

# **City of Scottsbluff, Nebraska**

**Monday, September 16, 2013**

**Regular Meeting**

## **Item Pub. Hear.3**

**Council to conduct a Public Hearing at 6:05 p.m. to consider a zone change request for proposed Lot 1, Block 2, Windbreak Subdivision from Agricultural to R-1 Single Family Residential and consider the Ordinance.**

**Staff Contact: Annie Urdiales**

# Agenda Statement

Item No.

For meeting of: September 16, 2013

**AGENDA TITLE:** Public Hearing for zone change request for proposed Lot 1, Block 2, Windbreak Subdivision situated in the SE ¼ of Section 13, T22N, R55W of the 6<sup>th</sup> p.m. City of Scottsbluff, Scotts Bluff, County, from Agricultural to R-1 Single Family Residential.

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

**PRESENTATION BY:** Rick Kuckkahn

**SUMMARY EXPLANATION:** Council to conduct a public hearing for zone change request from property owners, Anderson and Shaw Investments Inc. to rezone proposed Lot 1, Block 2, Windbreak Subdivision (1.60 acres ±). This parcel is located west of Sugar Factory Road at the north end of 17<sup>th</sup> Avenue and is in the City's extra territorial jurisdiction. It is zoned A-Agricultural, the requested change is to R-1 Single Family Residential. Surrounding properties are zoned A - Agricultural and AR to the north and R1 and R1A to the south except for a small area to the south which is zoned R-1B Rural Residential. The subdivision is exempt from the regulations but the 1.60 acre parcel will not meet the minimum lot size requirements of the A district (20 acres). The City's comprehensive development plan future land use map designated the entire acreage owned by the applicant as single family residential.

**BOARD/COMMISSION RECOMMENDATION: STAFF RECOMMENDATION:**

## EXHIBITS

Resolution      Ordinance      Contract      Minutes      Plan/Map

Other (specify) ☐ \_\_\_\_\_

**NOTIFICATION LIST:** Yes    No ☐    Further Instructions ☐

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

Rev 3/1/99CClerk

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

AN ORDINANCE DEALING WITH ZONING, AMENDING SECTION 25-1-4 BY UPDATING THE OFFICIAL ZONING DISTRICT MAP TO SHOW THAT PROPOSED LOT 1, BLOCK 2, WINDBREAK SUBDIVISION SITUATED IN THE SE¼ OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6<sup>TH</sup> P.M., CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, WHICH IS CURRENTLY ZONED AS A-AGRICULTURAL, WILL NOW BE INCLUDED IN THE R-1 SINGLE FAMILY RESIDENTIAL ZONE, AND REPEALING PRIOR SECTION 25-1-4.

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

Section 1. Section 25-1-4 of the Municipal Code is amended to provide as follows:

**25-1-4. Zones; location; maps.** The boundaries of the zoning districts created in this chapter are shown on the zoning district map which is made a part of this municipal code. The zoning district map and all information shown thereon shall have the same force and effect as if fully set forth and described herein. The official zoning district map shall be identified by the signature of the Mayor, attested by the City Clerk under the following statement:

This is to certify that this is the official zoning district map described in §25-1-4 of the Scottsbluff Municipal Code, passed this \_\_\_\_\_ day of September, 2013.

Section 2. Previously existing Section 25-1-4 and all other Ordinances and parts of Ordinances in conflict with this Ordinance, are repealed. Provided, this Ordinance shall not be construed to affect any rights, liabilities, duties or causes of action, either criminal or civil, existing or actions pending at the time when this Ordinance becomes effective.

Section 3. This Ordinance shall become effective upon its passage, approval and publication as provided by law.

PASSED AND APPROVED on September \_\_\_\_\_, 2013.

\_\_\_\_\_  
Mayor

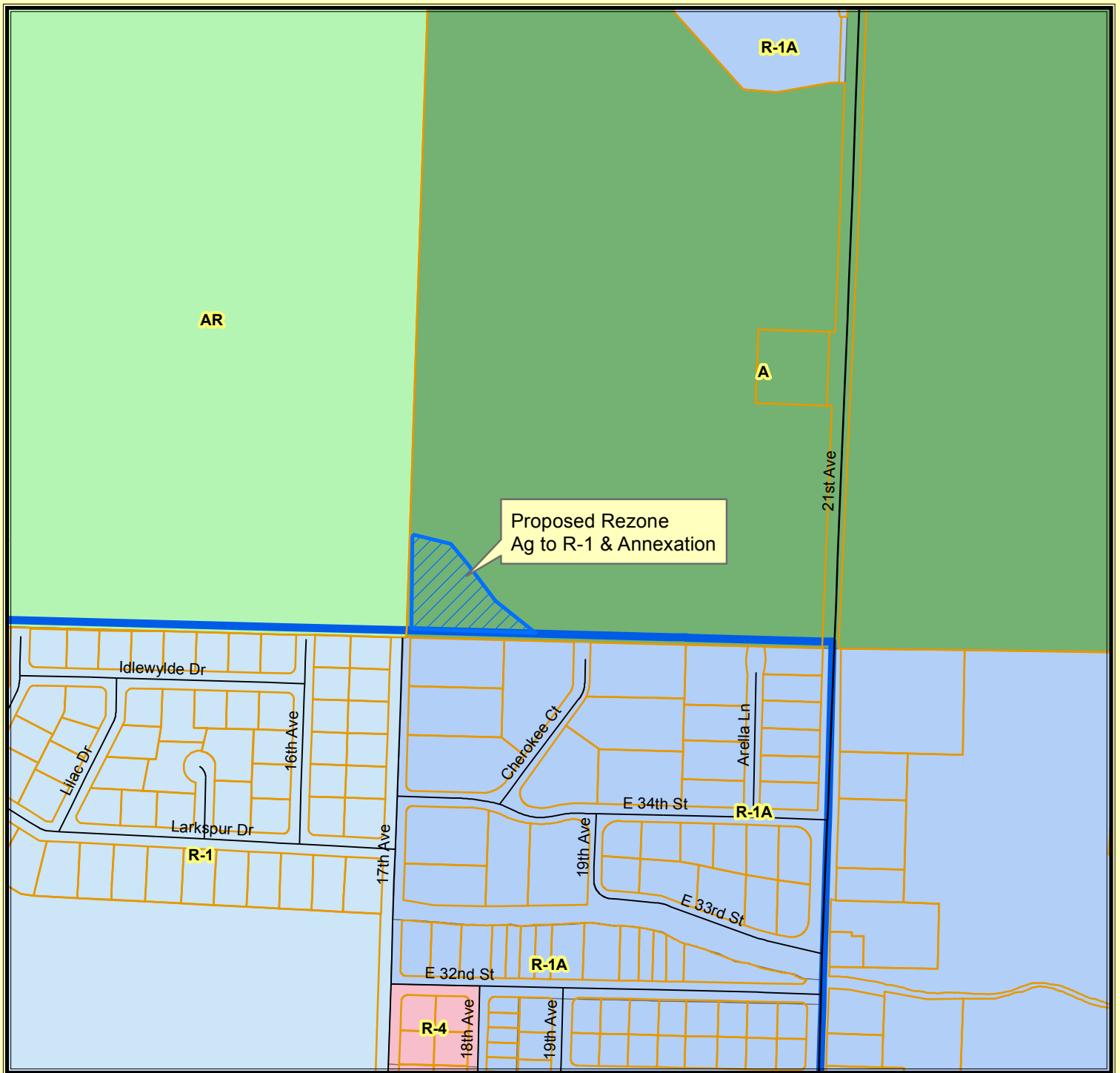
ATTEST:

\_\_\_\_\_  
City Clerk

(Seal)

# Windbreak Subdivision Rezone & Annexation

Agricultural to Single Family Residential



9/16/13



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.

**Planning Commission Minutes**  
**Regular Scheduled Meeting**  
**September 9, 2013**  
**Scottsbluff, Nebraska**

The Planning Commission of the City of Scottsbluff, Nebraska met in a regular scheduled meeting on Monday, September 9, 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 30, 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:** Vice Chairman, Becky Estrada called the meeting to order. Roll call consisted of the following members: Jim Zitterkopf, Henry Huber, Angie Aguallo, Gary Hutzal, Dana Weber, Anita Chadwick, and Becky Estrada. Absent: Glen Vandenberg. City officials present: Annie Urdiales, Planning Administrator, and Gary Batt, Code Administrator II.

**ITEM 2:** Vice Chairman Estrada 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 8/12/13 were reviewed and approved as distributed. A motion was made to accept the minutes by Huber and seconded by Zitterkopf. "YEAS": Zitterkopf, Aguallo, Chadwick, Huber, and Estrada. "NAYS": None. ABSTAIN: Weber and Hutzal. ABSENT: Vandenberg. Motion carried.

**ITEM 7A:** The Planning Commission opened a public hearing for rezone request of proposed preliminary and final plat of Block 1 Sugar Factory Road Subdivision. The property is owned by Aaron Adams, LLC and they are represented by M.C. Schaff and Associates. The acreage (32 ± acres) is currently zoned Agricultural and the request is to rezone to R-1B - Rural Residential. There is an existing farmstead on the acreage which will be subdivided into a 3.8 acre lot this will meet the minimum guidelines of Rural Residential zone. The property is located in the City's extra territorial jurisdiction (northeast of the City) and the proposed zone change meets the future land development in the City's Comprehensive Development Plan, there are a few existing rural residential lots to the south.

**Conclusion:** A motion was made by Zitterkopf and seconded by Weber to approve the proposed rezone for proposed final plat of Block 1, Sugar Factory Subdivision from Agricultural (A) to Rural Residential (R-1B). "YEAS": Zitterkopf, Chadwick, Huber, Hutzel, Weber, Aguillo, and Estrada. "NAYS": None. ABSTAIN: None. ABSENT: Vandenberg. Motion carried.

**ITEM 7B:** The Planning Commission opened a public hearing for a preliminary and final plat of Block 1, Sugar Factory Subdivision. Property owner, Aaron Adams LLC, represented by M.C. Schaff and Associates. This parcel is located within the City's extra territorial jurisdiction on the west side of Sugar Factory Road and south of County Road G. The property is presently zoned A – Agricultural the owners are subdividing a 3.80± acre parcel and propose to rezone the parcel to R-1B Rural residential, this will allow for separate ownership of the farmhouse which has an existing well and septic system. The rural residential zoning will meet the performance guidelines of this zoning district. The plat also includes a 33' right of way for future expansion of Sugar Factory Road.

**Conclusion:** A motion was made by Zitterkopf and seconded by Estrada to approve and make positive recommendation to City Council for the preliminary/final plat of Block 1, Sugar Factory Subdivision. "YEAS": Zitterkopf, Chadwick, Huber, Hutzel, Weber, Aguillo, and Estrada. "NAYS": None. ABSTAIN: None. ABSENT: Vandenberg. Motion carried.

**ITEM 7C:** The Planning Commission opened a public hearing for a request from Anderson-Shaw Investments, LLC to rezone property described as proposed Lot 1, Block 2, Windbreak Subdivision situated in the NE ¼ of Section 13, T22N, R55W of the 6<sup>th</sup> P.M. (1.60± acres total) from A- Agricultural to R-1- Single Family Residential. The property is situated west of Sugar Factory Road and directly north of 17<sup>th</sup> Avenue in the City's extra territorial jurisdiction. The Comprehensive Plan Future Land Use Map designates the parcels north of 17<sup>th</sup> Avenue as Single-Family Residential. Surrounding properties to the south are both R-1 and R-1A Single Family Residential to the north the property is zoned Agricultural

**Conclusion:** A motion was made by Weber to approve the proposed rezone of proposed Lot 1, Block 2, Windbreak Subdivision and recommend the zone change from A- Agricultural to R-1A - Single Family Residential, seconded by Chadwick to City Council. "YEAS": Zitterkopf, Huber, Chadwick, Aguillo, Weber, Hutzel, and Estrada. "NAYS": None. ABSTAIN: None. ABSENT: Vandenberg. Motion carried.

**Agenda Item 7D:** The Planning Commission opened a public hearing for a preliminary/final plat with annexation for Lot 1, Block 2, Windbreak Subdivision this parcel is situated west of Sugar Factory Road and directly north of 17<sup>th</sup> Avenue. This property is in the City's extra territorial jurisdiction and abuts the city limits. The property owners, Anderson and Shaw LLC have requested the annexation of this plat into the City's corporate limits along with the rezone request. The lot is approximately 1.60± acres and will be served by existing water and sewer to the south of the lot. The plat was reviewed and approved by City Staff and no comments were received from the public.

**Conclusion:** A motion was made by Hutzel and seconded by Weber to make positive recommendation to City Council to approve the preliminary and final plat of Lot 1, Block 2, Windbreak Subdivision with Annexation. "YEAS": Zitterkopf, Huber, Hutzel, Weber, Chadwick, Aguillo, and Estrada. "NAYS": None. ABSTAIN: None. ABSENT: Vandenberg. Motion carried.

**A second motion** was made by Weber and seconded by Hutzel to approve the annexation of Lot 1, Block 2, Windbreak Subdivision into to the City's corporate limits. "YEAS": Zitterkopf, Huber, Hutzel,

Weber, Chadwick, Aguallo, and Estrada. "NAYS": None. ABSTAIN: None. ABSENT: Vandenberg.  
Motion carried.

**Agenda Item 7D:** The Planning Commission opened a public hearing for a final plat with ordinance to vacate for Block 2, Floyds Subdivision a replat of Lot 2 in the City of Scottsbluff, Mackrill Replat, a replat of Lots 4H and 4I, Mackrill Subdivision; and vacated alleys abutting north and west line of Lot 2, Mackrill replat. This parcel is situated on the west side of 5<sup>th</sup> Avenue and south of the South Beltline Highway East. The plat comes with a request for variance (section 21-1-20) to remove the platted alleys on the north and west side of the lot and will retain the easements in place of the alleys. The alleys 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. The plat has a 20' easement on the south end of the lot which will be used as future pathway. The plat was reviewed and approved by City Staff and no comments were received from the public.

**Conclusion:** A motion was made by Weber and seconded by Huber to make positive recommendation to City Council to approve the final plat of Block 2, Floyd's Subdivision a replat of Lots 4H and 4I, Mackrill Subdivision; and vacated alleys abutting north and west line of Lot 2, Mackrill replat with the condition that City Council approves the variance to vacate alleys. "YEAS": Zitterkopf, Huber, Hutzel, Weber, Chadwick, Aguallo, and Estrada. "NAYS": None. ABSTAIN: None. ABSENT: Vandenberg.  
Motion carried.

**Unfinished Business:** Discussion regarding future nominations for Chairman and Vice Chairman at next months meeting. Glen Vandenberg and Gary Hutzel will not renew their terms on the Planning Commission. One new member Callan Wayman will serve in place of Gary Hutzel in our extra territorial jurisdiction. We need two regular members and one alternate for a full committee.

There being no further business the Planning Commission with a motion to adjourn made by Hutzel and seconded by Huber the meeting was adjourned at 6:35 p.m. "YEAS": Huber, Hutzel, Weber, Aguallo, Estrada, Chadwick, Zitterkopf, and Estrada. NAYS: none. ABSENT: Vandenberg. Motion carried.

\_\_\_\_\_  
Becky Estrada, Vice Chairperson

Attest: \_\_\_\_\_  
Annie Urdiales