

# **City of Scottsbluff, Nebraska**

**Monday, September 16, 2013**

**Regular Meeting**

## **Item Pub. Hear.5**

**Council to conduct a Public Hearing at 6:05 p.m. to consider an annexation request for proposed Lot 1, Block 2, Windbreak Subdivision, City of Scottsbluff, Scotts Bluff, County and consider the Resolution.**

**Staff Contact: Annie Urdiales**

# Agenda Statement

Item No.

For meeting of: September 16, 2013

**AGENDA TITLE:** Public Hearing for annexation 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.

**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 annex 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.

**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

## **RESOLUTION 13-\_\_\_\_\_**

WHEREAS, a request has been submitted by Anderson-Shaw Investments, LLC as the Owner for the inclusion of Lot 1, Block 2, Windbreak Subdivision, within the corporate limits and boundaries of the City of Scottsbluff, Nebraska, and said real estate being described as a tract of land being Lot 1, Block 2, Windbreak Subdivision all located in Section 13, Township 22 North, Range 55 West of the 6<sup>th</sup> P.M., Scotts Bluff County, Nebraska, more particularly described as follows:

A tract of land situated in the Southeast Quarter of the Northeast Quarter of Section 13, Township 22 North, Range 55 West of the 6<sup>th</sup> P.M., Scotts Bluff County, Nebraska, more particularly described as follows:

Beginning at the southwest corner of the Southeast Quarter of the Northeast Quarter of Section 13, thence bearing N02°07'53"E, on the west line of the Southeast Quarter of the Northeast Quarter of Section 13, a distance of 297.73 feet, thence bearing S81°46'22"E, a distance of 84.86 feet, to the point of curvature of a curve to the right, said curve having a central angle of 42°36'08", a radius of 114.04 feet, a chord bearing of S60°28'18"E, and a chord length of 82.86 feet, thence southeasterly on the arc of said curve, a distance of 84.80 feet, to the point of tangency, thence bearing S39°10'14"E, a distance of 238.34 feet, thence bearing S01°32'58"W, a distance of 68.34 feet, to the point of intersection with the south line of the Northeast Quarter of Section 13, thence bearing N88°27'02"W, on the south line of the Northeast Quarter of Section 13, a distance of 315.97 feet, to the Point of Beginning, containing an area of 1.60 acres, more or less.

; and

WHEREAS, the Scottsbluff City Planning Commission has received a request and held a public hearing on September 9, 2013 on the approval of a plat and inclusion of Lot 1, Block 2, Windbreak Subdivision within the corporate limits and recommend the Scottsbluff City Council approve said request; and

WHEREAS, said request to include the land within the corporate limits was duly signed by the owner of the real estate affected with the express intent of platting the real estate as a Lot 1, Block 2, Windbreak Subdivision an addition to the City of Scottsbluff, Scotts Bluff County, Nebraska; and

WHEREAS, a public hearing was held by the Scottsbluff City Council relating to the request on September 16, 2013, who deemed the said addition to be included within the corporate limits to be advantageous to and in the best interests of the City of Scottsbluff.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Scottsbluff, Nebraska, that the real estate which is platted as Lot 1, Block 2, Windbreak Subdivision pursuant to Section 19-916 of the Nebraska Revised Statutes and Section 21-1-61 of the Scottsbluff Municipal Code shall be included within the corporate limits of the City of Scottsbluff, Scotts Bluff County, Nebraska, and shall be and become a part of said City for all

purposes whatsoever, that the inhabitants of said addition shall be entitled to all the rights and privileges, and shall be subject to all of the laws, ordinances, rules and regulations of the City of Scottsbluff, Nebraska.

BE IT FURTHER RESOLVED that the inclusion of Lot 1, Block 2, Windbreak Subdivision within the corporate limits of the City of Scottsbluff, Nebraska is subject to the final plat being filed with the Scotts Bluff County Register of Deeds.

**PASSED and APPROVED** this \_\_\_\_ day of September, 2013.

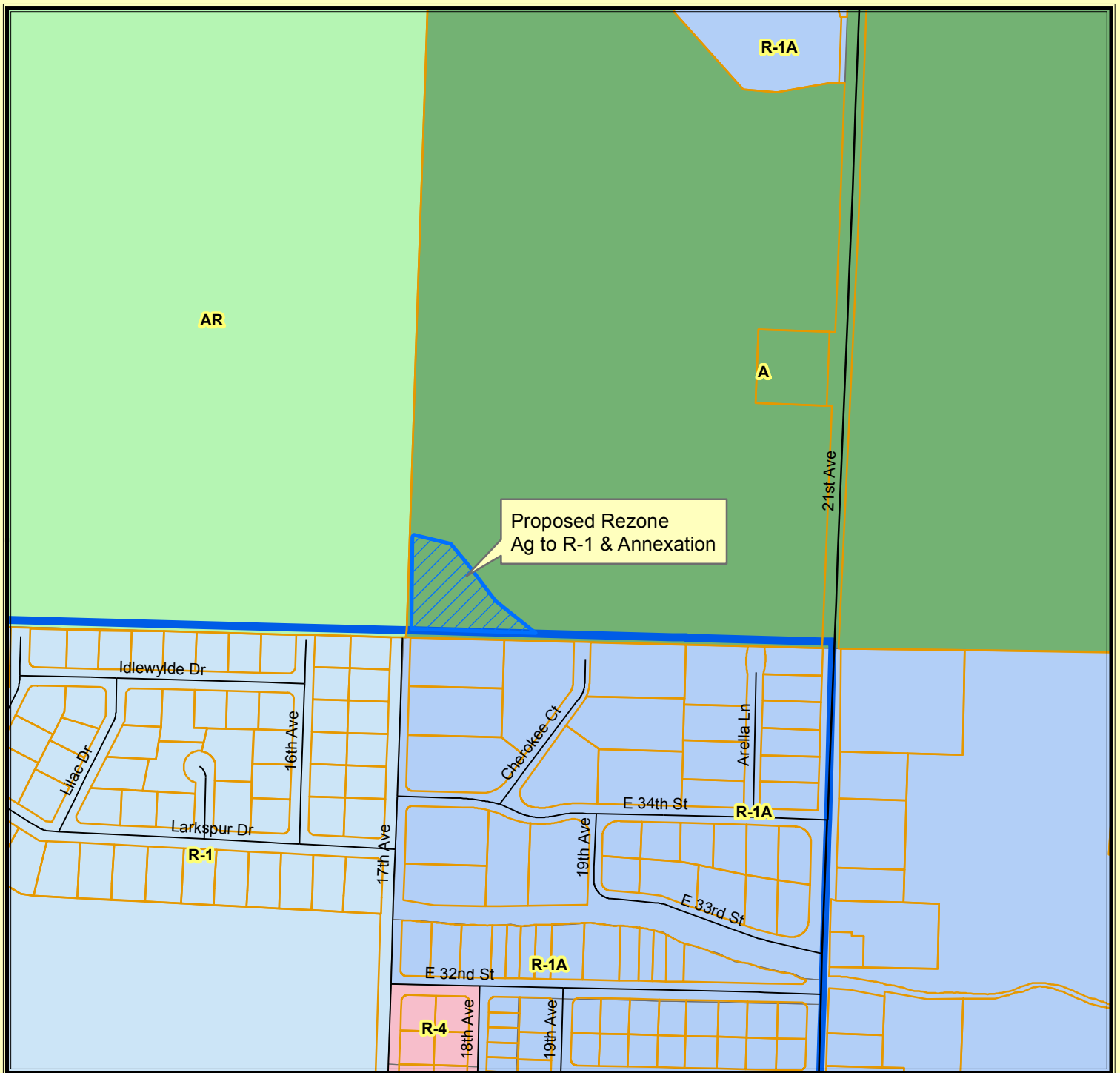
\_\_\_\_\_  
Mayor

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 Hutzell, 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 Hutzell. 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, Hutz, 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 Hutz will not renew their terms on the Planning Commission. One new member Callan Wayman will serve in place of Gary Hutz 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 Hutz and seconded by Huber the meeting was adjourned at 6:35 p.m. "YEAS": Huber, Hutz, Weber, Aguallo, Estrada, Chadwick, Zitterkopf, and Estrada. NAYS: none. ABSENT: Vandenberg. Motion carried.

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

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