

City of Scottsbluff, Nebraska

Monday, April 11, 2022

Regular Meeting

Item New Bus1

Planning Commission to conduct a Public Hearing to consider a Special Use Permit for keeping two (2) horses at part of the South Half of the Southeast Quarter of Section 11, Township 22 North, Range 55 West of the 6th P.M., Scottsbluff County Nebraska commonly identified as 210766 W. 42nd Street.

Staff Contact: Zachary Glaubius, Planning Administrator

City of Scottsbluff, Nebraska Special Use Permit Application		
Date: <u>March 9, 2022</u>		DO NOT WRITE IN THIS BLOCK
Address (Location) of requested Special Use: <u>210766 West 42nd St, Scottsbluff, NE 69361</u>		Permit Number:
Applicant's Name: <u>Jane D. Fliesbach</u>		Special Use Permit Approved <input type="checkbox"/> Denied <input type="checkbox"/>
Applicant's Address: <u>210766 West 42nd St, Scottsbluff, NE 69361</u>		Date Issued:
City: <u>Scottsbluff</u> State: <u>NE</u> Zip: <u>69361</u>	Comp. Plan Land Use: Zone:	
Telephone: <u>719 649-1538</u> Mobile: <u>719 649-1538</u> Email: <u>jdflies@comcast.net</u>	Attached:	
Property Owner: <u>Jane D Fliesbach</u>	<input type="checkbox"/> Plot Plan	
Property Owner's Address: <u>210766 West 42nd St</u>	<input type="checkbox"/> Legal Description (in word)	
City: <u>Scottsbluff</u> State: <u>NE</u> Zip: <u>69361</u>	<input type="checkbox"/> \$100.00 filing fee	
Telephone: <u>719 649-1538</u> Mobile: <u>719 649-1538</u> Email: <u>jdflies@comcast.net</u>	<input type="checkbox"/> \$250.00 for PLD (planned unit dev)	
Description of the nature of the use for which the Special Use Permit is requested (Why and What):		<input type="checkbox"/> \$3.00 per property owner within 300-feet
<u>See attached</u>		<input type="checkbox"/> Receipt #
Legal Description: <u>See Attached</u>		
Zoning Ordinance Section pertaining to Special Use Permit: <u>See attached</u>		
Please attach the following: Copy of Plot Plan (showing property lines, dimensions, existing structures, proposed structures, easements, etc.. Legal Description on a CD/Disk (In Word) \$100.00 filing fee		
I, the undersigned, hereby certify that I agree to be bound by all requirements of the ordinances of the City of Scottsbluff and any other conditions that may be place concerning the use for which a Special Permit is requested. 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.		
Property Owner(s) of Record: <u>Jane D Fliesbach</u>		Date: <u>March 9, 2022</u>
Applicant's Signature: <u>Jane D Fliesbach</u>		Date: <u>March 9, 2022</u>
Remarks: (Insert here any information not covered above)		

City of Scottsbluff
2525 Circle Drive
Scottsbluff, NE 69361

RE: Jane D Fliesbach - Special Use Permit Application

I own property at 210766 West 42nd Street, Scottsbluff, Nebraska, which is presently my home. The lot I own is located north of 42nd Street and east of Williams Drive. My lot comprises approximately 2.75 acres. I am requesting a Special Use Permit per below:

Special permit to allow occupier of property to keep up to 2 horses for nonbusiness recreation of the occupier. This will allow the occupier to keep horses on the property which has been done in the past from time to time prior to be rezoned R-1 and is consistent with the nature of the property and the surrounding property. The property is a 2.75 acre tract and is outside the city limits. It is generally rural in nature and it is bordered on the north and east by property presently zoned Agricultural.

The Zoning Section pertaining to Special Permit Use is: **Section 25-3-2 R-1 Single Family Zoning, Special Permit Use #13.**

Special Permit Uses:

13. Livestock-Horses and other livestock used solely for non-business recreation of occupier are permissible on lots comprising two (2) acres or more, in the quantity of one (1) animal per each whole acres. Shelters for such animals shall be situated not less than fifty (50) feet from the property line and less than fifty (50) feet from a residence on another lot or tract.

Legal Description of Property

Jane D. Fliesbach property legal description:

A part of the South Half of the Southeast Quarter (S1/2SE1/4) of Section Eleven (11), Township Twenty-two (22) North, Range Fifty-five (55) West of the Sixth Principal Meridian in Scotts Bluff County, Nebraska, more particularly described as follows: Beginning at a point One Thousand Four Hundred Sixty-four and Six Tenths(1464.6) feet East and Thirty-three (33) feet North of the Southwest corner of the Southeast Quarter (SE1/4) of said Section Eleven (11); thence East parallel with the South line of said Section a distance of Two Hundred (200) feet;

thence North parallel with the West line of said Southeast Quarter (SE1/4) a distance of Five Hundred Sixty-seven (567) feet; thence West parallel with the South line of said Section a distance of Two Hundred (200) feet; thence South parallel with the West line of said Southeast Quarter (SE1/4) a distance of Five Hundred Sixty-seven (567) feet to the point of beginning;

City of Scottsbluff Planning Commission

Development Services Staff Report – Zachary Glaubius

Prepared on: March 21, 2022 For Hearing of: April 11, 2022



I. GENERAL INFORMATION

- A. Applicant:** Jane Fliesbach
210766 E. 42nd Street
Scottsbluff, NE 69361
- B. Property**
Owner: Same as applicant
- C. Proposal:** Special Use Permit to have two horses on the property showed above
- D. Legal Description:** A Part of the South Half of the Southeast Quarter of Section 11, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County
- E. Location:** 210766 E. 42nd Street
- F. Existing Zoning & Land Use:** R-1 Single Family
- G. Size of Site:** Approximately 2.75 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	A – Agricultural	Farmland
East	Residential	A – Agricultural	Farmland
South	Residential	O-P – Office and Professional	The Village
West	Residential	R-1 Single Family	Acreage

B. Relevant Case History

1. Ms. Fliesbach pursued a zoning text amendment in November 2021. Planning Commission made a positive recommendation on the text change.
2. City Council approved the ordinance change on January 18, 2022.

III. ANALYSIS

- A. Comprehensive Plan:** The Future Land Use Map of the Comprehensive Plan currently shows the site as Residential.
- B. Traffic & Access:**
1. Access is via 42nd Street.
- C. Zoning**

1. Per 25-3-2, Livestock-Horses and other livestock used solely for non-business recreation of occupier are permissible on lots comprising two (2) acres or more, in the quantity of one (1) animal per each whole acre. Shelters or such animals shall be situated not less than fifty (5) feet from the property line and not less than fifty (50) feet from a residence on another lot or tract. is a special permit use in the R-1 District.

IV. STAFF COMMENTS

- A. The property is located in the extra territory jurisdiction.
- B. The property is 2.75 acres; thus it is eligible for this special permit use as the minimum requirement is 2 acres.
- C. The property owner has obtained letters of support from all property owners within 300 feet.
- D. Per 25-13-3, the Planning Commission may issue a special permit for the use of a lot, tract of land, building, or structure in circumstances and a manner authorized by other articles of this chapter if the Commission finds the proposed use:
 - a. Provides a service required by the neighborhood or community and is consistent with sound principles of land use;
 - b. Will not be injurious to the use of neighboring lots, tracts of land, buildings, or structures;
 - c. Will not create special hazards or problems for the area in which it is located;
 - d. Is related to and harmonious with the general plan for the area in which it is located, as indicated by this chapter
 - e. Otherwise, is in accordance with the intents and purposes of this chapter. The Commission may make the use which is authorized in the special permit subject to reasonable conditions which in the discretion of the Planning Commission are necessary to carry out the intents and purposes of this chapter.

V. FINDINGS OF FACT

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

1. The site meets the 2 acre minimum.
2. The applicant is requesting a special permit for two horses as per the code.
3. Keeping horses is consistent with the surrounding zonings and uses.
4. The use will not be injurious to neighboring uses.
5. The use will not create special hazards or problems.
6. The Comprehensive Plan Future Land Use Map supports the use.
7. The use is in accordance with the intents and purposes of the Code.
8. The special use permit will bring a legal non-conforming use into conformance as a special permit use.

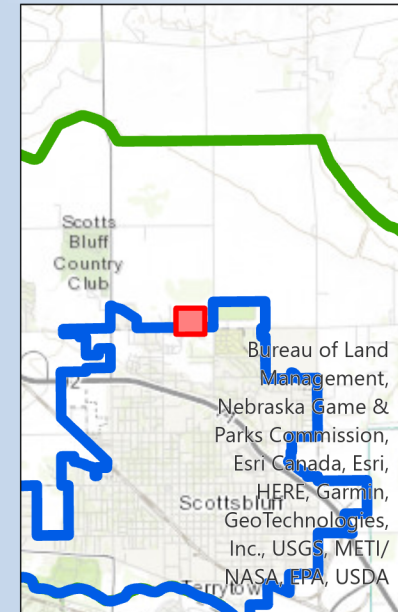
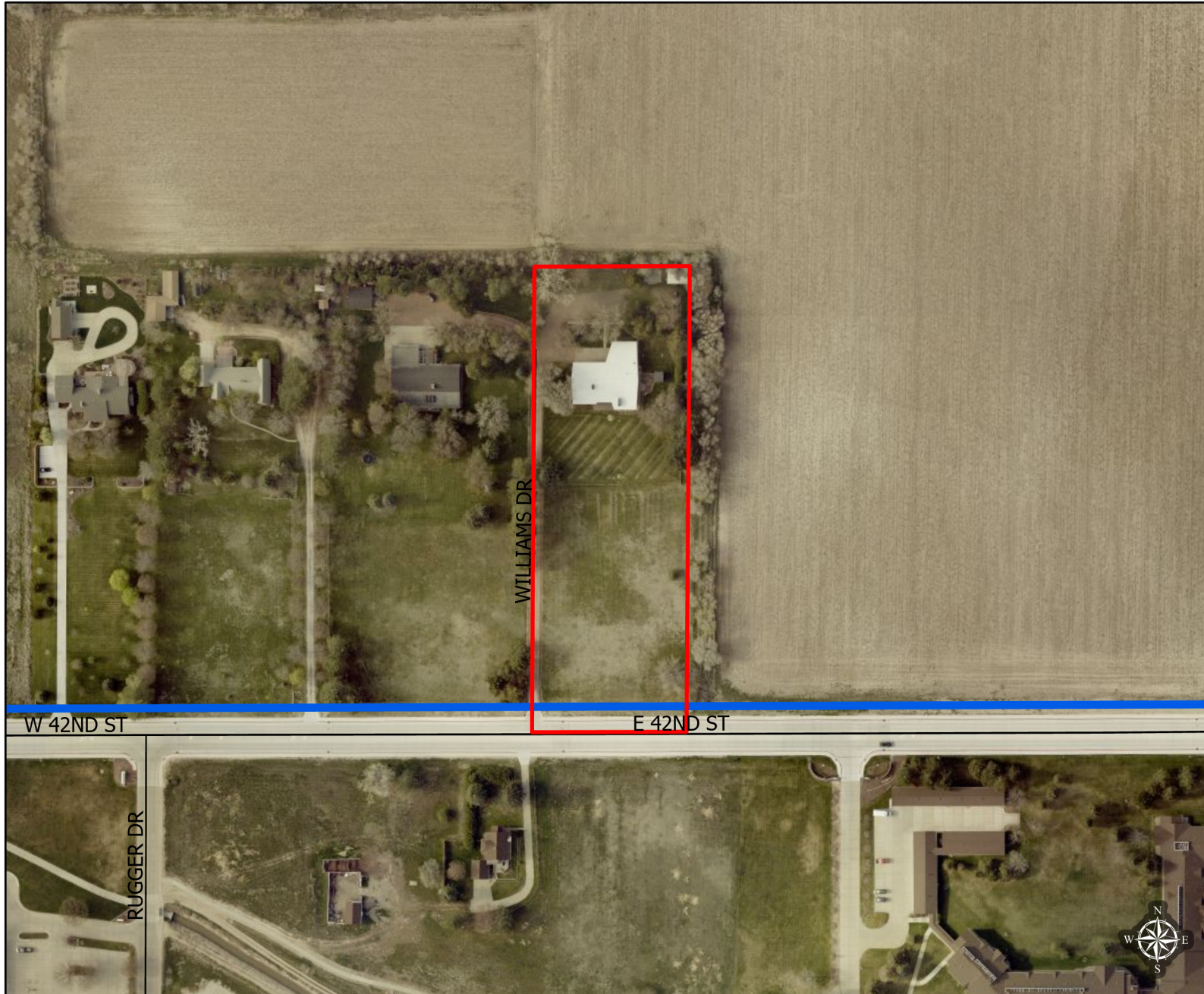
B. Findings of Fact to Not Recommend Approval May Include:







1. None

VI. STAFF RECOMMENDATION

- A. Staff recommends Planning Commission recommend the approval of the special use permit to Jane Fliesbach to keep two horses at 210766 E. 42nd Street.

Special Use Permit Parcel #010027165 for Horses

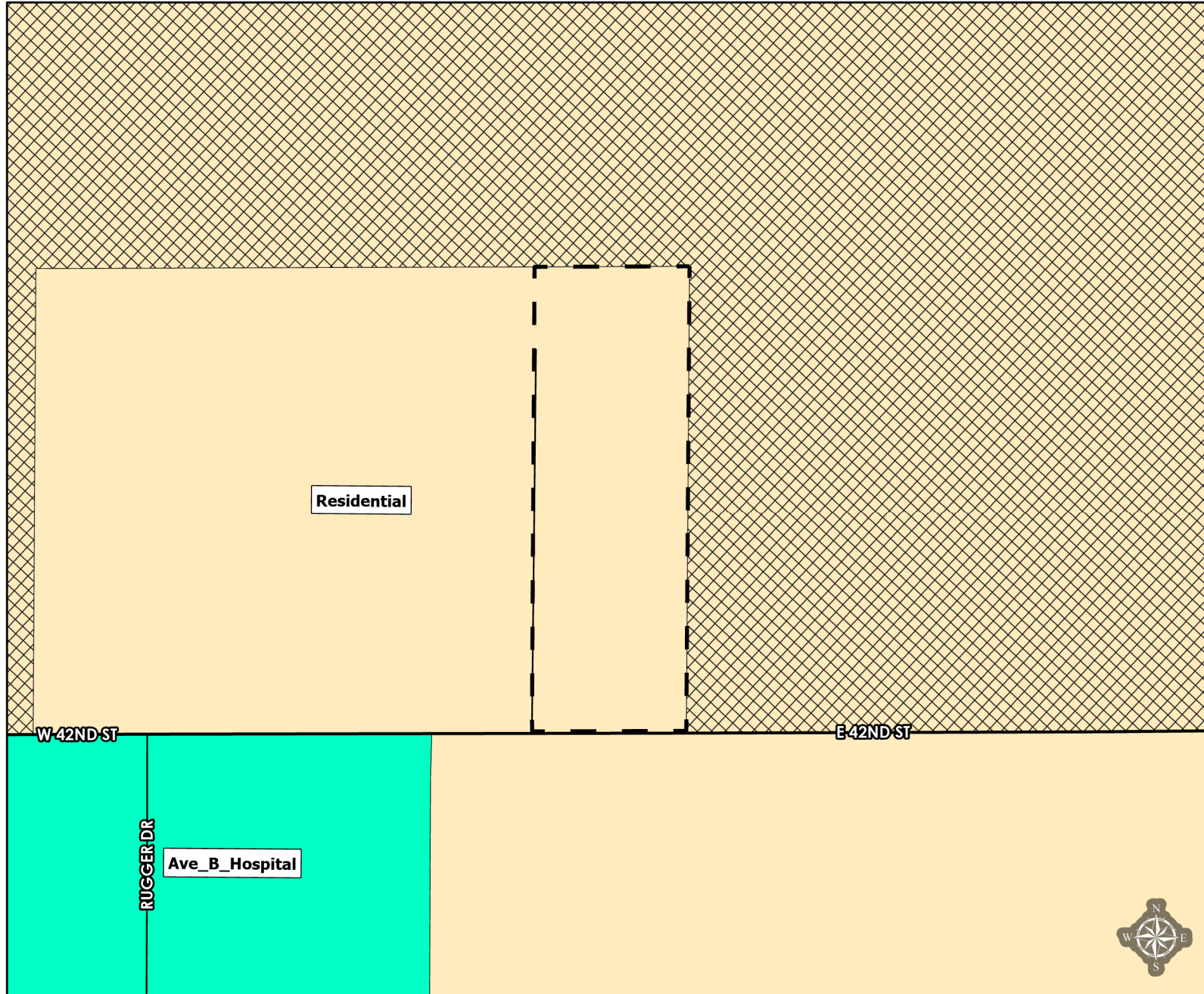


-  Corporate Limits
-  Extended Territory Jurisdiction
-  Proposed Changes
- Street Centerline
-  Highway
-  Main Road
-  Residential

Taylor Stephens
City of Scottsbluff GIS
Created on 3/30/2022
Coordinate System:
NAD 1983 (2011) 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.

Special Use Permit Parcel #010027165 for Horses



Proposed Changes

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

Street Centerlines

CLASS

- Highway
- Main Road
- Residential/Rural

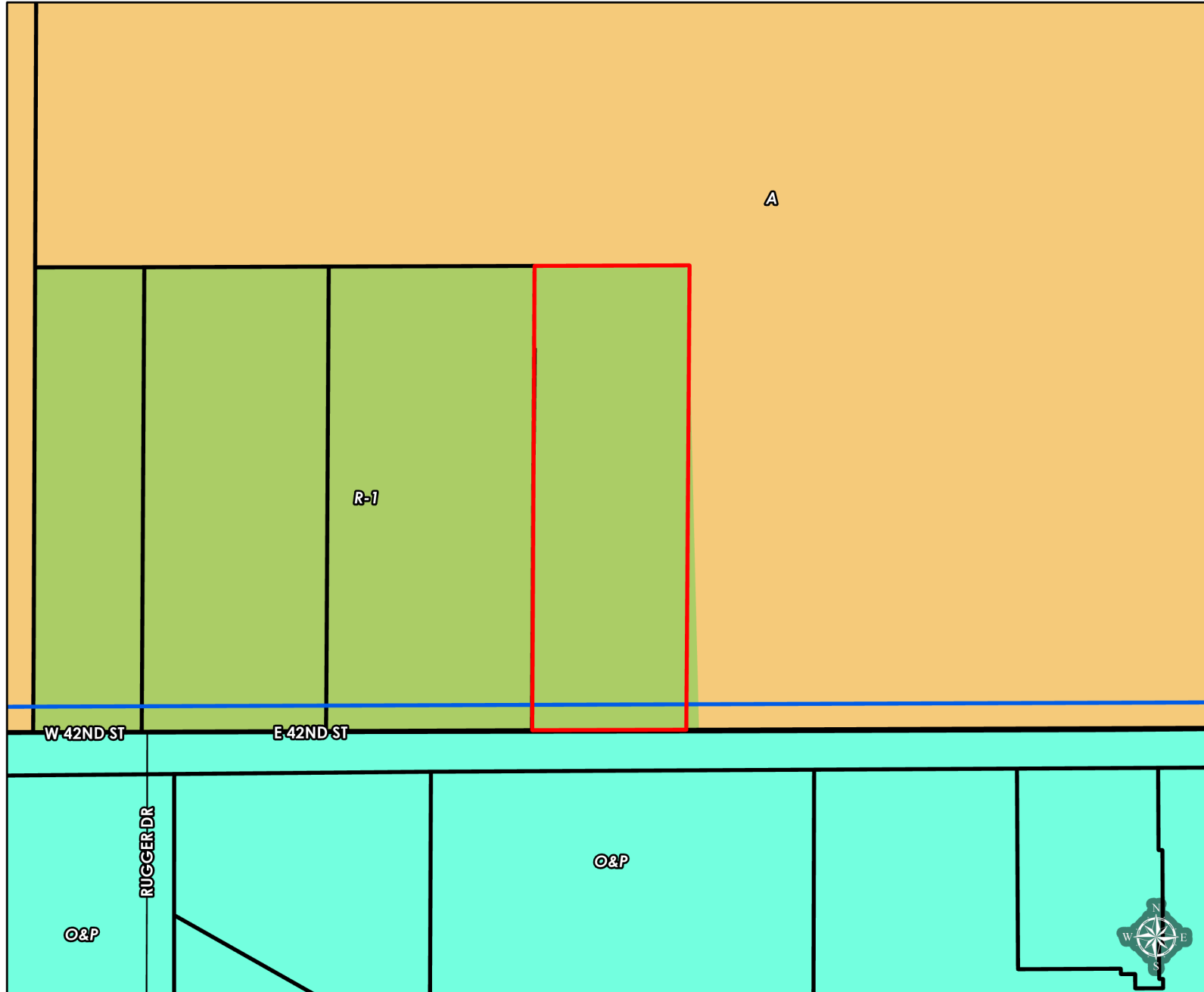
2016 Comp. Plan Development

- LTD (10 - 20 yrs)
- NTD (Less than 5 yrs)
- STD (5 - 10 yrs)

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Special Use Permit Parcel #010027165 for Horses



- Proposed Changes
- Corporate Limits
- Extended Jurisdiction
- Parcel Boundaries

City 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

Street Centerlines

CLASS

- Highway
- Main Road
- Residential/Rural

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Special Use Permit Parcel #010027165 for Horses



Proposed Changes

Building

Street Centerlines

CLASS

Highway

Main Road

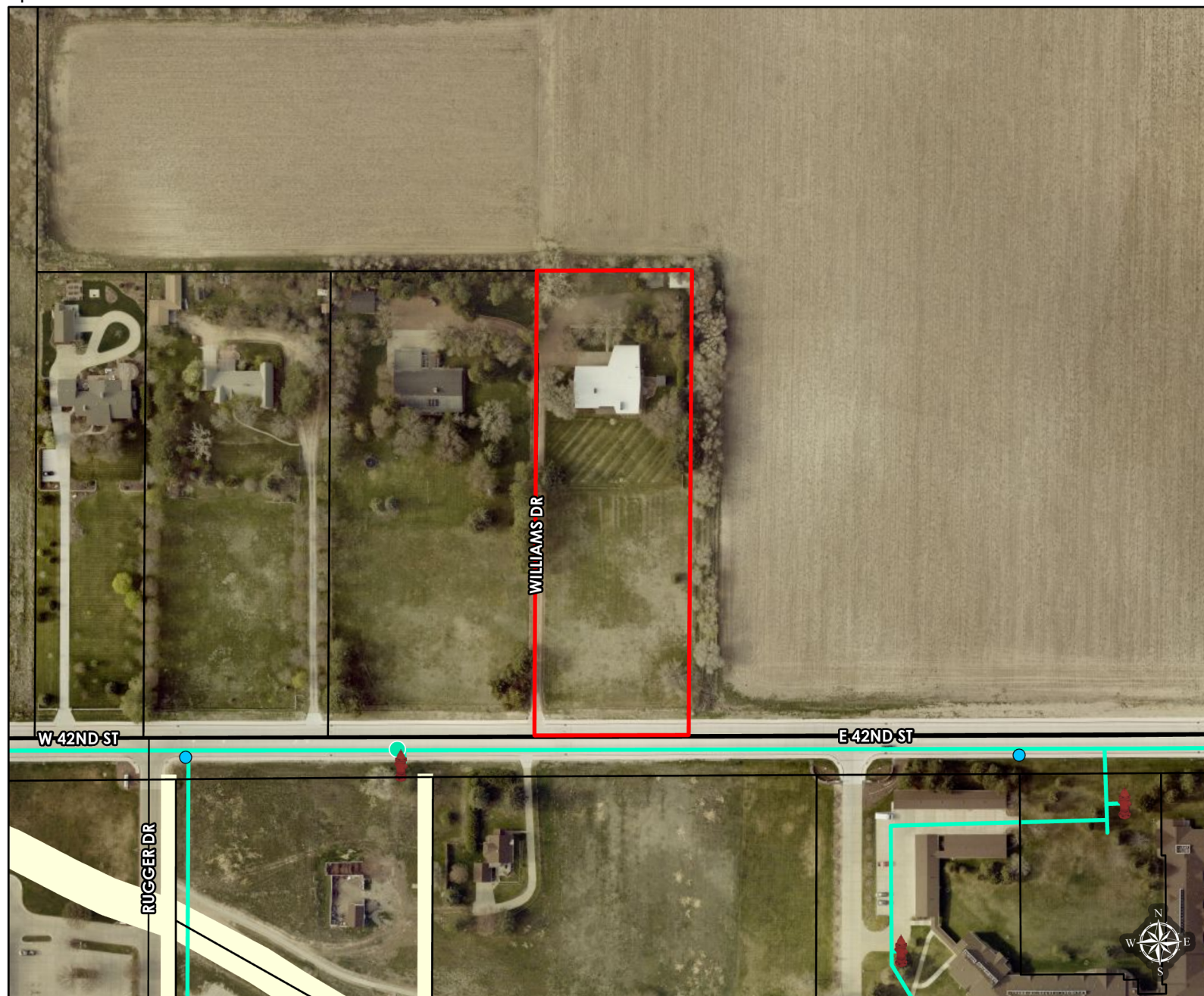
Residential/Rural

Parcel Boundaries

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Special Use Permit Parcel #010027165 for Horses



 Proposed Changes

Street Centerlines

CLASS

Highway

Main Road

Residential/Rural

■ Fire Hydrants

◆ Water Curbstop

● Water Valve

● Water Manhole

— Water Lines

Easement

— GEODATA.GISMGR.Snow_Routes

Scotts_Bluff_County_Parcels_02142022

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