City of Scottsbluff, Nebraska

Monday, October 11, 2021 Regular Meeting

Item Pub Hear3

Preliminary Plat

Preliminary Plat of Block 1, BF Properties, situated in the Southeast Quarter of the Southwest Quarter of Section 20, Township 22 North, Range 54 West of the 6th P.M., Scotts Bluff, County, Nebraska.

Staff Contact: Zachary Glaubius, Planning Administrator

City of Scottsbluff Planning Commission

Development Services Staff Report – Zachary Glaubius

Prepared on: September 27, 2021 For Hearing of: October 11, 2021



I. GENERAL INFORMATION

A. Applicant: Bryan Frank (Frank Properties, LLC)

PO Box 2395

Scottsbluff, NE 69361

B. Property

Owner: Same as Applicant

C. Proposal: Request to plat Block 1, BF Properties and extension of utility easement. Request to rezone Block 1 from A-Agricultural to C-3 Heavy Commercial.

D. Legal Description: Block 1, BF Properties situated in the southeast quarter of the southeast quarter of Section 20, Township 22 North, Range 54 West of the 6th P.M., Scotts Bluff County, Nebraska.

E. Location: 240474 Highland Road

F. Existing Zoning & Land Use: A-Agricultural. GGO - Gateway Green Overlay Zone. Currently used to service farm equipment.

G. Size of Site: 6 Acres

II. BACKGROUND INFORMATION

A. General Neighborhood/Area Land Uses and Zoning:

Direction From	Future Land Use	Current Zoning	Surrounding
Subject Site	Designation	Designation	Development
North	Residential	A-Agricultural	Farmland
East	Residential	R-1B Rural	Single Family
		Residential Estate	Dwellings
South	Residential	R-1B Rural	Single Family
		Residential Estate	Dwellings, Machine
			Shed
West	Residential	A-Agricultural	Farmland

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 Residential

B. Traffic & Access:

- 1. Current access the unplatted land is frontage along Highland Road (33' right-of-way)
- 2. The accesses above will remain for the proposed Block 1.
- 3. A 50' Winter Creek Canal Ditch Easement runs along the eastern lot line.

C. Utilities:

- 1. The current lot has access to water and sewer (SID 4-A)
- 2. Proposed Block 1 will have access to water and sewer (SID 4-A)

IV. STAFF COMMENTS

- **A.** As the subdivision is located outside of corporate limits in the extra-territorial jurisdiction, it is not required to be connected to city utilities.
- **B.** The proposed rezone to C-3 is not consistent with the Comprehensive Plan. However, staff requested the rezone to bring the existing use into compliance with the zoning code.
- **C.** The rezone will lead to consistency in the zoning of farm implements and farm equipment service facilities.

V. FINDINGS OF FACT

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

- 1. The preliminary and final plat will not create any non-conforming yards or structures.
- **2.** The plat meets the minimum requirements of the code.
- **3.** The rezone of the proposed lot to C-3 Commercial will bring the existing non-conforming use into conformance.

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

1. The Comprehensive Plan identifies the area as residential, and the rezone will permit commercial land use.

VI. STAFF RECCOMENDATION

A. Staff recommends Planning Commission recommend approval of the Preliminary Plat, Final, Plat, and Rezone Application for Block 1, BF Properties.

Scatt Se		City of Scottsbluff Observation for a Prelimina	, Nebraska ry Plat Subdivisi	on,	
Date: 9-8-2021	DO NOT WRITE	DO NOT WRITE IN THIS BLOCK			
Address (Location): 240474 Highland Road	Permit Number:				
Applicant's Name Bryan Frank (Frank Prop	Plat				
Applicant's Address: PO Box 2395			Approved Date Issued:	I Denied	
City: Scottsbluff	State: Nebraska	Zip: 69363	Comp. Plan Land Use:	Zone:	
Telephone: 308-631-8350	Mobile: 308-631-8350	Email: bryanfrank@bfenterprising.co	Attached:		
Property Owner: Bryan Frank (Frank Prop	perties, LLC.)	PIOL PIAIT	Plot Plan Legal Description (in Word)		
Property Owner's Address: PO Box 2395			\$100.00 filing fee	\$100.00 filing fee	
City: Scottsbluff	State: Nebraska	Zip: 69363	\$3.00 per proper 300-feet	\$3.00 per property owner within 300-feet	
Telephone: 308-631-8350	Mobile: 308-631-8350	Email: bryanfrank@bfenterprising.com	Receipt #		
Engineer or Surveyor:			Total Acreage: ±6.0 Acres		
Engineer or Surveyor Address: 818 South Beltline Highway East			Proposed number of lots:		
City: Scottsbluff	State: Nebraska	Zip: 69361	Present Use of Property: Agriculture Zone A		
Telephone: 308-635-1926	Mobile: 308-631-7099	Email: gschilz@mcschaff.com	Proposed Use of Property: Agriculture repair shop		
Location of property: North side of Highland Rd. 1/2 mile West of Airport Rd and Highland Rd. intersection			Present Zoning: Agriculture Zone A		
Copy of Prelimi dimensions, exi Legal Description \$100.00 filing for	llowing: nary Plan (showing future & cu isting structures, proposed stru on on a CD/Disk (in Word) ee	rrent property lines, fence lines, irriga		ostracter)	

submits this application for approval subject to the requirements of said ordinance. I have also read and am familiar with the City Ordinances and will comply with these requirements; and that the statements herein contained are true and correct to the best of my knowledge and belief.

Applicant's Signature:

Remarks: (Insert here any information not covered above)

Date: X 9-8-2021

Development Services Department

2525 Circle Drive, Scottsbluff, NE 69361

(308) 630-6243

SCOTTSBLUFF		ity of Scottsbluff, I		
Date: 9-8-2021			DO NOT WRITE IN THIS BLOCK	
Address (Location): 240474 Highland Road			Permit Number:	
Applicant's Name Bryan Frank (Frank Properties, LLC.)			Plat Approved Denied	
Applicant's Address: PO Box 2395			Date Issued:	
City: Scottsbluff	State: Nebraska	Zip: 69363	Comp. Plan Land Use:	Zone:
Telephone: 308-631-8350	Mobile: 308-631-8350	Email: bryanfrank@bfenterprising.con	Attached: Final Plat	
Property Owner: Frank Prorerties, LLC.			Legal Description (in Word) \$100.00 filing fee Letter of transmittal	
Property Owner's Address: PO Box 2395				
City: Scottsbluff	State: Nebraska	Zip: 69363	Receipt #	
Telephone: 308-631-8350	Mobile: 308-631-8350	Email: bryanfrank@bfenterprising.con		
Engineer or Surveyor: Gregg M. Schilz LS-785			Total Acreage: ±6.0 Acres	
Engineer or Surveyor Address: 818 South Beltline Highway East			Proposed number of lots:	
City: Scottsbluff	State: Nebraska	Zip: 69361	Present Use of Property: Agriculture Zone A	
Telephone: 308-635-1926	Mobile: 308-631-7099	Email: gschilz@hotmail.com	Proposed Use of Property: Agriculture repair shop	
Location of property: North side of Highland Rd. 1/2 mile West of Airport Rd and Highland Rd. intersection			Present Zoning: Agriculture Zone A	
Please provide the following Copy of Final Plat (M	ng: lylar and 3.5" diskette or CD-RO	M in AutoCAD format)		
Copy of Preliminary		roperty lines, fence lines, irrigation	on canals, future stree	t widths,
	a CD/Disk (in Word)			
\$100.00 filing fee (if not submitted with approval of Preliminary Plat) Letter of transmittal				
	ify that he/she is familiar with a	II the requirements of Ordinance	No. 2410 and amond	
establishing minimum subdivitions and plan to be prepared. He/submits this application for application for application for application for application for application for applications.	sion design standards to be insta she certifies that all requiremen oproval subject to the requireme	alled by the subdivision and that its of Ordinance No. 3410 and am ints of said ordinance. I have als t the statements herein contained	he/she has caused sai nendments there to ha so read and am familia d are true and correct	id preliminary plat ave been met and ar with the City to the best of my
Applicant's Signature: Y-8-J03				
Remarks: (Insert here any in	formation not covered above)			

Development Services Department

2525 Circle Drive, Scottsbluff, NE 69361

(308) 630-6243



Scottsbluff City Zoning Map (Rezone) Application

2525 Circle Drive, Scottsbluff, NE 69361 Telephone (308) 630-6243 Fax (308) 630-6204 www.scottsbluff.org

Would not be injurious to the adjacent properties or uses
That rezoning the property would not create special

hazards or problems for the neighborhood or community

Would be harmonious and consistent with the plan for

Why the rezone of the property should be granted.

If any of these items are not submitted with the application

City Staff maintains the right to return the application as

the area in the Comprehensive Plan

		Number (Office Use Only):			
Proposed Zone:		Acreage of Property:			
C-3		6 Acres			
Comprehensive Plan Amendment Required?		d?			
No					
Applicant Information Applicant:		Property Owner:			
M.C. Schaff & Assoc.		Bryan Frank (Frank Properties, LLC.)			
Address:		Telephone:			
818 South Beltline Hwy E		308-635-1926			
State:	Zip:	Alt. Telephone:			
Ne	69361				
City Development Process and Requirements					
 Staff Review Time: Approximately 4 to 5 weeks prior to the Public Hearing date. Planning Commission: Held the second Monday of each month at 6:00 p.m. City Council: Held the first and third Mondays of each month at 6:00 p.m. All meetings are held in the City Council Chambers at 2525 Circle Drive in Scottsbluff. 		City Development Service Department in Word format and a map of property to be rezoned. ☐ A Letter from the petitioner that the proposed use: ☐ Would provide a service required by the neighborhood and/or community and be consistent with sound land			
1	C-3 Comprehensive Plan Ar No State: Ne Juirements to 5 weeks prior to and Monday of each Mondays of each	C-3 Comprehensive Plan Amendment Required No Property Owner Bryan F Telephone: 308-635 Zip: 69361 Legal of City Domap of A Letter property Country Description of A Letter City De			

Rezone Process

REQUIREMENTS

Rezone Fees \$100.00 plus

be rezoned together with:

property owner

300 feet

Pre-application meeting with City Planner

Cost of postage for everyone within 300 feet + \$3.00 per

Provide a list (in mailing label format) of property owners

within 300 feet of the exterior boundaries of the property to

A map(s) that clearly show the ownership within the

After staff receives a completed application the staff will write a report to the Planning Commission including their recommendation. The Planning Commission will then hold a public hearing (which must be noticed in newspaper 10 days prior to the hearing) pertaining to the Zone Change and either recommend supporting the zone change or not to the City Council. After the Planning Commission the City Council will also hold a public hearing on the rezone request and either approve, approve with conditions or deny the request.

incomplete.

Engineering Firm | Environmental Consulting Group

providing Simply Smart Solutions

www.MCSfamilyofcompanies.com

RE: Rezoning of 240474 Highland Road (Proposed)

To whom it may concern:

This letter is written in order to ensure that the rezoning of this property would provide a service required by the community, is consistent with sound land use, will not be injurious to the adjacent property owners, will not create a special hazard or problem for the community or neighborhood, and will be harmonious and consistent with the plan for the area.

The planned development is for a commercial lot that will fall within the zoning of C-3. The property is bordered to the west and north by A zoned properties and to the east and south by R-1B zoned properties. In addition, approximately .5 miles east and west of the property the zoning is C-3, of which we are requesting this property be re-zoned to.

Given this, we request that our request to rezone the property to C-3 be granted.

Thank you for your consideration,

Gregg M. Schilz Land Surveyor NE L.S. 785 gschilz@mcschaff.com Office: 308-635-1926

Cell: 308-631-7099

818 South Beltline Highway East Scottsbluff, NE. 69361 Phone 308.635.1926 Fax 308.635.7807 2116 Pioneer Ave Cheyenne, WY. 82001 Phone 307.635.2828 Fax 307.635.9902

Engineering Firm | Environmental Consulting Group

providing Simply Smart Solutions

www.MCSfamilyofcompanies.com

Zach Glaubius
Project and Planning Coordinator
City of Scottsbluff

Reason for Block 1, BF Properties:

Mr. Frank and Mr. Henkel have agreed on the sale/purchase of 6 acres for Henkel Ag Repairs expansion of the business. From our conversation we will need to rezone from A to C-3 the 6 acres to fit the land use.

The East side of the property has a 50' easement for Winters Creek Canal and a 20' easement for the extension of SID No. 4-A.

Gregg M. Schilz Land Surveyor NE L.S. 785 gschilz@mcschaff.com Office: 308-635-1926

Cell: 308-631-7099

818 South Beltline Highway East Scottsbluff, NE. 69361 Phone 308.635.1926 Fax 308.635.7807 2116 Pioneer Ave Cheyenne, WY. 82001 Phone 307.635.2828 Fax 307.635.9902



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

September 8, 2021

Via E-Mail Only
Mr. Gregg Schilz
MC Schaff
gschilz@mcschaff.com

Re: Opinion of Ownership

Partial Tract, SW1/4 Section 20, Township 22 North, Range 54 West of the

6th P.M., Scotts Bluff County, Nebraska

Dear Mr. Schilz:

On behalf of Frank Properties LLC, I have reviewed the records of the Register of Deeds of Scotts Bluff County, Nebraska, in connection with the ownership of a partial tract of real property located within the Southwest Quarter of Section 20, Township 22 North, Range 54 West of the 6th PM, Scotts Bluff County, Nebraska, also identified by its Parcel Identification Number 010024247.

From a review of the records of the Register of Deeds it is clear that Frank Properties LLC, a Nebraska limited liability company received title to the subject premises via Trustee's Warranty Deed dated December 28, 2017 and recorded as Instrument Number 2018-50.

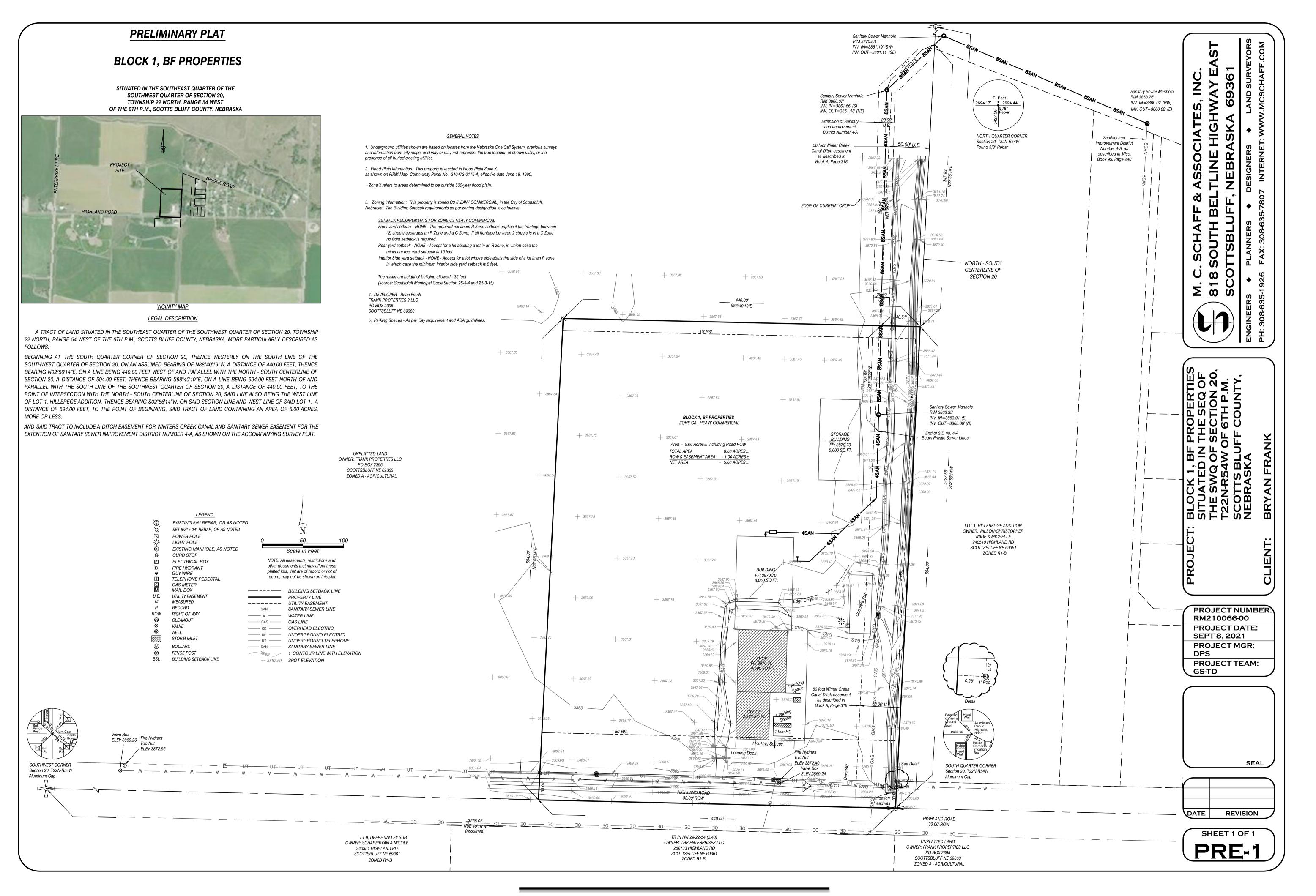
As such, it is my conclusion that Frank Properties LLC is the lawful owner of record of the subject premises. Please feel free to contact me with any further comments or questions. Thank you.

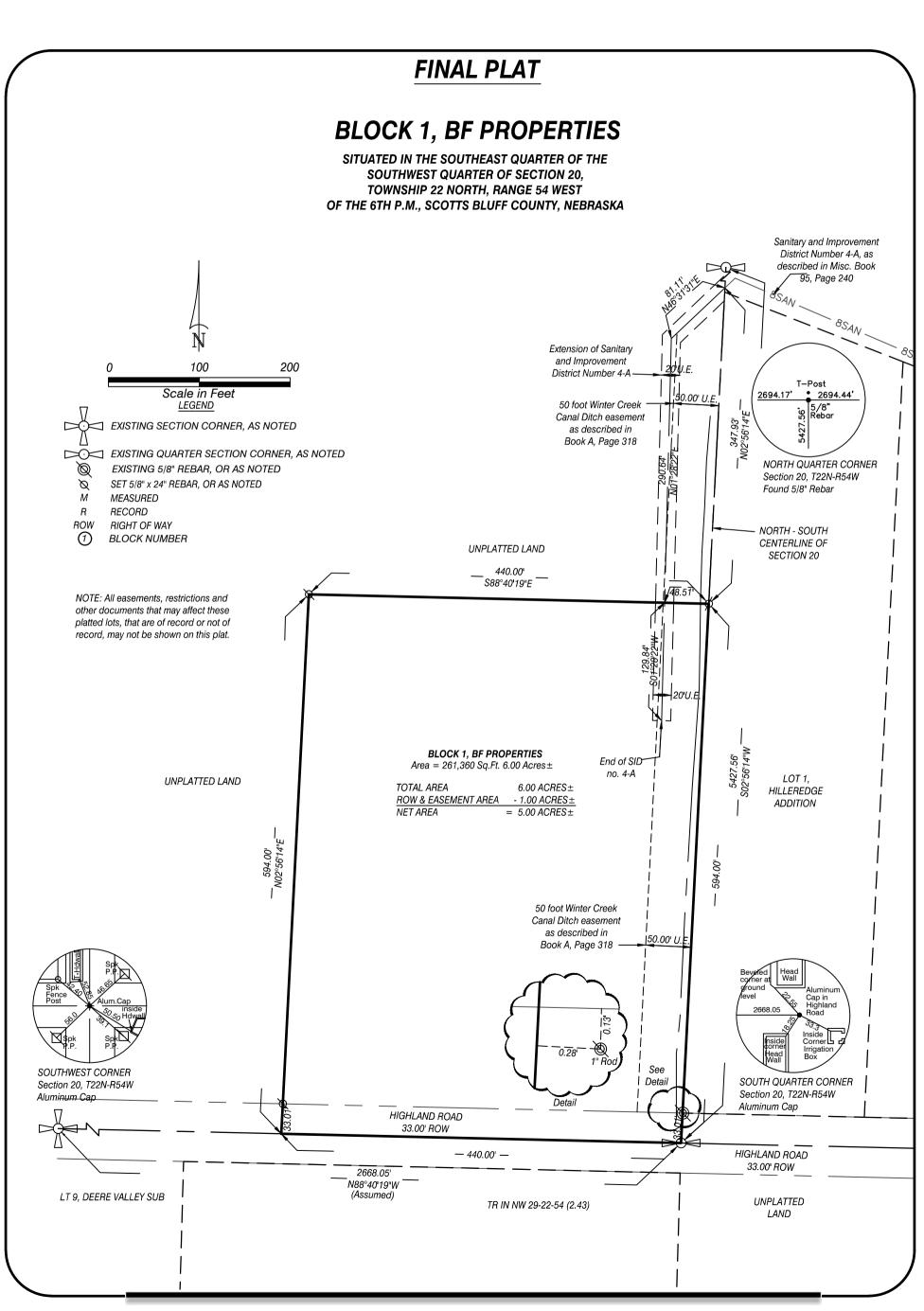
Very Truly Yours,

But AM

Brendan J. Rice

BJR:sq



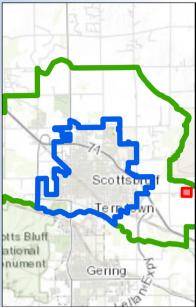




City of Planning Commission Ag to C-3 Rezone Block 1, BF Properties

Aerial Overview





Proposed Changes

Street Centerlines

CLASS

Highway

Main Road

Residential/Rural

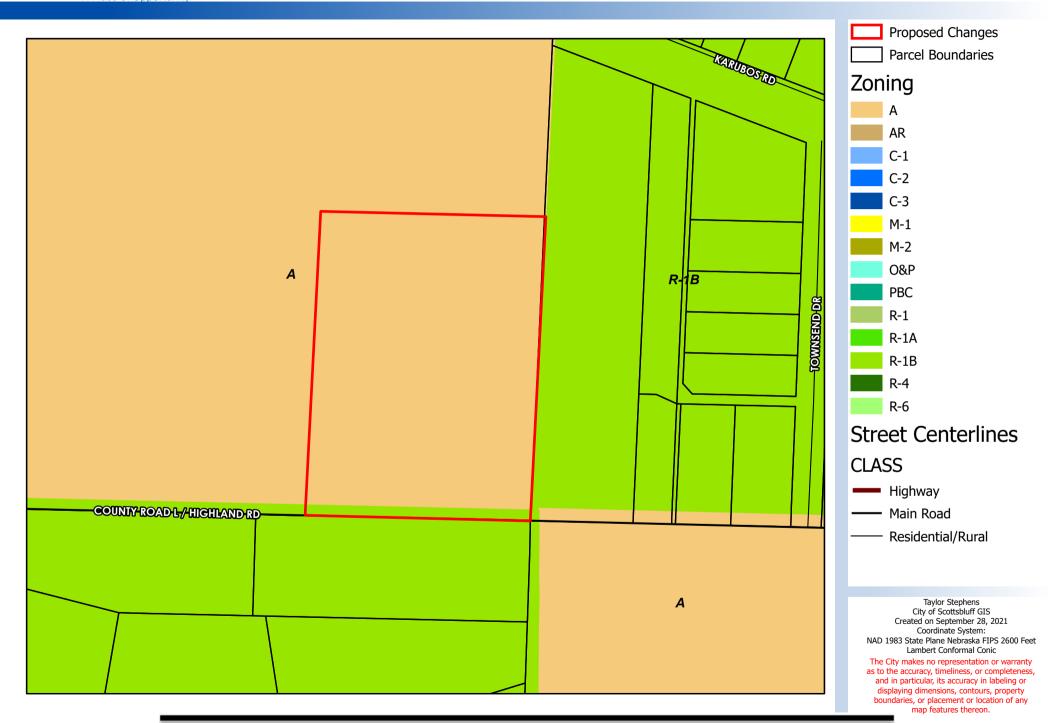
Taylor Stephens City of Scottsbluff GIS Created on September 28, 2021 Coordinate System: NAD 1983 State Plane Nebraska FIPS 2600 Feet Lambert Conformal Conic

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.



Planning Commission Ag to C-3 Rezone Block 1, BF Properties

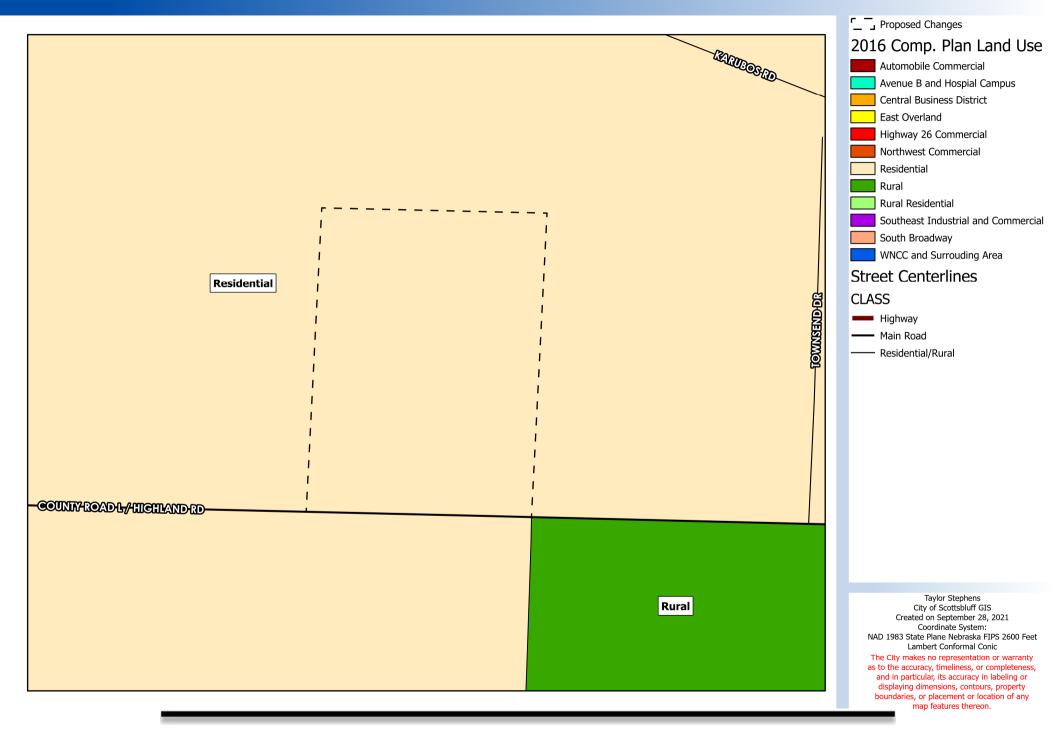
Zoning Overview





City of Planning Commission Ag to C-3 Rezone Block 1, BF Properties

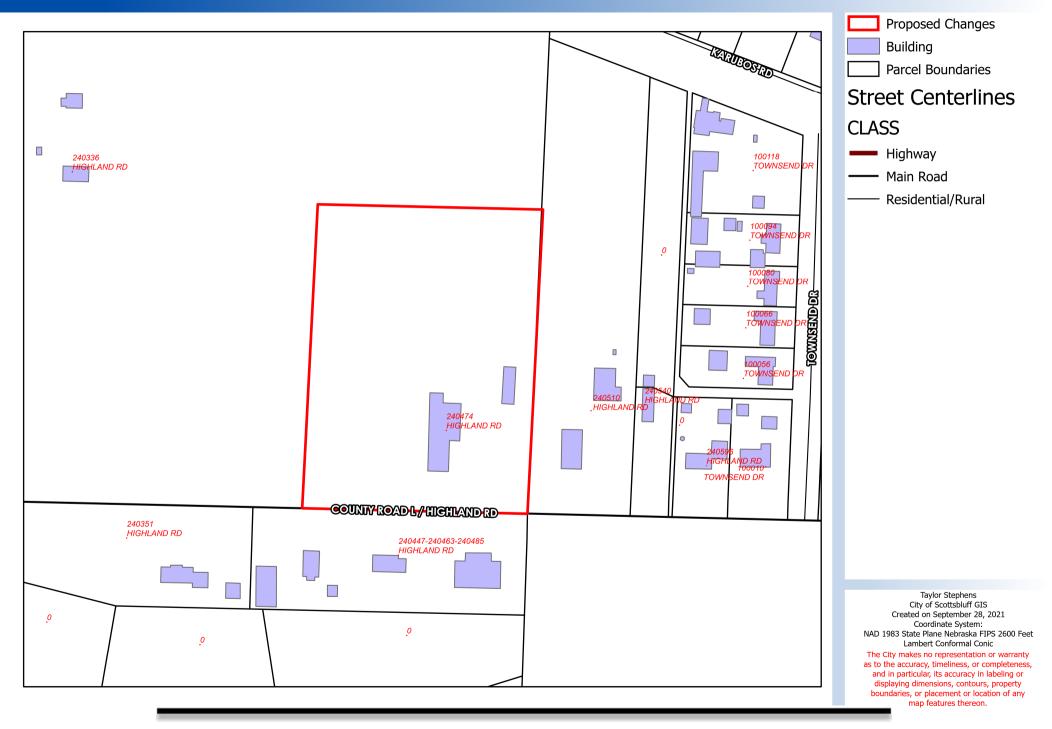
2016 Comp. Plan **Future Land Use Overview**





Planning Commission Ag to C-3 Rezone Block 1, BF Properties

Parcels and Buildings Overview





Planning Commission Ag to C-3 Rezone Block 1, BF Properties

Utilities Overview

