

City of Scottsbluff, Nebraska

Monday, December 4, 2017

Regular Meeting

Item Resolut.1

Council to consider a Resolution to vacate an Agricultural Estate Dwelling Site (AEDS) located in the NE ¼, NW ¼ of Section 16, Township 22 North, Range 55 West of the 6th P.M. which will allow the owner to apply for a new AEDS.

Staff Contact: Development Services

Planning Commission Minutes
Regular Scheduled Meeting
November 13, 2017
Scottsbluff, Nebraska

The Planning Commission of the City of Scottsbluff, Nebraska met in regular scheduled meeting on November 13, 2017, 6:00 PM 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 November 3, 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 has 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 Angie Aguallo called the meeting to order. Roll call consisted of the following members. Anita Chadwick, Callan Wayman, Henry Huber, Becky Estrada, Mark Westphal, Dave Gompert. Absent: Jim Zitterkopf, Dana Weber. City officials present : Gary Batt, Code Administrator II, Anthony Murphy, Fire Prevention Officer, Leann Sato, Storm Water Specialist

Item 2: Chairman Aguallo informed all those present of the Nebraska Open Meetings Act and that a copy of such is posted on the bookcase in the back of the City Council Chambers, for those interested.

Item 3: Acknowledgement of any changes in the agenda: None

Item 4: Business not on the agenda: None

Item 5: Citizens with business not on the regular agenda: None

Item 6: The minutes of the October 9, 2017 meeting were reviewed. Mark Westphal brought it to the boards attention that the October 9, 2017 minutes stated that none were absent, when the following members were absent from the meeting; Zitterkopf, Wayman, Weber, Huber. The minutes for October 9, 2017 were approved with the correction of the four absentee members. The minutes have been amended to reflect the changes made.

Conclusion: A motion was made by Estrada and seconded by Westphal to approve the minutes from the meeting on October 9, 2017. "Yeas": Chadwick, Gompert , Westphal, Estrada, Aguallo. "Nays": None. " Abstain": Huber, Wayman, "Absent": Weber, Zitterkopf. Motion Carried.

Item 7: The Planning Commission opened a public hearing for the review to vacate an Ag Estate Dwelling Site (AEDS) located at 190439 County Road J. This property was reviewed for a replat on the October 9, 2017, Planning Commission meeting. When the property was submitted to the

Register of Deeds, Jean Bauer sent the item back stating that the property was not platted, therefore a replat could not take place. She stated the property was surveyed and needed to be vacated in order to have a new creation of an (AEDS).

Conclusion: A motion was made by Westphal and seconded by Estrada to approve the vacation of the AEDS located at 190439 County Road J, situated in the NE ¼ of the NW ¼ of the Section 16, T22N, R55W. "Yeas": Chadwick, Gompert, Wayman, Westphal, Estrada, Aguillo. "Nays": None. "Abstain": Huber. "Absent": Weber, Zitterkopf. Motion Carried.

Item 8: The Planning Commission opened a public hearing for the creation of an Ag Estate Dwelling Site (AEDS) located at 190439 County Road J. This property currently consists of 6.05 acres will be reduced to 4.143 acres. The minimum lot size for AEDS is 2 acres, so this is still well within the requirements. They are also proposing an access easement along the east side of the property that will serve the adjacent farm. Staff recommends the creation of the AEDS.

Conclusion: A motion was made by Gompert and seconded by Westphal to approve the creation of an AEDS located at 190439 County Road J, situated in the NE ¼ of the NW ¼ of the Section 16, T22N, R55W. "Yeas": Chadwick, Gompert, Wayman, Westphal, Estrada, Aguillo. "Nays": None. Abstain: Huber. Absent: Weber, Zitterkopf. Motion Carried.

Item 9: The Planning Commission opened a public hearing for the creation of an Ag Estate Dwelling Site (AEDS) located at 230550 County Road J. The property is currently 71.38 ± acres to 67.02± acres kept in reserve and 4.36± acres allotted to the new AEDS. The minimum lot size is 2 acres per residence, thus there are 2 residence on this property allotted for the 4.36 acres, still within the AEDS requirements. Dustin Beaudette of M C Schaff and Associates spoke to the members about the property and what the owner Jeffrey Pickering was wishing to do by describing the property. Staff recommends the creation of the AEDS.

Conclusion: A motion was made by Huber and seconded by Estrada to approved the creation of an AEDS located at 230550 County Road J, situated in the West 1/2 of the Southeast Quarter of Section 7, T22N, R54W of the 6th P.M. except the portion which is platted as Hays Addition to the City of Scottsbluff, Scotts Bluff County, Nebraska. "Yeas" Chadwick, Gompert, Wayman, Westphal, Huber, Estrada, Aguillo. "Nays": None. Abstained: None. Absent: Weber, Zitterkopf. Motion Carried.

Item 10: The Planning Commission opened a public hearing to consider an ordinance instituting a storm water impact fee. Leann Sato, Storm Water Specialist for the City of Scottsbluff was in attendance to update the Planning Commission members on the post-construction ordinance Chapter 24, Article 4 and revisions to Chapter 4, Article 11; Chapter 6 , Article 6, Chapter 21, Article 1, Sections 39 and 53, meetings she has had with local developers since the October 9, 2017 Planning Commission meeting, concerning requirements for storm water retention in new developments. Leann explained that the time limit set forth by the State of Nebraska is approaching in January, 2018, citing the requirements for water quality and water quantity with volume of runoff from sites and how it applies to the corporate limits. Member Henry Huber asked what are the parameters of enforcement, whether the 2 mile jurisdiction was going to be enforced now or later on. Leann said there is plans to implement only within current city limits, that the 2 mile would be later. Leann said there is another meeting planned, Becky Estrada recommended the item be tabled for the December meeting so more information can be presented to the Planning Commission with a better break down.

Conclusion: A motion was made by Estrada and seconded by Westphal to table the post-construction ordinance Chapter 24, Article 4 and revisions to Chapter 4, Article 11; Chapter 6, Article 6 and Chapter 21, Article 1, Sections 39 and 52, to the December 2017 meeting. "Yeas": Chadwick, Gompert, Wayman, Huber, Westphal, Estrada, Aguallo. "Nays": None. Abstained: None. Absent: Weber, Zitterkopf. Motion Carried.

Item 11: Unfinished Business: None

There being no further business; a motion to adjourn was made by Westphal and seconded by Chadwick. The meeting was adjourned at 7:15 p.m. "Yeas": Chadwick, Gompert, Wayman, Westphal, Huber, Estrada, Aguallo. "Nays:" None. Abstained: None. Absent: Weber, Zitterkopf. Motion Carried.

Angie Aguallo, Chairman

Attest: _____
Gary Batt

RESOLUTION NO. 17-__

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

WHEREAS, an application has been filed by the owners to vacate a prior agricultural estate dwelling site (AEDS) approved by the City of Scottsbluff described as follows:

A tract of land situated in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 16, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska, more particularly described as follows: With reference to the northeast corner of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ thence S 89°22'03" W on the north line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 20.00 feet to the POINT OF BEGINNING of this description; thence S 00°22'33" E, parallel with the east line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$, a distance of 827.03 feet; thence 1181.56 feet on a non-tangent curve to the left, said curve having a radius of 1394.22 feet an included angle of 48°33'22", an a long chord bearing of N 46°47'58" W for a distance of 1146.51 feet to a point on the southerly right of way of County Road "J", thence N 00°37'57" W, perpendicular to said north line, a distance of 33.00 feet to a point on said north line; thence N 89°22'03" E on said north line a distance of 830.61 feet to the point of beginning, containing 6.055 acres, more or less ("real estate").

The Planning Commission of the City of Scottsbluff has recommended the City Council approve the vacation of the AEDS which will allow the owners to apply for a new AEDS.

IT IS NOW RESOLVED, the AEDS for the above described real estate is now vacated and the Mayor is authorized to sign this Resolution on behalf of the City of Scottsbluff, Nebraska.

Passed and approved this ____ day of December, 2017.

Mayor

ATTEST:

City Clerk