

# **City of Scottsbluff, Nebraska**

**Tuesday, May 30, 2017**

**Regular Meeting**

## **Item Subdiv.1**

**Council to consider a final plat for Lots 1-4 Fairacres Addition, located North of 24th St., between Ave. E and Ave. F, and approve the Resolution.**

**Staff Contact: Annie Folck, City Planner**

# Agenda Statement

Item No.

For meeting of: May 30, 2017

**AGENDA TITLE:** Final Plat Lots 1-4 Fairacres Addition

**SUBMITTED BY DEPARTMENT/ORGANIZATION:** Development Services Department

**PRESENTATION BY:**

**SUMMARY EXPLANATION:** The applicant(s), Western Nebraska Housing Opportunities, represented by MC Schaff and Associates, has requested approval of a Final Plat of Lots 1-4, Fairacres Addition, a replat of Fairacres Addition. The property is situated north of 24<sup>th</sup> St, between Ave E and Ave F. The replat divides one large lot into four smaller lots. All lots meet the minimum square footage for the R-1a zoning district and are similar in size to the surrounding residential lots.

All four proposed lots have access to streets and water, but only the two west lots have access to sewer. A sewer easement has been added to allow the two east lots, Lots 3 and 4, access to the sewer line on Ave F. The developer will be responsible for extending the sewer line to these lots. This should be addressed in the Developer's Agreement for this subdivision.

**BOARD/COMMISSION RECOMMENDATION:** At a regular meeting held on May 8, 2017 the Planning Commission recommended approval of the Final Plat Lots 1-4, Fairacres Addition

**STAFF RECOMMENDATION:** Approve Final Plat of Lots 1-4, Fairacres Addition

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### EXHIBITS

Resolution  Ordinance  Contract  Minutes x Plan/Map x

Other (specify)  \_\_\_\_\_

**NOTIFICATION LIST:** Yes  No  Further Instructions

**APPROVAL FOR SUBMITTAL:** \_\_\_\_\_

City Manager

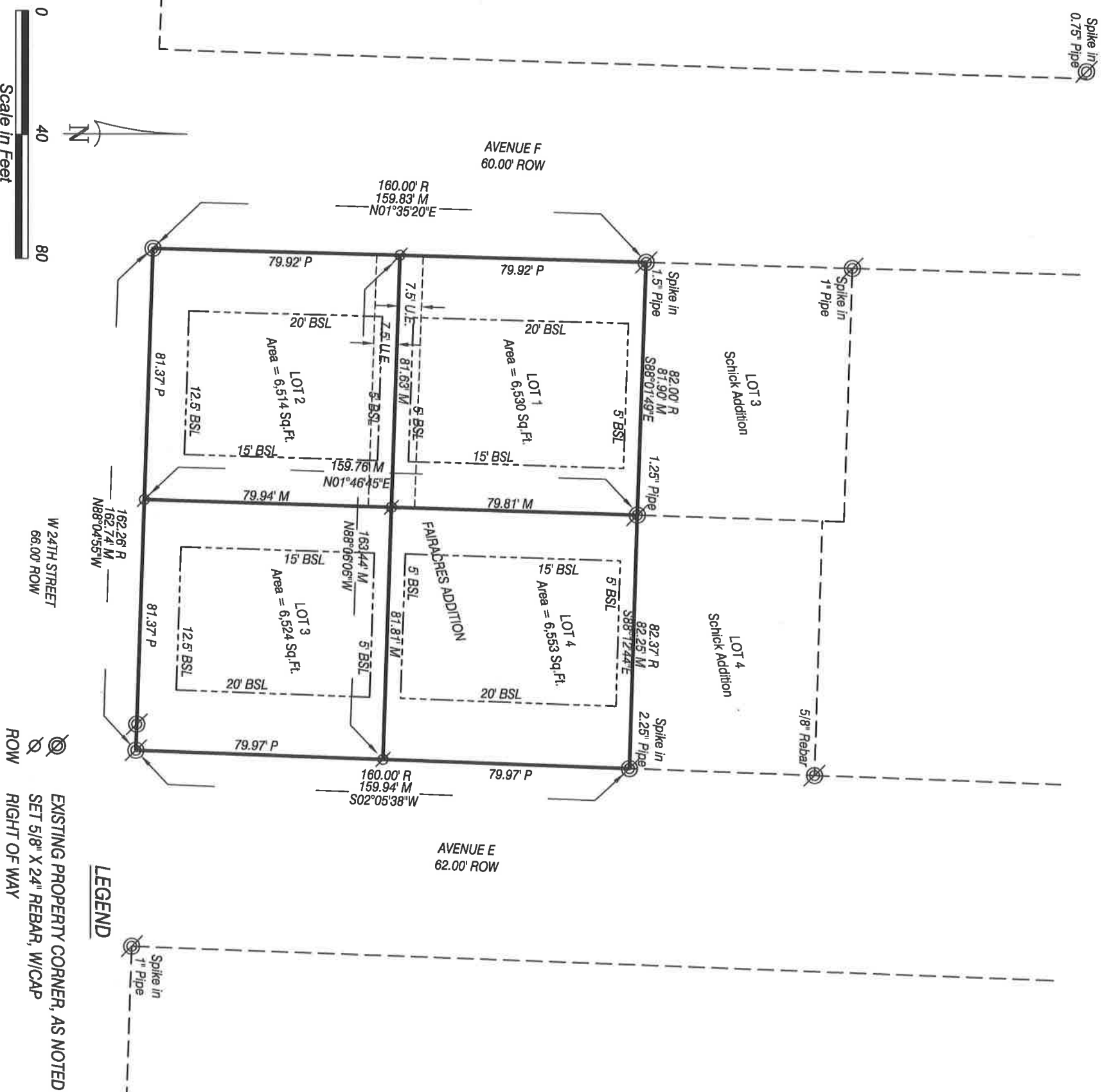
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# FINAL PLAT

## LOTS 1 THROUGH 4, FAIRACRES ADDITION,

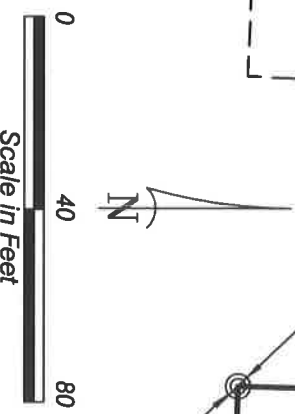
a Replat of Fairacres Addition, to the City of Scottsbluff, Scotts Bluff County, Nebraska

SITUATED ON PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA



### LEGEND

- EXISTING PROPERTY CORNER, AS NOTED
- SET 5/8" X 24" REBAR, W/CAP
- RIGHT OF WAY RECORD MEASURED
- PROPORTIONED DISTANCE
- BUILDING SETBACK LINE
- EASEMENT LINE
- UTILITY EASEMENT



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.

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**Planning Commission Minutes  
Regular Scheduled Meeting  
May 8, 2017  
Scottsbluff, Nebraska**

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The Planning Commission of the City of Scottsbluff, Nebraska met in a regularly scheduled meeting on Monday, May 8, 2017, 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 April 28, 2017. 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.

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**ITEM 1:** Chairman Becky Estrada called the meeting to order. Roll call consisted of the following members: Anita Chadwick, David Gompert, Angie Aguallo, Jim Zitterkopf, and Becky Estrada. Absent: Henry Huber, Callan Wayman, Mark Westphal, and Dana Weber. City officials present: Annie Folck, Planning Coordinator, Gary Batt, Code Administrator II, Jordan Diedrich, Deputy Public Works Director, and Anthony Murphy, Fire Prevention Officer.

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**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.

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

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**ITEM 4:** Business not on agenda: None

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

**ITEM 6:** The minutes of the April 24, 2017 meeting were reviewed. Because Jim Zitterkopf was not present for the April 24<sup>th</sup> meeting and had to abstain from voting, there was not a quorum present that could approve the minutes. This item was tabled until the next meeting.

**ITEM 7A:** Planning Commission opened a public hearing for the review of a Final Plat for Lots 1-6, Menards Subdivision Replat No. 1. Annie Folck gave a staff review of the project, stating that the purpose of the replat is to incorporate all of the known utilities into appropriate easements. When the project was built, some utilities ended up being placed outside of the originally platted easements, so now the applicant just wants to make sure that all utilities are protected by easements. There are no changes proposed to the lot lines.

**Conclusion:** A motion was made by Zitterkopf and seconded by Aguallo to recommend approval of the Final Plat for Lots 1-6, Menards Subdivision Replat No. 1. **“YEAS”:** Gompert, Zitterkopf, Chadwick, Aguallo, and Estrada. **“NAYS”:** None. **ABSTAIN:** None **ABSENT:** Weber, Huber, Wayman, and Westphal. Motion carried.

**ITEM 7B:** The Planning Commission opened a public hearing for the Preliminary Plat of Fairacres Addition. Annie Folck gave a staff review of the project, stating that the property is located north of 24<sup>th</sup> St between Ave E and Ave F. The area is residential, and the lot being subdivided was formerly a hospital. Dividing the lot will create four smaller lots that are very similar in size to all of the surrounding residential lots. All four proposed lots have access to streets and water, but only the two west lots have access to

56 sewer. A sewer easement was added to allow the two east lots access to the sewer line on Ave F. The  
57 developer will be responsible for extending the sewer line to these lots.

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59 **Conclusion:** A motion was made by Zitterkopf and seconded by Aguallo to recommend approval of the  
60 Preliminary Plat Lots 1-4, Fairacres Addition. **"YEAS":** Gompert, Zitterkopf, Chadwick, Aguallo, and  
61 Estrada. **"NAYS":** None. **ABSTAIN:** None **ABSENT:** Weber, Huber, Wayman, and Westphal. Motion  
62 carried.

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64 **ITEM 7C:** The Planning Commission opened a public hearing for the Final Plat of Fairacres Addition.  
65 Annie Folck gave a staff review of the project, stating that this is the same property for which they had just  
66 approved the preliminary plat. Dennis Sullivan, representing the applicant, stated that they are aware that  
67 the sewer line will need to be extended to the east two lots, and that they are working on a developer's  
68 agreement that would state that they will be responsible for those costs. This will be approved by Council  
69 before the Final Plat is considered.

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71 **Conclusion:** A motion was made by Zitterkopf and seconded by Gompert to recommend approval of the  
72 Final Plat Lots 1-4, Fairacres Addition. **"YEAS":** Gompert, Zitterkopf, Chadwick, Aguallo, and Estrada.  
73 **"NAYS":** None. **ABSTAIN:** None **ABSENT:** Weber, Huber, Wayman, and Westphal. Motion carried.

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75 **ITEM 7D:** The Planning Commission opened a public hearing for a Special Use Permit for a 24 Hour  
76 Daycare located at 1717 12<sup>th</sup> Ave. Annie Folck gave a staff review of the project, stating that the City's  
77 zoning code had recently been changed to allow for 24-hour daycare with approval of a Special Use  
78 Permit. This is a need for families with parents that work night shifts. The property is located in an R-1a  
79 Single Family Zoning District, where in-home daycares are a permitted use by right. The applicants  
80 applied for a Special Use Permit so that they could provide services to parents at night as well as during  
81 the day. The daycare is still an in-home daycare, so would never have more than 12 children there at any  
82 one time.

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84 Richard Lockman, resident at 1716 12<sup>th</sup> Avenue, addressed the Planning Commission, stating that he had  
85 concerns for kids in that area as it is a dangerous neighborhood and in his opinion is not a good location  
86 for a daycare. He stated that there have been shots fired in the area in the past, and that three bodies  
87 had been pulled out of the ditch (the Scottsbluff Drain) to the east. He also said that people drive too  
88 quickly down the street and run stop signs.

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90 Ashley Hill-Frederick, one of the applicants, stated that they are already operating a daycare out of their  
91 home, as it is a permitted use in that zone. Their request for a Special Use Permit is simply to allow them  
92 to provide services to watch kids 24 hours a day. She stated that the kids would be kept inside the  
93 fenced backyard, and not allowed on the sidewalk or street, and that at night, they would be sleeping.  
94 They also are having alarm systems installed, and the kids will always be under adult supervision. She  
95 said that it should be up to the parents to decide if they are comfortable leaving their kids there.

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97 Commissioner Gompert asked about the height of the fence. Gary Batt stated that it could not be more  
98 than 6' in a residential zone. Commissioner Zitterkopf asked how long they had been operating as a  
99 daycare. Hill-Frederick stated that they had been open since January, but since they have not yet  
100 received their state license as an in-home daycare, they were limited to 3 kids per adult, so with two  
101 caregivers, they currently only have 6 children there. They have submitted paperwork and should be able  
102 to accept up to 12 children at a time once they receive their license as an in-home daycare. She stated  
103 that she felt as though they have good neighbors in the immediate vicinity and have not had any issues  
104 since opening in January.

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106 Amber Swanson, the other applicant, stated that she believed that the neighborhood is getting better, and  
107 that a lot of properties have been cleaned up, and it is her hope that by locating their daycare there, they  
108 could continue to help improve the area. She stated that they would not located a daycare in the area if  
109 they had any reason to believe that it wasn't safe.

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111 Gompert asked Anthony Murphy if they were taking care of everything they needed to do from the fire  
112 marshal's perspective. Murphy stated that they are still working through a few small things but that the  
113 applicants had been very good about being responsive to all of the requirements for their daycare. He  
114 anticipated that they would be able to work through the last few details fairly quickly so that they could  
115 receive their state licensing.

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117 **Conclusion:** A motion was made by Zitterkopf and seconded by Gompert to approve the Special Use  
118 Permit for a 24-hour Daycare located at 1717 12<sup>th</sup> Ave. **"YEAS":** Gompert, Zitterkopf, Chadwick,  
119 Aguallo, and Estrada. **"NAYS":** None. **ABSTAIN:** None **ABSENT:** Weber, Huber, Wayman, and  
120 Westphal. Motion carried.

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122 **ITEM 8: Unfinished Business:** None.  
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124 There being no further business, a motion to adjourn was made by Gompert and seconded by Chadwick.  
125 The meeting was adjourned at 6:25 p.m. **"YEAS":** Gompert, Aguallo, Chadwick, Zitterkopf, and Estrada.  
126 **"NAYS":** None. **ABSTAIN:** None. **ABSENT:** Wayman, Westphal, Weber, Huber. Motion carried.

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133 Becky Estrada, Chairperson

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135 Attest: \_\_\_\_\_  
136 Annie Folck

**RESOLUTION NO. 17-\_\_\_\_\_**

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

That the final plat of Lots 1 through 4, Fairacres Addition, a Replat of Fairacres Addition, to the City of Scottsbluff, Scotts Bluff County, Nebraska, situated on part of the Northeast Quarter of the Northwest Quarter of Section 23, Township 22 North, Range 55 West of the 6<sup>th</sup> P.M., Scotts Bluff County, Nebraska, dated May 30, 2017, duly made, acknowledged and certified is now approved.

Such plat is ordered filed and recorded in the office of the Register of Deeds, Scotts Bluff County, Nebraska and the Mayor is authorized to sign on behalf of the City of Scottsbluff for any acceptance or dedication.

PASSED AND APPROVED this 30<sup>th</sup> day of May, 2017.

\_\_\_\_\_ Mayor

ATTEST:

\_\_\_\_\_ City Clerk (seal)

