

City of Scottsbluff, Nebraska

Tuesday, September 8, 2015

Regular Meeting

Item Pub. Hear.6

Council to consider an Ordinance to Vacate Lots 6 and 7, Ridge Estates Subdivision (second reading).

Staff Contact: Annie Folck, City Planner

Agenda Statement

Item No.

For meeting of: August 17, 2015

AGENDA TITLE: Council to consider Ordinance to Vacate Lots 6 and 7, Ridge Estates Subdivision

SUBMITTED BY DEPARTMENT/ORGANIZATION: Development Services

PRESENTATION BY:

SUMMARY EXPLANATION: The applicant(s) and property owners, Shane & Annette Aulick, have requested an ordinance to vacate lots 6 & 7, of The Ridge Estates Subdivision; this ordinance will be filed against the final plat of Lots 1 through 7, The Ridge Estates which was approved on November 2, 2009. The vacated lots will be absorbed into unplatted farm land to the south which is zoned Ag. A rezone is also part of this request. These lots total approximately 4 acres. Mr. Aulick is planning on building an accessory structure on this land which will allow him to store his equipment closer to the cropland. The lots are currently seeded to alfalfa.

BOARD/COMMISSION RECOMMENDATION: At their regular meeting on August 10, 2015 the Planning Commission made positive recommendation of the ordinance to vacate.

STAFF RECOMMENDATION: Staff recommends approval of the ordinance

EXHIBITS				
Resolution <input type="checkbox"/>	Ordinance X	Contract	Minutes X	Plan/Map X
Other (specify) _____				

NOTIFICATION LIST: Yes ☐ No ☐ Further Instructions ☐

APPROVAL FOR SUBMITTAL: _____
City Manager

Rev 3/1/99CClerk

RM150229-00 Aulick Rezoning Scottsbluff, NE

- Rezoning Request
- 300' Buffer

Property Ownership: Shane & Annette Aulick
PO Box 1341, Scottsbluff, NE 69363-1341

10357491 80283 RIDGEVIEW DR
LT 1, THE RIDGE ESTATES SUBD (4.68 ac)

10357580 190490 UNIVERSITY ST
LT 2, THE RIDGE ESTATE SUBD (2 ac)

10357661 190448 UNIVERSITY ST
LT 3, THE RIDGE ESTATES SUBD (2 ac)

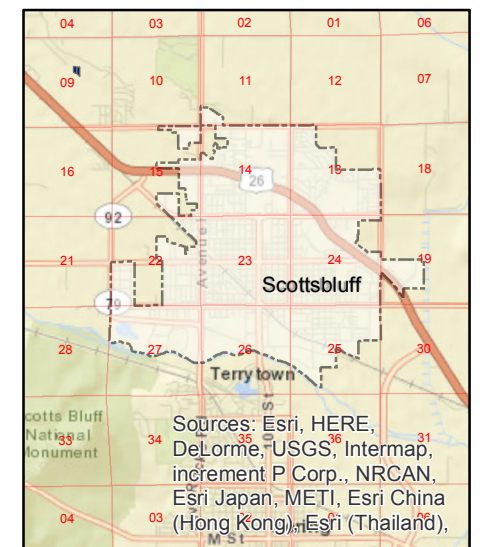
10357769 190392 UNIVERSITY ST
LT 4, THE RIDGE ESTATES SUBD (2 ac)

10357483 190445 UNIVERSITY ST
LT 5, THE RIDGE ESTATES SUBD (2 ac)

10357572 190463 UNIVERSITY ST
LT 6, THE RIDGE ESTATES SUBD (2 ac)

10357653 190499 UNIVERSITY ST
LT 7, THE RIDGE ESTATES SUBD (2 ac)

10330437 SW NE, PT NW, 9-22-55 (74.80 ac)



M.C. SCHAFF
& ASSOCIATES, INC
818 S BELTLINE HWY E
SCOTTSBLUFF NE 69361

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

Path: G:\Jobs\RM150229 Rezone Aulick\GIS\RM150229-00 Aulick Rezoning.mxd

Date Saved: 6/30/2015 9:25:07 AM

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA, VACATING LOTS 6 AND 7, THE RIDGE ADDITION, SITUATED IN THE SW¹/₄NE¹/₄ OF SECTION 9, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH P.M., IN SCOTTS BLUFF COUNTY, NEBRASKA.

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

Section 1. Shane Aulick and Annette Aulick, husband and wife, (the "Aulicks") as the owners of the property involved, have requested the City of Scottsbluff vacate the following property:

Lots 6 and 7, The Ridge Estates Subdivision, situated in the Southwest Quarter of the Northeast Quarter of Section 9, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska, more particularly described as follows:

Commencing at the East Quarter Corner of Section 9, thence westerly on the East-West centerline of Section 9, on an assumed bearing of N88°11'10"W, a distance of 1908.08 feet, thence bearing N01°48'50"E a distance of 302.51 feet to the point of intersection with the southeast corner of Lot 7, The Ridge Estates Subdivision, as monumented by a 5/8" Rebar, said point also being the true Point of Beginning, thence northerly on the east line of said Lot 7, bearing N02°50'47"E, a distance of 534.28 feet, to the point of intersection with a tangent curve to the left, said curve having a central angle of 84°39'17", a radius of 25.00 feet, a chord bearing of N39°28'52"W and a chord length of 33.67 feet, thence northwesterly on the arc of said curve and said Lot 7, a distance of 36.94 feet, thence bearing N81°48'31"W, on said north line of Lot 7, a distance of 160.38 feet to the northwest corner of said Lot 7, also being the northeast corner of Lot 6, thence bearing N81°48'31"W, on the north line of said Lot 6 a distance of 227.80 feet to the northwest corner of said Lot 6, thence bearing S02°50'47"W, on the west line of said Lot 6 a distance of 328.43 feet to the south line of said Lot 6, thence bearing S52°00'26"E on the south line of said Lot 6 a distance of 162.16 feet, thence bearing S87°09'13"E on south line of said Lot 6 a distance of 94.21 feet to the southeast corner of said Lot 6, also being the southwest corner of Lot 7, thence bearing S43°34'16"E on the south line of said Lot 7 a distance of 251.73 feet to the southeast corner of said Lot 7, said point being the Point of Beginning, containing an area of 4.00 Acres, more or less.

Section 2. The City Council finds that the Aulicks are the Owners and that it is in the best interests of the City that the property be vacated as requested.

Section 3. Lots 6 and 7, The Ridge Estates Subdivision situated in the Southwest Quarter of the Northeast Quarter of Section 9, Township 22 North, Range 55 West of the 6th p.m., Scotts Bluff County, Nebraska, as more fully described above, is hereby vacated.

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

PASSED AND APPROVED on _____, 2015.

Mayor

ATTEST:

City Clerk (Seal)

**Planning Commission Minutes
Regular Scheduled Meeting
August 10, 2015
Scottsbluff, Nebraska**

The Planning Commission of the City of Scottsbluff, Nebraska met in a regular scheduled meeting on Monday, August 10, 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 31, 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 Aguillo, Anita Chadwick, Callan Wayman, David Gompert, Jim Zitterkopf, Henry Huber, and Becky Estrada. Absent: Mark Westphal, 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 July 13, 2015 were reviewed and approved. A motion was made to accept the minutes by Gompert, and seconded by Chadwick. "YEAS": Huber, Gompert, Aguillo, Chadwick, and Estrada. "NAYS": None. ABSTAIN: Zitterkopf, & Wayman. None. ABSENT: Weber, & Westphal. Motion carried.

ITEM 7A: The Planning Commission opened a public hearing for an ordinance request from property owners, Shane & Annette Aulick, to vacate Lots 6 & 7, of the Ridge Estates Subdivision. This ordinance if approved will be filed against the final plat of Lots 1 through 7, The Ridge Estates which was approved on November 2, 2009. The vacated lots will be absorbed into unplatted farm land to the south which is zoned Agricultural. The two lots are approximately 4 acres. The property owners are planning on building an accessory structure on this land which will allow him to store his equipment closer to the cropland. The lots are currently seeded to alfalfa.

Conclusion: A motion was made by Gompert and seconded by Zitterkopf to make a positive recommendation to City Council to approve the ordinance to vacate lots 6 and 7, of the Ridge Estates Subdivision. "YEAS": Aguillo, Zitterkopf, Chadwick, Gompert, Wayman, Huber, and Estrada. "NAYS": None. ABSTAIN: None. ABSENT: Westphal, & Weber. Motion carried.

ITEM 7B: The Planning Commission opened a public hearing for a rezone request from Shane & Annette Aulick for proposed vacated lots 6 and 7, Ridge Estates Subdivision, situated in the SW ¼ of the NE ¼ of Section 9, T22N, R55W of the 6th P.M., Scotts Bluff, County, Nebraska, from R-1 single family residential to Ag – Agricultural. This rezone is requested as part of the ordinance to vacate the lots and the Agricultural zone will fit the current zoning of the area they will be absorbed into.

Conclusion: A motion was made by Zitterkopf and seconded by Gompert to approve the rezone of proposed vacated lots 6 & 7, The Ridge Estates Subdivision situated in the SW ¼ of the NE ¼ of Section 9, T22N, R55W of the 6th P.M., Scotts Bluff, County, Nebraska. "YEAS": Huber, Aguallo, Chadwick, Gompert, Zitterkopf, Wayman, and Estrada. "NAYS": None. ABSTAIN: None. ABSENT: Weber, & Westphal. Motion carried.

ITEM 7C: The Planning Commission opened a public hearing for a final plat of Lots 7, 8, and 9, Block 6A, Panhandle Cooperative Subdivision a replat of Block 6A, Panhandle Cooperative Subdivision, situated in the NW ¼ of Section 26, T22N, R55W of the 6th P.M., City of Scottsbluff, Scotts Bluff County, NE. The applicant(s), Carl & Cynthia Francisco, property owners, represented by Baker and Associates, have requested approval of the final plat. The final plat consists of three separate lots, Lot 9 is developed and is presently where Mr. Francisco's business is located, it abuts Panhandle Coop to the north and there is access from Lot 9 onto the Coop lot on the south end.

The City has recently worked with other commercial zones regarding alley locations for commercial lots and is working on changing the language in current code to allow for review on a case by case basis. We have several existing commercial lots without alley access and they have developed to allow for large delivery trucks and maintenance trucks to get in and out of these larger lots. Staff worked with the property owners and property owners to the west on the best alley location, they had previously tried an alley to the west of all three lots – lining up with Ave D on the north, they are worried that this will become a short cut from the residential development and cause problems for the commercial area. It was decided to put an alley on the west line of lots 7 and 8 with a twenty foot easement along the south end between lots 8 & 9. This will fulfill the requirement of alleys/easements in business lots per code. In the future when the lots develop they may be able to vacate the alley to work with proposed development. Properties to the north are zoned R-1A, and C-3, properties to the west is zoned C-2 the property itself and to the East is zoned M-1. Property to the south is zoned PBC.

This replat will allow for commercial development of the parcels. Existing infrastructure is in place along Avenue B and to the north for both water and sewer.

Conclusion: A motion was made by Huber and seconded by Wayman to approve the final plat of lots 7, 8, and 9, Block 6A, Panhandle Cooperative Subdivision of Block 6A, Panhandle Cooperative Subdivision situated in the SW ¼ of Section 26, T22N, R55W of the 6th P.M., City of Scottsbluff, Scotts Bluff, County, Nebraska. "YEAS": Huber, Aguallo, Chadwick, Gompert, Zitterkopf, Wayman, and Estrada. "NAYS": None. ABSTAIN: None. ABSENT: Weber, & Westphal. Motion carried.

ITEM 8. Unfinished Business: Annie Folck spoke to the Planning Commission about an upcoming training class in Kearney on September 28, & 29th. The conference will address following the comprehensive plan for making good zoning decisions and good findings of fact. The other session will be Open meeting procedures and how to manage public hearing procedures. The other workshop will be held either here in Scottsbluff or Gering on October 15th. PADD along with the City are working on putting together the training which will have a condensed version of the above and other planning and zoning topic. As the plans progress we will update the Commission. If interested please let us know so we can make sure to get everyone registered..

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

Becky Estrada, Chairperson

Attest: _____
Annie Urdiales