

# **City of Scottsbluff, Nebraska**

**Monday, August 1, 2022**

**Regular Meeting**

## **Item Subdiv.1**

**Council to discuss and consider the first reading of the Ordinance regarding the Vacation Plat of Lot 1B, Block 10, Imperial Subdivision located 1501 E. Overland Drive.**

**Staff Contact: Zachary Glaubius, Planning Administrator**

## Agenda Statement

Item No.

For Meeting of: August 1, 2022

**AGENDA TITLE:** Council to discuss and consider action on the Ordinance regarding the Vacation Plat of Lot 1B, Block 10, Imperial Subdivision located 1501 E. Overland Drive.

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

**PRESENTATION BY:** Zachary Glaubius, Planning Administrator

**SUMMARY EXPLANATION:** The property owner of 1501 E. Overland, formerly known as Lot 1B, Block 10, Imperial Addition, is requesting to subdivide the land into two lots. Per Code 21-1-68, a plat may only be replatted twice, and after that a plat would have to be vacated to be "replatted" a third time. Orphan Motors Subdivision would be the third replat, so the existing Lot 1B, Block 10, must be vacated in order to subdivide.

At the July 11, 2022 Planning Commission meeting, the board made a positive recommendation (6-0) on the approval of vacation plat.

Staff is requesting the waiving of the three readings in order to take action on the Orphan Motors Final Plat at the August 1, 2022 City Council meeting.

**BOARD/COMMISSION/STAFF RECOMMENDATION:** positive recommendation on approval

**Does this item require the expenditure of funds?**

\_\_\_\_\_yes **X** no

**Are funds budgeted?**

\_\_\_\_\_yes \_\_\_\_\_no

**If no, comments:**

**Estimated Amount**

**Amount Budgeted**

**Department**

**Account Description**

**Approval of funds available**

\_\_\_\_\_  
**City Finance Director**

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### EXHIBITS

Resolution ☐

Ordinance ☒

Contract ☐

Minutes ☒

Plan/Map ☐

Other (specify) Staff Report

Rev: 12/14/ City Clerk

**NOTIFICATION LIST:** Yes ☐ No ☐ Further Instructions ☐  
Please list names and addresses required for notification.

**APPROVAL FOR SUBMITTAL:** \_\_\_\_\_  
City Manager

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Rev: 12/14/ City Clerk

# Application for Approval of Subdivision of Real Estate By the Director of Development Services

10. The undersigned hereby acknowledges that he/she is familiar with all the requirements of Ordinance No. 3410 and amendments thereto, establishing minimum subdivision design standards to be installed by the subdivision and that he/she has caused said preliminary plat and plan to be prepared. He/she certifies that all requirements of Ordinance 3410 and amendments thereto have been met and submits this application for approval subject to the requirements of said ordinances.

Development Services Department  
2525 Circle Drive, Scottsbluff, NE 69361  
(308) 630-6254

June 1, 2022

Zachary Glaubius  
City of Scottsbluff, NE

RE: Vacation of Lot 1B  
Block 10,  
Imperial Subdivision

Dear Mr Glaubius;

I, Bob Cox, as President of Kiowa Creek Land and Cattle Company, Inc, and owner of Lot 1B, Block 10, Imperial Subdivision, an Addition to the City of Scottsbluff, NE am requesting that Lot 1B, Block 10, Imperial Subdivision, an Addition to the City of Scottsbluff, Nebraska to be vacated.

Legal Description of lot to be vacated;

LOT 1B, BLOCK 10, IMPERIAL SUBDIVISION, A REPLAT OF LOT 1A, BLOCK 10, IMPERIAL SUBDIVISION, A REPLAT OF LOTS 1, 2 AND 3, BLOCK 10, IMPERIAL SUBDIVISION, AN ADDITION TO THE CITY OF SCOTTSBLUFF, SITUATED IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA

EXCEPT FOR A PERMANENT EASEMENT AS SHOWN ON PLAT IN DEED BOOK 219, PAGE 420, AND DESCRIBED IN MISC. BOOK 115, PAGE 122

BEGINNING AT THE SOUTHWEST CORNER OF LOT 4A, BLOCK 10, IMPERIAL SUBDIVISION, AS MONUMENTED BY A 1/2" SMOOTH ROD, THENCE WESTERLY ON THE NORTH RIGHT OF WAY LINE OF EAST OVERLAND DRIVE, ON AN ASSUMED BEARING OF N88°47'34"W, A DISTANCE OF 149.12 FEET MEASURED, TO AN 'X' IN THE CONCRETE, THENCE BEARING N01°18'55"E, ON THE EAST RIGHT OF WAY LINE OF 15TH AVENUE, A DISTANCE OF 172.37 FEET MEASURED, TO A 1 INCH PIPE, THENCE BEARING N88°38'31"E, ON THE SOUTH RIGHT OF WAY LINE OF A 20 FOOT ALLEY, A DISTANCE OF 150.03 FEET MEASURED, TO A 5/8" REBAR, THENCE BEARING S01°37'05"W, ON THE WEST LINE OF LOT 4A, BLOCK 10, IMPERIAL SUBDIVISION, A DISTANCE OF 171.98 FEET MEASURED, TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 0.59 ACRES (25,753 SQUARE FEET) MORE OR LESS.

Respectfully submitted,



Bob Cox  
President,  
Kiowa Creek Land and Cattle Company, Inc.

## SURVEYOR'S CERTIFICATE

I, Dustin L. Beaudette, a Nebraska Registered Land Surveyor, hereby certify that I, or under my direct supervision, have surveyed and prepared a vacation plat of LOT 1B, BLOCK 10, IMPERIAL SUBDIVISION, A REPLAT OF LOT 1A, BLOCK 10, IMPERIAL SUBDIVISION, A REPLAT OF LOTS 1, 2 AND 3, BLOCK 10, IMPERIAL SUBDIVISION, AN ADDITION TO THE CITY OF SCOTTSBLUFF, SITUATED IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA

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That the accompanying plat is a true delineation of such survey drawn to a scale of 30 feet to the inch. That all dimensions are in feet and decimals. The boundary of the plat is shown with a heavy solid line with dashed lines being for orientation purposes only.

WITNESS MY HAND AND SEAL THIS 29<sup>th</sup> DAY OF JUNE, 2022.  
FOR THE FIRM OF M. C. SCHAFF AND ASSOCIATES, INC.



Dustin L. Beaudette, Nebraska Registered Land Surveyor, L. S. 799



## OWNER'S STATEMENT

We, the undersigned, being the owners of Lot 1B, Block 10, Imperial Subdivision a replat of Lot 1A, Block 10, Imperial Subdivision a replat of Lots 1, 2 and 3, Block 10, Imperial Subdivision, an Addition to the City of Scottsbluff, situated in the Southwest Quarter of the Southeast Quarter of Section 24, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska, as described in the foregoing 'Surveyor's Certificate' and shown on the accompanying plat have caused such real estate to be vacated, except for a permanent easement as shown on plat in Deed Book 219, Page 420, and described in Misc. Book 115, Page 122.

That the foregoing plat is made with the free consent and in accordance with the desires of the undersigned owners.  
Dated this 30<sup>th</sup> day of June, 2022.

Owner:  
KIOWA CREEK LAND AND CATTLE CO. INC.

By: Robert E. Cox, President

VACATION LOT 1B, BLOCK 10,  
IMPERIAL SUBDIVISION,  
SCOTTSBLUFF, NEBRASKA  
SHEET 2 OF 2  
JOB# RM220120-00

## ACKNOWLEDGEMENT

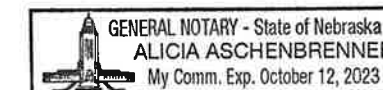
STATE OF NEBRASKA )  
COUNTY OF SCOTTS BLUFF )

Before me, a Notary Public, qualified and acting in said County, personally came Robert E. Cox, President of Kiowa Creek Land and Cattle Co. Inc., to me known to be the identical person whose signature is affixed to the foregoing 'Owner's Statement' and acknowledged the execution thereof to be his voluntary act and deed, and the voluntary act and deed of Kiowa Creek Land and Cattle Co. Inc.

WITNESS MY HAND AND SEAL THIS 30<sup>th</sup> DAY OF June, 2022.

  
Notary Public

My Commission Expires Oct 12, 2023



## APPROVAL AND ACCEPTANCE

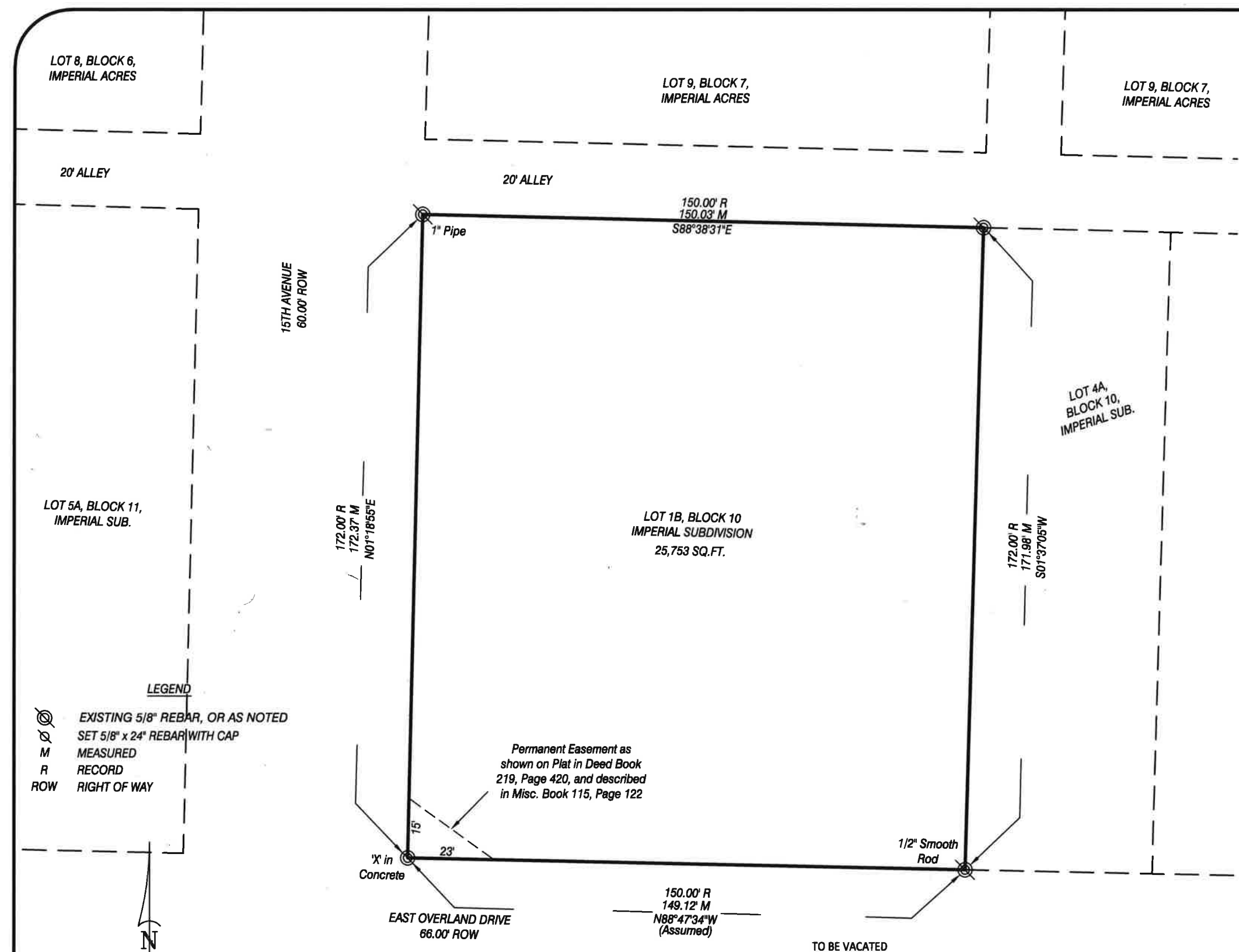
The foregoing vacation of LOT 1B, BLOCK 10, IMPERIAL SUBDIVISION, A REPLAT OF LOT 1A, BLOCK 10, IMPERIAL SUBDIVISION, A REPLAT OF LOTS 1, 2 AND 3, BLOCK 10, IMPERIAL SUBDIVISION, AN ADDITION TO THE CITY OF SCOTTSBLUFF, SITUATED IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA EXCEPT FOR A PERMANENT EASEMENT AS SHOWN ON PLAT IN DEED BOOK 219, PAGE 420, AND DESCRIBED IN MISC. BOOK 115, PAGE 122 is hereby approved by the Mayor and City Council of the City of Scottsbluff, Scotts Bluff County, Nebraska, by resolution duly passed

this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Mayor: Jeanne McKerrigan

ATTEST: \_\_\_\_\_  
City Clerk

# VACATION OF LOT 1B, BLOCK 10, IMPERIAL SUBDIVISION A REPLAT OF LOT 1A, BLOCK 10, IMPERIAL SUBDIVISION A REPLAT OF LOTS 1, 2 AND 3, BLOCK 10, IMPERIAL SUBDIVISION, AN ADDITION TO THE CITY OF SCOTTSBLUFF, SITUATED IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA



LOT 1B, BLOCK 10, IMPERIAL SUBDIVISION, A REPLAT OF LOT 1A, BLOCK 10, IMPERIAL SUBDIVISION, A REPLAT OF LOTS 1, 2 AND 3, BLOCK 10, IMPERIAL SUBDIVISION, AN ADDITION TO THE CITY OF SCOTTSBLUFF, SITUATED IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA

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**LEGEND**

⊙ EXISTING 5/8" REBAR, OR AS NOTED

⊙ SET 5/8" x 24" REBAR WITH CAP

M MEASURED

R RECORD

ROW RIGHT OF WAY

Scale in Feet

0 30 60

NOTE: 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.

JOB# RM220120-00

Scottsbluff



## SURVEYOR'S CERTIFICATE

I, Dustin L. Beaudette, a Nebraska Registered Land Surveyor, hereby certify that I, or under my direct supervision, have surveyed and prepared a plat of **LOTS 1 AND 2, BLOCK 1, ORPHAN MOTORS SUBDIVISION**, an Addition to the City of Scottsbluff, situated in the Southwest Quarter of the Southeast Quarter of Section 24, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska.

That the accompanying plat is a true delineation of such survey drawn to a scale of 30 feet to the inch. That all dimensions are in feet and decimals. That each lot and block has its own number and that the boundary of the plat is shown with a heavy solid line with dashed lines being for orientation purposes only. That all corners found or set are marked as shown.

WITNESS MY HAND AND SEAL THIS 29<sup>th</sup> DAY OF JUNE, 2022.  
FOR THE FIRM OF M. C. SCHAFF AND ASSOCIATES, INC.



Dustin L. Beaudette, Nebraska Registered Land Surveyor, L. S. 799



## OWNER'S STATEMENT

We, the undersigned, being the owners of Lot 1B, Block 10, Imperial Subdivision a replat of Lot 1A, Block 10, Imperial Subdivision a replat of Lots 1, 2 and 3, Block 10, Imperial Subdivision, an Addition to the City of Scottsbluff, situated in the Southwest Quarter of the Southeast Quarter of Section 24, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska, as described in the foregoing 'Surveyor's Certificate' and shown on the accompanying plat have caused such real estate to be platted as **LOTS 1 AND 2, BLOCK 1, ORPHAN MOTORS SUBDIVISION**, an Addition to the City of Scottsbluff, situated in the Southwest Quarter of the Southeast Quarter of Section 24, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska.

That the foregoing plat is made with the free consent and in accordance with the desires of the undersigned owners.

Dated this 30<sup>th</sup> day of June, 2022.

Owner:  
KIOWA CREEK LAND AND CATTLE CO. INC.



By: Robert E. Cox, President

## ACKNOWLEDGEMENT

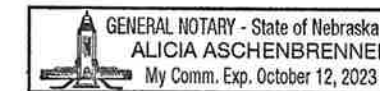
STATE OF NEBRASKA )  
COUNTY OF SCOTTS BLUFF )

Before me, a Notary Public, qualified and acting in said County, personally came Robert E. Cox, President of Kiowa Creek Land and Cattle Co. Inc., to me known to be the identical person whose signature is affixed to the foregoing 'Owner's Statement' and acknowledged the execution thereof to be his voluntary act and deed, and the voluntary act and deed of Kiowa Creek Land and Cattle Co. Inc.

WITNESS MY HAND AND SEAL THIS 30<sup>th</sup> DAY OF June, 2022.

  
Notary Public

My Commission Expires Oct 12, 2023



## APPROVAL AND ACCEPTANCE

The foregoing plat of **LOTS 1 AND 2, BLOCK 1, ORPHAN MOTORS SUBDIVISION**, an Addition to the City of Scottsbluff, situated in the Southwest Quarter of the Southeast Quarter of Section 24, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska is hereby approved by the Mayor and City Council of the City of Scottsbluff, Scotts Bluff County, Nebraska, by resolution duly passed

this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

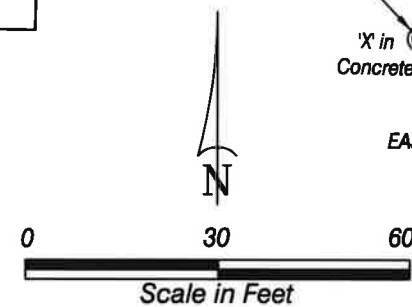
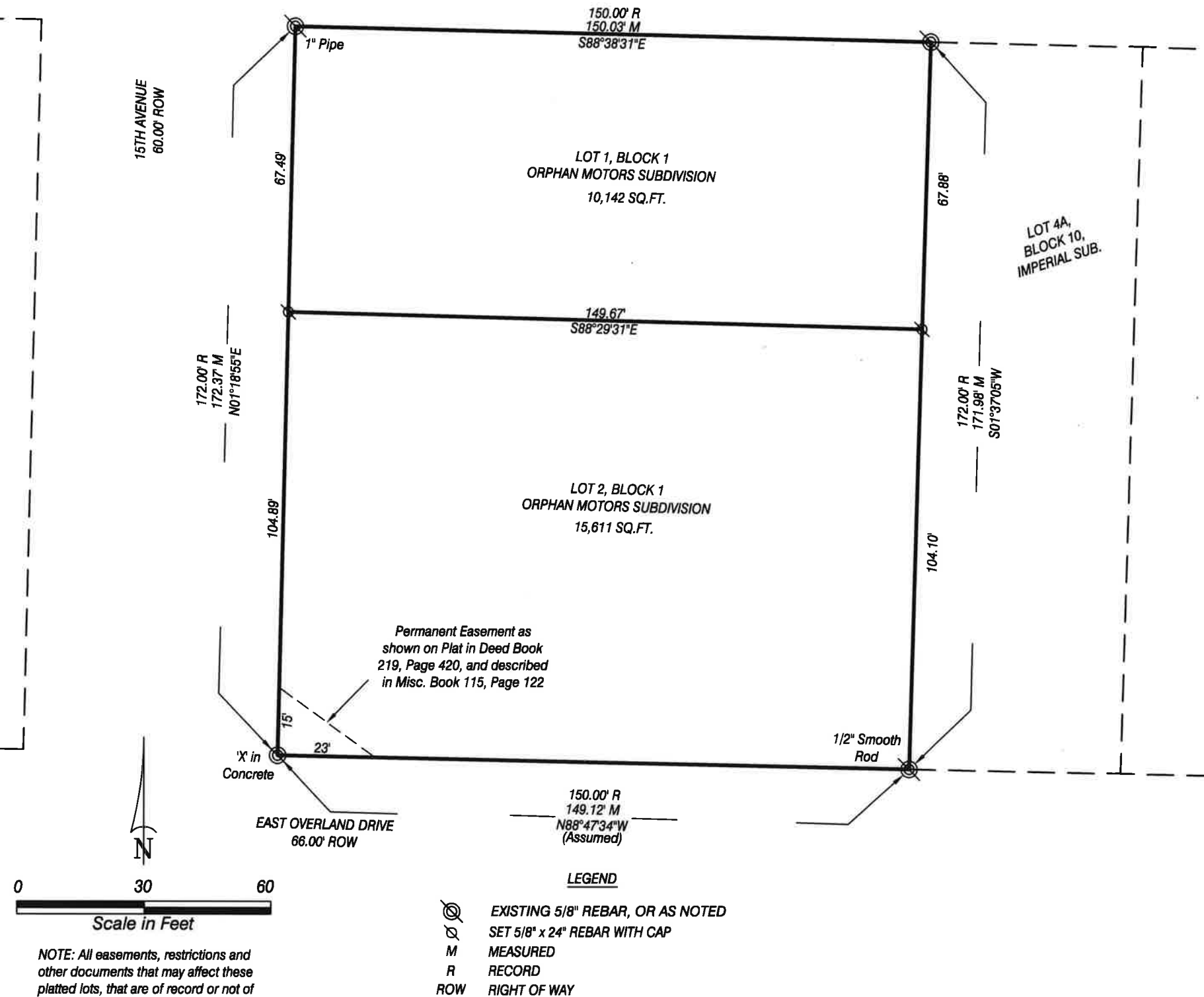
\_\_\_\_\_  
Mayor: Jeanne McKerrigan

ATTEST: \_\_\_\_\_  
City Clerk



# **FINAL PLAT** **LOTS 1 AND 2, BLOCK 1,** **ORPHAN MOTORS SUBDIVISION**

AN ADDITION TO THE CITY OF SCOTTSBLUFF, SITUATED IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA



NOTE: 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.

JOB# RM220120-00

LEGEND	
	EXISTING 5/8" REBAR, OR AS NOTED
	SET 5/8" x 24" REBAR WITH CAP
M	MEASURED
R	RECORD
ROW	RIGHT OF WAY

## City of Scottsbluff Planning Commission

### Development Services Staff Report – Taylor Stephens

Prepared on: June 27, 2022 For Hearing of: July 11, 2022



#### I. GENERAL INFORMATION

- A. Applicant:** Bob Cox  
2541 Falling Star Loop  
Cheyenne, WY 82009
- B. Property**  
**Owner:** Kiowa Creek Land & Cattle Company Inc.  
Same as applicant
- C. Proposal:** Vacate Lot 1B, Lot 10, Imperial Subdivision and plat Lots 1 & 2, Block 1, Orphan Motors Subdivision
- D. Legal Description:** An addition to the City of Scottsbluff situated in the Southwest Quarter of the Southeast Quarter of Section 24, Township 22 North, Range 55 West of the 6<sup>th</sup> P.M., Scotts Bluff County, Nebraska
- E. Location:** 501 E. Overland
- F. Existing Zoning & Land Use:** C-3 Heavy Commercial
- G. Size of Site:** Approximately 25,753 square feet

#### II. BACKGROUND INFORMATION

##### A. General Neighborhood/Area Land Uses and Zoning:

Direction From Subject Site	Future Land Use Designation	Current Zoning Designation	Surrounding Development
North	Residential	R-1A Single Family	Single-Family Dwellings
East	East Overland	C-3 Heavy Commercial	Businesses
South	East Overland	C-3 Heavy Commercial	Businesses
West	East Overland	C-3 Heavy Commercial	Businesses

##### B. Relevant Case History

1. This would be the third replat of the land currently occupied by Lot 1B, Lot 10, Imperial Subdivision. Per 21-1-68, a subdivision may only be replatted twice. Therefore a vacation of the current subdivision is required to subdivide the property.

### III. **ANALYSIS**

**A. Comprehensive Plan:** The Future Land Use Map of the Comprehensive Plan currently shows the site as East Overland Corridor and according to Comprehensive Plan, the East Overland Corridor suggests the appropriate zones C-1, C-2, and R-1a. C-3 and R-1a are the most common zoning districts in the East Overland Corridor.

**B. Traffic & Access:**

1. Lot 1 is accessible via 15<sup>th</sup> Avenue.
2. Lot 2 is accessible via 15<sup>th</sup> Avenue and E. Overland Drive
3. An alley is located along the north property line.

**C. Utilities:**

1. Lot 1 has access to water, sewer, and stormwater.
2. Lot 2 has access to water and stormwater currently.
3. Lot 2 will have sewer access following the construction of an extension by the City.

### IV. **STAFF COMMENTS**

- A. The sewer extension is necessary as the current lot is served by sewer located in the alley to the north and 21-1-38.
- B. The sewer extension project has been approved and is scheduled to be completed this year.
- C. The existing easement located on the southwest corner of the property will remain.

### V. **FINDINGS OF FACT**

**A. Findings of Fact to Recommend Its Approval May Include:**

1. The comprehensive plan identifies the area as a mix of commercial and residential. These lots will remain zoned C-3.
2. There are no applicable setbacks or lot coverage requirements in the C-3 zoning district.
3. Both lots will have access to all city utilities and abut a public street.

**B. Findings of Fact to Not Recommend Approval May Include:**

1. None

### VI. **STAFF RECCOMENDATION**

- A. Staff recommends the Planning Commission make a positive recommendation to City Council to approve vacation of Lot 1B, Lot 10, Imperial Subdivision and approve the final plat for Lots 1 and 2, Block 1, Orphan Motors Subdivision.

PLANNING COMMISSION MINUTES  
REGULAR SCHEDULED MEETING  
JUNE 11, 2022  
SCOTTSDLUFF, NEBRASKA

The Planning Commission for the City of Scottsbluff met in regular scheduled meeting on Monday, June 11, 2022 at 6:00 PM in the Scottsbluff City Council Chambers at 2525 Circle Drive, Scottsbluff, Nebraska. A notice of the meeting was published in the Star-Herald, a newspaper of general circulation in the city, on July 1, 2022. The notice stated the date, time, and location of the meeting, that the meeting was open to the public, and that anyone with a disability desiring reasonable accommodation to attend should contact the Development Services office. An agenda was kept current and available for public inspection at the Development Services office, provided the Planning Commission can modify the agenda at the meeting if it is determined that an emergency so required. A copy of the agenda packet was delivered to each Planning Commission member.

- 1 Chairman Dana Weber called the meeting to order at 6:00 PM. Roll call consisted of the following members being present, Becky Estrada, Dave Gompert, Callen Wayman, Henry Huber, Mark Westphal, Dana Weber, Linda Redfern (Alternate, Quorum present so excused). "Absent": Anita Chadwick, Angie Aguillo, Jim Zitterkopf. City Officials present were Taylor Stephens, GIS Analyst/Acting Secretary, Zachary Glaubius, Planning Administrator (via Zoom), and Kathleen Quintana, Fire Marshal.
- 2 Chairman Dana Weber informed those present of the Nebraska Open Meetings Act and that a copy was located on the south wall of the Council Chambers.
- 3 Acknowledgement of any changes in the agenda: None.
- 4 Business not on the agenda: None.
- 5 The minutes from the April 11, 2022 meeting were reviewed. Two corrections were noted by Weber and Stephens. Conclusion: a motion was made by Estrada and seconded by Westphal to approve the minutes from May 9, 2022 meeting with noted changes. "Yeas" Huber, Westphal, Wayman, Weber, Gompert, Estrada "Nays": "Absent": Chadwick, Aguillo, Zitterkopf "Excused": Redfern (alt.) The motion carried.
- 6 Item 6A & 6B: Chairman Weber opened a joint public hearing at 6:03 PM for Items 6A and 6B regarding the vacation of Lot 1B, Block 10, Imperial Subdivision and Final Plat of Lots 1 & 2, Block 1, Orphan Motors Subdivision situated in the public hearing regarding the vacation of Lot 1B, Block 10, Imperial Subdivision situated in the SW quarter of the SW quarter of section 24, Township 22 North, Range 55 West of the 6<sup>th</sup> P.M., Scotts Bluff County, NE. Chairman Weber notified the commissioners that items 6A and 6B be ran concurrently and asked if there was any issue with this. There was none. Glaubius then stated the reason for the plat vacation and new final plat was due to municipal code 21-1-68 as the property had already been re-platted twice and would need the plat vacation and new final plat to satisfy the code. Glaubius also stated that a sewer main will have to be extended to reach Lot 2 of the new subdivision. Glaubius also stated that the existing easement in the SW corner of the property will remain. Estrada noted a clerical error on the agenda that 6B should state Township 22 North. Weber closed the public hearing at 6:06 PM. Wayman then asked that the reason the property owner has to vacate the plat is because the property was replated twice. Glaubius confirmed this.
- 7 **Conclusion:** Motion by Gompert, seconded by Westphal to make a positive recommendation on the approval by the city council of the vacation of Lot 1B, Block 10, Imperial Subdivision and Final Plats of Lots 1 & 2, Block 1, Orphan Motors Subdivision situated in the vacation of Lot 1B,

- Block 10, Imperial Subdivision. "Yeas" Huber, Westphal, Wayman, Weber, Gompert, Estrada "Nays": "Absent": Chadwick, Aguillo, Zitterkopf "Excused": Redfern (alt.) The motion carried.
- 8 Item 6C, 6D, 6E: Chairman Weber opened a joint public hearing at 6:08 for a preliminary plat, final plat, and a rezone from Agriculture to C-2 Neighborhood Commercial for Lots 2-9, Block 1, Frank Properties Subdivision situated in the SE quarter of the SE quarter of section 15, township 22 North, range 55 West of the 6<sup>th</sup> P.M., Scotts Bluff County, NE. Chairman Weber notified the commissioners that item 6C, 6D, and 6E be ran concurrently and asked if there was any issue with this. There was none. Glaubius stated that this is a preliminary, final and rezone of lots just west of the new car wash on 29<sup>th</sup> Street. Glaubius noted that 28<sup>th</sup> street will need to be constructed and that there was a developer's agreement for the east portion of 28<sup>th</sup> Street between neighboring properties to construct that portion. Glaubius stated that this construction was supposed to be completed by the end of 1989. Glaubius stated that the remainder of 28<sup>th</sup> Street and Avenue K are dedicated in this plat. Glaubius stated that sewer will have to be extended along 29<sup>th</sup> street. Glaubius stated that a developer's agreement for public improvements has been proposed to construct 28<sup>th</sup> street with utilities, and staff are requesting Avenue K be included in the agreement. Glaubius stated that the C-2 is in character with the surrounding properties. Glaubius stated that staff is recommending that the planning commission make a positive recommendation on the condition the updated developer's agreement include Avenue K as well as 28<sup>th</sup> Street and the 29<sup>th</sup> Street sewer extension.
- 9 Greg Schilz from MC Schaff approached the commission on behalf of Mr. Frank. Schilz stated the developer has requested the creation of a paving district and sewer district. Schilz also stated that the developer's agreement is being completed and will be sent to Glaubius. Weber asked if the property owner is aware of the conditions for the contract and Schilz replied yes. Westphal asked if 29<sup>th</sup> street will be platted to Avenue M and Schilz responded that 29<sup>th</sup> street will go to Avenue K. Mike Hackett, owner of the Dominos property approached the commission and raised his concerns with storm water. Hackett stated that storm water currently flows to the north of his property into a retention pond and has concerns with the road possibly interfering with that. Schilz assured Hackett that storm water would runoff to the west towards Avenue K and would be temporarily contained on the south portion of Avenue K. Westphal stated that Hackett monitor his property as construction is on-going. Gompert requested Hackett not be afraid to ask questions as the street is constructed. Weber closed the public hearing at 6:20 PM. Wayman asked for further clarification on the area that would become the paving district of 28<sup>th</sup> Street and Avenue K. Schilz answered with how the developer's agreement will be written.
- 10 **Conclusion:** Motion by Estrada, seconded by Westphal to make a positive recommendation on the approval of preliminary plat, final plat and rezone from agriculture to C-2 neighborhood commercial by city council on the condition the proposed developer's agreement includes Avenue K, 28<sup>th</sup> Street, and the 29<sup>th</sup> Street sewer extension. "Yeas" Huber, Westphal, Wayman, Weber, Gompert, Estrada "Nays": "Absent": Chadwick, Aguillo, Zitterkopf "Excused": Redfern (alt.) The motion carried.
- 11 Item 6F: Chairman Weber opened a public hearing at 6:22 for proposed ordinance text change to Chapter 4 Article 1 regarding the International Building Code (IBC) and the International Residential Code (IRC). Glaubius stated staff had discovered that during the review of the code book that oversights were discovered. Glaubius stated 4-1-10 excludes an adopted section of the International Fire Code that was adopted in 2021. The code 4-1-2(A)(1) referenced the IBC Appendix F, and the code is supposed to reference IRC Appendix F as it relates to radon gas mitigation. The city staff has already been enforcing Appendix F from the IRC. Glaubius stated that city staff recommended that the planning commission make a positive recommendation to the city council to approve the proposed ordinance text amendment change to 4-1-10 and 4-1-

2. Chairman Weber closed the public hearing at 6:25 PM. Wayman asked to further clarify the information about mitigating radon. Glaubius stated that this was just an oversight to clean up the code book.

- 12 **Conclusion:** Motion by Westphal, seconded by Gompert to make a positive recommendation to the city council to approve the proposed ordinance text amendment change to 4-1-10 and 4-1-2. "Yeas" Huber, Westphal, Weber, Gompert, Estrada "Nays": Wayman "Absent": Chadwick, Aguillo, Zitterkopf "Excused": Redfern (alt.) The motion carried.
- 13 Item 7: No Information
- 14 Item 8: No Other Business
- 15 Weber introduced Item 9 regarding scheduling the next Planning Commission meeting on August 8<sup>th</sup>, 2022
- 16 Item 10: Adjournment
- 17 Adjournment: Motion by Estrada, seconded by Westphal to adjourn the meeting at 6:27 PM. "Yeas" Huber, Westphal, Wayman, Weber, Gompert, Estrada "Nays": "Absent": Chadwick, Aguillo, Zitterkopf "Excused": Redfern (alt.) The motion carried.

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Chairman Dana Weber

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Zachary Glaubius, Secretary



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA VACATING LOT 1B, BLOCK 10, IMPERIAL SUBDIVISION, A REPLAT OF LOT 1A, BLOCK 10, IMPERIAL SUBDIVISION, A REPLAT OF LOTS 1, 2 AND 3, BLOCK 10, IMPERIAL SUBDIVISION, ADDITION TO THE CITY OF SCOTTSBLUFF SITUATED IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6<sup>TH</sup> P.M., SCOTTS BLUFF COUNTY, NEBRASKA, PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.

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

Section 1. The owner of the property involved, Bob Cox, has requested that the City of Scottsbluff vacate the following property to allow for a replat:

Lot 1B, Block 10, Imperial Subdivision, a Replat of Lot 1A, Block 10, Imperial Subdivision, a Replat of Lots 1, 2 and 3, Block 10, Imperial Subdivision, an addition to the City of Scottsbluff, situated in the Southwest Quarter of the Southeast Quarter of Section 24, Township 22 North, Range 55 west of the 6<sup>th</sup> P.M., Scotts Bluff County, Nebraska

EXCEPT for a Permanent Easement as shown on Plat in Deed Book 219, Page 420, and described in MISC. Book 115, Page 122,

as more fully set forth on the attached Exhibit A and incorporated by this reference.

Section 2. The City Council finds the requesting party is the owner and it is in the best interest of the City the property be vacated as requested.

Section 3. Lot 1B, Block 10, Imperial Subdivision an addition to the City of Scottsbluff, except for the Permanent Easement as set forth above, is hereby vacated to allow for a replat of the property.

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

PASSED AND APPROVED on \_\_\_\_\_, 2022.

Attest:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk (Seal)

Approved as to form:

\_\_\_\_\_  
City Attorney

LOT 1B, BLOCK 10, IMPERIAL SUBDIVISION, A REPLAT OF LOT 1A, BLOCK 10, IMPERIAL SUBDIVISION, A REPLAT OF LOTS 1, 2 AND 3, BLOCK 10, IMPERIAL SUBDIVISION, AN ADDITION TO THE CITY OF SCOTTSBLUFF, SITUATED IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA

EXCEPT FOR A PERMANENT EASEMENT AS SHOWN ON PLAT IN DEED BOOK 219, PAGE 420, AND DESCRIBED IN MISC. BOOK 115, PAGE 122

BEGINNING AT THE SOUTHWEST CORNER OF LOT 4A, BLOCK 10, IMPERIAL SUBDIVISION, AS MONUMENTED BY A 1/2" SMOOTH ROD, THENCE WESTERLY ON THE NORTH RIGHT OF WAY LINE OF EAST OVERLAND DRIVE, ON AN ASSUMED BEARING OF N88°47'34"W, A DISTANCE OF 149.12 FEET MEASURED, TO AN 'X' IN THE CONCRETE, THENCE BEARING N01°18'55"E, ON THE EAST RIGHT OF WAY LINE OF 15TH AVENUE, A DISTANCE OF 172.37 FEET MEASURED, TO A 1 INCH PIPE, THENCE BEARING N88°38'31"E, ON THE SOUTH RIGHT OF WAY LINE OF A 20 FOOT ALLEY, A DISTANCE OF 150.03 FEET MEASURED, TO A 5/8" REBAR, THENCE BEARING S01°37'05"W, ON THE WEST LINE OF LOT 4A, BLOCK 10, IMPERIAL SUBDIVISION, A DISTANCE OF 171.98 FEET MEASURED, TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 0.59 ACRES (25,753 SQUARE FEET) MORE OR LESS.

