

# **City of Scottsbluff, Nebraska**

**Monday, February 10, 2014**

**Regular Meeting**

## **Item NewBiz7**

### **Special Use Permit**

*Special Use Permit: Car Sales in C-2 zone*

*Applicant: Tim Reganis*

*Owner: Tim Reganis*

*Location: 1117 E. 27th St.,(Block 9,Reganis Subd)*

Staff Contact: Annie Urdiales



## SCOTTSBLUFF PLANNING COMMISSION Staff Report

<b>To:</b>	Planning Commission	<b>Zoning:</b>	C-2
<b>From:</b>	Development Services Department	<b>Property Size:</b>	4.67 acres
<b>Date:</b>	February 10, 2014	<b># Lots/Units:</b>	1
<b>Subject:</b>	Special Permit Request – Reganis Auto		
<b>Location:</b>	East 27 <sup>th</sup> Street		

**Background:** The applicant(s), Tim Reganis, is requesting a special permit to allow for auto sales in a C-2 Neighborhood and Retail Commercial zoning district. Mr. Reganis is also the property owner of said property, which is situated on the Northeast corner of 27<sup>th</sup> Street and Highway 26, legal description in Block 9, Reganis Subdivision.

Auto sales are a permitted use in a C-2 zone with a special permit from the Planning Commission. There are several pre-existing auto sales businesses in the C-2 zoning districts throughout the City.

We have previously approved other requests for this type of special permits, 2417 Avenue I, 2419 Avenue I, 112 West 27<sup>th</sup> St. and Wolf Auto on 14<sup>th</sup> Avenue and Hwy 26.

**Analysis:** The property is zoned C-2 Neighborhood & Retail Commercial. The applicant submitted all proper paper work for the permit. The surrounding properties to the east, north, are zoned residential, to the south across the Highway is residential and PBC (planned business district, mall area).

The property is situated in the Gateway Overlay Zone and the proposed plan meets the general requirements of the GGO zone. Landscaping plans will be submitted at the time the building permit is submitted for review.

**Lot Sizes:** The lot is approximately 4.67 acres. A site plan showing layout of building along with landscaping is attached.

### **Planner's Report:**

**SPECIAL USE PERMIT REQUEST** - To allow auto sales and service in a C-2 Neighborhood and Retail Commercial District

Tim Reganis (Reganis Auto) desires to obtain a Conditional Use Permit for auto sales and service on the east side of Highway 26, north of 27<sup>th</sup> Street and between 12th Avenue and Primrose Drive. The property will be accessed from 27th Street.

A rezone to C-3 would allow the proposed use without a CUP, but would be a more lengthy process, even though C-3 zoning would make sense for this property. The Comprehensive Plan

Special Permit, Page 1

Future Land Use Map designates this property as Light Commercial, but the location on Highway 26 is also appropriate for Heavy Commercial.

The property is in the Gateway Green Overlay Zone and development plans will require approval of the Planning Commission. Those plans are included in the packet and seem to generally meet the requirements with the exceptions noted by the applicant's representative.

The Planning Commission may issue a special permit for a Conditional Use subject to 25-13-3. and 25-13-6. Per the five required findings:

- 1.) Auto mobile sales and service represent services that are required by the community and the use is consistent with the surrounding zonings and uses,
- 2.) The use will not be injurious to neighboring uses,
- 3.) The use will not create special hazards or problems,
- 4.) The Comprehensive Plan Future Land Use Map supports the use,
- 5.) The use is in accordance with the intents and purposes of the Code, plus reasonable conditions can be included if deemed necessary and appropriate.

There has been no comment received from the public.

Please note that per 25-13-9 that a building permit must be issued within one year of approval of the Conditional Use Permit or the Permit expires and per 25-13-11 that the Permit may not be transferred with change of ownership of the land.

**Staff Recommendation:** Approve a Conditional Use Permit to allow auto sales and service in a C-2 Neighborhood and Retail Commercial District with no additional conditions

**Findings of Fact** could include; the property significantly abuts Highway 26 and could be positively considered for rezone to C-3 Heavy Commercial; the use fits C-2 Neighborhood and Retail Commercial District in this location; the Industrial Zoning is in accordance with the Comprehensive Plan and per 25-13.3:

- 1.) Auto mobile sales and service represent services that are required by the community and the use is consistent with the surrounding zonings and uses,
- 2.) The use will not be injurious to neighboring uses,
- 3.) The use will not create special hazards or problems,
- 4.) The Comprehensive Plan Future Land Use Map supports the use,
- 5.) The use is in accordance with the intents and purposes of the Code.

In addition, the Planning Commission should consider approval of the development plan in relation to the Gateway Green Overlay Zone. Staff feels that the plans generally comply with the exceptions noted by the applicant. The Planning Commission does need to formally act on the matter.

**RECOMMENDATION**

***Approve***

**Make a motion to approve the special permit to allow for Auto Sales at Lot 2, Block 2, Cannon Subdivision to Dave Wolf in a C-2 Neighborhood & Retail zoning district subject to the following condition(s):**

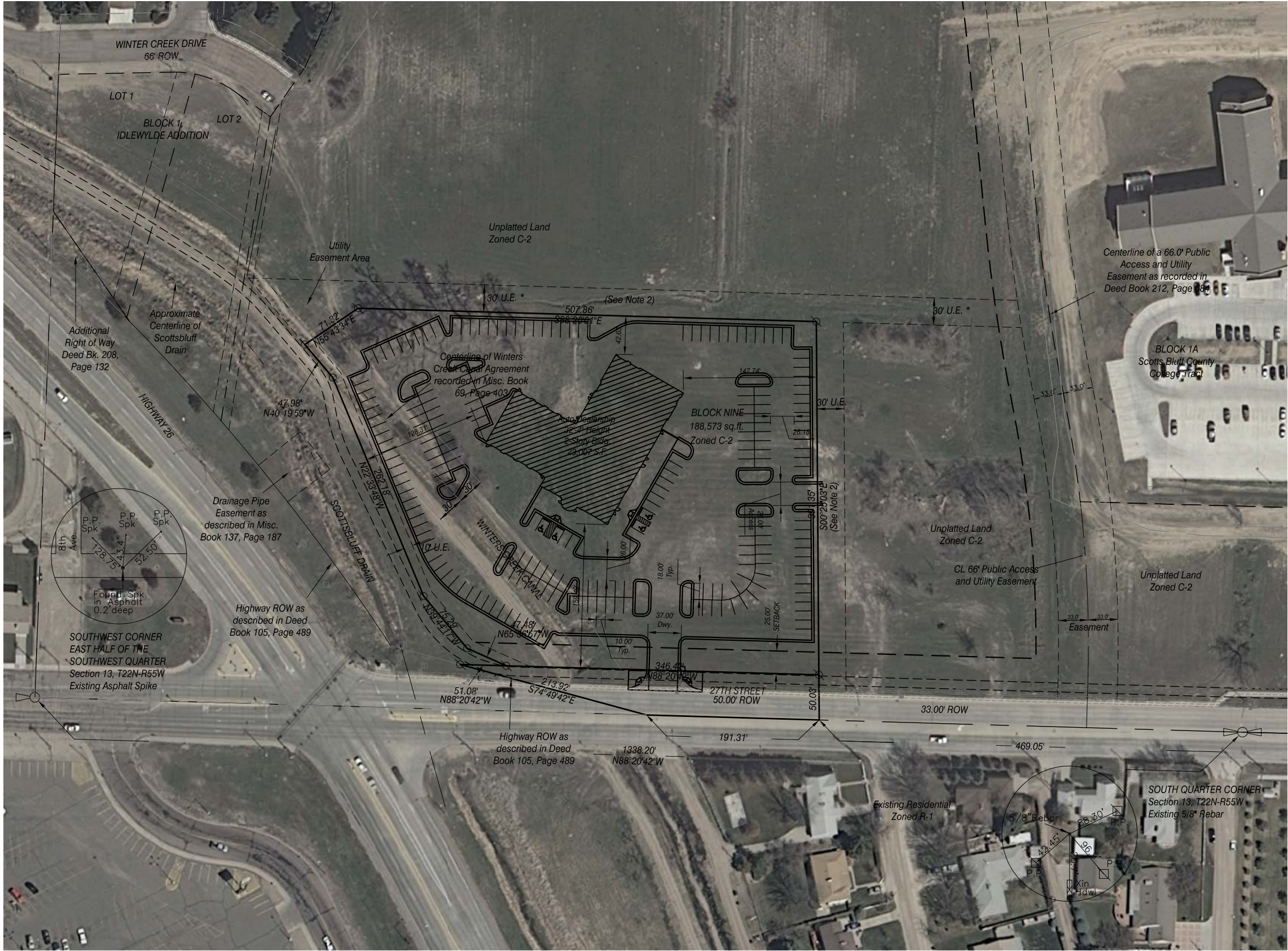
***Deny***

**Make a motion to disapprove the special permit for Auto Sales at Lot 2, Block 2, Cannon Subdivision to Dave Wolf in a C-2 Neighborhood and Retail Commercial zoning district, for the following reason(s):**

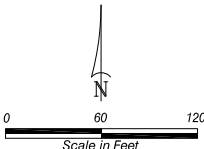
***Table***

**Make a motion to TABLE the Special permit request of Dave Wolf for property located at lot 2, Block 2, Cannon Subdivision for the following reason(s):**





- LEGEND
- EXISTING QUARTER SECTION CORNER, AS NOTED
  - EXISTING SIXTEENTH SECTION CORNER, AS NOTED
  - EXISTING 5/8" REBAR, OR AS NOTED
  - SET 3/4" x 24" REBAR, OR AS NOTED
  - UTILITY EASEMENT
  - THIS 30' U.E. INCLUDES THE PREVIOUS 20' WIDE EAST - WEST SANITARY SEWER EASEMENT RECORDED IN MISC BOOK 71, PAGE 431
  - RIGHT OF WAY
  - BLOCK NUMBER



NOTES

1. All easements, restrictions and other documents that may affect these platted lots, that are of record or not of record, may not be shown on this plat.

2. These Utility Easements shall be dedicated as alley right of way upon future final platting of the abutting unplatted land.

**M. C. SCHAFF & ASSOCIATES, INC.**  
**818 SOUTH BELTLINE HIGHWAY EAST**  
**SCOTTSBLUFF, NEBRASKA 69361**



ENGINEERS ♦ PLANNERS ♦ DESIGNERS ♦ LAND SURVEYORS  
PH: 308-635-1926 FAX: 308-635-7807 INTERNET: WWW.MCSCHAFF.COM

**PROJECT: PLOT PLAN**  
**REGANIS SUBDIVISION**  
**SCOTTSBLUFF, NEBRASKA**  
**SPECIAL USE PERMIT**

**CLIENT: TIM REGANIS**

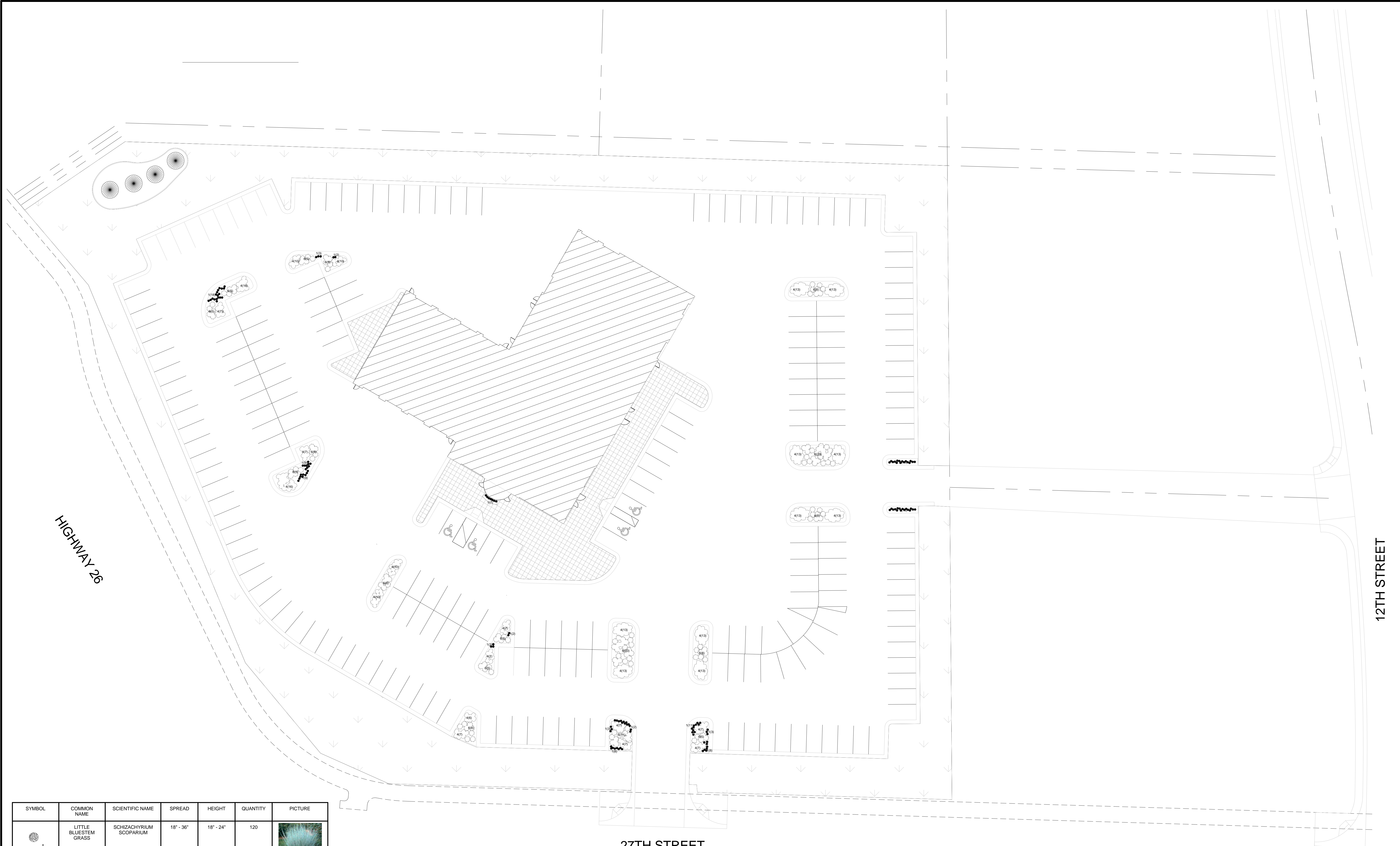
**PROJECT NUMBER:**  
RM140018-00  
**PROJECT DATE:**  
JAN. 10, 2014  
**PROJECT MGR:**  
C.L.N.  
**PROJECT TEAM:**  
D.S./C.L.N./K.B.

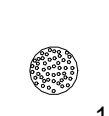

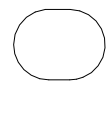




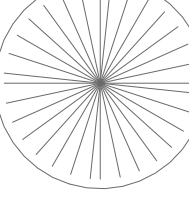

SEAL

DATE	REVISION

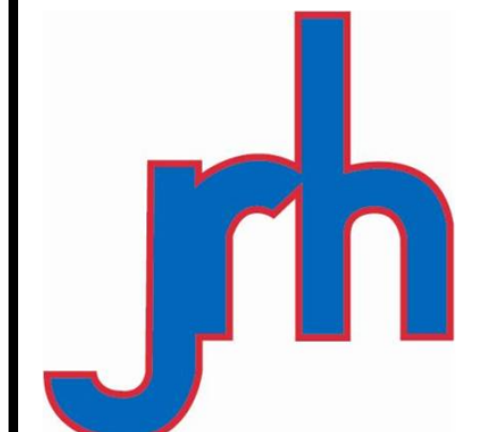
SHEET 1 OF 1  
**SUP-1**





SYMBOL	COMMON NAME	SCIENTIFIC NAME	SPREAD	HEIGHT	QUANTITY	PICTURE
	LITTLE BLUESTEM GRASS	SCHIZACHYRIUM SCOPARIUM	18" - 36"	18" - 24"	120	
	WHITE PYGMY FALSECYPRESS	CHAMAECYPARIS PISIFERA	24" - 48"	24" - 36"	271	
NONE SHOWN	DENSE YEW	TAXUS X MEDIA DENSIFORMIS	60" - 72"	36" - 60"	PROVIDED AS AN ALTERNATIVE PLAN OPTION ONLY	
	SNOWMOUND SPIREA	SPIAEA NIPPONICA SNOWMOUND	36" - 60"	36" - 60"	140	
	PONDEROSA PINE	PINUS PONDEROSA	25-30	50' - 70' AT FULL MATURITY	4	

1 LANDSCAPE PLAN  
1/32" = 1'-0"



Joseph R. Hewgley & Associates, Inc.  
702 South Bailey • North Platte, Ne. 69101  
Phone: 308/734-4983 • Fax: 308/734-4944

FINAL DESIGN FOR REVIEW:  
NOT FOR CONSTRUCTION


Reganis Dealership  
for  
Tim Reganis

PROJECT #: N-1513  
DATE: 11/25/13  
DRAWN: MJH

REVISIONS

DATE	DESCRIPTION

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ASSOCIATES, Inc.



MEMBER  
AMERICAN  
INSTITUTE  
of ARCHITECTS

LANDSCAPE PLAN

SHEET  
L101