

**Scotts Bluff County Planning Commission
Meeting Minutes
May 13, 2025**

The Scotts Bluff County Planning Commission met on May 13, 2025, at 6:00 P.M. in the Scotts Bluff County Commissioner's Room, Administration Building (1825 10th Street), Gering, Nebraska.

Roll Call: Bill Wineman, Dean Schaneman, Vern Groskopf, Mick Lookabill, Roger Beitel, Seth Popp, Jerry Thurman, Wayne Brozek, Eric Wilcox.

Member's Present: Bill Wineman, Mick Lookabill, Seth Popp, Jerry Thurman, Eric Wilcox, Dean Schaneman.

Members Absent: Vern Groskopf, Wayne Brozek & Roger Beitel

Bill Mabin: Building and Zoning Director

Bobbie Dendy: Building and Zoning Assistant

Notice of the Nebraska Open Meetings Act was made by Chairman Eric Wilcox.

Bill Wineman made the motion to approve March 11th, 2025, minutes as presented. The motion was seconded by Dean Schaneman.

Roll Call: Bill Wineman yes, Mick Lookabill yes, Seth Popp yes, Jerry Thurman yes, Eric Wilcox yes, Dean Schaneman yes.

Motion carried.

PUBLIC HEARING 6:00 PM

**1. William Vaughan
Ag Estate Dwelling Estate Site
Section 15, Township 22N, Range 56W**

William (Bill) Vaughan, 180316 Highway 92, Mitchell - has applied for a 7-acre Agricultural Estate Dwelling Site (AEDS) ½ mile east of Hubbard's Hill on the north side of Highway 92. He wants to sell the rest of the farm and keep this area for the possibility of a future home site.

Eric Wilcox opened the public hearing.

Connie & James Dietrich, 140490 Hwy 92, Gering – They live at the home immediately to the west of the proposed AEDS and question if a home can be built in Agricultural zoning. Bill Mabin said that homes are allowed in Ag zoning, and pointed out that the Dietrich's property is also an AEDS. They aren't in favor of a house being built next door.

Wilcox closed the public hearing.

Jerry Thurman made a motion to recommend approval of the AEDS to the County Commissioners. The motion was seconded by Dean Schaneman.

Roll Call: Bill Wineman yes, Mick Lookabill yes, Seth Popp yes, Jerry Thurman yes, Eric Wilcox yes, Dean Schaneman yes.

Motion carried.

PUBLIC HEARING 6:00 PM

2. Dennis Applegate Zoning Change (Agricultural to Recreation Commercial) Section 5, Township 22N, Range 53W

Mr. Applegate has made an application for a zoning change from Agriculture to Recreation Commercial to be able to have a retail store. Bill Mabin showed the location of the request and the related portion of the zoning regulations on the powerpoint.

Lynsey Lewis and Dennis Applegate, 300606 County Rd H, Minatare – spoke on behalf of the application. They would like to provide services to the lake patrons and surrounding community. It will be a place to get bait, sodas, ice, firewood, fix-a-flat, diapers, and other items. They have not applied for a liquor license at this time, but it will be an off-sale license if approved. The hours of operation will be 7AM to 7PM, 7 days a week, except in the wintertime when the lake is closed. They want to be good neighbors and help improve the community.

Eric Wilcox opened the Public Hearing

Calvin Ernst, 1515 U Street, Gering – He has cabin at the lake and spends his summers there. He knows Dennis personally and thinks this would be a great addition out at the lake.

Nick Pelligrino, 750 20th Street, Gering – He works for Dennis and Lynsey and agrees with Mr. Ernst's statement.

Jacob Schwanebeck, 2209 W 15th Street., Scottsbluff – He has known Dennis for 15 years and he'll do well with the enterprise.

Tyler Golden, 1719 Cowan Drive, Scottsbluff – He has known Dennis for 10+ years thinks what he is doing is a great idea.

Jason Carpenter, 1207 4th Street, Minatare – He has known Dennis for over 20 years and thinks the business would be good for the area.

Theresa Johnson, 1607 16th Avenue, Scottsbluff – Is in favor of approval. She feels it would be great competition for the other store north of Lake Minatare.

Susan Flohr, 70956 County Rd 31, Minatare – She lives next door to Applegate's. She said when they visited with Dennis about the proposal, it was presented as a bait shop, not as a liquor store. She is not in favor of alcohol out there.

Scott Miller, 300264 County Road H, Minatare – Lives to the west of the proposed location on the crest of the hill on the north side. He is concerned because it is a blind hill in both directions, which will cause significant danger to themselves, the neighbors, and animals.

Already has an inordinate amount of non-native traffic. He says the high speed of traffic leads to washboards, and that road washboards within 3-5 days of being maintained. Already has a lot of people using that road to avoid law enforcement and some driving well over 60 mph. Thinks it will lead to a large increase in traffic. He believes there will be an issue with accidents. He also thinks the proposed zoning change would constitute "spot zoning" which has been ruled illegal by the state supreme court. The definition of spot zoning by the Nebraska Law Review is "the singling out of a small parcel of land for the use(s) classified differently from the surrounding area, primarily for the benefit of the owner of the property so zoned, to the detriment of the area and other owner therein." Says the owners who live along County Road H and County Road 31 didn't expect to have an increase in traffic. He was also led to believe it was just a bait shop after talking to Dennis. He doesn't think they should be able to just segment out a small area for the zoning change.

Mick Lookabill spoke about his concern of the topography of the roads and the bridge along the path of travel to the proposed store. Lynsey Lewis said they had spoken with County Road Superintendent Steve Baird about possible methods that could be done to mitigate the risk of traffic on the road.

Wilcox closed the public hearing.

Bill Mabin displayed some slides on the powerpoint indicating some of the concerns of the road conditions of County Road 31 and County Road H.

Mick Lookabill made a motion to not approve recommendation of the zoning change to the County Commissioners. The motion was seconded by Bill Wineman.

Roll Call: Bill Wineman yes, Mick Lookabill yes, Seth Popp no, Jerry Thurman yes, Eric Wilcox no, Dean Schaneman no.

Advisory: No Recommendation

3. Miscellaneous discussion – none at this time

Meeting adjourned at 6:45 PM.

Respectfully submitted,

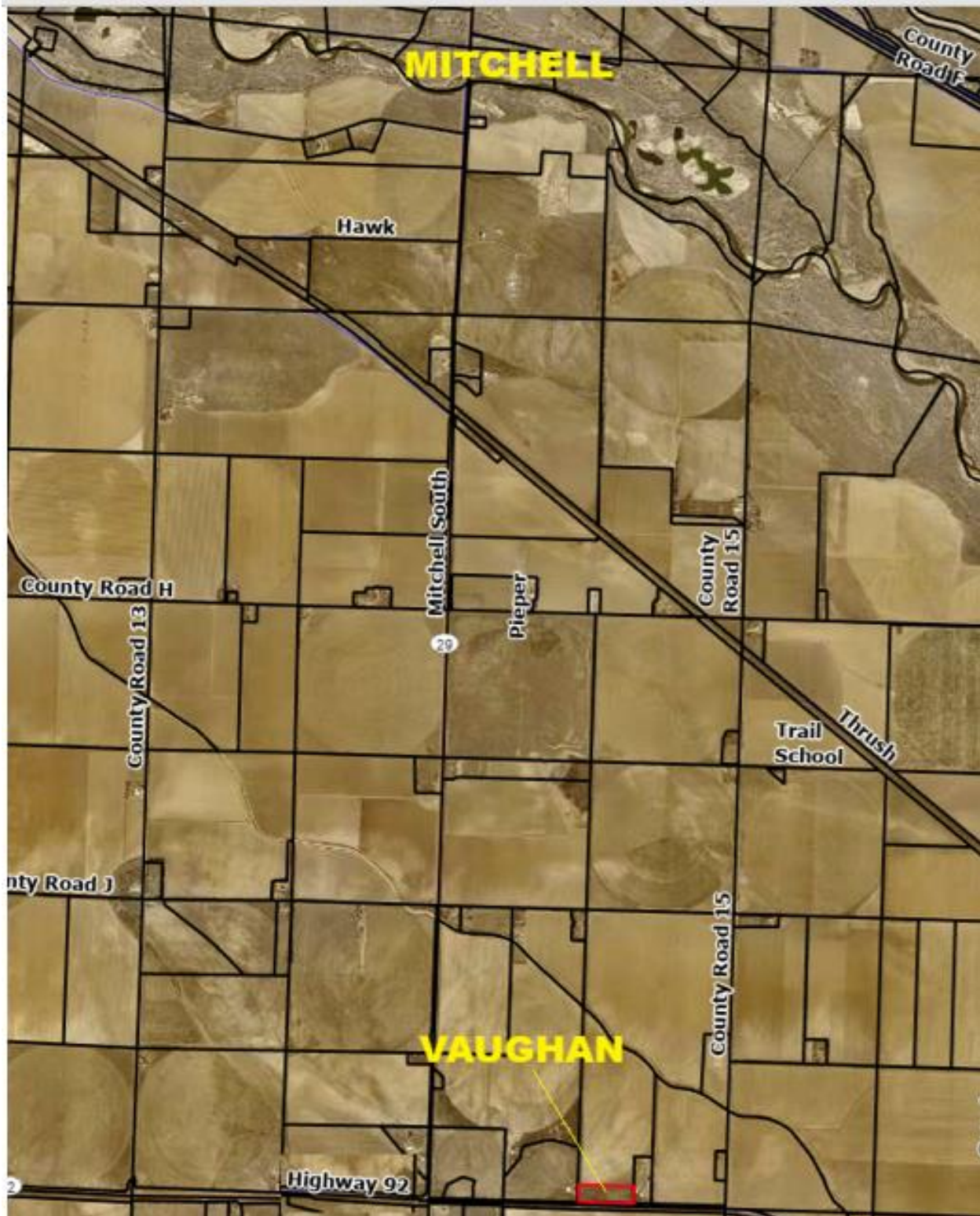
Bobbie Dendy
Administrative Assistant

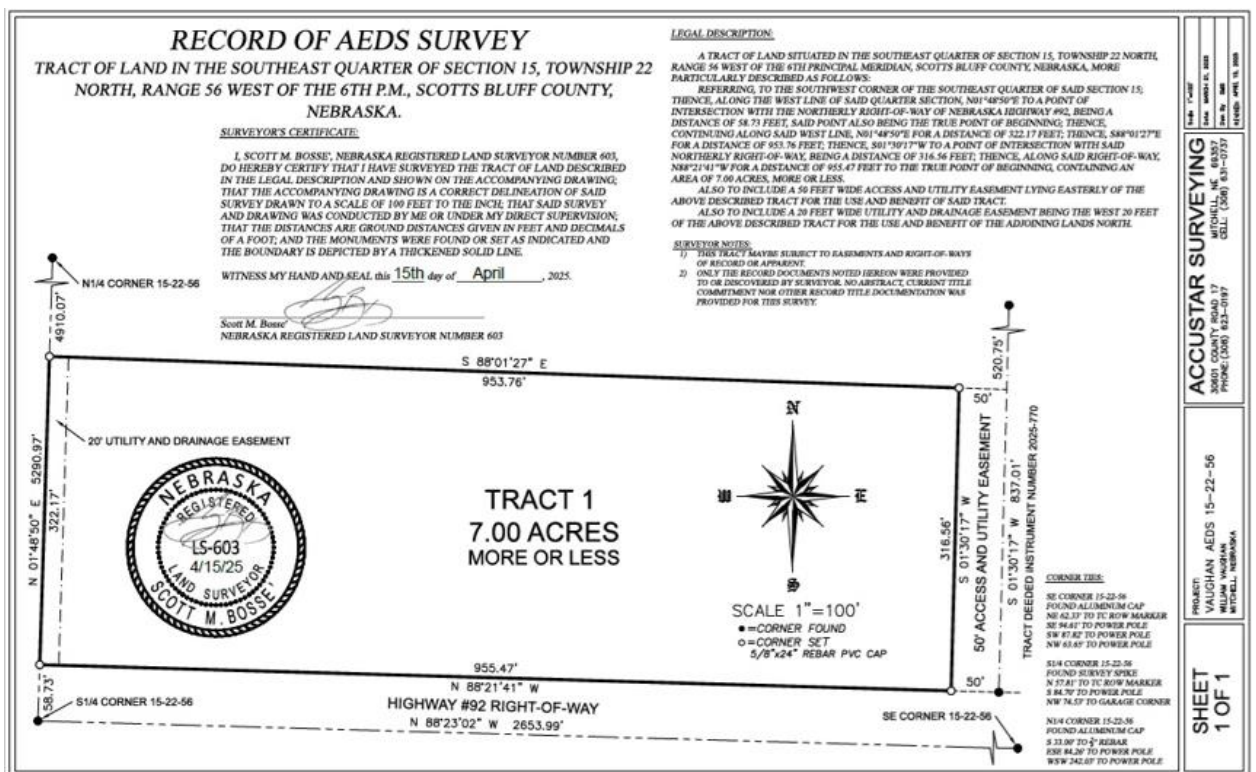
A copy of these materials can be obtained by contacting:

Bill Mabin
Scotts Bluff County
Building & Zoning
bill.mabin@scottsbluffcountyne.gov
(308) 436-6700
785 Rundell Road
Gering, NE 69341

Evidence presented to the Planning Commission before and at the meeting

PUBLIC HEARING	William Vaughan Ag Estate Dwelling Site Section 15, Township 22 N, Range 56W
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**PUBLIC
HEARING**

Dennis Applegate
Zoning Change (Agricultural to Recreation Commercial)
Section 5, Township 22 N, Range 53W



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.





Proposed zoning change



Steve Baird

To Bill Mabin

Cc Billy Hutchinson



Thu 5/8

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



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








RE: proposed store by the lake



Steve Baird
To Bill Mabin



Mon 3:02 PM

 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









