

City of Scottsbluff, Nebraska

Monday, July 20, 2015

Regular Meeting

Item Pub. Hear.1

Council to conduct a public hearing at 6:05 p.m. and consider an Ordinance regarding the Annexation of a Gap Parcel of Five Oaks Subdivision, containing .06 acres, more or less in the NW ¼ of Section 14, Scotts Bluff County, NE.

Staff Contact: Annie Urdiales, Planning Administrator

Agenda Statement

Item No.

For meeting of: July 20, 2015

AGENDA TITLE: Public Hearing for an Annexation Gap Ordinance of right of way in Five Oaks Subdivision

SUBMITTED BY DEPARTMENT/ORGANIZATION: Development Services

PRESENTATION BY: Rick Kuckkahn, City Manager

SUMMARY EXPLANATION: Annexation of a parcel of land known as a gap parcel for an area in the Five Oaks Subdivision, containing 2,629.39 sq. ft. (0.06 acres), more or less, in the NW ¼ of Section 14, T22N, R55W, of the 6th P.M., in Scotts Bluff County, Nebraska. This is a small area of property that was not annexed in the last request for Annexation. This would complete the annexation processes for the Five Oaks Development.

BOARD/COMMISSION RECOMMENDATION: At their regular meeting of July 13, 2015 the Planning Commission made positive recommendation of the annexation ordinance.

STAFF RECOMMENDATION: Approve the ordinance for annexation gap of Five Oaks Subdivision.

EXHIBITS

Resolution Ordinance X Contract Minutes Plan/Map X

Other (specify) _____

NOTIFICATION LIST: Yes No Further Instructions

APPROVAL FOR SUBMITTAL: _____
City Manager

Rev 3/1/99CClerk

ORDINANCE NO. _____

AN ORDINANCE ANNEXING A PARCEL OF LAND CONSISTING OF 2,629.39 SQ. FT. (0.06 ACRES), MORE OR LESS, IN THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 22 NORTH, RANGE 55 WEST, OF THE 6TH PRINCIPAL MERIDIAN, IN SCOTTS BLUFF COUNTY, NEBRASKA, SAID TRACT OR PARCEL BEING MORE PARTICULARLY DESCRIBED BELOW, AND ALLOWING FOR PUBLICATION IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SCOTTSBLUFF, NEBRASKA:

Section 1. The owners of the following described real estate (the "real estate") have filed a written request that the real estate be annexed into the City of Scottsbluff, Nebraska (the "City"). The real estate described below is hereby found and declared to be contiguous and adjacent to the corporate limits of the City, to be urban or suburban in character, and not to be agricultural land which is rural in character:

A parcel of land known as gap parcel for annexation of the Five Oaks Block 13 Final Plat, containing 2,629.39 sq. Ft. (0.06 acres), more or less, in the Northwest Quarter of Section 14, Township 22 North, Range 55 West, of the 6th Principal Meridian, in Scotts Bluff County, Nebraska, said tract or parcel being more particularly described as follows:

Commencing at the Northwest corner of Section 14, Township 22 North, Range 55 West, of the 6th Principal Meridian, being a found 1" diameter steel bolt, flush in the surface of highway 71, stamped in part "survey mark", whence the west sixteenth of said Section 14, being a found 3 1/4" diameter aluminum cap, flush in the surface of 42nd Street, stamped in part "Baker & Associates Inc, PLS 731", bears South 88°13'30" East, a distance of 1326.35 feet; thence South 35°10'32" East, a distance of 1638.01' feet to a point on the existing northeast corner of the intersection of 38th Street and Five Oaks Drive and to the **point of beginning**;

Thence North 69°38'46" West, a distance of 32.78 feet;

Thence North 10°24'12" EAST, a distance of 67.42 feet;

Thence South 88°26'48" East, a distance of 34.93 feet to a point on the East right of way line of Five Oaks Drive;

Thence along the East Right of Way line of Five Oaks Drive on a arc of a curve to the left, a radius of 211.00 feet, a central angle of 21°26'20", a distance of 78.95 feet, (a chord bearing South 12°01'32" West, a distance of 78.49 feet) **TO THE POINT OF BEGINNING.**

Basis of Bearings: All bearings are base don the line connecting the Northwest corner of Section 14, Township 22 North, Range 57 West, of the 6th Principal Meridian and the West sixteenth corner of said Section 14, being a **grid** bearing of **South 88°13'30" East** a distance of **1326.35 feet** as obtained from a global positioning system (GPS) survey based on the Nebraska High Accuracy Reference Network (NHARN). Said grid bearing is NAD 83 (2011) Nebraska State Plane Zone 2600.

The above described parcel contains 2,629.39 sq. ft. (0.06 acres), more or less.

Section 2. The real estate described in paragraph 1 is hereby annexed to and included within the corporate limits of the City, and hereafter shall be and remain a part of the City for all purposes whatsoever.

Section 3. The owners, occupants and users of the real estate described in paragraph 1 shall be entitled to all the rights and privileges, and subject to all the laws, ordinances, rules and regulations of the City. Such owners, occupants and users shall receive substantially the benefits of other owners, occupants and users of lands within the City as soon as practical, and adequate plans and necessary City Council action, if any, to furnish such benefits as police, fire, snow removal and water service shall be adopted as provided in Neb. Rev. Stat. §16-120 (Reissue 2012).

Section 4. This Ordinance shall become effective upon its passage, approval and publication as provided in pamphlet form.

PASSED AND APPROVED on _____, 2015.

Mayor

ATTEST:

City Clerk (Seal)



Raymond Dr

W 42nd St

Highway 71

Ave G

Ave F

W 40th St

Gap Annex .06 Acres+-

Berit Ct

W 39th St

Rugger Dr

W 38th St

W 38th St

W Adler Dr

Five Oaks Circle

Milberry Dr

Five Oaks Dr

Maple Dr

Aspen Dr

Bluestem Dr

Lincoln Ct

Ave B

W 36th St

W 36th Street

W 36th St

W 36th St

W 36th St

Highway 26

Highway 71

Ferdinand Plaza




Northwood St

U.S. Highway 26

U.S. Highway 26

W 35th St

Legend

-  Property Lines
-  Proposed Annex
-  Existing Corporate Limits

31st St

Ave G

W 32nd St

Ave D

Ave F

Ave E

W 31st St

**Planning Commission Minutes
Regular Scheduled Meeting
July 13, 2015
Scottsbluff, Nebraska**

The Planning Commission of the City of Scottsbluff, Nebraska met in a regular scheduled meeting on Monday, July 13, 2015, 6:00 p.m. in the City Hall Council Chambers, 2525 Circle Drive, Scottsbluff, Nebraska. A notice of the meeting had been published in the Star-Herald, a newspaper of general circulation in the City, on July 3, 2015. The notice stated the date, hour and place of the meeting, that the meeting would be open to the public, that anyone with a disability desiring reasonable accommodation to attend the Planning Commission meeting should contact the Development Services Department, and that an agenda of the meeting kept continuously current was available for public inspection at Development Services Department office; provided, the City Planning Commission could modify the agenda at the meeting if the business was determined that an emergency so required. A similar notice, together with a copy of the agenda, also had been delivered to each Planning Commission member. An agenda kept continuously current was available for public inspection at the office of the Development Services Department at all times from publication to the time of the meeting.

ITEM 1: Chairman, Becky Estrada called the meeting to order. Roll call consisted of the following members: Angie Aguallo, Anita Chadwick, Mark Westphal, David Gompert, Henry Huber, and Becky Estrada. Absent: Callan Wayman, Jim Zitterkopf, and Dana Weber. City officials present: Annie Urdiales, Planning Administrator, Annie Folck, City Planner, and Gary Batt, Code Administrator II.

ITEM 2: Chairman Estrada informed all those present of the Nebraska Open Meetings Act and that a copy of such is posted on bookcase in the back area of the City Council Chamber, for those interested parties.

ITEM 3: Acknowledgment of any changes in the agenda: None.

ITEM 4: Business not on agenda: None

ITEM 5: Citizens with items not scheduled on regular agenda: None

ITEM 6: The minutes of June 8, 2015 were reviewed and approved. A motion was made to accept the minutes by Westphal, and seconded by Gompert. "YEAS": Westphal, Huber, Gompert, Aguallo, Chadwick, and Estrada. "NAYS": None. ABSTAIN: None. ABSENT: Weber, Zitterkopf, and Wayman. Motion carried.

ITEM 7A: The Planning Commission opened a public hearing for a gap annexation ordinance. This ordinance is to fill in a small gap (2, 629.39 S.F.) (0.06 acres) that was left out of the previous ordinance that was approved at the Planning Commission meeting of April 13, 2015. This small area is right of way on the north end of Five Oaks Drive. This ordinance will complete the annexation of the Five Oaks Subdivision bringing it completely into the City's corporate limits

Conclusion: A motion was made by Gompert and seconded by Westphal to make a positive recommendation to City Council to approve the gap annexation ordinance for Five Oaks Subdivision "YEAS": Aguallo, Westphal, Chadwick, Gompert, Huber, and Estrada. "NAYS": None. ABSTAIN: None. ABSENT: Zitterkopf, Weber, and Wayman. Motion carried.

ITEM 7B: The Planning Commission opened a public hearing for a preliminary and final plat of Blocks 2, 3, and 4, Whistle Creek Subdivision, situated in the East half of the SW ¼ of Section 15, T22N, R55W of the 6th P.M., Scotts Bluff, County, Nebraska. This property was discussed at our last Planning Commission meeting, a zone change request was made to change Ag land to Heavy Commercial for Block 4 (17.11 acres), this ordinance to change the zoning from Ag to C-3 was recently approved by City Council and will have a second reading at their meeting of July 20, 2015. The unplatted land is being subdivided into three separate parcels to allow for sale and development of the commercial property. The

57 Parcels are situated in the City's extra territorial jurisdiction west of the City, between Old Highway 26 and
58 New Highway 26 east of old Highway 71. Property owner, Jane Moran, has requested that the parcels be
59 allowed to develop with water wells and septic fields as water and sewer are not available at this time.
60 The closest utility lines (water & sewer) are located to the east by a little over five hundred feet. The parcels
61 all have access onto streets, Block 4 will have access from the old Highway 71 and Block 2, and 3 will
62 have access from old Highway 26. Block 3 has an existing business (Jane's Greenhouse) which will
63 remain in place. A note will be added to the plat stating the following - The Owners, for themselves and
64 on behalf of all future grantees and owners agree to participate in and not object to the creation of any
65 special improvement districts that may be subsequently created. It is intent of the Owners that this
66 paragraph bind all future grantees, heirs and owners and that this runs with the land as it touches and
67 concerns the Development Area. The intent of this is to ensure that when utilities become available
68 future property owners will pay their portion of the infrastructure.

69
70 Tim Stricker, representing Jane Moran, spoke in favor of the preliminary/final plat for the Whistle Creek
71 Subdivision.

72
73 **Conclusion:** A motion was made by Huber and seconded by Gompert to approve the preliminary/final
74 plat of Blocks 2, 3, and 4, Whistle Creek Subdivision with the above language be added to the final plat
75 for filing at the Register of Deeds. **"YEAS"**: Huber, Aguallo, Chadwick, Gompert, Huber, and Estrada.
76 **"NAYS"**: None. **ABSTAIN**: None. **ABSENT**: Weber, Zitterkopf, and Wayman. Motion carried.

77
78 **ITEM 8. Unfinished Business:** The Planning Commission had asked staff to provide some information
79 regarding the duties of the Fair Housing Committee which they were recently appointed as
80 representatives for the City. Adam Hoelsing, with the Simmons Olsen Law Firm addressed the Planning
81 Commission regarding their duties for this board. The Commission sits as a quasi-judicial administrative
82 body of the City. It receives, investigates and decides allegations of discrimination filed by residents of the
83 City. Steps – complaint is filed with City Clerk who forwards to the Commission, the Commission
84 interviews complainant & landlord if probable cause they can move forward with formal investigation
85 hearing with witnesses, records, subpoenas. After investigating the allegations of discrimination the
86 Planning Commission if it determines that probable cause exists they can attempt to eliminate & correct
87 the alleged discrimination by informal methods of conference, conciliation, & persuasion. The Planning
88 Commission will hold a public hearing making record of findings and file a full report to City Council. City
89 Council can bring lawsuit if landlord does not comply. The Commission must investigate all complaint
90 that are filed, make a determination of probable cause and then make recommendations to the City
91 Council for efforts to remedy the alleged discrimination if they cannot obtain voluntary compliance. A
92 copy of Kent Hadenfeldt's memo and duties set forth in the Scottsbluff Municipal code will be forwarded
93 to the Planning Commission.

94
95 Anthony Murphy was introduced to the Planning Commission as our new Fire Prevention Officer.
96 Anthony addressed the Commission regarding his duties, he reviews new commercial development and
97 inspects properties to make sure all fire requirements are met. He will also review preliminary plat maps
98 of new development reviewing for fire access, fire hydrant location, etc.

99
100 There being no further business, a motion to adjourn was made by Aguallo and seconded by Chadwick.
101 The meeting was adjourned at 6.25 p.m. **"YEAS"**: Gompert, Westphal, Aguallo, Chadwick, Huber, and
102 Estrada. **"NAYS"**: None. **ABSTAIN**: None. **ABSENT**: Weber, Zitterkopf, and Wayman. Motion carried.

103
104 _____
105 Becky Estrada, Chairperson

106
107 Attest: _____
108 Annie Urdiales