

City of Scottsbluff, Nebraska

Monday, August 15, 2022

Regular Meeting

Item Subdiv.1

Council to discuss and consider action on the Preliminary Plat of Frank Properties Subdivision and authorize the Mayor to sign the Resolution.

Staff Contact: Zachary Glaubius, Planning Administrator

Agenda Statement

Item No.

For Meeting of: August 15, 2022

AGENDA TITLE: Council to discuss and consider action on the Preliminary Plat of Frank Properties Subdivision and authorize the Mayor to sign the Resolution

SUBMITTED BY DEPARTMENT/ORGANIZATION: Development Services Department

PRESENTATION BY: Zachary Glaubius, Planning Administrator

SUMMARY EXPLANATION: The Planning Commission made a positive recommendation on the approval of the preliminary plat at the July 11, 2022 meeting. The applicant has requested only the preliminary plat be brought to the City Council at this time. A developer's agreement has been proposed regarding 28th Street, Avenue K, and the 29th Street sanitary sewer extension. The applicant has also requested the creation of a paving district and sewer district, which will be brought to council at a future meeting.

BOARD/COMMISSION/STAFF RECOMMENDATION: Positive recommendation

Does this item require the expenditure of funds? _____ **yes** **x no**

Are funds budgeted? _____ **yes** **x no**

If no, comments: _____

Estimated Amount _____

Amount Budgeted _____

Department _____

Account Description _____

Approval of funds available _____

City Finance Director

EXHIBITS

Resolution ☒

Ordinance ☐

Contract ☐

Minutes ☒

Plan/Map ☐

Other (specify) Staff Report Packet

NOTIFICATION LIST: Yes ☐ No ☐ Further Instructions ☐

Please list names and addresses required for notification.

APPROVAL FOR SUBMITTAL: _____

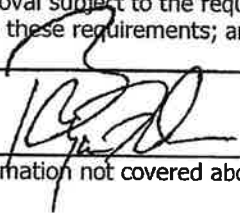

City Manager

Rev: 12/14/ City Clerk



City of Scottsbluff, Nebraska

Application for a Preliminary Plat Subdivision

Date: 05-11-2022			DO NOT WRITE IN THIS BLOCK	
Address (Location): West 29th Street (Proposed Lots 2-9, Block 1, Frank Properties)			Permit Number:	
Applicant's Name Bryan Frank (Frank Properties 2, LLC.)			Plat Approved _____ Denied _____	
Applicant's Address: PO Box 2395			Date Issued:	
City: Scottsbluff	State: Nebraska	Zip: 69363	Comp. Plan Land Use:	Zone:
Telephone: 308-631-8350	Mobile: 308-631-8350	Email: bryanfrank@bfenterprising.com	Attached: Plot Plan Legal Description (in Word) \$100.00 filing fee \$3.00 per property owner within 300-feet Receipt # _____	
Property Owner: Frank Properties 2, LLC.				
Property Owner's Address: PO Box 2395				
City: Scottsbluff	State: Nebraska	Zip: 69363		
Telephone: 308-631-8350	Mobile: 308-631-8350	Email: bryanfrank@bfenterprising.com		
Engineer or Surveyor: Gregg M. Schilz LS-785			Total Acreage: ±4.80 Acres	
Engineer or Surveyor Address: 818 South Beltline Highway East			Proposed number of lots: 8	
City: Scottsbluff	State: Nebraska	Zip: 69361	Present Use of Property: Agriculture Zone A	
Telephone: 308-635-1926	Mobile: 308-631-7099	Email: gschilz@mcschaff.com	Proposed Use of Property: Commercial Proposed Zone C2	
Location of property: West of Viaero Wireless and south of Home Depot on 29th Street			Present Zoning: Agriculture Zone A	
Please provide the following: Copy of Preliminary Plan (showing future & current property lines, fence lines, irrigation canals, future street widths, dimensions, existing structures, proposed structures, easements, etc..) Legal Description on a CD/Disk (in Word) \$100.00 filing fee Proof of Ownership of Property (See 21-1-50, Title Insurance, Attorney's opinion, Certificate of registered abstracter)				
The undersigned, hereby certify 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 No. 3410 and amendments there to have been met and submits this application for approval subject to the requirements of said ordinance. I have also read and am familiar with the City Ordinances and will comply with these requirements; and that the statements herein contained are true and correct to the best of my knowledge and belief.				
Applicant's Signature: 			Date:  5-12-2022	
Remarks: (Insert here any information not covered above)				

Development Services Department

2525 Circle Drive, Scottsbluff, NE 69361

(308) 630-6243

June 27, 2022

Mr. Zach Glabius
Planning Administrator
City of Scottsbluff, Nebraska
2525 Circle Drive
Scottsbluff, Nebraska 69361

Mr. Gladius:

On behalf of our client, Frank Properties 2, LLC., we would like to request that a Paving District be created for the paving on 28th Street, in Frank Properties Subdivision.

The district would be to pave 28th Street beginning at the intersection of 28th Street and Avenue I and continuing west on 28th Street to the future Avenue K intersection.

We are requesting M.C. Schaff & Associates be designated the Special Engineer for the project. They will provide more information if needed at this time.

Requested by Brendan Rice representing Frank Properties 2.

Brendan Rice

June 27, 2022

Mr. Zach Glabius
Planning Administrator
City of Scottsbluff, Nebraska
2525 Circle Drive
Scottsbluff, Nebraska 69361

Mr. Gladius:

On behalf of our client, Frank Properties 2, LLC., we would like to request that a Sewer District be created for the installation of sewer along 29th Street in Frank Properties Subdivision.

The district would include the installation of 8-inch sewer main beginning along the north property line within a utility easement from lot 2, Block 1 Frank Properties subdivision and extend west to service Lot 4, Block 1 Frank Properties subdivision.

We are requesting M.C. Schaff & Associates be designated the Special Engineer for the project. They will provide more information if needed at this time.

Requested by Brendan Rice representing Frank Properties 2.

Brendan Rice



Scottsbluff City Zoning Map (Rezone) Application

2525 Circle Drive, Scottsbluff, NE 69361
Telephone (308) 630-6243 Fax (308) 630-6204
www.scottsbluff.org

Project Information

Application Date:	5-11-2022		Number (Office Use Only):
Property Address:	West 29th Street (Proposed Lots 2-9, Block 1, Frank Properties)		
Current Zone:	Proposed Zone:	Acreage of Property:	
A	C2	±4.80 Acres	
Comprehensive Plan Designation:	Comprehensive Plan Amendment Required?		
Highway 26 Commercial	No		

Applicant Information

Applicant:	Property Owner:		
Bryan Frank (Frank Properties 2, LLC.)	Frank Properties 2, LLC.		
Address:	Telephone:		
PO Box 2395	308-631-8350		
City:	State:	Zip:	Alt. Telephone:
Scottsbluff	Ne	69363	

City Development Process and Requirements

- Staff Review Time:** Approximately 4 to 5 weeks prior to the Public Hearing date.
- Planning Commission:** Held the second Monday of each month at 6:00 p.m.
- City Council:** Held the first and third Mondays of each month at 6:00 p.m.

All meetings are held in the City Council Chambers at 2525 Circle Drive in Scottsbluff.

REQUIREMENTS

- ☐ Pre-application meeting with City Planner
- ☐ Rezone Fees \$100.00 plus
- ☐ Cost of postage for everyone within 300 feet + \$3.00 per property owner
- ☐ Provide a list (in mailing label format) of property owners within 300 feet of the exterior boundaries of the property to be rezoned together with:
 - ☐ A map(s) that clearly show the ownership within the 300 feet

- ☐ A letter from the property owner giving permission that their property maybe rezoned.
- ☐ Legal description of the property - on disk or emailed to the City Development Service Department in Word format and a map of property to be rezoned.
- ☐ A Letter from the petitioner that the proposed use:
 - ☐ Would provide a service required by the neighborhood and/or community and be consistent with sound land use.
 - ☐ Would not be injurious to the adjacent properties or uses
 - ☐ That rezoning the property would not create special hazards or problems for the neighborhood or community
 - ☐ Would be harmonious and consistent with the plan for the area in the Comprehensive Plan
 - ☐ Why the rezone of the property should be granted.

If any of these items are not submitted with the application City Staff maintains the right to return the application as incomplete.

Rezone Process

After staff receives a completed application the staff will write a report to the Planning Commission including their recommendation. The Planning Commission will then hold a public hearing (which must be noticed in newspaper 10 days prior to the hearing) pertaining to the Zone Change and either recommend supporting the zone change or not to the City Council. After the Planning Commission the City Council will also hold a public hearing on the rezone request and either approve, approve with conditions or deny the request.

City of Scottsbluff Planning Commission

Development Services Staff Report – Zachary Glaubius

Prepared on: June 30, 2022 For Hearing of: March 14, 2022



I. GENERAL INFORMATION

- A. Applicant:** Bryan Frank (Frank Properties 2, LLC)
PO Box 2395
Scottsbluff, NE 69361
- B. Property Owner:** Same as Applicant
- C. Proposal:** Preliminary and Final Plats of Lots 2-9, Block 1, Frank Properties subdivision
Rezone Lots 2-9, Block 1, Frank Properties from Agricultural to C-2 Neighborhood and Retail Commercial
- D. Legal Description:** An addition to the City of Scottsbluff situated in the Southeast Quarter of the Southeast Quarter of Section 15, Township 22 North, Range 55 West of the 6th PM, Scotts Bluff County, Nebraska
- E. Location:** Approximately 4.58 acres of land located southeast of the intersection of Avenue K and 29th Street
- F. Existing Zoning & Land Use:** Ag – Agricultural
- G. Future Land Use Designation:** Automobile Commercial
- H. Size of Site:** Approximately 4.58 Acres

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	Northwest Commercial	C-2 Neighborhood and Retail Commercial	Home Depot
East	Northwest Commercial	C-2 Neighborhood and Retail Commercial R-1A Single Family Residential	Shaggy Buffalo Car Wash, Viaero Wireless & Multi-Family Residential Building

South	Highway 26 Commercial	C-2 Neighborhood and Retail Commercial	RCI, Taco Town, Domino's, Storage Units, Contryman Associates
West	Automobile Commercial	Ag – Agricultural	Farm ground

B. Relevant Case History

1. N.A.

III. ANALYSIS

A. Comprehensive Plan: The Future Land Use Map of the Comprehensive Plan currently shows the site as Automobile Commercial.

B. Traffic & Access:

1. Lots 2-4 are accessible via 29th Street.
2. Lots 5-9 will be accessible via 28th Street.
3. Lots 4 and 5 will also be accessible via Avenue K.
4. 29th Street is constructed to Avenue K.
5. 28th Street and Avenue K shall be constructed prior to the issuance of a building permit in the subdivision as per the Contract for Public Improvements/Developer's Agreement.
6. The first 263 feet of 28th Street were dedicated in 1989, however the street has not been constructed. Per an agreement found in Miscellaneous Book 123 Page 12, the subdivider and successors of the Baltes Addition subdivision were to have constructed this segment of street by December 1989.
7. A 29 feet wide utility and access easement is located where 28th Street will be constructed. The easement and alley will be vacated and the City will retain the land as public right-of-way for 28th Street.

C. Utilities:

1. 8-inch diameter water mains are located along both 28th and 29th Streets.
2. An 8-inch diameter sanitary sewer main is located where 28th Street will be dedicated and constructed.
3. A 30-inch diameter storm sewer main is located on the northside of 29th Street.
4. A 20 feet utility easement is proposed along the southside of 29th Street for the extension of the sanitary sewer main.
5. Further storm sewer infrastructure will be installed as this part of the City becomes more developed.

IV. STAFF COMMENTS

- A.** The developer, Frank Properties 2, LLC, has proposed a Developer's Agreement also known as a Contract for Public Improvements, which would postpone the construction of 28th Street and the sanitary sewer main along 29th Street. The current agreement excludes Avenue K.
- a. No building permit would be issued until all improvements are constructed or an agreement with a contractor for such construction has been signed.
 - b. Staff has requested Avenue K between 28th and 29th Street be included in this Developer's Agreement.

- B. With this plat, the applicant is requesting to rezone the land to C-2 Commercial. The 2016 Comprehensive Land Use Map identifies this area as Automobile Commercial and recommends the C-2 district in this area.
- C. The developer is requesting the creation of a Paving District and a Sewer District to pay for the construction of 28th Street and the 29th Street sewer main. Staff has requested Avenue K be included in the Paving District.
- D. The sidewalk along the southside of 29th Street will be required to be constructed prior to the issuance of a building permit.

V. FINDINGS OF FACT

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

- 1. The Comprehensive Plan identifies the area as Automobile Commercial and the proposed rezone is to C-2 Neighborhood and Retail Commercial.
- 2. The proposed lots and use are consistent with the surrounding neighborhood.
- 3. The Developer's Agreement will result in compliance with Code 21-1-27 which requires the construction of all improvements in a subdivision.
- 4. The C-2 District does not require a minimum lot size.

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

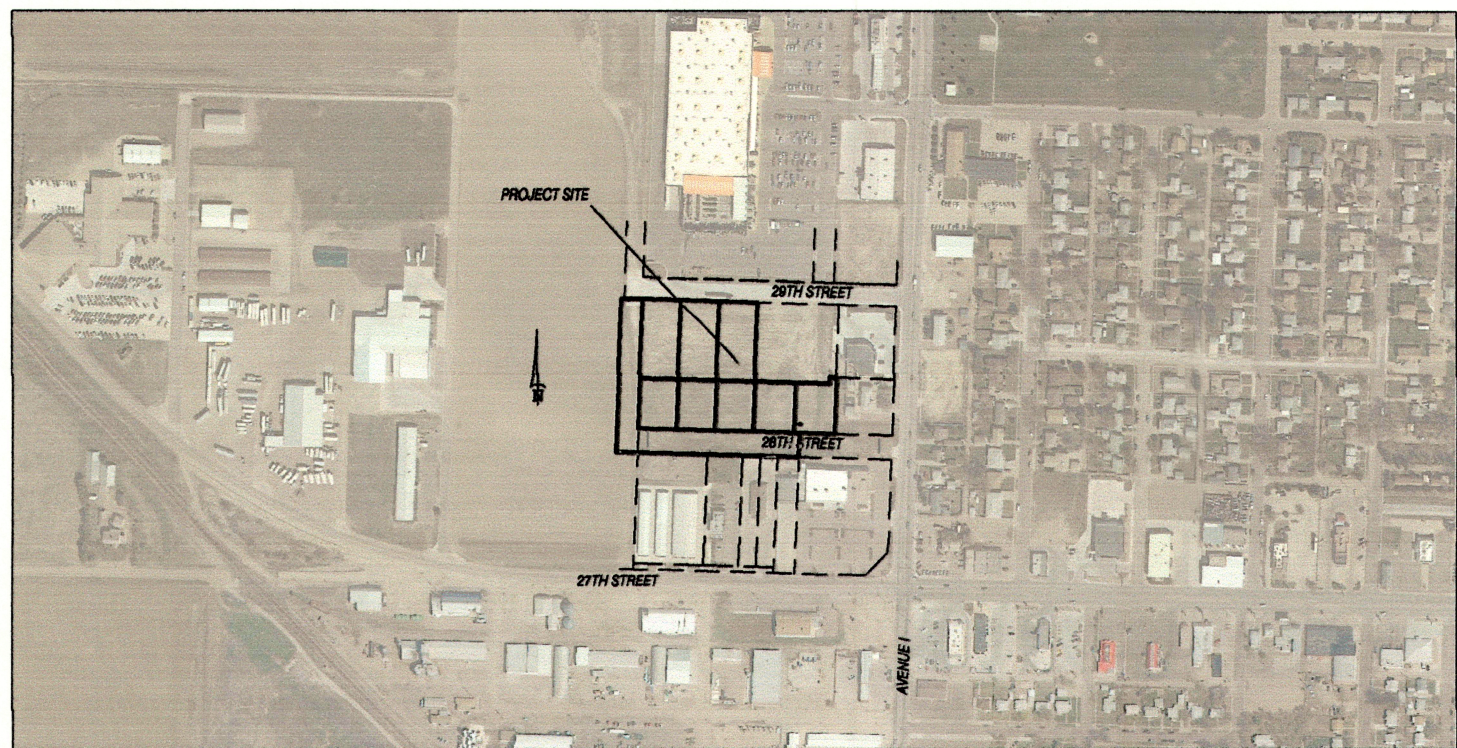
- 1. The current draft of Developer's Agreement does not include the completion of Avenue K between 28th and 29th Street.

VI. STAFF RECOMMENDATION

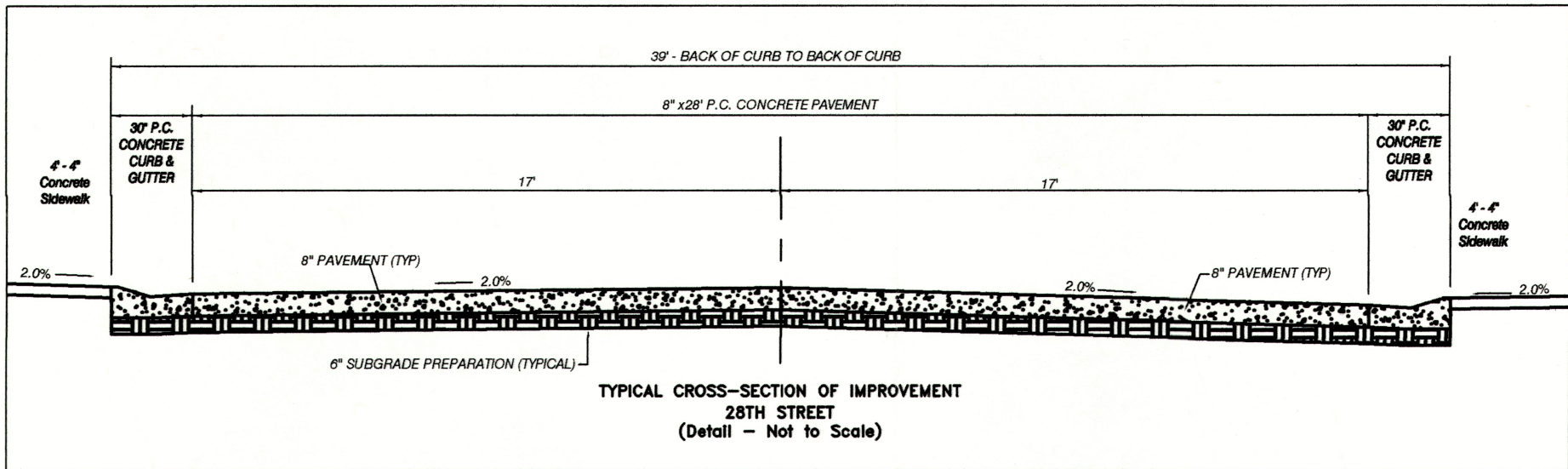
- A. Staff recommends Planning Commission recommend the approval of the Preliminary and Final Plat of and Rezone from Ag to C-2 Commercial for Lots 2-9, Block 1, Frank Properties, an addition to the City of Scottsbluff situated in the southeast quarter of the southeast quarter of Section 15, Township 22 North, Range 55 West of the 6th PM, Scotts Bluff County, Nebraska, on the condition the revised developer's agreement includes the installation of 28th Street from the eastern boundary of Lot 9 to Avenue K, Avenue K from 28th Street to 29th Street, and the sewer main along W. 29th Street within the subdivision.

PRELIMINARY PLAT

LOTS 2 THROUGH 9, BLOCK 1, FRANK PROPERTIES,
AN ADDITION TO THE CITY OF SCOTTSBLUFF,
SITUATED IN THE SOUTHEAST QUARTER OF THE
SOUTHEAST QUARTER OF SECTION 15,
TOWNSHIP 22 NORTH, RANGE 55 WEST
OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA



VICINITY MAP



TYPICAL CROSS-SECTION OF IMPROVEMENT

LEGAL DESCRIPTION
LOTS 2 THROUGH 9, BLOCK 1, FRANK PROPERTIES, AN ADDITION TO THE CITY OF SCOTTSBLUFF, SITUATED IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA

BEGINNING AT THE NORTHWEST CORNER OF LOT 1, BLOCK 1, FRANK PROPERTIES TO THE CITY OF SCOTTSBLUFF, AS RECORDED IN INSTRUMENT 2021-343, SCOTTS BLUFF COUNTY, NEBRASKA, THENCE SOUTHERLY ON THE WEST LINE OF SAID LOT 1, BLOCK 1, FRANK PROPERTIES, ON AN ASSUMED BEARING OF S02°05'00"W, A DISTANCE OF 220.00 FEET, THENCE BEARING S88°21'39"E, ON THE SOUTH LINE OF SAID LOT 1, BLOCK 1, FRANK PROPERTIES, A DISTANCE OF 212.00 FEET, THENCE BEARING N02°05'00"E, ON THE EAST LINE OF SAID LOT 1, BLOCK 1, FRANK PROPERTIES, A DISTANCE OF 17.01 FEET TO THE SOUTHWEST CORNER OF LOT 1, BLOCK 1, FRANK PROPERTIES, AS RECORDED IN DEED BOOK 207, PAGE 383, SCOTTS BLUFF COUNTY, NEBRASKA, THENCE BEARING S88°21'16"E, ON THE SOUTH LINE OF SAID LOT 1, BLOCK 1, FRANK PROPERTIES, A DISTANCE OF 15.85 FEET TO THE NORTHWEST CORNER OF LOT 1, BLOCK 1, FRANK PROPERTIES, AS RECORDED IN DEED BOOK 189, PAGE 312, SCOTTS BLUFF COUNTY, NEBRASKA, THENCE BEARING S02°01'53"W, ON THE WEST LINE OF SAID LOT 1, BLOCK 1, FRANK PROPERTIES, A DISTANCE OF 161.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1, BLOCK 1, FRANK PROPERTIES, AS RECORDED IN DEED BOOK 189, PAGE 312, SCOTTS BLUFF COUNTY, NEBRASKA, THENCE BEARING S02°07'53"W, ON THE WESTERN TERMINATION LINE OF 28TH STREET, AS PLATTED IN DEED BOOK 189, PAGE 312, SCOTTS BLUFF COUNTY, NEBRASKA, A DISTANCE OF 66.00 FEET, SAID POINT ALSO BEING THE NORTHEAST CORNER OF LOT 1, BLOCK 5, BALTES SECOND ADDITION TO THE CITY OF SCOTTSBLUFF, AS RECORDED IN DEED BOOK 102, PAGE 169, SCOTTS BLUFF COUNTY, NEBRASKA, THENCE BEARING N88°26'05"W, ON THE NORTH LINE OF SAID BLOCK 5 BALTES SECOND ADDITION, A DISTANCE OF 260.20 FEET TO THE NORTHEAST CORNER OF BLOCK 1 ALF ADDITION TO THE CITY OF SCOTTSBLUFF, AS RECORDED IN INSTRUMENT 2002-4942, SCOTTS BLUFF COUNTY, NEBRASKA, THENCE BEARING N88°25'28"W, ON THE NORTH LINE OF SAID BLOCK 1, ALF ADDITION, A DISTANCE OF 197.97 FEET TO THE NORTHWEST CORNER OF SAID BLOCK 1, ALF ADDITION, THENCE CONTINUING ON THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID BLOCK 1, ALF ADDITION, A DISTANCE OF 60.00 FEET, THENCE BEARING N02°04'46"E, A DISTANCE OF 430.78 FEET TO THE POINT OF INTERSECTION WITH THE SOUTH RIGHT OF WAY LINE OF 29TH STREET, AS PLATTED IN INSTRUMENT 2004-490, SCOTTS BLUFF COUNTY, NEBRASKA, THENCE BEARING S88°21'39"E, ON THE SOUTH RIGHT OF WAY LINE OF SAID 29TH STREET, A DISTANCE OF 387.06 FEET, TO THE POINT OF BEGINNING, CONTAINING AN AREA OF 4.80 ACRES, MORE OR LESS

LEGEND	
	EXISTING SECTION CORNER, AS NOTED
	EXISTING QUARTER SECTION CORNER, AS NOTED
	EXISTING 5/8" REBAR, OR AS NOTED
	SET 5/8" x 24" REBAR
	RIGHT OF WAY RECORD
	UTILITY EASEMENT
	LIGHT POLE
	MANHOLE, AS NOTED
	STORM SEWER INLET
	FIRE HYDRANT
	WATER VALVE
	GUY WIRE
	BOLLARD
	ELECTRICAL BOX
	RIGHT OF WAY BUILDING SETBACK LINE
	GAS MARKER
	TELEPHONE PESTAL
	TREE WITH TRUNK DIAMETER SHOWN
	STREET SIGN, AS NOTED
	TELEPHONE MARKER
	PROPERTY LINE
	UTILITY EASEMENT
	SANITARY SEWER LINE
	STORM SEWER LINE
	WATER LINE
	BUILDING SETBACK LINE
	FENCE LINE

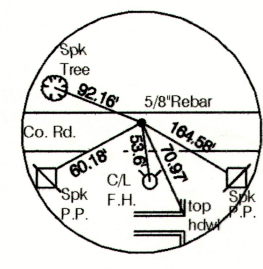
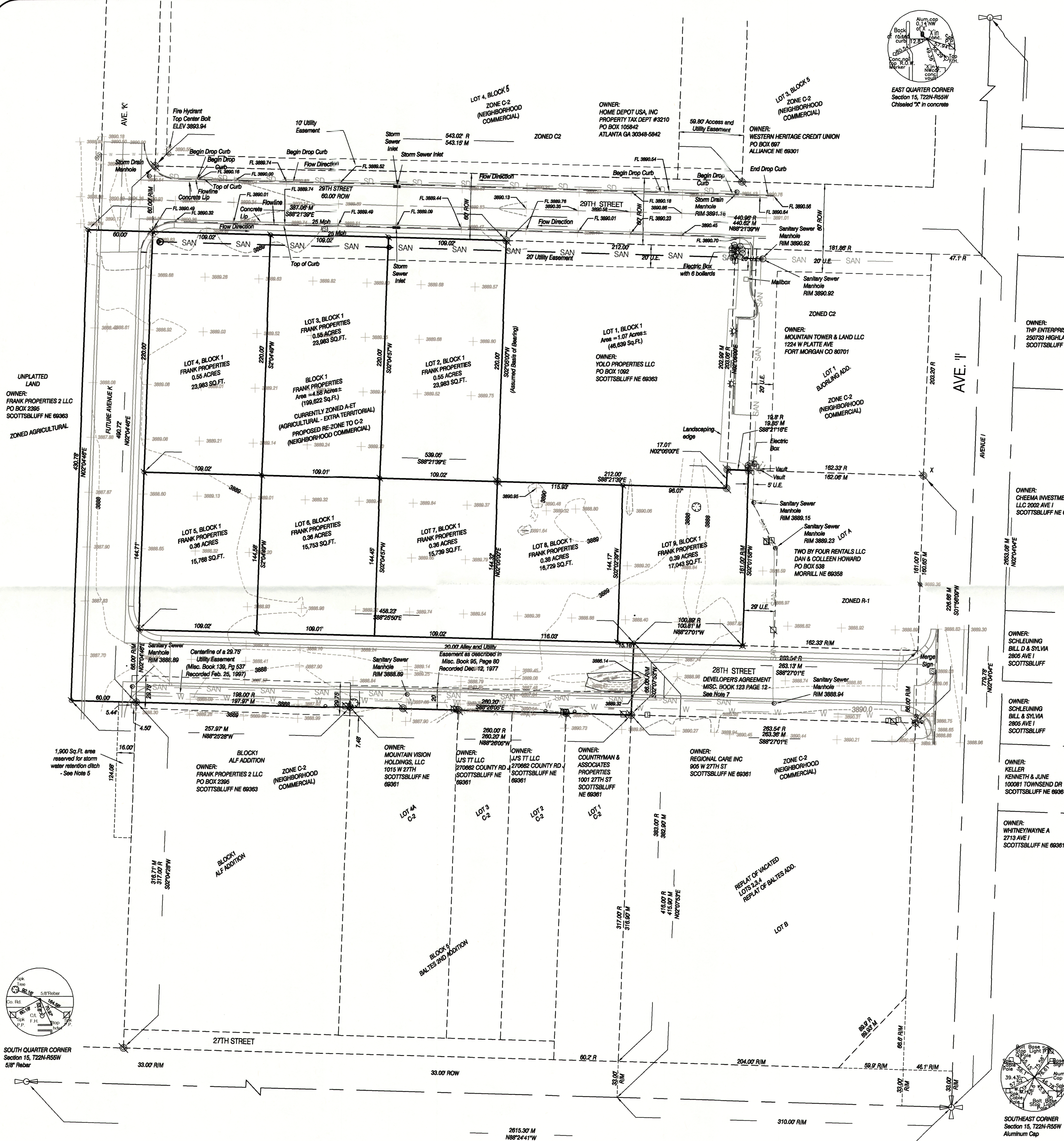
General Notes:

- 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.
- Flood Plain Information:
This property has been designated as Flood Zone B as shown on FIRM Map, Community Panel No. 310206-0005-C, effective date June 15, 1979.
Zone B refers to areas between limits of the 100-year flood and 500 year flood; or certain areas subject to 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood.
- Zoning Information: The Building Setback requirements as per zoning designation is as follows:

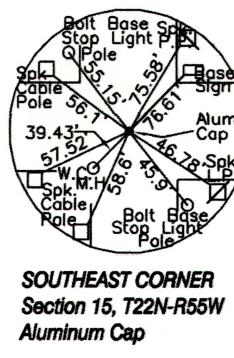
SETBACK REQUIREMENTS FOR ZONE C2 (NEIGHBORHOOD AND RETAIL COMMERCIAL)

Front yard setback - None or 25' abutting R-Zone
Rear yard setback - None or 15' abutting R-Zone
Interior side yard setback - None or 5' abutting R-Zone
Side street setback - None
The maximum height of building allowed - 35 feet
(source: Scottsbluff Municipal Code Section 25-3-14)

- Developer's Address: Bryan Frank, PO Box 2396, Scottsbluff, Nebraska 69361
- This area will be used for storm water retention for Lots 2 through 9, Block 1, Frank Properties until city storm sewer is developed.
- In order to extend 28th Street to the west edge of Avenue K right of way, Frank Properties 2 LLC, would like to request the vacation of the 20-foot alley and utility easement as described in Miscellaneous Book 95, Page 80, Recorded on December 12, 1977, and also that part of a 29.75-foot utility easement, described in Miscellaneous Book 139, Page 537, recorded February 25th, 1997, lying North of the North property line of Block 1, Alf Addition, and retain said easement for the extension of road right of way of 28th Street.
- There is an existing Developers Agreement in place for the already dedicated section of 28th Street, recorded in Miscellaneous Book 123, Page 12-17.



SOUTH QUARTER CORNER
Section 15, T22N-R55W
5/8" Rebar



SOUTHEAST QUARTER CORNER
Section 15, T22N-R55W
Aluminum Cap

M. C. SCHAFF & ASSOCIATES, INC.
818 SOUTH BELTLINE HIGHWAY EAST
SCOTTSBLUFF, NEBRASKA 69361



ENGINEERS ♦ PLANNERS ♦ DESIGNERS ♦ LAND SURVEYORS
PH: 308-635-1926 FAX: 308-635-7807 INTERNET: WWW.MCSCHAFF.COM

PROJECT: PROPOSED PRELIMINARY
PLAT OF LOTS 2-9, BLOCK 1,
FRANK PROPERTIES
SCOTTSBLUFF, NE

CLIENT: FRANK ENTERPRISES, INC
BRYAN FRANK

PROJECT NUMBER:
RM220095-00
PROJECT DATE:
APRIL 25, 2022
PROJECT MGR:
D.P.S.
PROJECT TEAM:
GS-TD

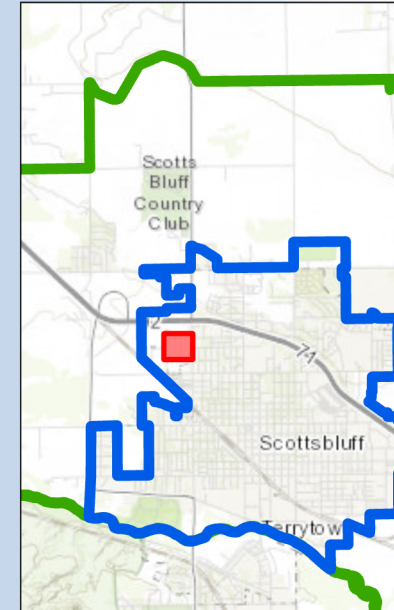
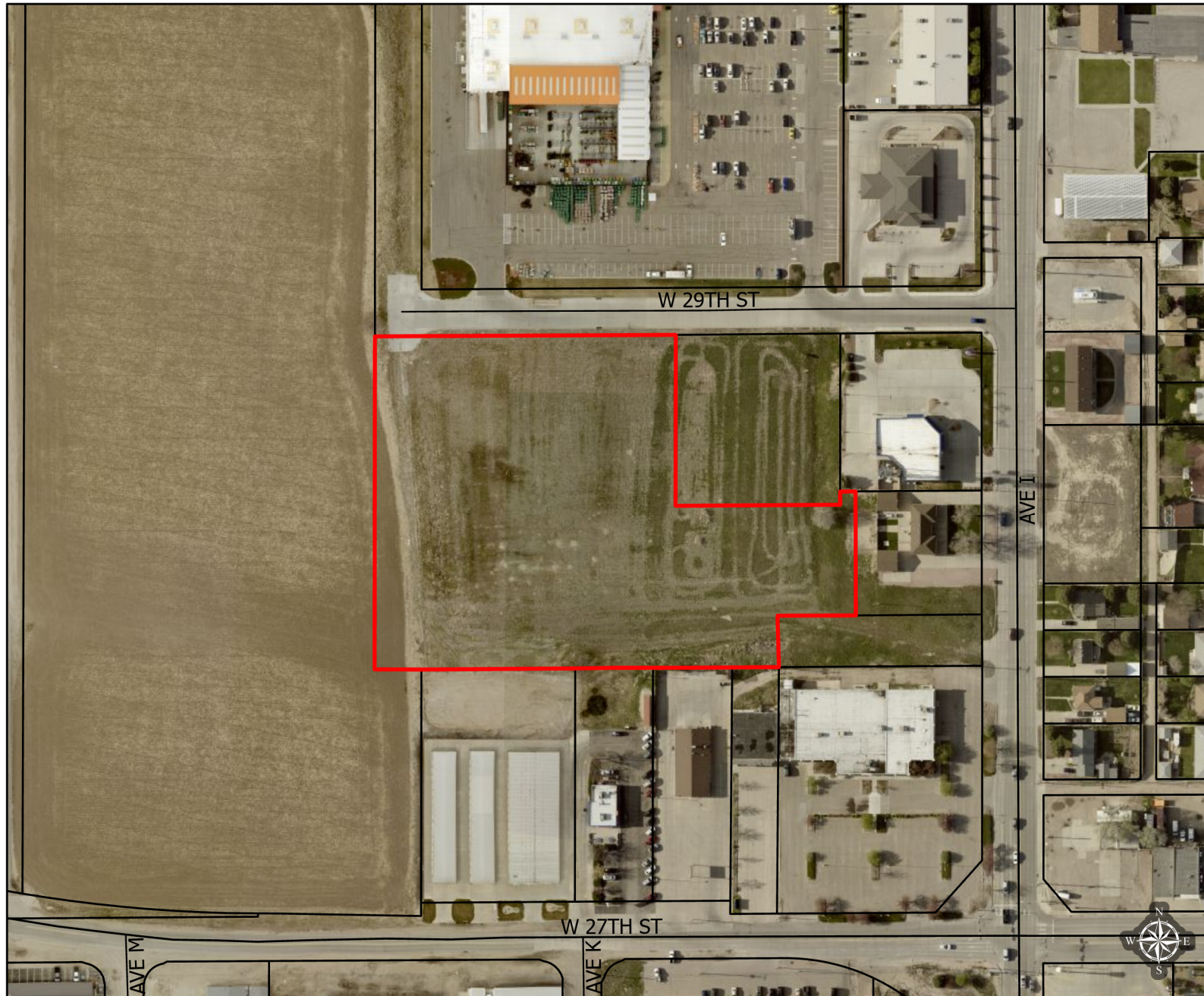
SEAL

DATE	REVISION

SHEET 1 OF 1

P-1

Plat: Frank Properties Blk 1 Lots 2-9



- Corporate Limits
- Extended Jurisdiction
- Proposed Changes
- Street Centerline
 - Highway
 - Main Road
 - Residential
 - Parcels

Taylor Stephens
City of Scottsbluff GIS
Created on 7/5/2022
Coordinate System: NAD 1983 (2011)
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.

Plat: Frank Properties Blk 1 Lots 2-9

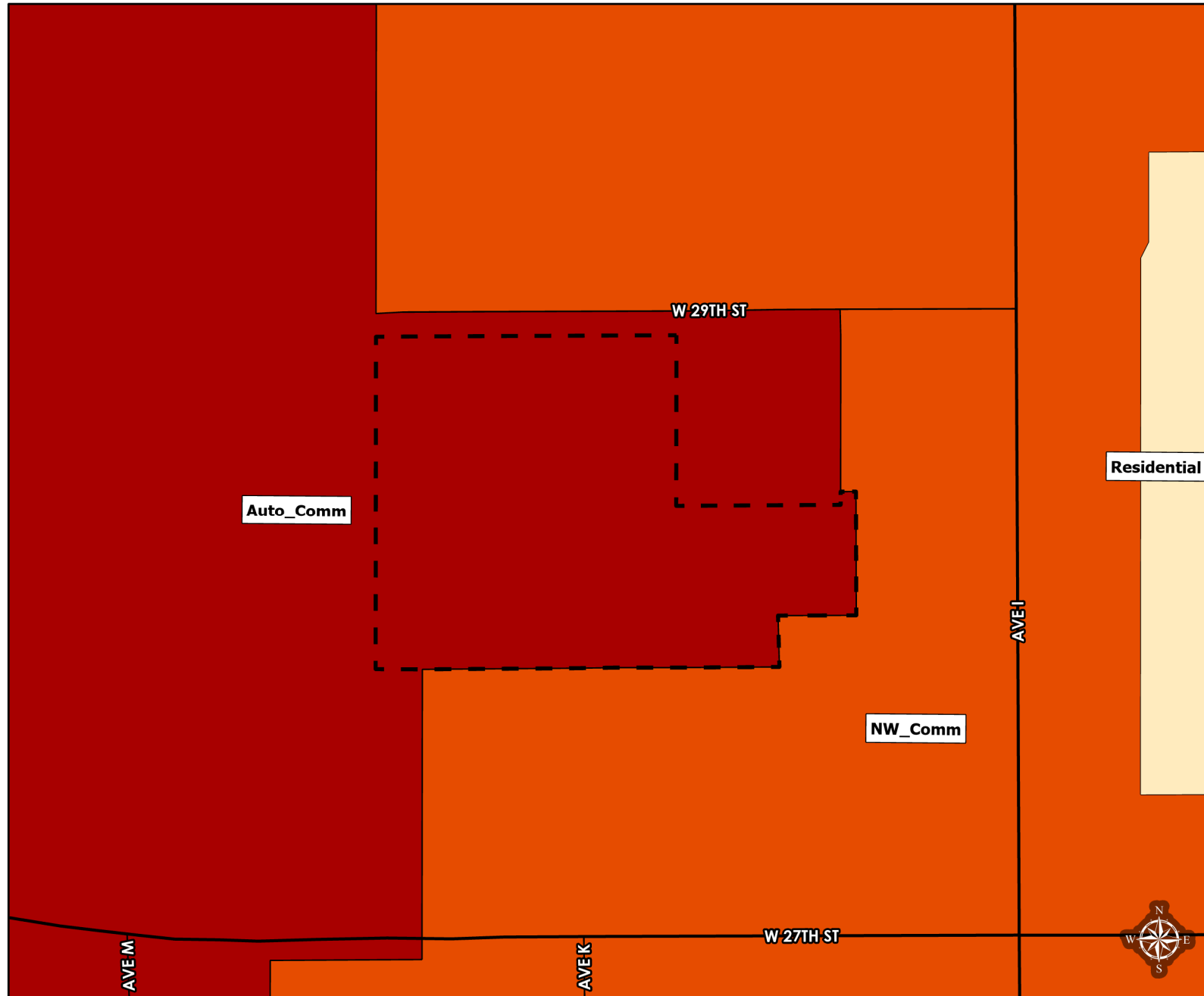


- Parcels
 - Proposed Changes
 - Corporate Limits
 - Extended Jurisdiction
- City Zoning**
- (A)Agriculture
 - (AR)Ag Residential
 - (C-1)Central Business District
 - (C-2)Neighborhood Com
 - (C-3)Heavy Com
 - (M-1)Light Man & Ind
 - (M-2)Heavy Man & Ind
 - (O-P)Office and Professional
 - (PBC) Planned Business
 - (R-1)Single Family
 - (R-1A)Single Family Med Dens
 - (R-1B)Rural Residential
 - (R-4)Heavy Dens Multiple
 - (R-6)Mobile Home
- Street Centerlines**
- Highway
 - Main Road
 - Residential/Rural

Taylor Stephens
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Plat: Frank Properties Blk 1 Lots 2-9

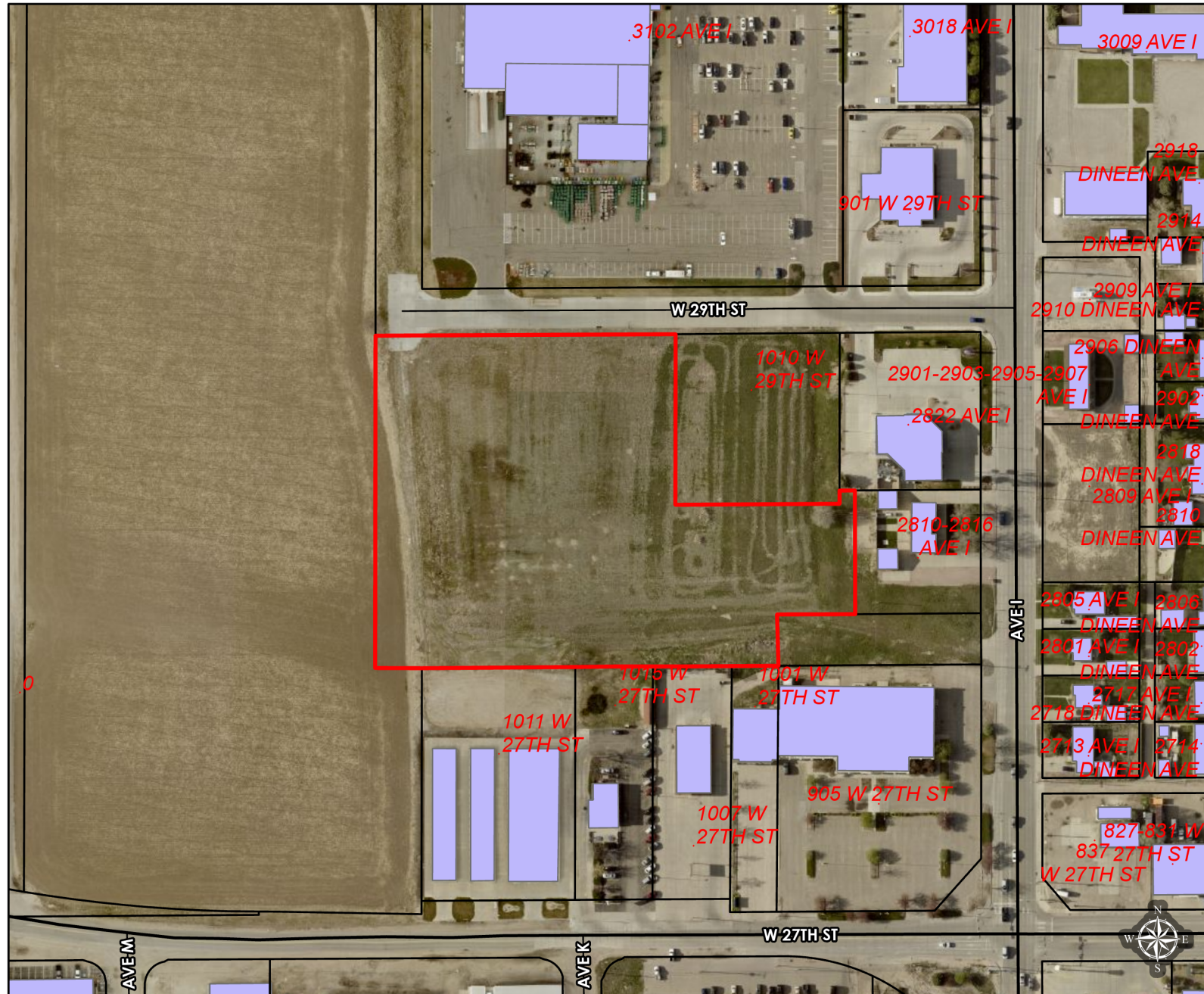


- Proposed Changes
- 2016 Comp. Plan Land Use**
- Automobile Commercial
 - Avenue B and Hospital Campus
 - Central Business District
 - East Overland
 - Highway 26 Commercial
 - Northwest Commercial
 - Residential
 - Rural
 - Rural Residential
 - SE Industrial and Commercial
 - South Broadway
 - WNCC and Surrounding Area
- Street Centerlines**
- Highway
 - Main Road
 - Residential/Rural
- 2016 Comp. Plan Development**
- LTD (10 - 20 yrs)
 - NTD (Less than 5 yrs)
 - STD (5 - 10 yrs)

Taylor Stephens
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Plat: Frank Properties Blk 1 Lots 2-9



Proposed Changes

Building

Parcels

Street Centerlines

Highway

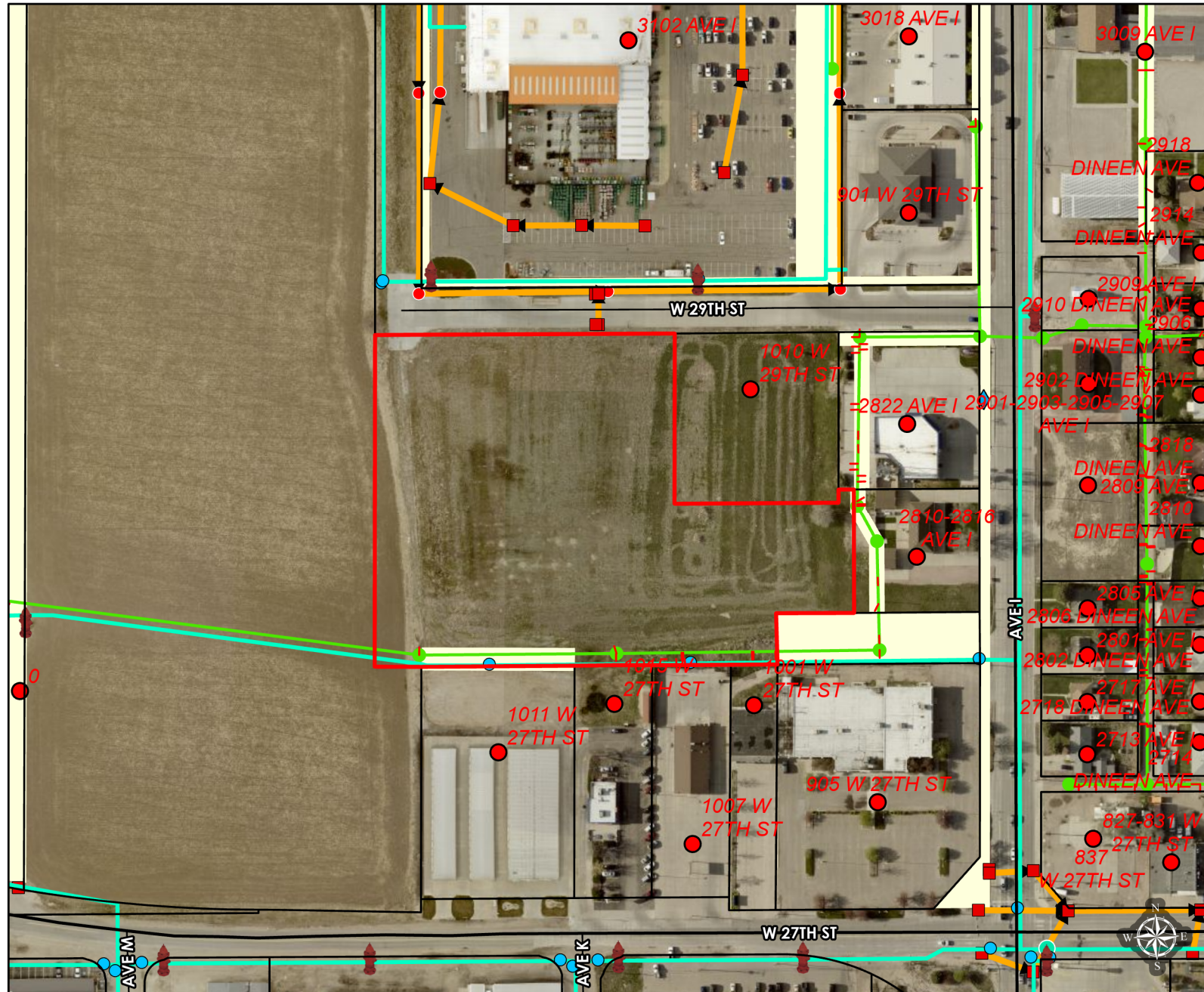
Main Road

Residential/Rural

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Plat: Frank Properties Blk 1 Lots 2-9



- Proposed Changes
- Street Centerlines
 - Highway
 - Main Road
 - Residential/Rural
- GEODATA.GISMGR.BEEHIVE_ADDRESSES
- Fire Hydrants
- ◆ Water Curbstop
- Water Valve
- Water Manhole
- Water Lines
- GEODATA.GISMGR.Ww_Laterals
- Verified_Manhole
- Wastewater Lines
- ▲ Outfall
- Stormwater Inlet
- Stormwater Manhole
- Stormwater Arc
- Easement
- Parcels

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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 6th 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 6th 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 29th Street. Glaubius noted that 28th street will need to be constructed and that there was a developer's agreement for the east portion of 28th 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 28th Street and Avenue K are dedicated in this plat. Glaubius stated that sewer will have to be extended along 29th street. Glaubius stated that a developer's agreement for public improvements has been proposed to construct 28th 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 28th Street and the 29th 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 29th street will be platted to Avenue M and Schilz responded that 29th 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 28th 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, 28th Street, and the 29th 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 8th, 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.

Chairman Dana Weber

Zachary Glaubius, Secretary

RESOLUTION NO. 22-____

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

WHEREAS, BE IT RESOLVED, the preliminary plat of Lots 2 through 9, Block 1 Frank Properties, an Addition to the City of Scottsbluff, situated in the SE¼ of the SE¼ of Section 15, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska, submitted July 5, 2022 is approved subject to the Owner entering into a Contract for Public Improvements to comply with Municipal Code §21-1-27 for required public improvements. Such preliminary plat is valid for a two-year period following the approval date set forth herein and must be presented in final form for approval by that time.

Passed and approved this 15th day of August 2022.

Mayor

ATTEST:

City Clerk