

# **City of Scottsbluff, Nebraska**

**Monday, June 20, 2022**

**Regular Meeting**

## **Item Pub. Hear.6**

**Council to conduct a public hearing set for this date at 6:00 p.m. to consider a Rezone of Lot 9, Block 3, East Lawn Subdivision from C-3 Heavy Commercial to R-1A Single Family Residential.**

**Staff Contact: Zachary Glaubius, Planning Administrator**

## Agenda Statement

Item No.

For Meeting of: June 20, 2022

**AGENDA TITLE:** Council to consider the first reading of the Ordinance for the Rezone of Lot 9, Block 3, East Lawn Addition to R-1A Single-Family Residential to C-3 Heavy Commercial.

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

**PRESENTATION BY:** Zachary Glaubius, Planning Administrator

**SUMMARY EXPLANATION:** The Planning Commission reviewed this rezone request at the May 2022 Planning Commission meeting. The property is presently zoned C-3 and is adjacent to both C-3 Heavy Commercial zoning and R-1A Single-Family Residential. The site as well as the properties to the north, south, and east are single family dwellings. The property owner is requesting the rezone in order to refinance their house.

**BOARD/COMMISSION/STAFF RECOMMENDATION:** Positive recommendation on approval

**Does this item require the expenditure of funds?**

\_\_\_\_\_yes **X** no

**Are funds budgeted?**

\_\_\_\_\_yes **X** no

**If no, comments:**

**Estimated Amount**

**Amount Budgeted**

**Department**

**Account Description**

**Approval of funds available**

\_\_\_\_\_  
**City Finance Director**

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### EXHIBITS

Resolution ☐

Ordinance ☒

Contract ☐

Minutes ☒

Plan/Map ☒

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

**NOTIFICATION LIST:** Yes ☐ No ☐ Further Instructions ☐

Please list names and addresses required for notification.

**APPROVAL FOR SUBMITTAL:** \_\_\_\_\_

\_\_\_\_\_  
**City Manager**

\_\_\_\_\_  
Rev: 12/14/ City Clerk



# Scottsbluff City Zoning Map (Rezone) Application

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

## Project Information

Application Date: <b>April 1, 2022</b>		Number (Office Use Only):
Property Address: <b>909 and 909 1/2 East Overland, Scottsbluff, NE 69361</b>		
Current Zone: <b>COMMERCIAL</b>	Proposed Zone: <b>RESIDENTIAL</b>	Acreage of Property: <b>Lot size 150' x 80'</b>
Comprehensive Plan Designation:	Comprehensive Plan Amendment Required?	

## Applicant Information

Applicant: <b>MARGARETA PIAZZA FRANKLIN</b>		Property Owner: <b>MARGARETA PIAZZA FRANKLIN</b>	
Address: <b>909 1/2 East Overland</b>		Telephone: <b>308-641-5146</b>	
City: <b>Scottsbluff</b>	State: <b>NE</b>	Zip: <b>69361</b>	Alt. Telephone: <b>308-632-7034</b>

## 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.

### REQUIREMENTS

- ☐ Pre-application meeting with City Planner?
- ☒ Rezone Fees \$100.00 plus
- ☐ Cost of postage for everyone within 300 feet + \$3.00 per property owner
- ☒ Provide a list (in mailing label format) of property owners within 300 feet of the exterior boundaries of the property to be rezoned together with:
  - ☐ A map(s) that clearly show the ownership within the 300 feet

- ☒ A letter from the property owner giving permission that their property maybe rezoned.
- ☐ Legal description of the property - on disk or emailed to the 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 use.
  - ☐ 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 the area in the Comprehensive Plan
- ☒ 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 incomplete.

## Rezone Process

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.

Page 10-52  
April 1, 2022

To Whom it May Concern

I MARGARETA PIAZZA-FRANKLIN  
Give The City of Scottsbluff  
Permission to Rezone my  
Property located at 909 and  
909 1/2 EAST OVERLAND SCOTTSBLUFF  
NE. 69361. Lot 9, Block 3 East  
Lawn Addition City of Scottsbluff  
NE. 69361 County of Scotts Bluff  
State of Nebraska

I believe that this would not  
do any other properties around  
this location any harm  
also 3/4 of this property is  
residential and not commercial  
only one small building on the  
front of the property was used  
for commercial use it has not  
been used for that for 5 years it is  
now used for storage because of  
this property being commercial  
I can not get insurance or  
refinance because most of it is  
being used for residential this is  
why it needs to be rezoned

I AM ASKING THAT YOU PLEASE  
REZONE MY PROPERTY TO  
ALL RESIDENTIAL THERE ARE  
OTHER RESIDENTIAL ZONED  
PROPERTY RICH ACROSS THE  
SAME STREET FROM MY PROPERTY  
SO ONCE AGAIN PLEASE REZONE  
THIS PROPERTY FOR ME TO  
RESIDENTIAL

Signed / sputt Hopper Enate  
Dated April 1, 2022

## City of Scottsbluff Planning Commission

### Development Services Staff Report – Taylor Stephens

Prepared on: April 7, 2022 For Hearing of: May 9, 2022



#### I. GENERAL INFORMATION

- A. Applicant:** Margareta Piazza-Franklin  
909 ½ East Overland  
Scottsbluff, NE 69361
- B. Property Owner:** Same as Applicant
- C. Proposal:** Request to rezone Lot 9, Block 3, East Lawn Addition to R-1A Single Family Residential from C-3 Heavy Commercial
- D. Legal Description:** Lot 9, Block 3, East Lawn Addition
- E. Location:** 909 & 909 ½ East Overland
- F. Existing Zoning & Land Use:** C-3 Heavy Commercial
- G. Size of Site:** Approximately 7,000 square feet

#### 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-1A Single Family	Single-Family Dwellings
East	East Overland	C-3 Heavy Commercial	Single-Family Dwellings
South	East Overland	R-1A Single Family	Single-Family Dwellings
West	East Overland	C-3 Heavy Commercial	Commercial Building

**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 East Overland Corridor and according to Comprehensive Plan, the East Overland Corridor

suggests the appropriate zones C-1, C-2, and R-1a. C-3 and R-1a are the most common zoning districts in the East Overland Corridor.

**B. Traffic & Access:**

1. Current access to Lot 9 is via East Overland Dr.
2. An alley is located along the north property line.

**C. Utilities:**

1. Lot 9 has access to Water, Wastewater, and Stormwater lines under East Overland Dr.

**IV. STAFF COMMENTS**

- A. The rezone is aligned with the 2016 Comprehensive Plan Future Land Use Map.
- B. The proposed rezone to R-1A is not a spot zone as the lot to the North and South of Lot 9 is zoned R-1A.
- C. The property has been used as a single-family dwelling for the known past.
- D. The property has been zoned C-3 since before 1974

**V. FINDINGS OF FACT**

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

1. The Comprehensive Plan identifies the area as East Overland and the rezone will permit residential development which is allowed in the East Overland Corridor.
2. The rezone is not a spot zone.

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

1. None

**VI. STAFF RECCOMENDATION**

- A. Staff recommends the Planning Commission make a positive recommendation to City Council to approve the rezone of Lot 9, Block 3, East Lawn Addition from C-3 Heavy Commercial to R-1A single family residential.



REZONE 909 E Overland Dr. Parcel: 010119523



- 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

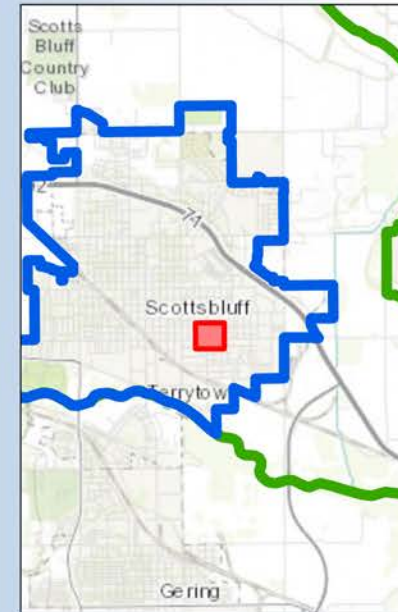
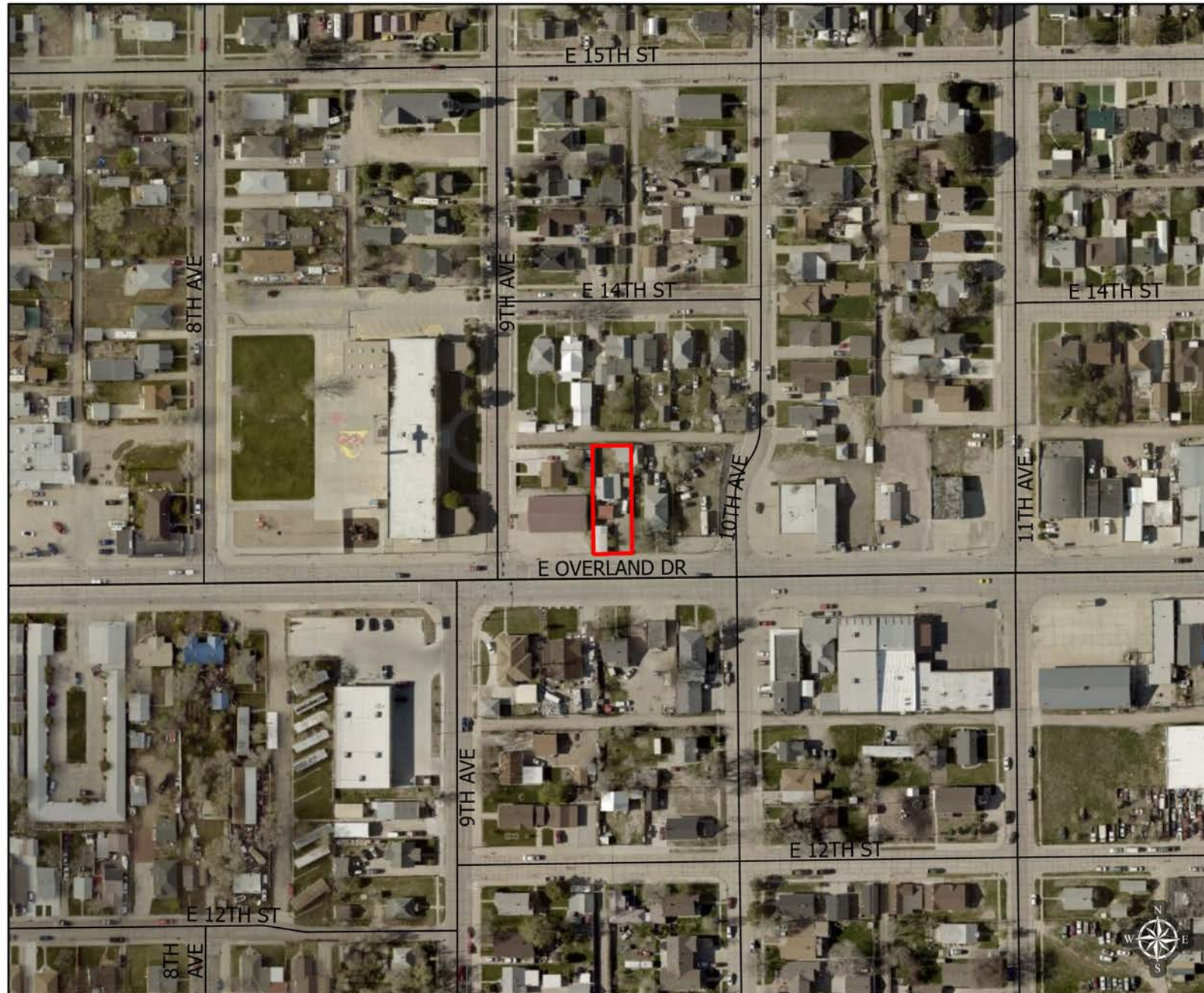
- Highway
- Main Road
- Residential/Rural

Taylor Stephens  
City of Scottsbluff GIS  
Created on 4/19/2022  
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.



REZONE 909 E Overland Dr. Parcel: 010119523



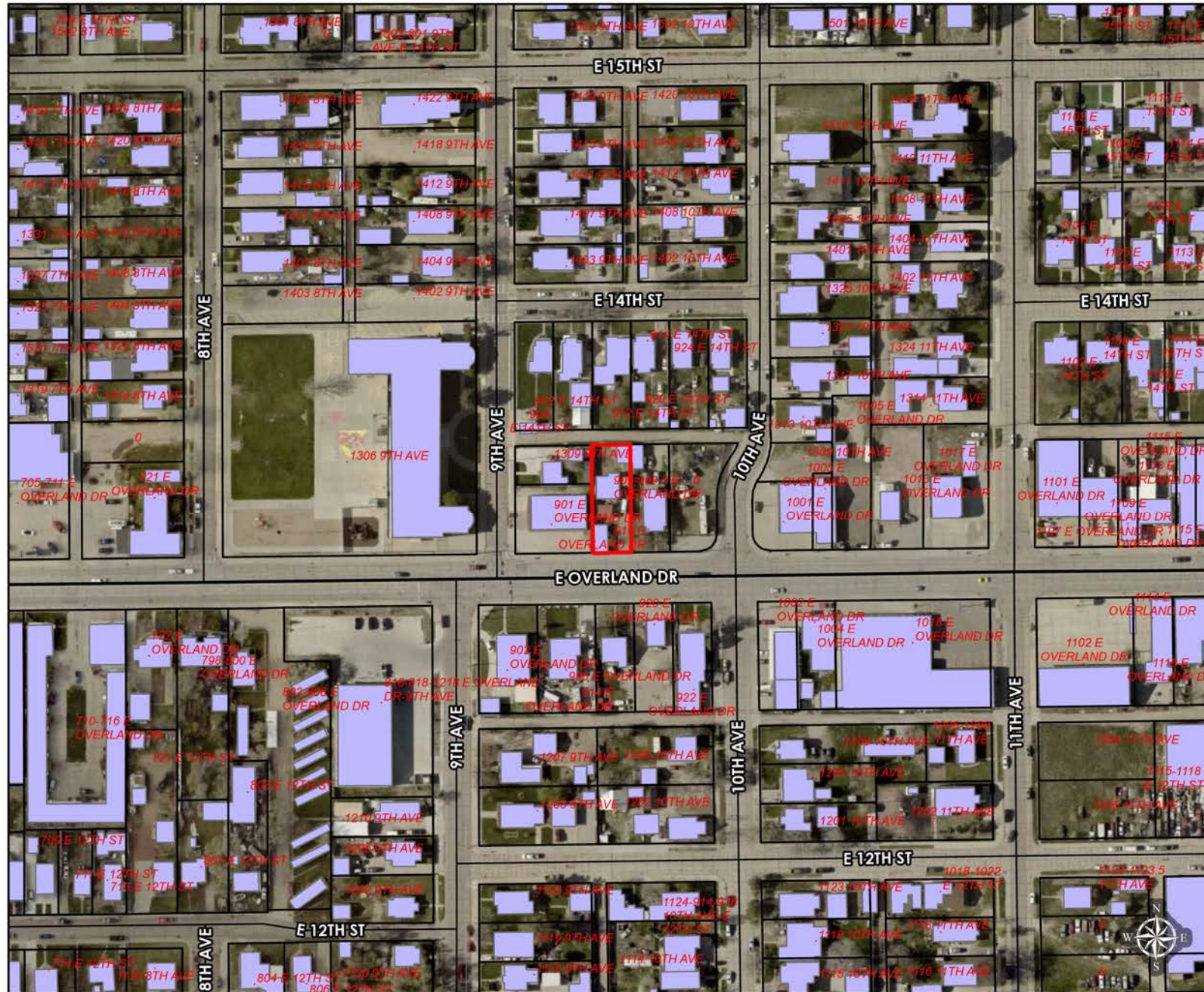
- Corporate Limits
- Extended Territory Jurisdiction
- Proposed Changes
- Street Centerline
- Highway
- Main Road
- Residential

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REZONE 909 E Overland Dr. Parcel: 010119523



Proposed Changes

Building

Street Centerlines

CLASS

Highway

Main Road

Residential/Rural

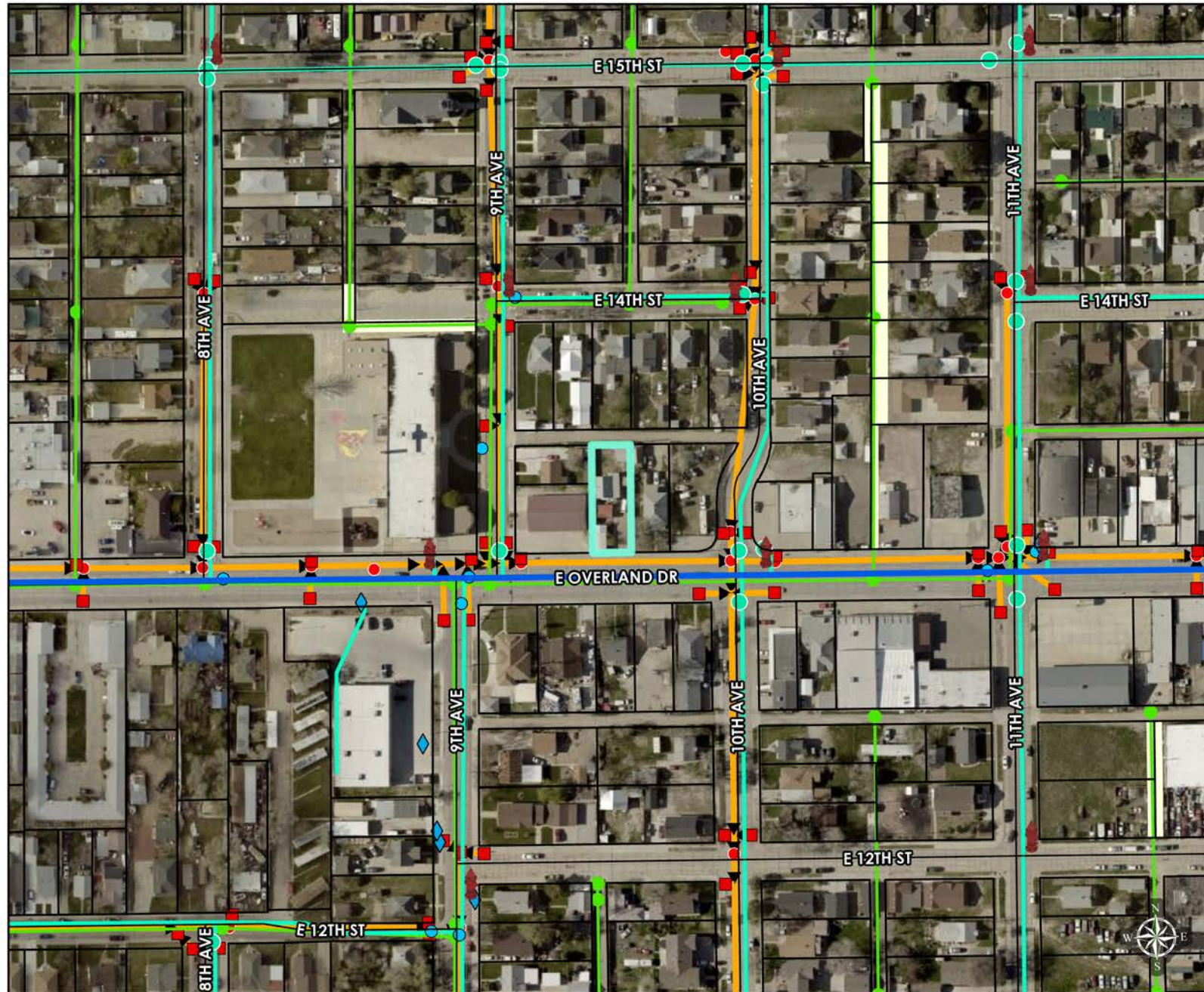
Parcel Boundaries

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REZONE 909 E Overland Dr. Parcel: 010119523



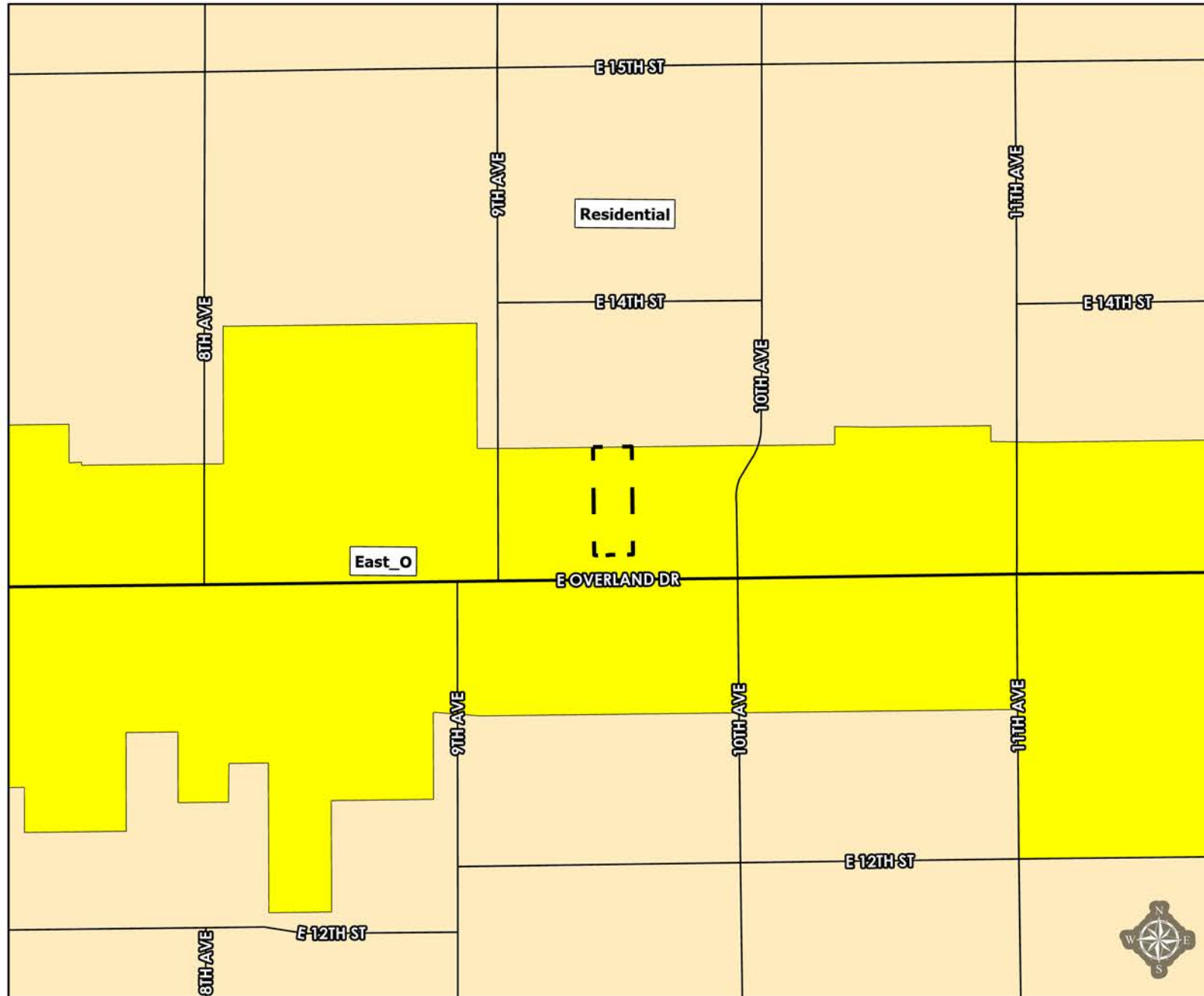
- Proposed Changes
- Street Centerlines
- CLASS
- Highway
- Main Road
- Residential/Rural
- Fire Hydrants
- ◆ Water Curbstop
- Water Valve
- Water Manhole
- Water Lines
- Verified\_Manhole
- Wastewater Lines
- ▲ Outfall
- Stormwater Inlet
- Stormwater Manhole
- Stormwater Arc
- Easement
- GEODATA.GISMGR.Snow\_Routes
- Scotts\_Bluff\_County\_Parcels\_02142022

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REZONE 909 E Overland Dr. Parcel: 010119523



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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PLANNING COMMISSION MINUTES  
REGULAR SCHEDULED MEETING  
MAY 9, 2022  
SCOTTSSLUFF, NEBRASKA

The Planning Commission for the City of Scottsbluff met in regular scheduled meeting on Monday, May 9, 2022 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 general circulation in the city, on April 30, 2022. The notice stated the date, time, and location of the meeting, that the meeting was open to the public, and that anyone with a disability desiring reasonable accommodation to attend should contact the Development Services office. An agenda was kept current and available for public inspection at the Development Services office, provided the Planning Commission can modify the agenda at the meeting if it is 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, Becky Estrada, Dave Gompert, Callen Wayman, Angie Aguillo, Jim Zitterkopf, Dana Weber, Linda Redfern (Alternate, Quorum present so excused). "Absent": Henry Huber, Mark Westphal, Anita Chadwick. City Officials present were Taylor Stephens, GIS Analyst/Acting Secretary, Zachary Glaubius, Planning Administrator
- 2 Vice Chairman Estrada 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 April 11, 2022 meeting were reviewed. Conclusion: a motion was made by Wayman and seconded by Gompert to approve the minutes from April 11, 2022 meeting. "Yeas" Aguillo, Wayman, Zitterkopf, Weber, Gompert, Estrada "Nays" "Absent": Huber, Westphal, Chadwick "Excused": Redfern (alt.) The motion carried.
- 6 Chairman Weber opened a public hearing at 6:01 PM for Item 6A regarding a public hearing to consider a rezone of East Lawn Subdivision, Block 3, Lot 9, a tract of land situated in the Southeast Quarter of Section 24, Township 22 North, Range 55 West of the 6<sup>th</sup> P.M., Scotts Bluff County, NE from C-3 Heavy Commercial to R-1A Single Family Residential. Stephens stated that Ms. Margareta Piazza-Franklin approached city staff with the rezone proposal due to Ms. Piazza-Franklin refinancing her house and the bank requesting the house be properly zoned as residential. Stephens stated the property is along East Overland and is currently zoned as C-3. Stephens stated that R-1A zoning is to the northwest, north and south of the property. Stephens stated the property falls in the East Overland Corridor of the comprehensive plan which allows for commercial and residential zoning. Mr. Wayman asked about the use of the front building and Stephens stated that the front building would be used as storage. Mr. Wayman asked if they could run a business from that after the rezone. Glaubius said this would be fine with an application. Stephens stated that there has been no discouragement from the neighbors and that this has been zoned this way since the 1970's. Stephens stated that the city staff is recommending that the planning commission make a positive recommendation to the city council concerning this rezone. Chairman Weber closed the public hearing at 6:03
- 7 **Conclusion:** Motion by Gompert, seconded by Wayman to make a positive recommendation to the city council of the rezone from C-3 to R1-A at 909 E Overland Dr. "Yeas" Aguillo, Wayman,



Zitterkopf, Weber, Gompert, Estrada "Nays" "Absent": Huber, Westphal, Chadwick "Excused": Redfern (alt.) The motion carried.

8 Item 7: Glaubius stated that there may not be a need for a meeting in June as there has not been anything submitted yet.

9 Item 8: No Other Business

10 Weber introduced Item 9 regarding scheduling the next Planning Commission meeting on May 9, 2022.

11 Item 10: Adjournment

12 Adjournment: Motion by Estrada, seconded by Gompert to adjourn the meeting at 6:05 PM. "Yeas" Aguillo, Wayman, Zitterkopf, Weber, Gompert, Estrada "Nays" "Absent": Huber, Westphal, Chadwick "Excused": Redfern (alt.) The motion carried.

\_\_\_\_\_  
Chairman Dana Weber

\_\_\_\_\_  
Taylor Stephens, Acting Secretary