Project Location: Scottsbluff, Scotts Bluff County Nebraska				
Owners: WESTPHAL/MARK A & AMY S				
Project Code	Last Mod.	Date	Sheet	Sheet No.
6423	09-05-2021	2 of 2	2	2



- = CORNER FOUND AS NOTED
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5/8"x24" REBAR WITH PINK PVC CAP
STAMPED "ACCUSTAR BOSSE" LS 603
- WC = WITNESS CORNER SET
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- (M) = MEASURED DISTANCE
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SURVEYOR'S CERTIFICATE:

I, SCOTT M. BOSSE, NEBRASKA REGISTERED LAND SURVEYOR NUMBER 603, DO HEREBY CERTIFY THAT I HAVE SURVEYED LOTS 7A AND 7B, BLOCK 1, QUINDT COMMERCIAL TRACTS TO THE CITY OF SCOTTSBLUFF; THAT THE ACCOMPANYING DRAWING IS A CORRECT DELINEATION OF SAID SURVEY DRAWN TO A SCALE OF 40 FEET TO THE INCH; THAT SAID SURVEY AND DRAWING WAS CONDUCTED BY ME OR UNDER MY DIRECT SUPERVISION; THAT THE DISTANCES ARE GROUND DISTANCES GIVEN IN FEET AND DECIMALS OF A FOOT; AND THE MONUMENTS WERE FOUND OR SET AS INDICATED AND THE BOUNDARY IS DEPICTED BY A THICKENED SOLID LINE.

WITNESS MY HAND AND SEAL this ____ day of _____, 2021.

Scott M. Bosse
NEBRASKA REGISTERED LAND SURVEYOR NUMBER 603



PLANING COMMISSION MINUTES
REGULAR SCHEDULED MEETING
August 9, 2021
SCOTTSBLUFF, NEBRASKA

The Planning Commission for the City of Scottsbluff met in regular scheduled meeting on Monday, August 9, 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 30, 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, Angie Aguillo "Absent": Anita Chadwick, 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 The minutes from the July 12, 2021 meeting were reviewed. Conclusion, a motion was made by Zitterkopf and seconded by Wayman to approve the minutes from January 25, 2021 meeting. "Yeas": Westphal, Huber, Wayman, Zitterkopf, Weber Aguillo, "Abstained": None, "Absent": Chadwick, Gompert, Estrada, Redfern. The motion carried.
- 6 Chairman Weber asked Commissioner Westphal to state his conflict of interest with the Final Plat of Lots 7A and 7B, Block 1, Quindt Commerical Tracts. Westphal stated he stand down from commenting as he has a conflict of interest. Weber stated Westphal is involved in the transaction and therefore excusing himself from voting, but that Westphal could comment as a member of the public. Weber stated Westphal could remain at the chamber platform, which the Planning Commission members agreed to.
- 7 Chairman Weber opened the public hearing for the Final Plat of Lots 7A & 7B of Block 1, Quindt Commercial Tracts. Weber asked Glaubius for an overview of the final plat. Glaubius stated the area is currently zoned C-2 and currently used as a convenience warehouse storage facility. Glaubius stated the lot is located at 2001 E. 20th Street, has an area of approximately 20,038 sq. ft. and is surrounding by C-2 zoning. Glaubius stated the parcel was issued a certificate of occupancy by the city on July 20, 2021 for convenience warehouse storage facility. He continued that the 2016 Comprehensive Plan shows the future land use of the area as Highway 26 Commercial. Glaubius stated the current access to the lot is frontage to E. 20th Street, which would remain the same the proposed lots with the addition of a 20' access easement. Glaubius commented on the definition of a convenience warehouse storage facility as per 25-2-27.1, and stated the current use has an off-street parking requirement of one stall per 1000 sq. ft of building. Glaubius stated the proposed Lot 7B will not meet the criteria of a convenience warehouse storage facility if on a separate lot as single bay storage is a not a permitted use in

the C-2 zoning district. He also stated no sidewalks are in the lot which is in conflict with 21-1-36. Glaubius stated the findings of facts to recommend the approval of the final plat. He stated the comprehensive plan identifies the area as commercial, which it will remain if the subdivision is approved. He also stated there are no applicable setbacks or lot coverages in the C-2 zoning district, and that the 20' access easement will provide access to the off-street parking of Lot 7B and the majority of off-street parking 7A. Glaubius stated the current usage of Lot 7 and proposed Lot 7A will meet the off-street parking requirements. Glaubius stated Lot 7B will meet the parking requirements and be a permitted use if used as a convenience warehouse storage facility per the letters in the agenda packet from the applicant and future owner. Glaubius stated the findings of facts to not recommend approval. Glaubius stated the existing Lot 7 currently has enough space for both warehouse use and general commercial use, which is one space per every 500 sq. ft. of building, and by splitting the lot, both Lot 7A and Lot 7B will be restricted to only warehousing and wholesaling uses. Glaubius stated the building on Lot 7B will be a single bay storage building, which is not a permitted use in the C-2 district, and as a non-permitted use, it would be required to meet the general commercial off-street parking requirements of 1 space per 500 sq. ft. of building. Glaubius stated that Lot 7B does not have enough space for additionally parking. Glaubius stated that the parking of Lot 7B cannot be accessed without crossing onto Lot 7A. Glaubius then stated the comprehensive plan defines Highway 26 Commercial as motorized-vehicle oriented and given a vehicle cannot access off-street parking on Lot 7B, it is not motorized-vehicle oriented. Glaubius stated the small area of Lot 7B is not in character with lot sizes of the neighborhood which range from 12,000 sq. ft. to 50,000 sq. ft. Glaubius stated per analysis from the City of Scottsbluff GIS Department that there are 197 C-2 parcels in the corporate limits and only two other C-2 parcels are smaller than Lot 7B in the city and both are used as paved accesses. Glaubius stated that staff recommends the Planning Commission make a negative recommendation on the approval of the Final Plat of Lots 7A and 7B, Block 1, Quindt Commercial Tracts.

- 8 Chairman Weber asked if there was a representative for the Final Plat of Lots 7A and 7B, Block 1, Commercial Tracts. Jack Baker of Baker and Associates stated he was assisting Mr. Westphal and Mr. Mackrill, the future owner of Lot 7B, on the subdivision process. Baker stated the subdivision is limited by the constraints of existing buildings. Baker stated Mr. Mackrill has leased the building on the proposed Lot 7B from Mr. Westphal. Baker stated Mackrill and Westphal have come to agreement to sell Lot 7B to Mackrill. Baker stated Mackrill then intends to lease out part of the building to Mackrill's son and Mackrill's brother to comply with the convenient warehouse storage facility use which would comply with the C-2 zoning code and single parking stall requirement. Baker stated the 20' access easement will provide access and no variances are required. Baker stated the proposed subdivision meets all the city's requirement and should receive a positive recommendation. Baker stated that nothing on the lot would change from how it is today, which includes the parking. Baker went through the findings of fact. Baker stated in regards to limiting the use of Lots 7A and Lot 7B to wholesaling and warehousing, that the existing lot was built for warehousing and wholesaling which meets and will meet the parking requirements if approved. Baker stated if the use of the lot were to change and need more parking, the lot would need many more improvements. Baker stated a change in future use of the property should have no bearing on this final plat. Baker stated that the structure on Lot 7B is a rented space, and due to this no work could be done to make it a convenience warehouse facility. Baker stated Mackrill has plans already in place and a signed copy of a lease with his son to make the structure a convenience warehouse facility as soon as Mackrill owns the property. Baker stated In regards to V.B.4 on the staff report, the access easement on Lot 7A is there to permit access to Lot 7B, which is permissible. Baker stated in

regards to V.B.5, that nothing was changing on the lot and the access easement will provide access to the off-street parking. Baker stated in regards to the small size of the lot that it is a different, but there is no minimum lot size in the C-2 district. Baker stated that the reason for the small size is due to existing conditions and if it were a new lot, it would be done differently.

- 9 Wayman asked Baker what the width of the street frontage for both Lot 7A and Lot 7B. Wayman then stated that the lots can only provide the minimum parking requirements. Baker stated 14-15 stalls could be squeezed onto the lot, but typically there are only a few vehicles on site. Huber stated he received a call from the neighboring property owner to the west that several vehicles parking on the neighboring property. Huber stated the owner had concern about parking on Lot 7, and Huber inquired to the Planning Commission if anyone else was aware of parking issues there. Huber asked Baker why vehicles from Lot 7 are parking on the adjoining lot if there is ample parking currently. Baker stated he did not know why, and Westphal stated that should not be happening. Wayman stated that it is common with commercial properties to have vehicles park on nearby lots, and that could happen at any C-2 lot or the downtown area.
- 10 Wayman asked for clarification on V.A.5 which stated the Lot 7B will have a permitted use and meet the parking requirements while V.B.2 and V.B.3 state Lot 7B will not be a permitted use and not meet the parking requirements. Baker stated the use will not change. Glaubius stated that currently the structure on proposed Lot 7B is an accessory structure so it is a permitted use as there are other storage units in the main building. Glaubius stated the letters of intent state the building on Lot 7B will have separate units in it to meet the convenience warehouse storage facility definition. Wayman asked if additional doors would be need to access the different bays in the building proposed Lot 7B. Glaubius stated it would need to have separate accesses to each storage bay. Glaubius stated the reason for the V.B.2 and V.B.3 is due to the current configuration of the building on Lot 7B and no certificate of occupancy could be issued until it is in compliance. Baker stated there is already a separate loft in the building on the proposed Lot 7B that would be used as a storage unit. Zitterkopf asked if the city would enforce the sidewalk requirement and if it would be for the whole block or just these lots. Glaubius stated it would be required for these two lots. Glaubius stated he was unsure if this would be enforced. Westphal asked Baker how many feet are between the building and the curb of E. 20th Street. Baker stated he was unsure as that is past the property line. Westphal and Aguallo stated it was 14' feet per the final plat. Wayman stated that there were no neighbors present, and he looks to see if the neighbors would be affected by it. Wayman stated the neighbors seem to be unaffected, and if anyone would be detrimentally affected by the subdivision it would be Westphal who currently owns Lot 7A. Wayman made a positive recommendation. Zitterkopf seconded this.
- 11 Weber stated he had a few more questions, and he relies on experts to provide information and the city providing its view. Weber asked if everything would be in compliance with code if the applicants' follow through with their letters of intent. Aguallo asked if this should be a condition on the motion. Baker stated he thought this would be controlled by the city's issuance of a certificate of occupancy. Glaubius stated no certificate of occupancy could be issued to the building on the proposed Lot 7B until it is in compliance with the requirements of city code. Weber asked Glaubius that if the applicant's followed through with requirements including the sidewalks and permitted use, would it be a permitted use? Glaubius stated he cannot speak for the sidewalk as no plans have been submitted, but the letters of intent state the use of the building of proposed 7B would be permitted use. Weber asked how much of an issue would the sidewalks be. Glaubius stated this was included in the staff comments as it a requirement of the city's subdivision code. Weber stated he was inclined to pass the final plat to the city council; however, he does not want the Planning Commission to send anything out of compliance to the City Council and set a precedent that the Planning Commission is willing to violate city code.

Weber stated he was in favor of a positive recommendation since there are assurances the final plat will meet the requirements of city code.

- 12 Westphal added he had to apply for a certificate of occupancy for both buildings to comply with the zoning code, and that everything cleared. Weber suggested the Planning Commission may need to look at the code as this final plat seems like a “no brainer” since there is an owner who wants to sell, and Aguallo added that the renter of the other building wants to buy. Weber questioned the negative staff recommendation. Glaubius stated staff was not only concerned about current use, but future use. Glaubius stated that due to the small size and lack of space for additional parking, these lots will strictly be limited to warehouse and wholesaling uses. Glaubius added that staff has concerns about access in the future as Westphal and Mackrill get along right now, but that may change in the future or with future owners of the land. Westphal asked Glaubius about the parking space south of the building on Lot 7B and putting down a concrete drive. Westphal stated he had asked Glaubius before, but did not understand why this would not be allowed. Glaubius stated the access concerns are for the access on the property and not from the right-of-way. Glaubius stated the parking south of the building on the proposed Lot 7B is in the right-of-way and therefore considered non-applicable on-street parking. Westphal stated that it would not be on-street parking as its not on the street. Batt informed Westphal that the property line sets back farther than curb.
- 13 Weber referred to Wayman’s motion, and Zitterkopf’s second to make a positive recommendation on the approval of the Final Plat of Lots 7A and 7B, Block 1, Quindt Commercial Tracts to City Council. “Yeas”: Huber, Wayman, Zitterkopf, Weber, Aguallo. “Abstained”: Westphal “Absent”: Estrda, Gompert, Chadwick, Redfern. The motion carried.
- 14 Chairman Weber asked if there was any further business, with there being none, he declared the meeting adjourned at 6:32 PM with the members to signify by saying Aye. Westphal, Huber, Wayman, Zitterkopf, Weber, Aguallo all signified by saying aye.

Chairman Dana Weber

Zachary Glaubius, Secretary

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 Lots 7A and 7B, Block 1, Quindt Commercial Tracts, a subdivision of Lot 7 Block 1, Quindt Commercial Tracts, to the City of Scottsbluff, Scotts Bluff County, Nebraska, situated in the SE¼ of the NE ¼ of Section 24, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska, dated August 4, 2021, 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 September, 2021.

Mayor

ATTEST:

City Clerk