

City of Scottsbluff, Nebraska

Monday, November 13, 2023

Regular Meeting

Item Pub Hear4

Planning Commission to conduct a Public Hearing to consider a Special Use Permit for a Junkyard at Lots 2 & 3, Block 1, Rushall's Subdivision, commonly identified as 909 S Broadway.

Staff Contact:



City of Scottsbluff, Nebraska Special Use Permit Application

Date:			DO NOT WRITE IN THIS BLOCK		
Address (Location) of requested Special Use: <i>909 South Broadway</i>			Permit Number:		
Applicant's Name <i>Albert L. Metcalf</i>			Special Use Permit <input type="checkbox"/> Approved <input type="checkbox"/> Denied		
Applicant's Address: <i>3302 Lilac Dr.</i>			Date Issued:		
City: <i>Scottsbluff</i>	State: <i>Ne.</i>	Zip: <i>69361</i>	Comp. Plan Land Use: Zone:		
Telephone: <i>308-631-0783</i>	Mobile: <i>308-631-0783</i>	Email:	Attached: Plot Plan <input type="checkbox"/> Legal Description (in word) <input type="checkbox"/> \$100.00 filing fee <input type="checkbox"/> \$250.00 for PUD (planned unit dev) <input type="checkbox"/> \$3.00 per property owner within 300-feet <input type="checkbox"/> Receipt # _____		
Property Owner: <i>Metcalf Family Living Trust</i>					
Property Owner's Address: <i>3302 Lilac Dr.</i>					
City: <i>Scottsbluff</i>	State: <i>Ne.</i>	Zip: <i>69361</i>			
Telephone: <i>308-631-0783</i>	Mobile: <i>308-631-0783</i>	Email:			

Description of the nature of the use for which the Special Use Permit is requested (Why and What):
Moving Scrap yard from R.R. Property - lost lease

Legal Description:
Lts 2 + 3, Block 1, Rushall's Subdivision

Zoning Ordinance Section pertaining to Special Use Permit:
25-3-16 M1 zone

- 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.

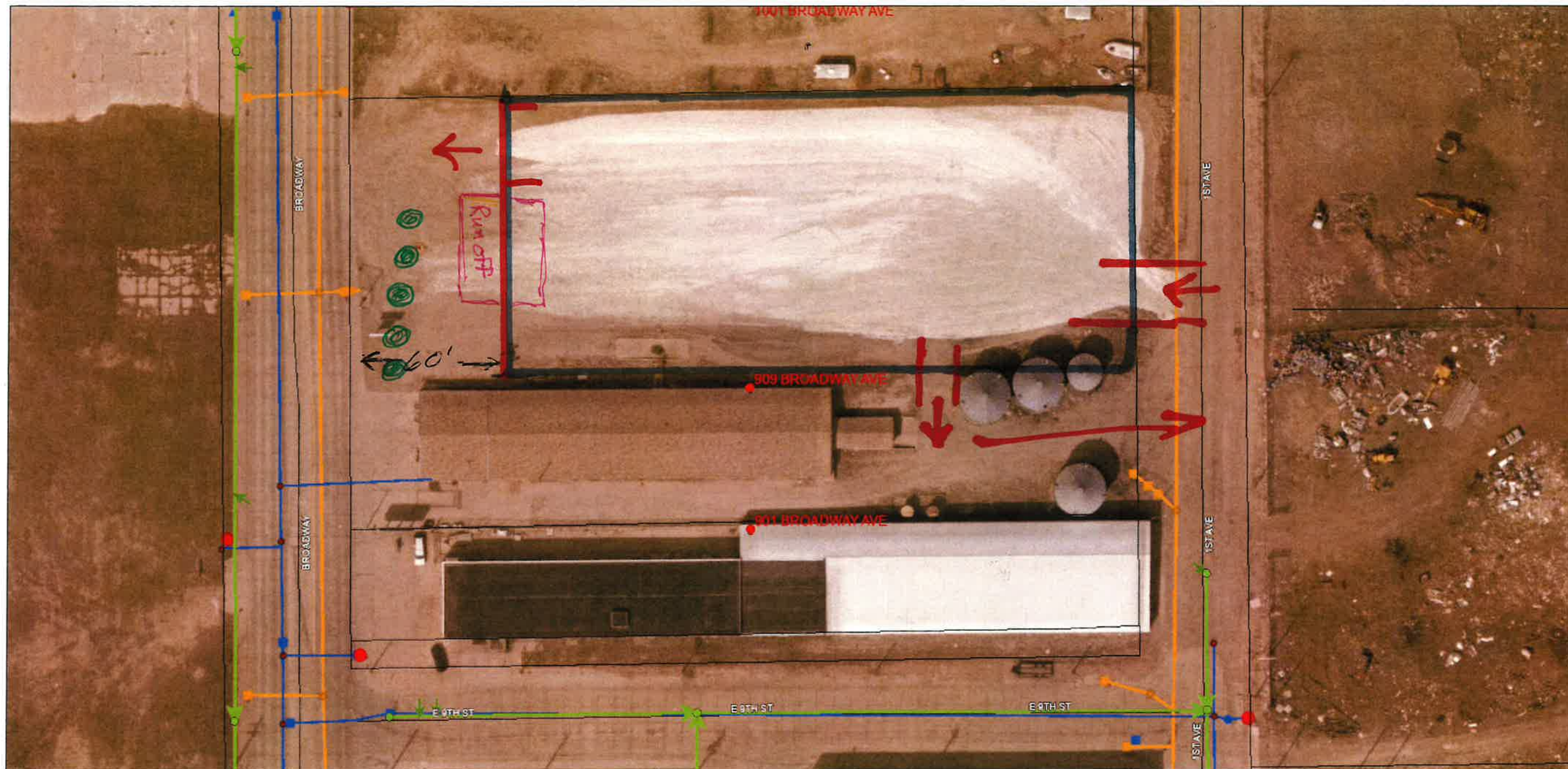
Property Owner(s) of Record: *Metcalf Family Living Trust* Date: *10-5-23*

Applicant's Signature: *Albert L. Metcalf* Date: *10-5-23*

Remarks: (Insert here any information not covered above)

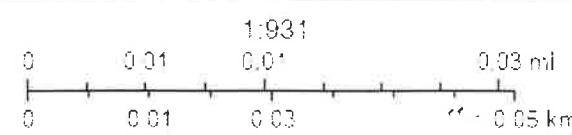
Serry Metcalf 631-0783

City of Scottsbluff Webmap



11/3/2023, 12:47:07 PM

- | | | | |
|---|---|---|--|
| ● Address Point | ● Sewer Manhole | ● FIRE HYDRANT | ● ALL OTHERS |
| Parcels | → Sewer Laterals | ● HYDRANT VALVE | — Water Lines |
| Scottsbluff Corporate Limits | → Sewer Lines | ● MANHOLE | ● Stormwater Manhole |
| Extended Jurisdiction | Water Features | ■ VALVE | ● Stormwater Inlet |
| | ▲ CURBBOX | | |



Maxar Microsoft

172x414'
Fence - Blue 10 ft. 1st Ave
Red - Enter - Exit
gates -
Green - Trees

Run off - pink
Concrete Box - 500 gal.
Fuel Tank

City of Scottsbluff Planning Commission

Development Services Staff Report – Zachary Glaubius

Prepared on: October 25, 2023 For Hearing of: November 13, 2023



I. GENERAL INFORMATION

- A. **Applicant:** Albert Metcalf
3302 Lilac Drive
Scottsbluff, Nebraska 69361

- B. **Property**
Owner: Same as Applicant

- C. **Proposal:** Special Use Permit to operate a junkyard at 909 S Broadway due to losing lease to BNSF property directly east of 909 S Broadway

- D. **Legal Description:** Lots 2 & 3, Block 1, Rushall’s Subdivision

- E. **Location:** 909 S Broadway

- F. **Existing Zoning & Land Use:** M-1 Light Manufacturing and Industrial

- G. **Size of Site:** Approximately 3.98 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	South Broadway	M-1 Light Manufacturing and Industrial	Landscaping Business
East	South Broadway	M-1 Light Manufacturing and Industrial	Junkyard
South	South Broadway	M-1 Light Manufacturing and Industrial	Commercial Building
West	South Broadway	M-1 Light Manufacturing and Industrial	Vacant Land

III. ANALYSIS

- A. **Comprehensive Plan:** The Future Land Use Map of the Comprehensive Plan currently shows the site as South Broadway.
 - 1. Appropriate uses for the South Broadway neighborhood are C-1, O-P, C-2, R-4, and PBC.

2. The Comprehensive Plan defines the South Broadway neighborhood intensity as follows:
 3. Hours (When activity is happening)
 - i. Heavier daytime use, evening retail
 4. Auto (What type of transportation access is the neighborhood oriented towards)
 - i. Multi-modal transportation well accommodated
 5. Mass (How much of the lot should buildings utilize, and what are appropriate setbacks and heights)
 - i. Higher density development, general low buildings though 2.5-3 stories is acceptable.
 - ii. Broadway setbacks set eventually to be near or on the street. Larger for big box.
 6. Emissions (What noises, smells, sights, and level of activity are acceptable)
 - i. Traffic heaviest in the day but continuing through the night.
 - ii. Commercial deliveries frequent
 - iii. Low amounts of non-restaurant smells
 - iv. Lower noise
 - v. Enforced aesthetic and landscaping standards
- B. Traffic & Access:**
1. Primary access to the property would be via 1st Avenue
 2. Secondary access to the property would be via Broadway
- C. Utilities**
1. Water, Sewer, and Stormwater are located in the Broadway Right-of-Way.
 2. Stormwater is also located in the 1st Avenue Right-of-Way
- D. Zoning**
1. Per 25-3-16 C, Junkyard is a special permit use in the M-1 Manufacturing and Industrial Zoning District.

IV. STAFF COMMENTS

- A. A special permit is assigned to the business owner and not the land itself.
- B. Per 25-2-57, junkyard is defined as *“A space of 200 square feet or more located on a lot or tract of land which is used to store, dismantle, demolish, process, or abandon junk, or abandoned vehicles. The term “junk” shall have the meaning given to it in § 12-1-1 of this code of ordinances.”*
- C. Per 12-1-1, junk is defined as *“Includes scrap metal, parts for machinery, appliances or vehicles, any machine, or vehicle which is not in operating condition or which has lost its identity, character, utility, or serviceability as such through deterioration, dismantling, or the ravages of time, or which has been cast off, discarded, or thrown away or left as waste or wreckage. The term does not include: (1) Solid waste as defined in Chapter 19 of this code; (2) Abandoned vehicles as defined in Chapter 22 of this code; and (3) Refrigerators kept outside of a building, if each door of the refrigerator is secured by a hasp and lock as provided elsewhere in this chapter.”*
- 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.
- E. Staff met with Mr. Metcalf on November 3, 2023 and agreed on the below conditions.

V. FINDINGS OF FACT

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

- 1. The current zoning district of M-1 Light Manufacturing and Industrial.
- 2. Junkyard provides a service required by the community and is consistent with underlying zoning district.
- 3. The use will not be injurious to neighboring uses as it is a relocation of an existing junkyard approximately 64 feet away.
- 4. The use will not create special hazards or problems:
 - i. If the primary access is 1st Avenue
 - ii. No stormwater runs off the site into the City stormwater system.
- 5. The use is in accordance with the intents and purposes of the Code.

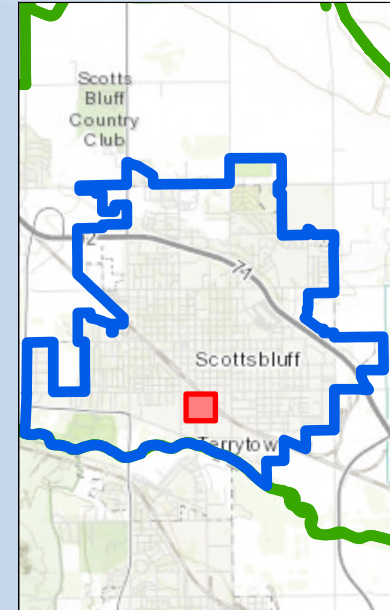
B. Findings of Fact to Not Recommend Approval May Include:

- 1. The use will create special hazards if:
 - i. Truck traffic increases on Broadway
 - ii. Contaminated stormwater runoff enters the City stormwater system.
- 2. The use is not harmonious with the Comprehensive Plan.
 - i. South Broadway neighborhood is recommended to be less intense uses such as C-1, O-P, C-2, R-4, PBC.
 - ii. The neighborhood is recommended to have lower noise, the proposed use has the potential to increase noise.

VI. STAFF RECCOMENDATION

- A.** Staff recommends Planning Commission approve the special use permit to Albert Metcalf for a junkyard at S 909 Broadway with the following conditions:
- i. The junkyard use has a setback of 60' from Broadway
 - ii. The junkyard be fully enclosed with 10' tall opaque fence.
 - iii. Primary access for truck traffic to/from the site be via 1st Avenue. Secondary access for truck traffic to/from the site be via Broadway.
 - iv. On-site retention/detention which prevents runoff from site into City stormwater sewer system reviewed and approved by City Engineer.

- v. Compliance with any other applicable City, County, State, or Federal Regulations that may apply.
- vi. A 10' wide landscaping bed with 5 trees be installed in front of the fence on the Broadway side of the property. Trees shall meet the requirements of Chapter 25 Article 22.
- vii. Maximum height permitted for scrap is 15 feet.



Proposed Changes

Street Centerlines

CLASS

- Highway
- Main Road
- Residential/Rural
- Parcels
- Address

Taylor Stephens
City of Scottsbluff GIS
Created on 10/25/2023
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.



- Property Location(s)
- Corporate Limits
- Extended Jurisdiction

City Zoning

- (A)Agriculture
- (AR)Ag Residential
- (C-1)Central Business District
- (C-2)Neighborhood Com
- (C-3)Heavy Com
- (M-1)Light Man & Ind
- (M-2)Heavy Man & Ind
- (O-P)Office and Professional
- (PBC) Planned Bussiness
- (R-1)Single Family
- (R-1A)Single Family Med Dens
- (R-1B)Rural Residential
- (R-4)Heavy Dens Multiple
- (R-6)Mobile Home

Street Centerlines

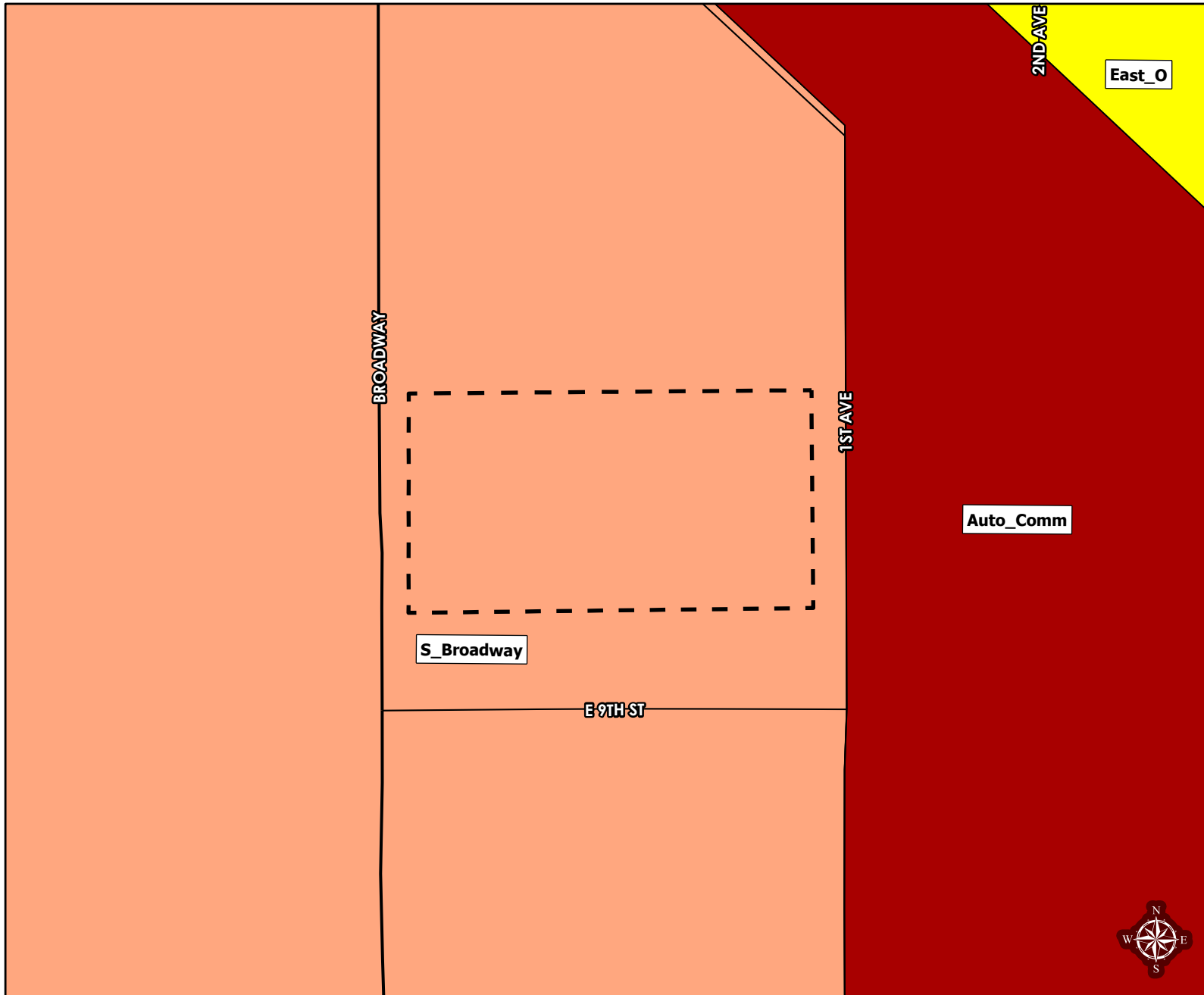
- Highway
- Main Road
- Residential/Rural
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Special Use Permit Request

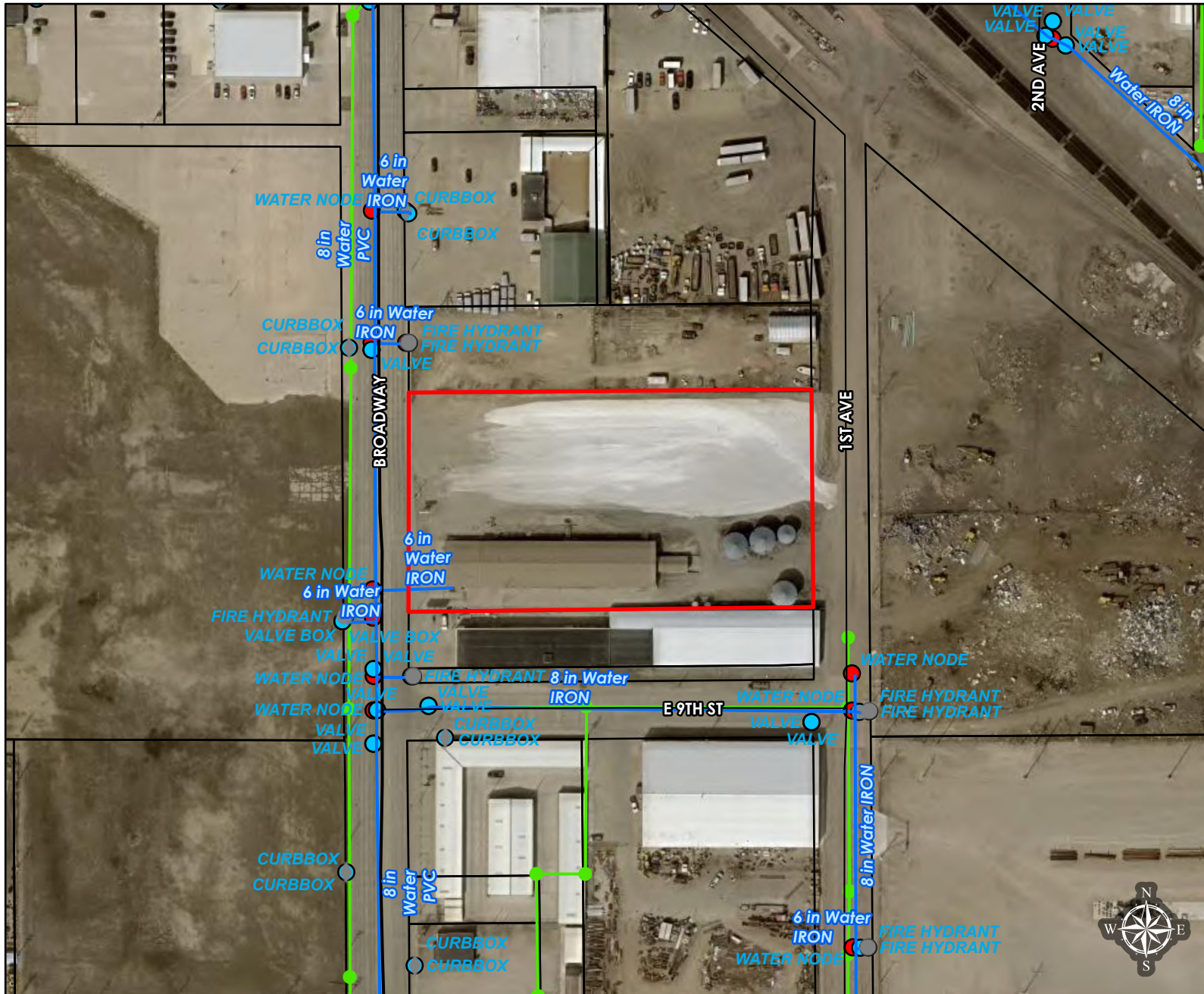
909 BROADWAY



- 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
- SE Industrial and Commercial
- South Broadway
- WNCC and Surrounding Area
- Street Centerlines**
- 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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- Highway
 - Main Road
 - Residential/Rural
 - Wastewater MH
 - Wastewater Lines
 - Proposed Property
 - Parcels
 - GEODATA.GISMGR.Corporate_Limits
 - Water_Lines
- Water Valve**
- No
 - Yes
 - UNKNOWN
- Waterline_Points**
- No
 - Yes
 - UNKNOWN
- Water Manhole**
- No
 - Yes
 - UNKNOWN
- Water Curbstop**
- ◆ No
 - ◆ Yes
 - UNKNOWN
- Fire Hydrants**
- No
 - Yes
 - UNKNOWN



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