

City of Scottsbluff, Nebraska

Monday, May 7, 2018

Regular Meeting

Item Pub. Hear.1

Council to conduct a public hearing as scheduled for this date at 6:00 p.m. to consider a rezone of Lots 1-8, Dakota Preserve from agricultural to R-1B Rural Residential Estate Zone.

Staff Contact: Gary Batt, Code Administrator

Agenda Statement

Item No.

For Meeting of: May 7, 2018

AGENDA TITLE: Rezone

SUBMITTED BY DEPARTMENT/ORGANIZATION: Development Service Department

PRESENTATION BY: Nathan Johnson

SUMMARY EXPLANATION: The applicant(s), Bran and Rojean Sweeney and the Sweeney Family Living Trust have requested a rezone of their property located at a Tract of land situated in the Northeast Quarter of Section 18, Township 22 North, Range 54 West of the 6th P.M., Scotts Bluff County, Nebraska.

This property is currently within the Extra Territorial Jurisdiction. The rezone covers 31.74 Acres, more or less from Agricultural to R-1B (Rural Residential). The 2016 Comprehensive Plan has this area as future Rural Residential land use.

The property is abutting to the north is zoned AG, with some plots of R-1B, the property abutting to the west is zoned as AG Residential, the property abutting to the east is AG and the property abutting to the south is zoned as R-1B.

The property will be platted into 3 acre lots.

BOARD/COMMISSION RECOMMENDATION:

STAFF RECOMMENDATION: The Scottsbluff Planning Commission met in regular scheduled meeting on April 9, 2018 and gave positive recommendation to approve the rezone of this property from AG to R-1B, staff recommends that the property be rezoned from AG to R-1B.

EXHIBITS

Resolution ☐

Ordinance ☐

Contract ☐

Minutes ☐

Plan/Map ☐

Other (specify)

Rev: 11/15/12 City Clerk

Planning Commission Minutes
Regular Scheduled Meeting
April 9, 2018
Scottsbluff, Nebraska

The Planning Commission of the City of Scottsbluff, Nebraska met in regular scheduled meeting on April 9, 2018, 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 March 30, 2018. 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 Service 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, Jim Zitterkopf, David Gompert, Henry Huber, Becky Estrada, Angie Aguallo. Absent: Callan Wayman, Mark Westphal, Dana Weber. City Official present: Gary Batt, Code Administrator II.

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 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 January 22, 2018 meeting were reviewed.

Conclusion: A motion was made by Zitterkopf and seconded by Estrada to approve the minutes from the meeting on January 22, 2018. "Yeas": Chadwick, Zitterkopf, Gompert, Huber, Estrada, Aguallo. "Nays": None, "Abstained": None, "Absent": Wayman, Westphal, Weber. Motion Carried.

Item 7: The Planning Commission opened the public hearing, the applicants Brian and Rojean Sweeney, Sweeney Family Living Trust requested a rezone of their property located at a tract of land situated in the Northeast Quarter of Section 18, Township 22 North, Range 54 West of the 6th PM, Scotts Bluff County, Nebraska, particularly described as: beginning at the northwest corner of the north east quarter of said section 18; thence, on the north line of said section, S89°58'59" for a distance of 50.04 feet: thence, parallel and 50 feet distant to the west line of said northeast quarter, S02°14'43" W for a distance of 600.54 feet; thence, parallel and 600 feet distant to the said north line, S89°58'59" E for a distance of 1435.80 feet: thence, S55°44'59" E for a distance of 378.58 feet: thence, S86°33'59" E to a

point of intersection with the westerly right-of-way of the CB&Q Railroad, being a distance of 423.25 feet; thence, along said right of way, along a 2929.97 feet radius curve to the left, supporting a central angle of $15^{\circ}16'31''$, chord being $S36^{\circ}14'06''W$ for 776.44 feet, for an arc distance of 778.75 feet; thence, $N89^{\circ}27'37''$ feet; thence, $N89^{\circ}27'37''W$ for a distance of 706.37 feet; thence, $N28^{\circ}29'11''W$ for a distance of 326.20 feet; thence, $N88^{\circ}15'29''W$ for distance of 373.10 feet; thence, $S00^{\circ}01'01''W$ for a distance of 25.01 feet; thence, $N88^{\circ}15'29''W$ to a point of intersection with the west line of said northeast quarter, being a distance of 550.01 feet; thence, along said west line, $N02^{\circ}14'43''E$ for a distance of 1169.70 feet to the point of beginning, containing an area of 31.74 acres, more or less.

This property being located in the Extra Territorial Jurisdiction is zoned as AG, the Sweeney family requests the property be rezoned from Ag to R-1B. The surrounding properties abutting the Sweeney property, the property located to the west is Ag Residential, the property located to the north is Ag with small plots of R-1B, the property located to the east is AG and the property located to the south is currently R-1B. The 2016 Comprehensive Plan lists this area as Rural Residential for future land use.

Steve Smith (neighbor) approached the Planning Commission, stating he resides south of the Sweeney location and stated he was in favor of the rezone. No other people spoke.

Conclusion: A motion was made by Henry Huber and seconded by David Gompert to approve the rezone of the Sweeney property from AG to R-1B. "Yeas" Chadwick, Zitterkopf, Gompert, Huber, Estrada, Aguillo. "Nays": None, "Abstain": None, "Absent": Wayman, Westphal, Weber. Motion Carried.

Item 8: The Planning Commission opened a public hearing for a request from property owner(s) Brian and Rojean Sweeney, Sweeney Family Living Trust for a Preliminary Plat of Lots 1-8, Block 1, Dakota Preserve, Scotts Bluff County, Nebraska, situated in the Northeast Quarter of Section 18, Township 22 North, Range 54 West of the 6th P.M., Scotts Bluff County, Nebraska. The property is composed of 31.74 acres more or less and will consist of eight (8), three acre lots for residential development, each lot will have a well and septic system. Access to the lots will be from County Road J onto a private street (Dakota Road) in the subdivision.

Henry Huber asked Brian Sweeney about the maintenance of the access road (Dakota Road) into the property to which Brian stated it will be done privately, since the road will not meet the City requirement of asphalt or concrete, being gravel surface. A SWPP permit will not be required as this is not within our city limits.

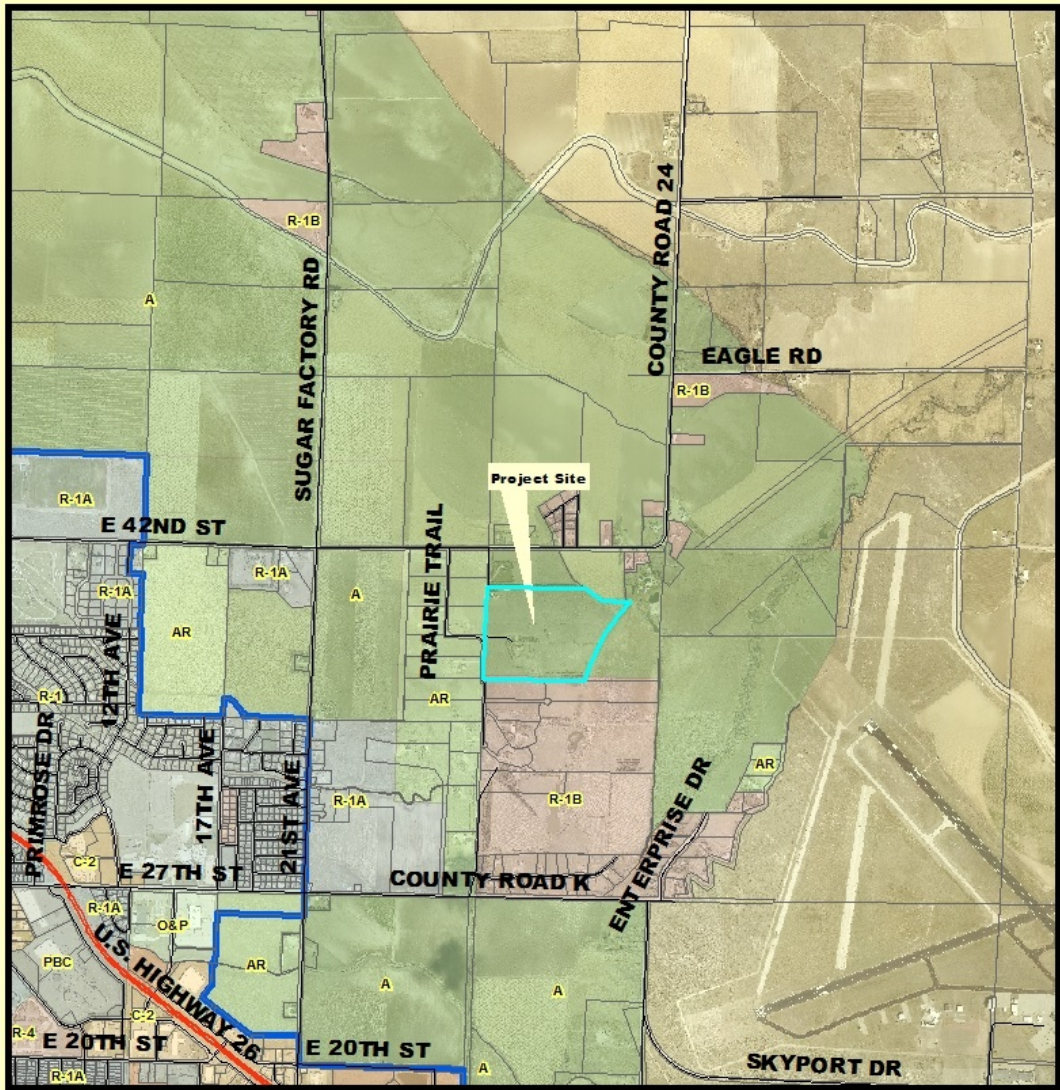
Conclusion: A motion was made by Zitterkopf and seconded by Gompert to approve the preliminary plat of Lots 1-8, Block 1, Dakota Preserve, situated in the Northeast Quarter of Section 18, Township 22 North, Range 54 West of the 6th P.M., Scotts Bluff County, Nebraska. "Yeas": Chadwick, Zitterkopf, Gompert, Huber, Estrada, Aguillo. "Nays": None, "Abstain": None, "Absent": Wayman, Westphal, Weber. Motion Carried.

ITEM 9: The Planning Commission opened a public hearing for a request from property owner(s) Brian & Rojean Sweeney, Sweeney Family Living Trust for a Final Plat of Lots 1-8, Block 1, Dakota Preserve, Scotts Bluff County, Nebraska, situated in the Northeast Quarter of Section 18, Township 22 North, Range 54 West of the 6th P.M., Scotts Bluff County, Nebraska. The property is composed of 31.74 acres more or less, consisting of eight (8), three acre lots for residential development, each lot will have well and septic system. Access will be from County Road J onto a private road (Dakota Road) into the subdivision. There were no comments made.

Conclusion: A motion was made by Gompert and seconded by Estrada to approve the Final Plat of Lots 1-8, Block 1, Dakota Preserve, situated in the Northeast Quarter of Section 18, Township 22 North, Range 54 West of the 6th P.M., Scotts Bluff County, Nebraska. "Yeas": Chadwick, Zitterkopf, Gompert, Huber, Estrada, Aguillo. "Nays": None. "Abstain": None. "Absent": Wayman, Westphal, Weber. Motion Carried.

Item 10: Motion made to adjourn by Estrada and seconded by Huber. "Yeas": Chadwick, Zitterkopf, Gompert, Huber, Estrada, Aguillo. "Nays": None. "Abstain": None. "Absent": Wayman, Westphal, Weber. Motion Carried.

Rezone NE 18-22-54



4/25/18

Map by Jon Reiter, City of Scottsbluff
Coordinate System:
NAD 1983 StatePlane Nebraska FIPS 2600 Feet
Lambert Conformal Conic

The City makes no representation or warranty as to the accuracy, timeliness, or completeness, and in particular, its accuracy in labeling or displaying dimensions, contours, property boundaries, or placement or location of any map features thereon.

