

SUMMARY FROM MAY 13<sup>TH</sup> PLANNING COMMISSION MEETING

<b>PUBLIC HEARING</b>	William Vaughan Ag Estate Dwelling Site Section 15, Township 22 N, Range 56W
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**REQUEST**

Applicants wish to separate off 7 acres of marginal use ground for the purpose of a future home site. The area to the north of the proposed AEDS (33 acres) is to be used for the required reserve area.

**LOCATION**

The proposed request is located in Section 15, Township 22 North, Range 56 West, about ½ mile east of Hubbard’s Hill, on the north side of Highway 92; A part of Scotts Bluff County Parcel 010000482.

**COMPLIANCE**

The proposed request meets the requirements of section 5.101-13 of the Zoning Regulations, which specifically pertains to the establishment of an AEDS. The tract already has access off of Highway 92. The requested AEDS is outside of the area irrigated by pivot, making it not ideal for farm production.

**PUBLIC COMMENT**

The neighbors to the west, Jim & Connie Dietrich, testified opposing the request, stating they weren’t in favor of a house being built there.

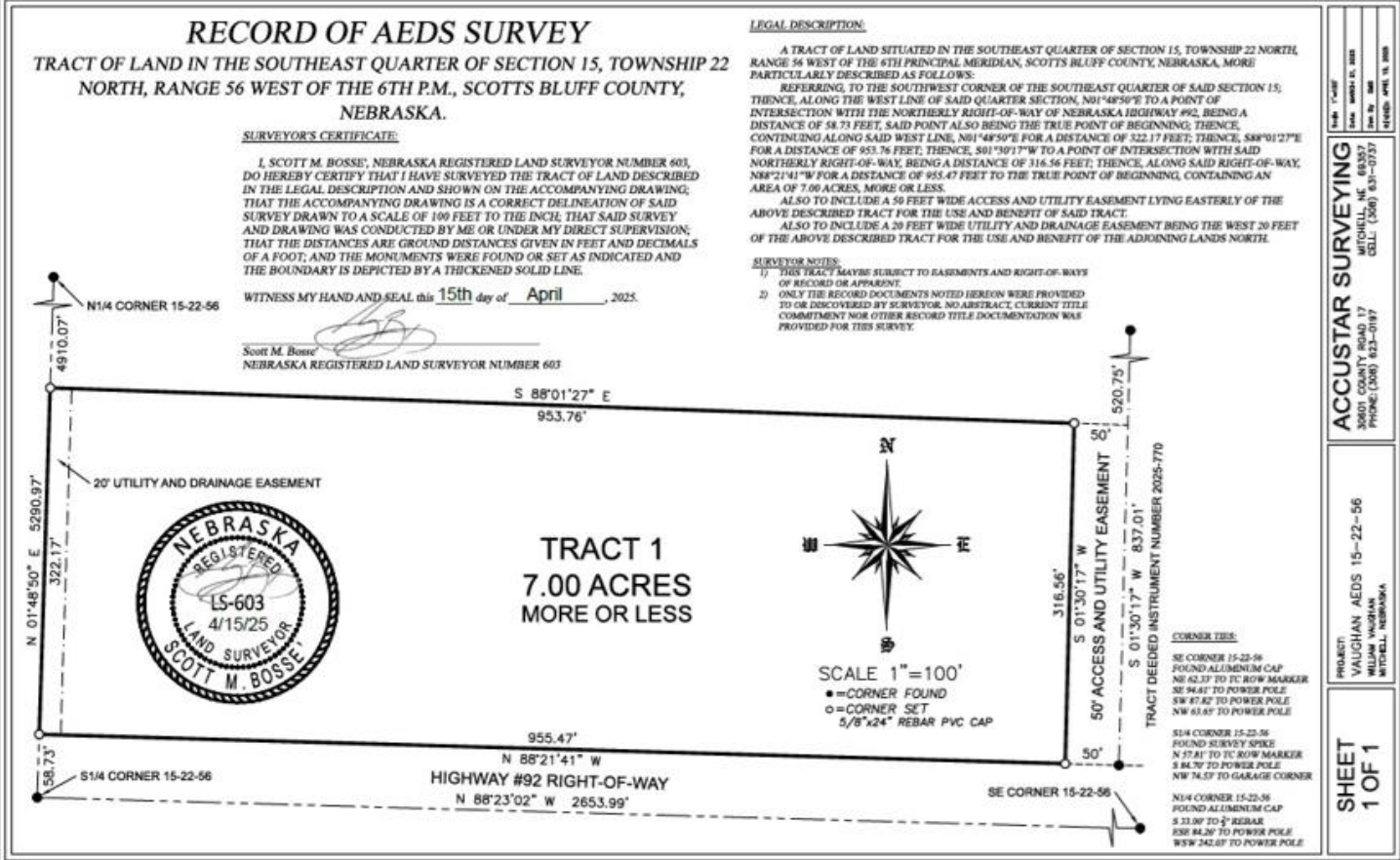
LOCATION







Plat (also attached)



<b>PUBLIC HEARING</b>	Dennis Applegate Zoning Change (Agricultural to Recreation Commercial) Section 5, Township 22 N, Range 53W
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**REQUEST**

Applicants wish to change the zoning of approximately 0.9 acres of the 57-acre farm from “Agricultural” to “Recreation Commercial” zoning for the purpose of a retail store. They have stated they would like to eventually obtain a liquor license for off-sale alcohol if approved, as well as bait, firewood, and other lake related goods. They also stated they could possibly use the area for RV and boat storage in the future.

**LOCATION**

The proposed request is located in Section 5 , Township 22 North, Range 53 West, about ¾ mile east of Stonegate Road, on the north side of County Road H; A part of Scotts Bluff County Parcel 010051953.

**COMPLIANCE**

The proposed request meets the requirements of section 6.1 of the Zoning Regulations, which specifically pertains to the establishment of a “Recreation Commercial” zoning district. The tract already has access off of County Road H.

**ACTION**

The Scotts Bluff County Planning Commission weighed the aforementioned evidence at its regularly scheduled meeting on May 13<sup>th</sup>, 2025, and deadlocked on the recommendation to the County Board, with 3 voting for approval and 3 voting against approval. Therefore the advisory is “No Recommendation”.

**STAFF REPORT**

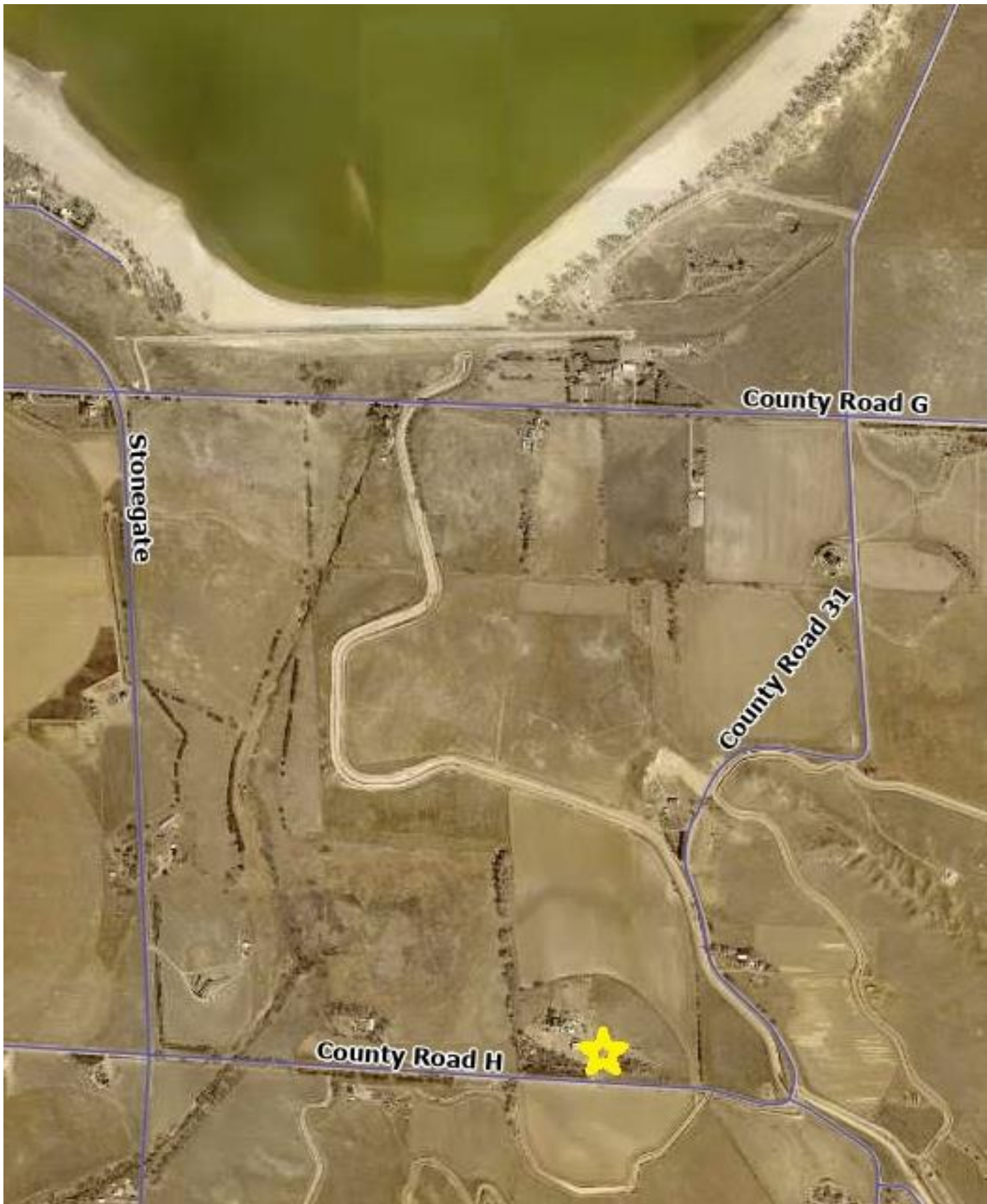
The **William Vaughan AEDS** application is just a typical request to separate a parcel off from the farm for a future home. The neighbors, Jim & Connie Dietrich, have not provided a valid reason to deny the request.

The **Dennis Applegate zoning change** request meets compliance as far as zoning is related. The lot size is 57 acres, though the envelope they would like to use for the business is just under an acre. There’s been some concern expressed about the two main county roads which would most likely service the store. “Spot Zoning” was brought up by Scott Miller, but the proposed location for the store is within a mile from the lake which is primarily zoned for recreational use. I’d encourage everyone to take a drive out by the store location and use both County Road H and County Road 31 to get an idea of the concerns.





LOCATION



**6.1 Recreation Commercial (RC) District.** This district is intended to provide retail goods and services to the surrounding residential districts and recreation resource users/patrons.

**6.101 Principle Permitted Uses**

1. Retail stores and services.
2. Boat and recreational vehicle sales, repair and storage.
3. Dining and drinking establishments (joint facility).
4. Campgrounds.

**6.102 Conditional Uses:** The following conditional uses may be permitted in the "RC" District upon approval of a permit in accordance with the requirements and procedures set forth in Section 10.

1. Drinking establishments without food service.
2. Rental storage facilities.

**6.103 Permitted Accessory Uses**

1. Buildings and uses customarily incidental to the permitted and conditional uses.
2. Off-street parking and loading serving a principal use. All off-street parking shall be located on the same lot as the principal use.
3. Signs as permitted in Section 8.13.
4. Irrigation wells and associated buildings and equipment, customarily incidental to the principal use of the property.
5. Public utility and services infrastructure.
6. Television, radio receiving and transmitting equipment, and satellite dishes.
7. Temporary buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the work.
8. Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into five or more lots.
9. Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same lot, or on another of several lots being developed at the same time.
10. Fences: Fences are not required to comply with the minimum setback and may be located on the property line.
11. Sight Triangle: All structures and landscaping shall conform to the requirements of the sight triangle as specified in Section 17.58.





The address for the new building is 300600 County Road H



This is the first report I received from Steve Baird about the road conditions potentially servicing the proposed store

Proposed zoning change

SB

Steve Baird

To Bill Mabin

Cc Billy Hutchinson

Thu 5/8

You forwarded this message on 5/12/2025 10:44 AM.

PDF

County Road H.pdf

4 MB

PDF

County Road 31.pdf

4 MB

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County Road 31G.pdf

2 MB

Bill,

In your request for a road opinion of the potential change in zoning for a convenience store located on County Road H east of Stonegate Road. I do have a couple concerns regarding both routes CR H and CR 31. The National and State Classification of both roads is Local gravel surfaced. County Road H has a couple potential issues with an increase in traffic especially pickups pulling campers and boats, first off there is a blind hill going both east and west on the road. The road varies in width from 24-26' which is adequate for Nebraska Board of Classification and Standards. I can see the blind hill being an issue if two campers were to meet at the top. The other issue I see is the overhang of the trees, by Nebraska State Statute 39-309 requires landowners to remove trees from the Right of Way of any County Road. Is the landowner of these trees aware they will have an expense involved to remove the overhang of the trees? I do foresee the overhanging trees rubbing on campers or boats as they travel down the road. The other issue I also see is there is a fence on the same property as the trees that will need to be removed as it also lies within the ROW. Both the tree overhang and fence are liabilities for the County as well as that landowner if there was to be an accident or a claim made. Both parcels 010326219 and 010037756 are the ones in question and appear to be owned by the same individuals.

As far as County Road 31, again I see a couple potential issues. First, is the bridge located at Cr 31 and CR H, it is rated at 22 ton and is a timber decked structure. The deck width is 26' the issue I potentially can see with this is once again two camper units wanting to cross at the same time. Also the weights of the campers are they over 22 ton? This bridge also does not lie perfectly perpendicular to Cr H as it sits on a skew to meet the canal needs. The other issue is there is a long blind curve on County Road 31, the road width on the curve is 22' and travelers that are not familiar with the area might not anticipate oncoming traffic and be able to navigate through the curve safely.

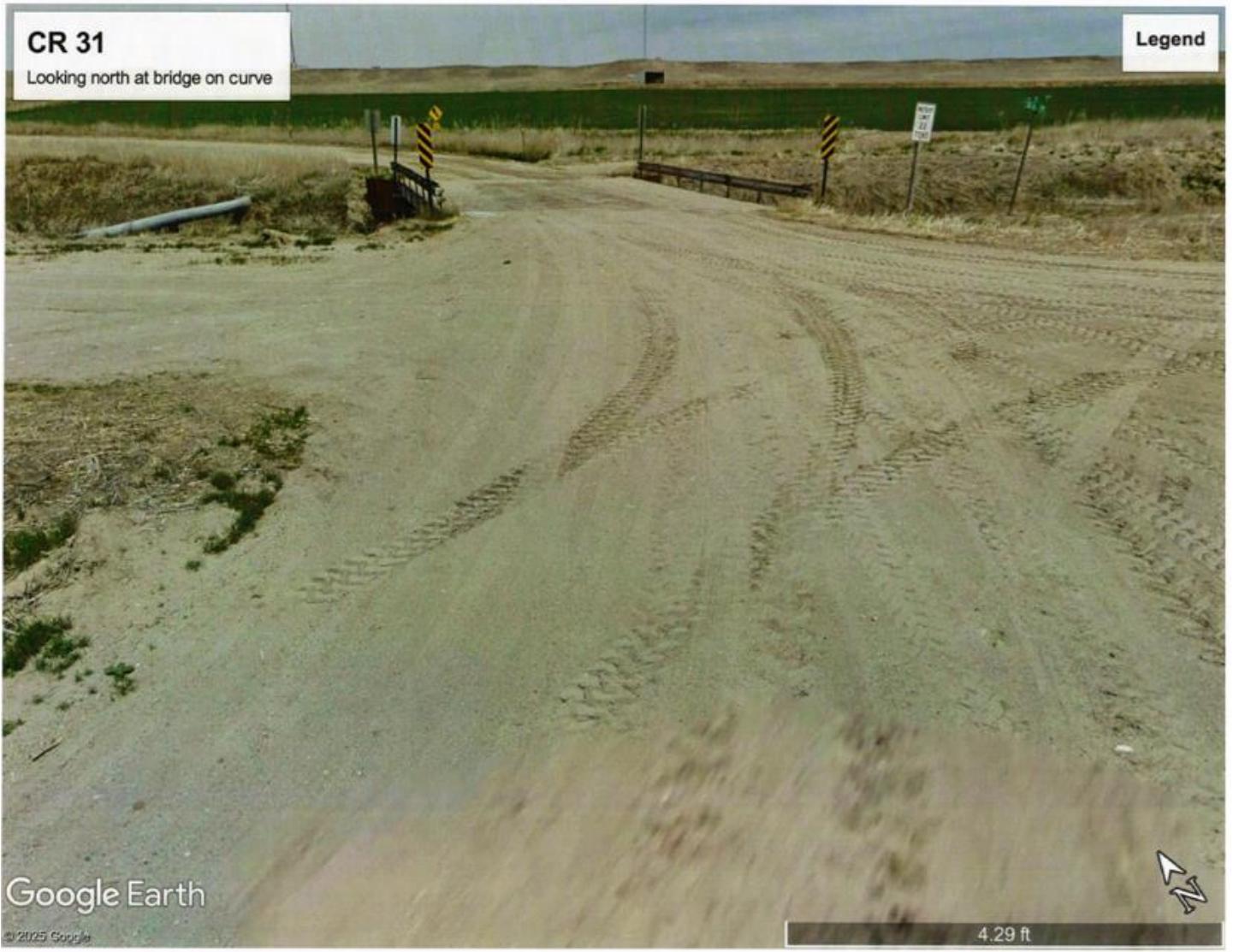
The current maintaining schedule of these roads is every 14 days depending on circumstances. Are the residents out there going to be ok if their road "wash boards" up sooner because of the increase in traffic?

I know you are familiar with the area, but I have attached some photos of the potential issues I can see if there were to be an increase in traffic, but also the increase in traffic of visitors not familiar with the area. Will they be able to navigate there way safely? When I am making these assessments I am thinking of pickups with the big fifth wheel campers navigating these roads safely.

Anything else you need please let me know, thanks



These are the attached exhibits from that email







This is a follow-up email from Steve:

RE: proposed store by the lake

SB

Steve Baird

To Bill Mabin

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Mon 3:02 PM

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Follow up. Start by Tuesday, May 13, 2025. Due by Tuesday, May 13, 2025.

You forwarded this message on 5/13/2025 11:15 AM.

Dennis Applegate and Lynsey Lewis stopped in today to discuss my concerns with County Road H and 31. They are going to address the concerns I have with the overhanging trees and fence line. The goal is to trim the lowest branches before there opening day of around Memorial Day, and then a Fourth of July deadline for the rest. Dennis said he has approval from the landowner. We also discussed some signage being installed if there is a significant increase in traffic. With there proposed changes to the road area it should help alleviate any claims against the County or adjacent landowner.

Steve