



# SCOTTSBLUFF CITY PLANNING COMMISSION AGENDA

Monday, September 9, 2013, 6:00 PM  
City Hall Council Chambers, 2525 Circle Drive

## PLANNING COMMISSIONERS

### CHAIRMAN

BECKY ESTRADA  
VICE CHAIRMAN

ANGIE AGUALLO

DANA WEBER

HENRY HUBER

MARK WESTPHAL

CALLAN WAYMAN

DAVID GOMPERT

JIM ZITTERKOPF

ANITA CHADWICK

- 1. WELCOME TO THE PLANNING COMMISSION MEETING:** Chairman
- 2. NEBRASKA OPEN MEETINGS ACT:** For all interested parties, a copy of the Nebraska Open Meetings Act is posted on a bulletin board at the back of the council chambers in the west corner.
- 3. ROLL CALL:**
- 4. NOTICE OF CHANGES IN THE AGENDA:** Additions may not be made to this agenda less than 24-hours prior to the beginning of the meeting unless added under item 5 of this agenda.
- 5. CITIZENS WITH ITEMS NOT SCHEDULED ON THE REGULAR AGENDA:** As required by State Law, no item may be considered under this item unless the Planning Commission determines that the matter requires an emergency action.
- 6. APPROVAL OF THE PLANNING COMMISSION MINUTES FROM:**
  - A Minutes**  
Approve minutes of 8/12/13
- 7. NEW BUSINESS:**
  - A Rezone Adams Sugar Factory Subd Request**  
Rezone: Blk 1, Sugar Factory Subd. Ag to R-1B  
Applicant: Aaron Adams  
Property Owner(s): Aaron Adams, et al  
Location: W. side of Sugar Factory Rd north Scb.
  - B Preliminary/Final Plat Sugar Factory Subdivision**  
Preliminary/Final Plat: Block 1, Sugar Factory Subdivision  
Applicant: Aaron Adams (M.C. Schaff & Associates)  
Property Owner: Aaron, Abraham, & Tim Adams  
Location: 70238 Sugar Factor Road
  - C Rezone - Proposed Lot 1, Block 2, Windbreak Subd**  
Rezone: from Agricultural to R-1 Rural Residential  
Applicant: Anderson-Shaw Investments, LLC (M.C. Schaff)  
Owner(s): Anderson-Shaw Investments, LLC  
Location: N end of 17th Ave., W. of 21st Ave
  - D Preliminary/Final Plat with Annexation Windbreak Subd**  
Preliminary/Final Plat: Lot 1, Block 2, Windbreak Subd  
Applicant: Anderson-Shaw Investment, LLC (M.C. Schaff)  
Owner(s): Anderson-Shaw Investment, LLC  
Location: N end of 17th Ave, west of 21st Ave.
  - E Final Plat Floyds Subdivision**  
Final Plat: Block 2, Floyd's Subdivision  
Applicant: Jonathan Gillam, (M.C. Schaff)  
Owner(s): Jonathan Gillam  
Location: 120 5th Avenue

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	<p><b>8. UNFINISHED BUSINESS:</b></p> <p><b>A Unfinished Business</b> Unfinished Business: None</p> <p><b>9. ADJOURN</b></p>
<p>The public is invited to participate in all Planning Commission Meetings. If you need special accommodations to participate in the meeting, please contact the Development Services Department at (308) 630-6243, 24-hours prior to the meeting.</p>	

**City of Scottsbluff, Nebraska**  
**Monday, September 9, 2013**  
**Regular Meeting**

**Item Appr. Min.1**

**Minutes**

*Approve minutes of 8/12/13*

**Minutes:**

**Staff Contact: Annie Urdiales**

**Planning Commission Minutes**  
**Regular Scheduled Meeting**  
**August 12 2013**  
**Scottsbluff, Nebraska**

The Planning Commission of the City of Scottsbluff, Nebraska met in a regular scheduled meeting on Monday, August 12, 2013, 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 August 2, 2013. 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 had 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, Glen Vandenberg called the meeting to order. Roll call consisted of the following members: Jim Zitterkopf, Henry Huber, Angie Aguillo, Anita Chadwick, Becky Estrada, and Glen Vandenberg. Absent: Gary Hutzler and Dana Weber. City officials present: Annie Urdiales, Planning Administrator, and Gary Batt, Code Administrator II.

**ITEM 2:** Chairman Vandenberg informed all those present of the Nebraska Open Meetings Act and that a copy of such is posted on the bulletin board in the back area of the City Council Chamber, for those interested parties.

**ITEM 3:** Acknowledgment of any changes in the agenda: None.

**ITEM 4:** Business not on agenda: None

**ITEM 5:** Citizens with items not scheduled on regular agenda: None

**ITEM 6:** The minutes of 7/8/13 were reviewed and approved with correction noted. A motion was made to accept the minutes with correction by Zitterkopf, and seconded by Chadwick. "YEAS": Zitterkopf, Aguillo, Chadwick, Estrada, Huber, and Vandenberg. "NAYS": None. ABSTAIN: None. ABSENT: Hutzler and Weber. Motion carried.

**ITEM 7A:** The Planning Commission reviewed a landscape plan for Wolf Auto. Wolf Auto is planning to relocate to 2216 14<sup>th</sup> Avenue. At their last meeting of July 8, 2013 the Planning Commission approved a special use permit to Wolf Auto to allow for auto sales in a C-2 zoning district. The property is located within our Gateway Greenway Overlay zone. They are requesting a waiver of the amount of trees required in the Overlay zone, they also asking that the Planning Commission allow for a three year time limit to finish proposed landscaping. They propose to complete their landscaping in two phases as follows:

- Phase 1: Install planting irrigation system, Seed all grass areas, Seed or provide rock or mulch in landscaping beds, and plant 21 medium shrubs around exterior of lot.
- Phase 2: plant remainder of shrubs and six trees.

Shane Cochran, project engineer, from Paul Reed Construction, representing property owner Dave Wolf, addressed the Planning Commission. Mr. Cochran asked that the Planning Commission consider

51 approving the change to allow them to cut back on the GGO landscaping requirements regarding the  
52 number of trees and shrubs. They would like to cut back on the trees to allow for a visual view of the  
53 vehicles from the Highway, the lot is an irregular shaped lot and has approximately 700 sq. ft. of frontage.  
54 The reason they are asking for the three year allowance for the installation of the landscaping is because  
55 of budgetary issues.

56  
57 The Planning Commission discussed Gateway requirements and whether or not the landscaping would be  
58 similar to what was required for Inland Trucks, Menards or the landscaping at O'Reilly's on Avenue I.  
59 O'Reilly's is not in the GGO district but meets the landscaping requirements for the City's landscaping  
60 codes for commercial development. The Planning Commission asked if it was possible to complete the  
61 landscaping in two years instead of three. Mr. Cochran agreed to have the landscaping done within two  
62 years of the completion of the construction.

63  
64 **Conclusion:** A motion was made by Estrada and seconded by Aguallo to approve the landscape plan for  
65 Wolf Auto with the condition that they finish the landscaping within two years of completion of their  
66 construction – which will be planting season of 2016. “YEAS”: Zitterkopf, Chadwick, Huber, Aguallo,  
67 and Estrada. “NAYS”: Vandenberg. ABSTAIN: None. ABSENT: Hutzal, and Weber. Motion carried.

68  
69 **ITEM 7B:** The Planning Commission opened a public hearing for a final plat of Lots 18A and 19A,  
70 Weber's Tracts, a replat of Tracts 17, 18, and 19, Weber's Tracts, and replat of Tracts 16 and 17, Weber's  
71 Tracts. Property owners, Rick and Victoria Bentley and Linda Abernethy are adjusting lot lines and  
72 removing easements. These parcels are located within the City's two mile extra territorial jurisdiction  
73 and located southwest of town on Fort Mitchell Drive. Mr. Bentley requested and was approved for a  
74 variance through the Board of Adjustment to allow for a detached garage to encroach into the front  
75 setback line of the lot, with the condition of the approval of the final plat. The parcels in this subdivision  
76 are geographically challenged the only place that would allow for the proposed garage was along the  
77 property line and existing easements. This subdivision is complete with all infrastructure installed the  
78 existing easement do not serve any utilities.

79  
80 Kelly Beatty, with M.C. Schaff and Associates addressed the Planning Commission and explained that  
81 the easements are located on each of the lots on Weber Tracts they do not serve any utilities, the utility  
82 companies were notified of the removal of easements and did not enter any protests. A ten foot utility  
83 easement will remain in front of the lots.

84  
85 **Conclusion:** A motion was made by Zitterkopf and seconded by Estrada to approve and make positive  
86 recommendation to City Council for the final plat of Lots 18A and 19A, Weber's Tracts, a replat of  
87 Tracts 17, 18, and 19, Weber's Tracts, and replat of Tracts 16 and 17, Weber's Tracts. “YEAS”:  
88 Zitterkopf, Chadwick, Huber, Aguallo, Estrada, and Vandenberg. “NAYS”: None. ABSTAIN: None.  
89 ABSENT: Hutzal, and Weber. Motion carried.

90  
91 **ITEM 7C:** The Planning Commission opened a public hearing for a request from Panhandle Health  
92 Properties to rezone properties described as Part of Block 2, Blocks 3, 4, 5, 6, 7, and 8, Rugger Hospital  
93 Addition and proposed Lots 1, 2, and 3, Block 4, and Block 5, COPPOM Subdivision (75± acres total).

94  
95 Panhandle Health Properties, desires to rezone a number of parcels that total approximately 75 acres from  
96 R-1A to O-P. The properties are east of the Regional West Medical Center and south of 42<sup>nd</sup> Street and  
97 northwest of the Medical Center, north of 42<sup>nd</sup> Street.

98 Neighboring zoning of the parcels south of East 42<sup>nd</sup> Street is O-P to the west, R-1a to the south, R-1 to  
99 the east and R-1 and A Agricultural to the north. Neighboring zoning of the property north of West 42<sup>nd</sup>  
100 Street is O-P and R-4 Heavy Density Multiple Family Residential to the south, R-4 and R-1a to the west  
101 and A to the north and east.

102

103 The existing land uses on the parcels south of East 42<sup>nd</sup> Street include Hospital-related facilities, Heavy  
104 Density Multiple Family and undeveloped land. The property north of West 42<sup>nd</sup> Street is undeveloped.  
105

106 The Comprehensive Plan Future Land Use Map designates the parcels south of East 42<sup>nd</sup> Street as  
107 Business Center and Multi-Family Residential. The property north of West 42<sup>nd</sup> Street is designated as  
108 Single-Family Residential. As Multi-Family and Single Family Residential are allowed uses, with  
109 Planning Commission review and approval, the proposal is in accordance with the Comprehensive Plan.  
110

111 The change in zoning to O & P will bring numerous existing uses on the south side of East 42<sup>nd</sup> Street  
112 into compliance. In addition, current and future development along this section of 42<sup>nd</sup> Street seems  
113 poised for additional growth for professional offices, particularly medically related uses. Access to 42<sup>nd</sup>  
114 Street via Avenue I/Highway 71, Avenue B and 5<sup>th</sup> Avenue portends future expansion of the street.  
115

116 Neighbors in the area Ron Wegelin, Helen Cline, and William McKenzie spoke in opposition to the  
117 rezone. Concerns were about light pollution, property values, allowable height (70') in the O & P zoning  
118 district. They questioned what the hospital will allow on the parcels and whether the hospital will sell in  
119 the future. A list of permitted uses in O & P zoning district was distributed to neighbors and Board  
120 members. There are thirty permitted uses by right in this district with 14 permitted used with a special  
121 permit from the Planning Commission. These concerns were for the undeveloped property on the north  
122 side of 42<sup>nd</sup> Street.  
123

124 Kevin Ott also spoke in opposition of the change his concerns are that past promises have not been kept  
125 and the hospital has not maintained the Heliport area as promised. A few trees that were planted have  
126 died and not been removed or replaced, weeds and other concerns about what is stored in barrels stored in  
127 this area.  
128

129 David Griffith with the hospital addressed the Planning Commission and answered some of the questions.  
130 Some interest has been expressed about a proposed medical clinic on the south side of 42<sup>nd</sup> street, which  
131 would be approximately 10,000 sq. ft. The north side of 42<sup>nd</sup> street was proposed to be final platted,  
132 annexed, and rezoned to have this parcel ready for future development; they have no plans to develop at  
133 this time. The preliminary work will save time in the future as property will be ready to go without time  
134 restrictions, as the paper work and public notices will have been applied and approved for future  
135 development, he does not foresee any circumstances where the hospital would sell the property. Property  
136 is taxed on the highest and best use of the land. Mr. Griffith will check into the complaints regarding the  
137 Heliport area and clean the area of weeds, debris, etc.

138 Rezoning the Blocks on the south side of 42<sup>nd</sup> Street will bring the area into compliance with the uses on  
139 the properties. These are all ancillary uses to the hospital which is situated to the west of these parcels.  
140

141 **Conclusion:** A motion was made by Aguallo to approve and recommend the zone change from R-1A -  
142 Single Family Residential to O & P- Office & Professional to the parcels on the south side of 42<sup>nd</sup> Street  
143 only, these parcels are part of Block 2, and Blocks 3, 4, 5, 6, 7, & 8, Rugger Hospital Addition and  
144 excluding proposed Block 4 and 5, COPPOM Subdivision, seconded by Estrada to City Council.  
145 "YEAS": Zitterkopf, Chadwick, Aguallo, Estrada, and Vandenberge. "NAYS": Huber. ABSTAIN:  
146 None. ABSENT: Hutzel, and Weber. Motion carried.

147 **Agenda Item 7D:** Preliminary and Final Plat with annexation for Block 4 and Block 5, COPPOM  
148 Subdivision was verbally withdrawn by David Griffith, Finance Director for RWMC.  
149

150 **Agenda Item 7E:** Review of Blight and Substandard Study area # 7. This study includes several areas  
151 some of the areas include are the NW corner of East 27<sup>th</sup> Street and Highway 26, the Mall area, property  
152 south of 27<sup>th</sup> Street and west of Erwin Street, and the Kmart building area, a map is included showing the

153 complete area. Proposed Development in these areas will allow property owners to improve  
154 infrastructure and improve the area overall, updating older and deteriorating buildings and infrastructure.  
155 Also, with the area designated as blighted and substandard developers will be able to apply for TIF funds  
156 for redevelopment. With TIF funding available there may be more interest in these areas with more  
157 buildings being renovated or replaced with new construction. Zoning in these areas includes C-2 –  
158 Neighborhood Commercial, C-3, R-1A Residential, and Agricultural. The Planning Commission may  
159 make a positive recommendation of this area to be forwarded to the City Council for their review and  
160 approval at their next meeting of August 19, 2013.

161  
162 Dave Schaff, with M.C. Schaff and Associates spoke in favor of the Study, the Study was done by Mike  
163 Bacon, an attorney, from Omaha who works with this Tax Increment Financing.

164  
165 Tim Reganis, property owner, of an area west of the College addressed the Commission and if able to is  
166 planning on relocating his business (Reganis Auto) to this new location. Other possible development is a  
167 hotel. The TIF funds will be used to develop the streets, water, sewer lines which will improve the area  
168 which is vacant at this time. Several others have expressed interest in this property and developing the  
169 area.

170  
171 **Conclusion:** A motion was made by Huber and seconded by Zitterkopf to make positive recommendation  
172 to City Council to approve the Blight and Substandard Study of Area # 7 “YEAS”: Zitterkopf, Huber,  
173 Chadwick, Aguallo, and Vandenberg. “NAYS”: Estrada. ABSTAIN: None. ABSENT: Hutzel, and  
174 Weber. Motion carried.

175  
176 There being no further business the Planning Commission with a motion to adjourn made by Estrada and  
177 seconded by Huber the meeting was adjourned at 7:25 p.m. “YEAS”: Huber, Aguallo, Estrada,  
178 Chadwick, Zitterkopf, and Vandenberg. NAYS: none. ABSENT: Hutzel, and Weber. Motion carried.

179

180

181 \_\_\_\_\_  
182 Glen Vandenberg, Chairperson

183

184 Attest: \_\_\_\_\_

Annie Urdiales

# **City of Scottsbluff, Nebraska**

**Monday, September 9, 2013**

**Regular Meeting**

## **Item NewBiz1**

### **Rezone Adams Sugar Factory Subd Request**

*Rezone: Blk 1, Sugar Factory Subd. Ag to R-1B*

*Applicant: Aaron Adams*

*Property Owner(s): Aaron Adams, et al*

*Location: W. side of Sugar Factory Rd north Scb.*

**Staff Contact: Annie Urdiales**

# ***SCOTTSBLUFF CITY***

## ***PLANNING COMMISSION STAFF REPORT***

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<b>To:</b>	Planning Commission	<b>Zoning:</b>	Ag currently
<b>From:</b>	Development Services Department	<b>Property Size:</b>	3.80 acres ±
<b>Date:</b>	September 9, 2013	<b># Lots/Units:</b>	1
<b>Subject:</b>	Rezone parcel from Ag to R-1B		
<b>Location:</b>	70238 Sugar Factory Road (West of 21 <sup>st</sup> Ave.)		

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### **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), Aaron Adams, LLC, has requested a rezone for proposed Block 1, Sugar Factory Subdivision a survey plat situated in the East Half of the NE¼ of Section 1, T22N, R55W of the 6<sup>th</sup> P.M., Scotts Bluff County. This parcel is in the City's extra territorial jurisdiction and situated south of County Road G and west of Sugar Factory Road. The applicant is requesting a change from Ag – Agricultural to R-1B Rural Residential. Surrounding property is zoned Ag with an area to the south which is zoned R-1B – Rural Residential.

The parcel is currently part of a 32 acre parcel lying west of Sugar Factory Road, and south of County Road G. The plan is to split a 3.80 acre parcel separating the farm house from the rest of the farm. The subdivision is exempt from the regulations but the smaller parcel will not meet the minimum lot size requirements of the Ag district (20 acres), the R-1B will meet the guidelines of this residential zoning district.

The Comprehensive Plan Future Land Use Map designates this property as Single Family Residential. There has been no comment received from the public.

Staff recommends approval of the rezone of proposed Block 1, Sugar Factory Subdivision, to R-1B – Rural Residential, subject to the rezone becoming effective upon filing of the Plat.

Findings of fact includes residential is a logical transition from Agricultural to Single Family Residential; the zoning is compatible with the Comprehensive Plan.

## **RECOMMENDATION**

### **Approve**

Make a POSITIVE RECOMMENDATION to the City Council to rezone proposed Block 1, Sugar Factory Subdivision (3.80 acres±) from A- Agricultural to R-1B Rural Residential subject to the following condition(s):

### **Deny**

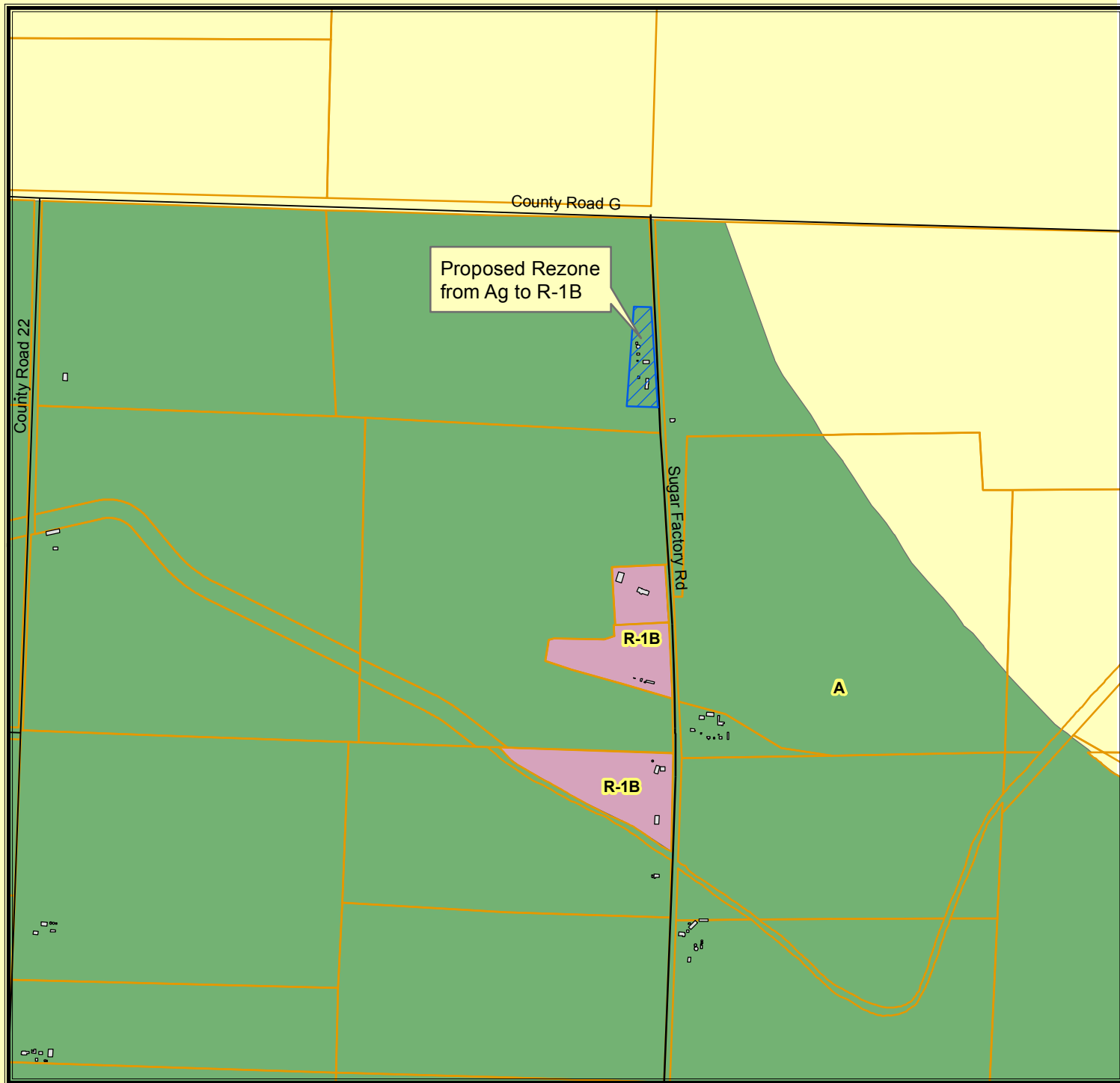
Make a NEGATIVE RECOMMENDATION to the City Council to rezone proposed Block 1, Sugar Factory Subdivision (3.80 acres±) from A- Agricultural to R-1B Rural Residential for the following reason(s):

### **Table**

Make the motion to TABLE the rezone request to rezone proposed Block 1, Sugar Factory Subdivision (3.80 acres±) from A- Agricultural to R-1B Rural Residential for the following reason(s):

# Aaron Adams Rezone

Ag to R-1B



9/9/13



Map by A. Urdiales: 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.

# **City of Scottsbluff, Nebraska**

**Monday, September 9, 2013**

**Regular Meeting**

## **Item NewBiz2**

### **Preliminary/Final Plat Sugar Factory Subdivision**

*Preliminary/Final Plat: Block 1, Sugar Factory Subdivision*

*Applicant: Aaron Adams (M.C. Schaff & Associates)*

*Property Owner: Aaron, Abraham, & Tim Adams*

*Location: 70238 Sugar Factor Road*

**Staff Contact: Annie Urdiales**

# ***SCOTTSBLUFF CITY***

## ***PLANNING COMMISSION STAFF REPORT***

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<b>To:</b>	Planning Commission	<b>Zoning:</b>	Current      Agricultural
<b>From:</b>	Development Services Department	<b>Property Size:</b>	3.80±
<b>Date:</b>	September 9, 2013		
<b>Subject:</b>	Preliminary & Final Plat - Block 1, Sugar Factory Subdivision		
<b>Location:</b>	70238 Sugar Factory Road		

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### **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), Aaron Adams, represented by M.C. Schaff and Associates, has requested approval of a preliminary and final plat of Block 1, Sugar Factory Subdivision. The preliminary/final plat will consist of one parcel of approximately 3.80± acres, split from the 32.1 acre parcel. The property is situated west of Sugary Factory Road (21<sup>st</sup> Avenue) just south of County Road G. The property owner is also proposing a rezone from Agricultural to R-1B Rural Residential where minimum lot size is three acres; this is consistent with the future land use map in the City's Comprehensive Development Plan. Properties to the north, east, and west is zoned Agricultural, property to the south is also zoned AG with a small area zoned R-1B - Rural Residential.

The parcel has access from Sugar Factory Road; 33' of additional right-of-way is shown on the parcel for future expansion/development of the street.

### **Analysis**

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

### **RECOMMENDATION**

#### ***Approve***

**Make a POSITIVE RECOMMENDATION to the City Council to approve** preliminary & final plat of Block 1, Sugar Factory Subdivision situated in the East Half of the NE ¼ of Section 1, T22N, R55W of the 6<sup>th</sup> P.M, Scotts Bluff County, Nebraska subject to the following condition(s):

#### ***Deny***

**Make a NEGATIVE RECOMMENDATION to the City Council to disapprove** Block 1, Sugar Factory Subdivision situated in East Half of the NE ¼ of Section 1, T22N, R55W of the 6<sup>th</sup> P.M., Scotts Bluff County, Nebraska for the following reason(s):

Final Plat Request, Page 1

***Table***

**Make the motion to TABLE the** final plat of Block 1, Sugar Factory Subdivision situated in the East Half of the NE  $\frac{1}{4}$  of Section 1, T22N, R55 W of the 6<sup>th</sup> P.M., Scotts Bluff County, Nebraska for the following reason(s):

FINAL PLAT

BLOCK 1, SUGAR FACTORY SUBDIVISION

SITUATED IN THE EAST HALF OF THE  
NORTHEAST QUARTER OF SECTION 1,  
TOWNSHIP 22 NORTH, RANGE 55 WEST  
OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA

SURVEYOR'S CERTIFICATE

I, Kelly A. Beatty, a Nebraska Registered Land Surveyor, hereby certify that I have surveyed and prepared a plat of BLOCK 1, SUGAR FACTORY SUBDIVISION SITUATED IN THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA, more particularly described as follows:

Commencing at the Northeast Corner of Section 1, thence southerly on the east line of Section 1, on an assumed bearing of S02°46'58"E, a distance of 510.18 feet, to the Point of Beginning, thence continuing southerly on said east line of Section 1, bearing S02°46'58"E, a distance of 981.94 feet, thence bearing N89°27'47"W, a distance of 229.11 feet, thence bearing N04°13'30"E, a distance of 982.32 feet, thence bearing S89°27'47"E, a distance of 109.06 feet, to the Point of Beginning, containing an area of 3.80 acres, more or less.

That the accompanying plat is a true delineation of such survey drawn to a scale of 100 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 \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.  
FOR THE FIRM OF M. C. SCHAFF AND ASSOCIATES, INC.

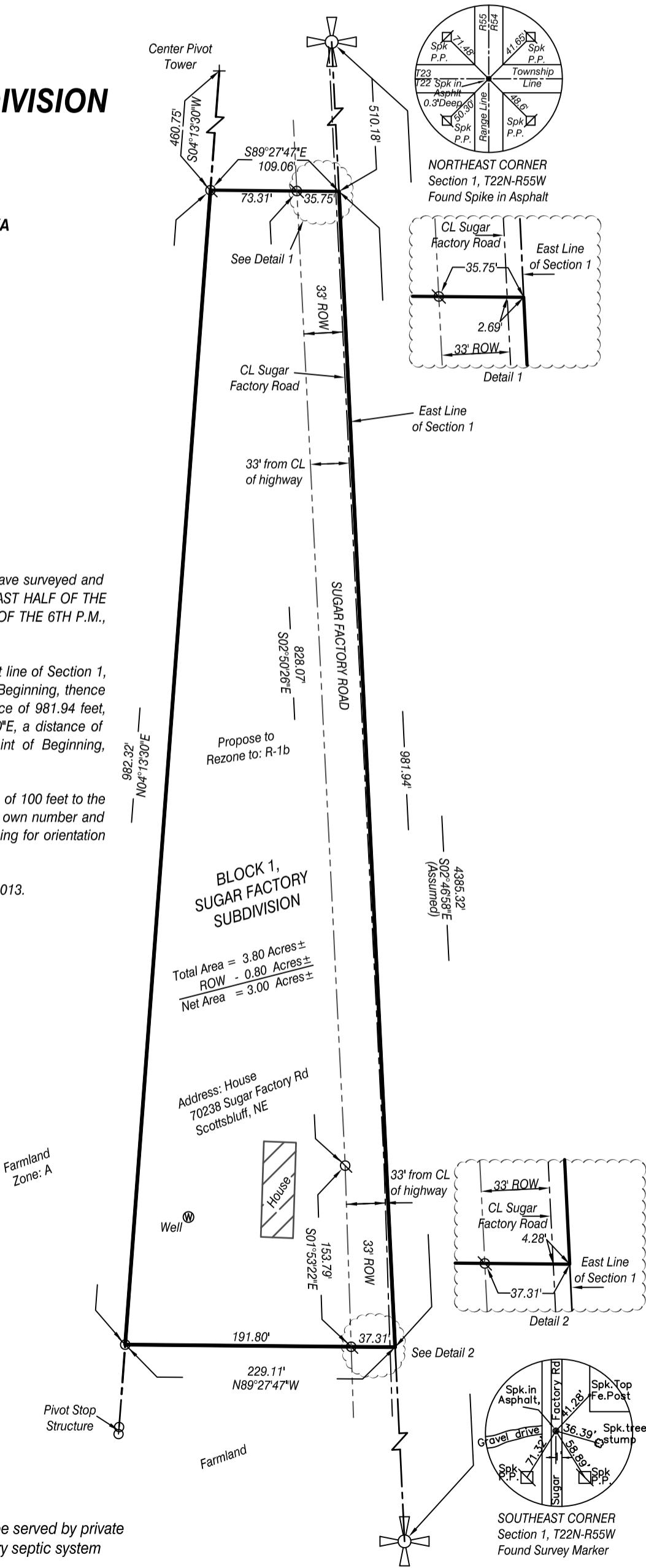
Kelly A. Beatty, Nebraska Registered Land Surveyor, L. S. 476

0 100 200  
Scale in Feet

LEGEND

- EXISTING SECTION CORNER, AS NOTED
- SET 5/8" x 24" REBAR
- WELL
- EXISTING STRUCTURES
- RIGHT OF WAY
- RECORD
- MEASURED

NOTE: Tracts will be served by private well and sanitary septic system



# **City of Scottsbluff, Nebraska**

**Monday, September 9, 2013**

**Regular Meeting**

## **Item NewBiz3**

### **Rezone - Proposed Lot 1, Block 2, Windbreak Subd**

*Rezone: from Agricultural to R-1 Rural Residential*

*Applicant: Anderson-Shaw Investments, LLC (M.C. Schaff)*

*Owner(s): Anderson-Shaw Investments, LLC*

*Location: N end of 17th Ave., W. of 21st Ave*

**Staff Contact: Annie Urdiales**

# ***SCOTTSBLUFF CITY***

## ***PLANNING COMMISSION STAFF REPORT***

---

<b>To:</b>	Planning Commission	<b>Zoning:</b>	Ag currently
<b>From:</b>	Development Services Department	<b>Property Size:</b>	1.60 acres ±
<b>Date:</b>	September 9, 2013	<b># Lots/Units:</b>	1
<b>Subject:</b>	Rezone parcel from Ag to R-1		
<b>Location:</b>	West of Sugar Factory Road, end of 17 <sup>th</sup> Ave.		

---

### **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), Anderson-Shaw Investments, LLC, have requested a rezone for proposed Lot 1, Block 2, Windbreak Subdivision a survey plat situated in the SE¼ of Section 13, T22N, R55W. This parcel is in currently in the City's extra territorial jurisdiction and situated north of 17<sup>th</sup> Avenue and west of Sugar Factory Road. The applicants are requesting a change from Ag – Agricultural to R-1 Single Family Residential. The applicants are also proposing to annex this parcel into the City's corporate limits. The purpose of the rezone & subdivision is to allow for transfer of ownership.

Zoning districts to the northeast is Ag, Ag Residential to the northwest, southwest it's R-, and R-1A to the southeast.

The parcel is currently part of a 54 acre parcel lying west of Sugar Factory Road and north of East 34<sup>th</sup> Street. The plan is to split a 1.60 acre parcel from the farmed land. The smaller parcel will not meet the minimum lot size requirements of the Ag district. Thus the request to change the zoning to R-1 single family residential, the 1.6 acre parcel meets the performance guidelines of this residential zoning district.

The Comprehensive Plan Future Land Use Map designates this property as Single Family Residential. There has been no comment received from the public.

**Staff Recommendation:** Approve the rezone of proposed Lot 1, Block 2, Windbreak Subdivision, to R-1 Single Family Residential, subject to the rezone becoming effective upon filing of the Plat.

**Findings of Fact** could include; Residential is a logical transition from Agricultural to Single Family Residential; the zoning is compatible with the Comprehensive Plan.

Rezone Request, Page 1

## **RECOMMENDATION**

### **Approve**

Make a POSITIVE RECOMMENDATION to the City Council to rezone proposed Lot 1, Block 2, Windbreak Subdivision (1.60 acres±) from A- Agricultural to R-1 Single Family Residential subject to the following condition(s):

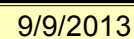
### **Deny**

Make a NEGATIVE RECOMMENDATION to the City Council to rezone proposed Lot 1, Block 2, Windbreak Subdivision (1.60 acres±) from A- Agricultural to R-1 Single Family Residential for the following reason(s):

### **Table**

Make the motion to TABLE the rezone request to rezone proposed Lot 1, Block 2, Windbreak Subdivision (1.60 acres±) from A- Agricultural to R-1 Single Family Residential for the following reason(s):

Ag to R-1



Map by A. Urdiales: 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.



# **City of Scottsbluff, Nebraska**

**Monday, September 9, 2013**

**Regular Meeting**

## **Item NewBiz4**

### **Preliminary/Final Plat with Annexation Windbreak Subd**

*Preliminary/Final Plat: Lot 1, Block 2, Windbreak Subd*

*Applicant: Anderson-Shaw Investment, LLC (M.C.Schaff)*

*Owner(s): Anderson-Shaw Investment, LLC*

*Location: N end of 17th Ave, west of 21st Ave.*

**Staff Contact: Annie Urdiales**

# ***SCOTTSBLUFF CITY***

## ***PLANNING COMMISSION STAFF REPORT***

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<b>To:</b>	Planning Commission	<b>Zoning:</b>	Current      Agricultural
<b>From:</b>	Development Services Department	<b>Property Size:</b>	1.60±
<b>Date:</b>	September 9, 2013		
<b>Subject:</b>	Preliminary & Final Plat – Lot 1, Block 2, Windbreak Subdivision		
<b>Location:</b>	North end of 17 <sup>th</sup> Ave, west of Sugar Factory Road		

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### **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), Anderson-Shaw Investments, LLC, represented by M.C. Schaff and Associates, have requested approval of a preliminary and final plat of Lot 1, Block 2, Windbreak Subdivision. The preliminary/final plat will consist of one parcel of approximately 1.60± acres. The property is situated West of Sugary Factory Road (21<sup>st</sup> Avenue) and the north end of 17<sup>th</sup> Avenue. This parcel is currently located in the City's extra territorial jurisdiction. The property owner is also proposing a rezone from Agricultural to R-1 Single Family Residential; this is consistent with the future land use map in the City's Comprehensive Development Plan. Surrounding properties to the north are zoned Ag – Agricultural and Ag Residential, to the south R-1 and R-1A single family residential.

The owner is also asking that this parcel be annexed into the City's corporate limits and has 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 September 16, 2013.

The parcel would have access from 17<sup>th</sup> Avenue, the plat include a 35' utility easement and future road right of way. The future road right of way will be dedicated to the public upon development and final platting of additional road rights of way on the west side and to the north. The lot shall be connected to city water and sewer services, no extension of public water mains and sewer mains are planned at this time.

The plat was reviewed by Water, Sewer, Transportation, and Engineer departments.

### **Analysis**

Staff has reviewed the plat with the proposed preliminary/final plat and makes positive recommendation of the proposed plat and annexation. The Planning Commission must make a recommendation on the Preliminary Plat and Final Plat and must make a separate recommendation on the annexation request.

Final Plat Request, Page 1

## **RECOMMENDATION**

### ***Approve***

**Make a POSITIVE RECOMMENDATION to the City Council to approve** preliminary & final plat of Lot 1, Block 2, Windbreak Subdivision situated in the SE ¼ of the NE ¼ of Section 13, T22N, R55W of the 6<sup>th</sup> P.M, City of Scottsbluff, Scotts Bluff County, Nebraska subject to the following condition(s):

1. Positive recommendation of rezone to R-1

### ***Deny***

**Make a NEGATIVE RECOMMENDATION to the City Council to disapprove** preliminary & final plat of Lot 1, Block 2, Windbreak Subdivision situated in the SE ¼ of the NE ¼ of Section 13, T22N, R55W of the 6<sup>th</sup> P.M, City of Scottsbluff, Scotts Bluff County, Nebraska for the following reason(s):

### ***Table***

**Make the motion to TABLE the** final plat of Lot 1, Block 2, Windbreak Subdivision situated in the SE ¼ of the NE ¼ of Section 13, T22N, R55W of the 6<sup>th</sup> P.M, City of Scottsbluff, Scotts Bluff County, Nebraska for the following reason(s):

## **Second Motion - Annexation**

### ***Approve***

Make a second motion to for positive recommendation to City Council to approve Annexation of Final Plat Lot 1, Block 2, Windbreak Subdivision situated in the SE ¼ of the NE ¼ of Section 13, T22N, R55W of the 6<sup>th</sup> 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 Lot 1, Block 2, Windbreak Subdivision situated in the SE ¼ of the NE ¼ of Section 13, T22N, R55W of the 6<sup>th</sup> P.M, City of Scottsbluff, Scotts Bluff County, Nebraska subject to the following condition(s):

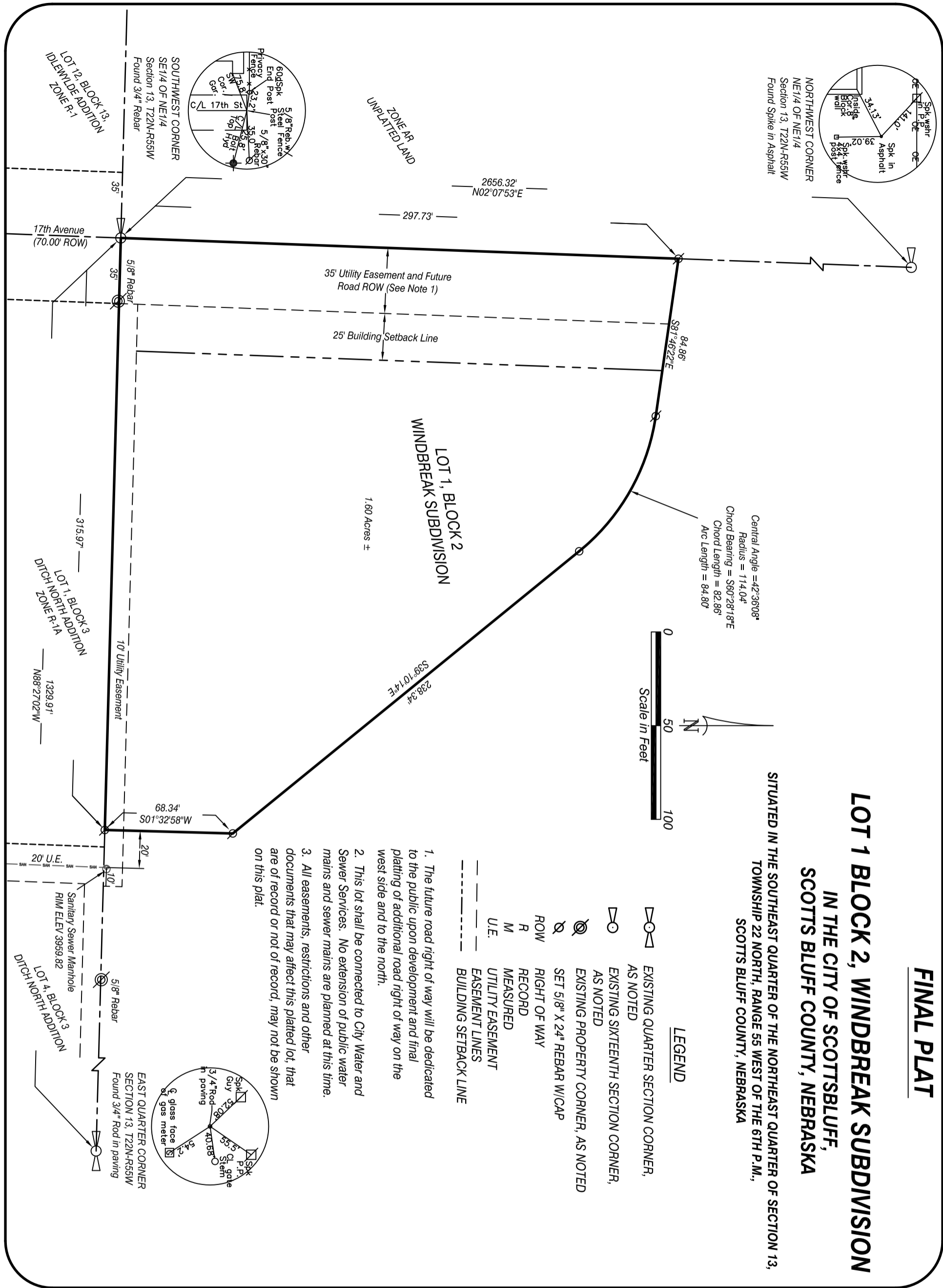
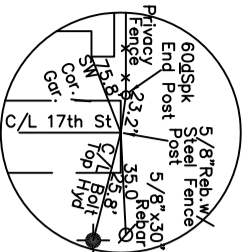
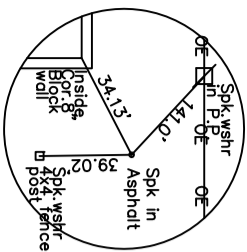
### ***Table***

Make a second motion to table recommendation to City Council for Annexation of Final Plat Lot 1, Block 2, Windbreak Subdivision situated in the SE ¼ of the NE ¼ of Section 13, T22N, R55W of the 6<sup>th</sup> P.M, City of Scottsbluff, Scotts Bluff County, Nebraska subject to the following condition(s):

# FINAL PLAT

**LOT 1 BLOCK 2, WINDBREAK SUBDIVISION  
IN THE CITY OF SCOTTSBLUFF,  
SCOTTS BLUFF COUNTY, NEBRASKA**

SITUATED IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 13,  
TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH P.M.,  
SCOTTS BLUFF COUNTY, NEBRASKA



# **City of Scottsbluff, Nebraska**

**Monday, September 9, 2013**

**Regular Meeting**

## **Item NewBiz5**

### **Final Plat Floyds Subdivision**

*Final Plat: Block 2, Floyd's Subdivision*

*Applicant: Jonathan Gillam, (M.C. Schaff)*

*Owner(s): Jonathan Gillam*

*Location: 120 5th Avenue*

**Staff Contact: Annie Urdiales**

# ***SCOTTSBLUFF CITY***

## ***PLANNING COMMISSION STAFF REPORT***

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<b>To:</b>	Planning Commission	<b>Zoning:</b>	Current C-3
<b>From:</b>	Development Services Department	<b>Property Size:</b>	1.71 ± acres
<b>Date:</b>	September 9, 2013		
<b>Subject:</b>	Block 2, Floyd's Subdivision		
<b>Location:</b>	120 5 <sup>th</sup> Avenue		

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### **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), Jonathan Gillam, represented by M.C. Schaff and Associates, have recently purchased this property from the City of Scottsbluff and have requested approval of a final plat of Block 2, Floyd's Subdivision a replat of Lot 2, Mackrill replat, a replat of Lots 4H and 4I, Mackrill Subdivision; and vacated alleys abutting north and west line of Lot 2, Mackrill replat. The final plat will incorporate vacated alleys on the north and west sides of Block 2, and retain easements in place of the alleys. The property owner is also asking for a variance from City Council of Section 21-1-20 which requires all commercial lots to have an alley to the rear of the lot. The alleys requested to be vacated have never been fully developed or used for refuse collection, as the south end of the north-south alley presently terminates at the North Platte River, and is used for surface water drainage. With the replacement of alley for public easements, the easements would serve the best interest of both the City and the property owner.

### **Analysis**

No objections have been noted from City Departments, utilities, or from the public. Staff recommends approval of the final plat with approval of variance from City Council to vacate the alleys.

### **RECOMMENDATION**

#### ***Approve***

**Make a POSITIVE RECOMMENDATION to the City Council to approve** final plat of Block 2, Floyd's Subdivision, in the City of Scottsbluff, Scotts Bluff County, Nebraska, a replat of Lot 2, Mackrill Replat, a replat of Lots 4H and 4I, Mackrill Subdivision; and vacated alleys abutting north and west line of Lot 2, Mackrill Replat in the City of Scottsbluff, Scotts Bluff County, Nebraska subject to the following condition(s):

1. Approval of variance to Vacate alleys abutting north & west side of proposed plat.

Final Plat Request, Page 1

***Deny***

**Make a NEGATIVE RECOMMENDATION to the City Council to disapprove** final plat of Block 2, Floyd's Subdivision, in the City of Scottsbluff, Scotts Bluff County, Nebraska, a replat of Lot 2, Mackrill Replat, a replat of Lots 4H and 4I, Mackrill Subdivision; and vacated alleys abutting north and west line of Lot 2, Mackrill Replat in the City of Scottsbluff, Nebraska for the following reason(s):

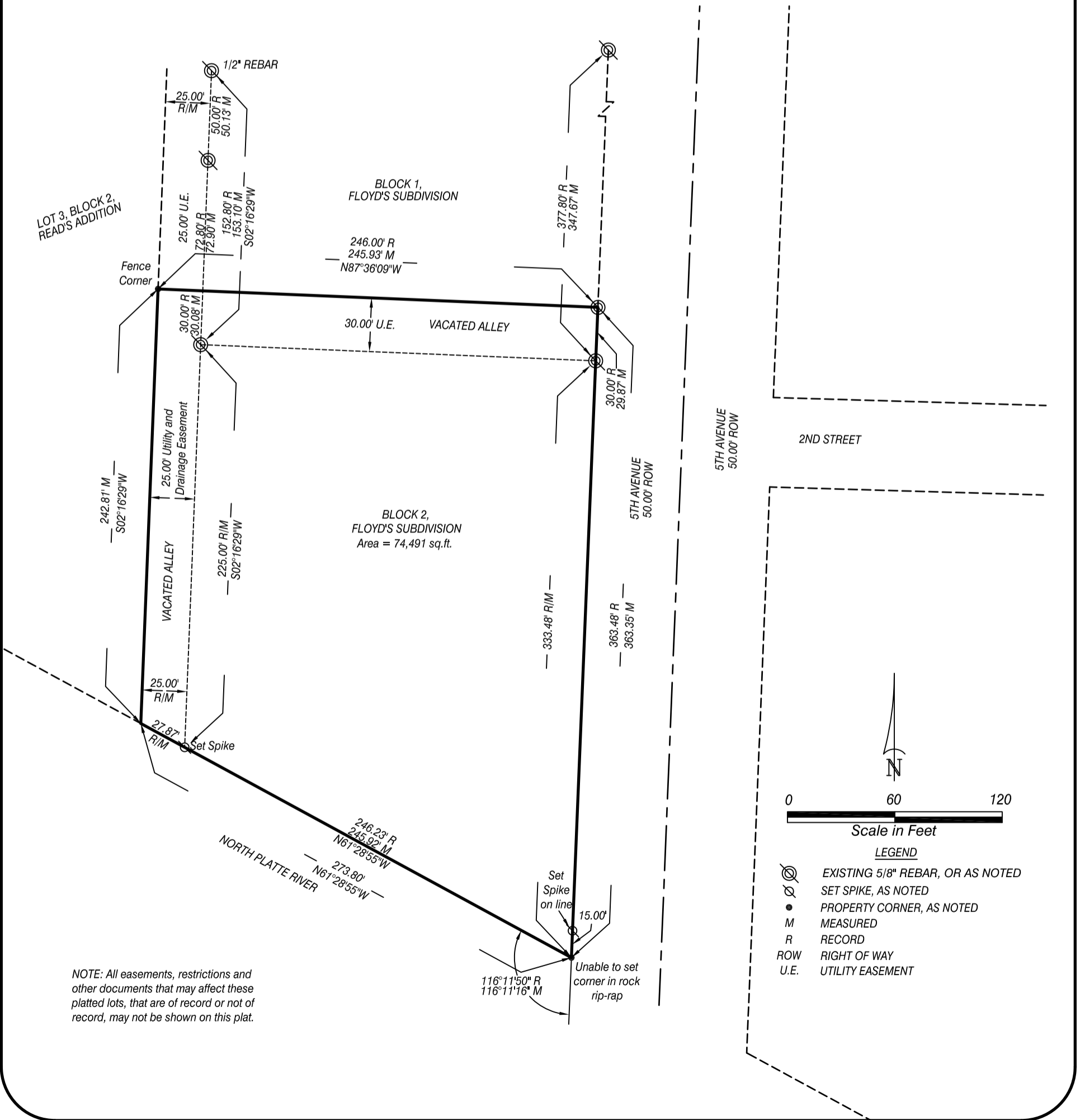
***Table***

**Make the motion to TABLE** the final plat of Block 2, Floyd's Subdivision, in the City of Scottsbluff, Scotts Bluff County, Nebraska, a replat of Lot 2, Mackrill Replat, a replat of Lots 4H and 4I, Mackrill Subdivision; and vacated alleys abutting north and west line of Lot 2, Mackrill Replat in the City of Scottsbluff, Nebraska for the following reason(s):

**FINAL PLAT**

**BLOCK 2, FLOYD'S SUBDIVISION,  
IN THE CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA,**

**A REPLAT OF LOT 2, MACKRILL REPLAT,  
A REPLAT OF LOTS 4H AND 4I, MACKRILL SUBDIVISION; AND VACATED ALLEYS  
ABUTTING NORTH AND WEST LINE OF LOT 2, MACKRILL REPLAT  
IN THE CITY OF SCOTTSBLUFF,  
SCOTTS BLUFF COUNTY, NEBRASKA**



# **City of Scottsbluff, Nebraska**

**Monday, September 9, 2013**

**Regular Meeting**

## **Item Unfin. Biz1**

### **Unfinished Business**

*Unfinished Business: None*

**Staff Contact: Annie Urdiales**