

City of Scottsbluff, Nebraska

Monday, August 12, 2013

Regular Meeting

Item NewBiz4

Preliminary & Final Plat with Annexation Coppom Subd

Preliminary/Final Plat: Lots 1,2,&3, Block 4, & Block 5, Coppom Subd w/annexation

Applicant: Baker and Associates

Owner(s): Panhandle Health Properties

Location: North of 42nd St. between old Ave.B & Ave. F

Staff Contact: Annie Urdiales & Marlin Johnson

SCOTTSBLUFF CITY

PLANNING COMMISSION STAFF REPORT

To:	Planning Commission	Zoning:	Current R-1 & R1A
From:	Development Services Department	Property Size:	34 ± acres
Date:	August 12, 2013		
Subject:	Lots 1, 2, & 3, Block 4, and Block 5, COPPOM Subdivision		
Location:	North of 42 nd Street, between Ave. B & Ave. F		

Procedure

1. Open Public Hearing
2. Overview of petition by city staff
3. Presentation by applicant
4. Solicitation of public comments
5. Questions from the Planning Commission
6. Close the Public Hearing
7. Render a decision (recommendation to the City Council)
8. Public Process: City Council determine final approval

Public Notice: This item was noticed in the paper and a notice was posted on the property.

Background

The applicant(s), Panhandle Health Properties, represented by Baker and Associates, have requested approval of a preliminary and final plat of Lots 1, 2, & 3, Block 4, and Block 5, Coppom Subdivision. The preliminary/final plat will consist of one parcel of approximately 34± acres. The property is situated north of 42nd Street between the old Avenue B and Avenue F. The property owners are also proposing a rezone from Residential to O & P Office and Professional; this is consistent with the future land use map in the City's Comprehensive Development Plan. Property to the south is zoned O & P, and R-4, property to the south is zoned Agricultural.

The owners are also asking that these parcels be annexed into the City's corporate limits and have included language on the final plat for the annexation. A resolution for annexation will be included for the public hearing held by the City Council on August 19

The Planner's report below lists more details and recommendations regarding infrastructure development and future access.

Planner's Report and Recommendations

Preliminary Plat and Final Plat with Annexation

The subject property is northwest of the Regional West Medical Center and north of West 42nd Street. The proposal is to split this 34 acre parcel north and south of the Enterprise Irrigation Canal.

If approved, the proposed parcels will be zoned O-P Office and Professional. Both parcels would have access from West 42nd Street. 17 feet of additional right-of-way will be granted to the City to match the right-of-way width on the south side of 42nd Street. The subdivision request includes an annexation request.

Meeting the intent of the subdivision regulations for further development of the proposed parcels and the neighborhood is a primary purpose of this review. An interdepartmental and interagency Staff meeting was held to discuss the proposal(s).

There is public water and public sewer in the vicinity. Although the services are not necessarily planned to develop these parcels, it seems reasonable to defer any plans for location of lines and easement until development proposals are submitted or a parcel is proposed for further subdivision.

Future road access for development adjacent to and beyond this property should be considered at this time. It seems reasonable to require a half right-of-way of 30 feet along the north side of the property for a future extension of Mountain View Avenue. Future north-south access is even more critical. When Avenue B was re-located to its current intersection with 42nd Street there was a Developer's Agreement that required the Developer to set aside right-of-way for future expansion of Avenue B north of 42nd Street. When Block 1, Wegelin Subdivision, was platted a future half right-of-way of 30 feet was platted, to be dedicated if Avenue B is extended north on that original line.

The future expansion of Avenue B has been planned all the way to the north end of the property. The plan can be altered in the future as development proceeds, but a plan needs to be in place as part of this process. This plan will have Avenue B run north and skirt the west side of Block 1, Wegelin Subdivision, and then veer east towards the old line. As there is a cell tower facility that is already located in or near the old line, the new alignment is proposed to be somewhat west of the old/section line. The developer has proposed a plan that appears acceptable and appropriate to insure future connectivity.

Installing sewer, water, and road infrastructure is premature at this time and for the foreseeable future as how these properties may be developed is unknown. In lieu of constructing or bonding the improvements an agreement looking to the future whereby the developer may essentially waive the right to protest future construction and special assessments may be appropriate. This agreement should also require review at each phase of proposed development on either proposed parcel. This is not typical, but is critical due to the fact that the property owner could develop this in a manner that is typical of a subdivision but not a subdivision in fact. In addition, two parcels will be created that will not have adequate access until Avenue B is constructed. All infrastructures will be reviewed at the time any development is proposed. Said agreement shall bind future owners as well.

The Code notes that an alley shall be provided at the rear of every lot proposed to be used for business purposes. Due to the unknown development pattern that matter could conceivably be waived if a Subdivision Variance was requested. Alternatively, we could require that an easement for a 20 foot alley be required for the future and located on the north side of proposed Block 5 and along those sided of proposed Block 4 that do not have future rights-of-way platted. Alleys could be re-located appropriately at such time that the proposed parcels were further subdivided in the future.

The City Master Pathways Plan does not designate a future pathway on this property. Perry Mader recommends that we obtain an easement 20 feet in width adjacent to the canal. If the

developer proposes pathways elsewhere that accomplishes the same or better connectivity that would be acceptable. It does seem reasonable to defer this matter until development is proposed.

Proposed Block 5 is in the Enterprise Irrigation District. Proposed Lots 1, 2, & 3, of Block 4 are within the Farmers Irrigation District. When property is subdivided in these Irrigation Districts parcels are often created that cannot receive water yet will be taxed in perpetuity for District taxes. This is an issue that should be addressed up front and the Planning Commission and the Council should be aware and informed of the ramifications of their decisions. The public should also be informed and aware.

In this instance, the issues are probably minor until the properties are developed. The Enterprise Irrigation District seems to feel that transferring the rights from Block 5 to other land within their District will be feasible and preferable at such time that the landowner makes a formal request.

There has been no feedback from the Farmers Irrigation District. However, until the land is developed the issue is probably minor. However, once annexed and developed the landowner should be able to request not paying the assessment per Statute 46-141. Though not pretending to understand the laws, it does have an ability to have the assessment refunded for reasons that include: whereby lands that could not be benefited by irrigation by reason of being city lots and occupied and used exclusively for other than agricultural or grazing purposes, or lands that are non-susceptible of irrigation from the canal of the district.

The only comments received from the public were a verbal support from the Zion Evangelical Church and a question from a neighbor on the west side concerned about whether they were included in the annexation, and questions about the O & P zoning. (As of 7/31/13)

The Planning Commission must make a recommendation on the Preliminary Plat and Final Plat and must make a separate recommendation on the annexation request;

Staff recommends approval of the subdivision with the conditions that:

- 1.) That a subdivision Variance be granted or that an appropriate Plat be submitted showing the required twenty foot (20') alley easements;
- 2.) That Avenue B be platted as a one hundred foot (100') right-of-way to as noted on the Preliminary Plat;
- 3.) That a thirty foot (30') right-of-way easement be extended across the north edge of the plat for a future extension of Mountain Avenue, to be noted as a future requirement if the road is needed;
- 4.) That a note be required on the Plat stating, "This property will continue to be subject to Enterprise Irrigation District & Farmers Irrigation District taxes although infrastructure and easements may not be created to deliver water to the properties." and,
- 5.) That prior to filing of a Final Plat a written agreement between the developer and the City be recorded per 21-1-27 and 21-1-28 whereby the developer waives the right to protest future construction and special assessments.

FINDINGS OF FACT:

- 1.) Extension of future streets and utility easements have been considered and adequately addressed;
- 2.) Future public interest is secured via the Contract;

Analysis

Staff has reviewed the plat with the proposed preliminary/final plat and makes positive recommendation of the proposed plat and annexation.

RECOMMENDATION

Approve

Make a POSITIVE RECOMMENDATION to the City Council to approve preliminary & final plat of Lots 1, 2, and 3, Block 4, and Block 5, Coppom Subdivision situated in the SE ¼ of the SW ¼ of Section 11, T22N, R55W of the 6th P.M, City of Scottsbluff, Scotts Bluff County, Nebraska subject to the following condition(s):

1. That a subdivision Variance be granted or that an appropriate Plat be submitted showing the required twenty foot (20') alley easements;
2. That Avenue B be platted as a one hundred foot (100') right-of-way to as noted on the Preliminary Plat;
3. That a thirty foot (30') right-of-way easement be extended across the north edge of the plat for a future extension of Mountain Avenue, to be noted as a future requirement if the road is needed;
4. That a note be required on the Plat stating, "This property will continue to be subject to Enterprise Irrigation District & Farmer Irrigation District taxes although infrastructure and easements may not be created to deliver water to the properties." and,
5. That prior to filing of a Final Plat a written agreement between the developer and the City be recorded per 21-1-27 and 21-1-28 whereby the developer waives the right to protest future construction and special assessments.

Deny

Make a NEGATIVE RECOMMENDATION to the City Council to disapprove final plat of Lots 1, 2, & 3, Block 4 and Block 5, Coppom Subdivision situated in SE ¼ of the SW ¼ Section 11, T22N, R55W of the 6th P.M., City of Scottsbluff, Scotts Bluff County, Nebraska for the following reason(s):

TABLE

Make the motion to TABLE the final plat of Lots 1, 2, & 3, Block 4, and Block 5, Coppom Subdivision situated in the SE ¼ of the SW ¼ of Section 11 T22N, R55 W of the 6th P.M., City of Scottsbluff, Scotts Bluff County, Nebraska for the following reason(s):

Approve

Make a second motion to for positive recommendation to City Council to approve Annexation of Final Plat Lots, 1, 2, & 3, Block 4, and Block 5, COPPOM Subdivision situated in the SE ¼ of the SW ¼ of Section 11, T22N, R55W of the 6th P.M, City of Scottsbluff, Scotts Bluff County, Nebraska subject to the following condition(s):

Deny

Make a second motion to for negative recommendation to City Council for Annexation of Final Plat Lots, 1, 2, & 3, Block 4, and Block 5, COPPOM Subdivision situated in the SE ¼ of the SW ¼ of Section 11, T22N, R55W of the 6th P.M, City of Scottsbluff, Scotts Bluff County, Nebraska subject to the following condition(s):

Table

Make a second motion to table recommendation to City Council for Annexation of Final Plat Lots, 1, 2, & 3, Block 4, and Block 5, COPPOM Subdivision situated in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 11, T22N, R55W of the 6th P.M, City of Scottsbluff, Scotts Bluff County, Nebraska subject to the following condition(s):

