

**City of Scottsbluff, Nebraska**  
**Monday, February 10, 2014**  
**Regular Meeting**

**Item NewBiz2**

**Rezone: Proposed Block 9, Five Oaks Subdivision**

*Rezone: Block 9, Five Oaks Ag to C-2*

*Applicant: C & T Holdings*

*Owner: C & T Holdings*

*Location: SE corner of Ave I & 42nd St.*

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>	7.9 acres ±
<b>Date:</b>	February 10, 2014	<b># Lots/Units:</b>	
<b>Subject:</b>	Rezone parcel from Ag to C-2		
<b>Location:</b>	East of Hwy 71(Ave. I) & South of 42 <sup>nd</sup> St.		

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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), C & T Holdings, has requested a rezone for proposed Block 9, Five Oaks Subdivision Replat situated in part of the NW<sup>1</sup>/<sub>4</sub> of Section 14 T22N, R55W of the 6<sup>th</sup> P.M., Scotts Bluff County Nebraska. The parcel is situated on the southeast corner of Highway 71(Avenue I) and 42<sup>nd</sup> Street. The applicant is requesting a change from Agricultural to C-2 Neighborhood & Retail Commercial. Surrounding property is zoned Ag, & C-3 to the south, Ag and R-4 to the east, R-4 to the north, and) O & P (office & professional) to the west.

When the preliminary plat for Five Oaks was revised in 2008 part of the change was to rezone the lots along the Highway 71 corridor to commercial lots.

Staff has reviewed and makes positive recommendation of the rezone of Block 9, Five Oaks Subdivision from Ag to C-2 with the approval of the final plat with modification to lots by City Council.

Findings of fact includes commercial is a logical transition since property to the east has been developed as Heavy Commercial.

### **RECOMMENDATION**

#### **Approve**

Make a POSITIVE RECOMMENDATION to the City Council to rezone Block 9, Five Oaks Subdivision (7.9 acres±) from A- Agricultural to C-2 Neighborhood & Retail Commercial subject to the following condition(s): Approval of final plat with lot modification.

#### **Deny**

Rezone Request, Page 1

Make a NEGATIVE RECOMMENDATION to the City Council to rezone Block 9, Five Oaks Subdivision (7.9 acres±) from A- Agricultural to C-2 Neighborhood & Retail Commercial for the following reason(s):

**Table**

Make the motion to TABLE the rezone request to rezone Block 9, Five Oaks Subdivision (7.9 acres±) from A- Agricultural to C-2 Neighborhood & Retail Commercial for the following reason(s):



REZONING MAP  
BLOCK 9 ,FIVE OAKS SUBDIVISION,  
SCOTTS BLUFF COUNTY, NEBRASKA,

SITUATED IN THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 22 NORTH, RANGE 55 WEST OF  
THE 6TH PRINCIPAL MERIDIAN, SCOTTS BLUFF COUNTY, NEBRASKA

Sheet Revisions		
Date	Description	Initials
12-30-13	DRAFTED SURVEY	CJG

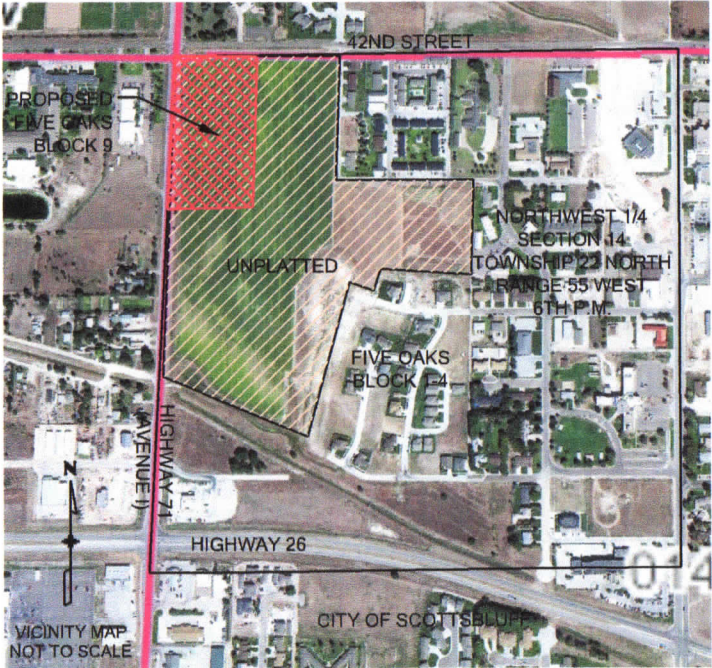


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Proposed Zoning of Five Oaks Block 9			
Title Sheet			
Baker Project Number: 023-005-13			
Project Location: Scottsbluff, Scotts Bluff County Nebraska			
Owners: C & T Holdings, L.L.C.			
Project Code	Last Mod. Date	Subset	Sheet No.
023	01-24-2014	1 of 2	1

PROJECT VICINTY MAP



PROPOSED REZONING

THE PROPOSE OF THE FOLLOWING REZONING MAP IS TO REZONE BLOCK 9 OF FIVE OAKS SUBDIVISION, AS SHOWN HEREON. THE CURRENT ZONING WILL BE CHANGED FROM AGRICULTURAL (A) TO NEIGHBORHOOD COMMERCIAL (C-2).

BLOCK 9 PROPERTY DESCRIPTION FOR REZONING

A PARCEL OF LAND KNOWN AS BLOCK 9 OF THE FIVE OAKS FINAL PLAT, CONTAINING 340,728 SQ. FT.(7.82 ACRES), MORE OR LESS, IN THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 22 NORTH, RANGE 55 WEST, OF THE 6TH PRINCIPAL MERIDIAN, IN SCOTTS BLUFF COUNTY, NEBRASKA, SAID TRACT OR PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 14, TOWNSHIP 22 NORTH, RANGE 55 WEST, OF THE 6TH PRINCIPAL MERIDIAN, BEING A FOUND 1"DIAMETER STEEL BOLT, FLUSH IN THE SURFACE OF HIGHWAY 71, STAMPED IN PART "SURVEY MARK", WHENCE THE WEST QUARTER CORNER OF SAID SECTION 14, BEING A FOUND 2"DIAMETER ALUMINUM CAP, FLUSH IN THE SURFACE OF HIGHWAY 71, NO STAMPING FOUND, BEARS SOUTH 02°03'39" WEST, A DISTANCE OF 2675.32 FEET; THENCE ALONG SAID WEST LINE OF SECTION 14, SOUTH 02°03'39" WEST, A DISTANCE OF 770.84 FEET; THENCE SOUTH 87°56'21" EAST, A DISTANCE OF 65.00 FEET TO A POINT ON THE EXISTING WESTERLY RIGHT OF WAY OF STATE HIGHWAY 71 AND TO THE POINT OF BEGINNING;

THENCE ALONG THE SAID EXISTING EAST RIGHT OF WAY LINE, NORTH 02°03'39" EAST, A DISTANCE OF 262.75 FEET;  
THENCE CONTINUING ALONG SAID EXISTING EAST RIGHT OF WAY LINE NORTH 02°37'26" EAST, A DISTANCE OF 475.46 FEET,  
THENCE ALONG THE EXISTING SOUTH RIGHT OF WAY LINE OF 42ND STREET, SOUTH 88°13'30" EAST, A DISTANCE OF 433.44 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF RED CEDAR DRIVE;  
THENCE ALONG SAID WEST RIGHT OF WAY LINE, SOUTH 01°52'51" WEST, A DISTANCE OF 813.15 FEET;  
THENCE ON THE ARC OF A CURVE TO THE RIGHT, A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 90°00'00", A DISTANCE OF 31.42 FEET, (A CHORD BEARING SOUTH 46°52'51" WEST, A DISTANCE OF 28.28 FEET) TO A POINT ON NORTH RIGHT OF WAY LINE OF WEST OAK BLVD.;  
THENCE CONTINUING THE FOLLOWING (5) FIVE COURSES ALONG THE SAID NORTH RIGHT OF WAY LINE:  
1. NORTH 88°07'09" WEST, A DISTANCE OF 5.05 FEET;  
2. THENCE ON THE ARC OF A CURVE TO THE RIGHT, A RADIUS OF 174.00 FEET, A CENTRAL ANGLE OF 20°00'00", A DISTANCE OF 60.74 FEET, (A CHORD BEARING NORTH 78°07'09" WEST, A DISTANCE OF 60.43 FEET);  
3. THENCE NORTH 68°07'09" WEST, A DISTANCE OF 204.03 FEET;  
4. THENCE ON THE ARC OF A CURVE TO THE LEFT, A RADIUS OF 226.00 FEET, A CENTRAL ANGLE OF 19°49'11", A DISTANCE OF 78.18 FEET, (A CHORD BEARING NORTH 78°01'45" WEST, A DISTANCE OF 77.79 FEET);  
5. THENCE NORTH 87°56'20" WEST, A DISTANCE OF 87.56 FEET TO A POINT ON THE EXISTING EAST RIGHT OF WAY LINE OF STATE HIGHWAY 71 AND TO THE POINT OF BEGINNING.

SURVEY NOTES

1. BASIS OF BEARINGS: ALL BEARINGS ARE BASED ON THE LINE CONNECTING THE NORTHWEST CORNER OF SECTION 14, TOWNSHIP 22 NORTH, RANGE 55 WEST, OF THE 6TH PRINCIPAL MERIDIAN AND THE WEST SIXTEENTH CORNER OF SAID SECTION 14, BEING A GRID BEARING OF SOUTH 88°13'30" EAST A DISTANCE OF 1326.35' FEET AS OBTAINED FROM A GLOBAL POSITIONING SYSTEM (GPS) SURVEY BASED ON THE NEBRASKA HIGH ACCURACY REFERENCE NETWORK (NHARN). SAID GRID BEARING IS NAD 83 (2011) NEBRASKA STATE PLANE ZONE 2600.

2. ALL DIMENSIONS SHOWN HEREON ARE U.S. SURVEY FEET.

PLANNING AND ZONING CERTIFICATE

CITY OF SCOTTSBLUFF CITY COUNCIL HAS REVIEWED THE PROPOSED CHANGES HEREON AND HEREBY APPROVES THE PROPOSED BLOCK 9 FINAL PLAT OF FIVE OAKS SUBDIVISION.

SCOTTS BLUFF CITY COUNCIL

INDEX OF SHEETS

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PAGE 2 PLAN SHEET

SURVEYOR'S CERTIFICATE

I, CARL JOHN GILBERT, A DULY REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF NEBRASKA, DO HEREBY CERTIFY THAT THIS REZONING MAP, TRULY AND CORRECTLY REPRESENTS THE RESULTS OF A SURVEY MADE IN JANUARY 2014, BY ME OR UNDER MY DIRECT SUPERVISION AND THAT ALL MONUMENTS EXIST AS SHOWN HEREON; THAT MATHEMATICAL CLOSURE ERRORS ARE LESS THAN 1:100,000 AND THAT SAID PLAT HAS BEEN PREPARED IN FULL COMPLIANCE WITH ALL APPLICABLE LAWS OF THE STATE OF NEBRASKA DEALING WITH MONUMENTS, SUBDIVISIONS OR SURVEYING OF LAND AND ALL APPLICABLE PROVISIONS OF THE SCOTTS BLUFF COUNTY AND THE CITY OF SCOTTSBLUFF SUBDIVISION REGULATIONS.

I ATTEST THE ABOVE ON THIS 29 DAY OF JANUARY, 2014.

CARL JOHN GILBERT  
NEBRASKA PROFESSIONAL LAND SURVEYOR NO. 731  
FOR AND ON BEHALF OF BAKER AND ASSOCIATES INC.  
PHONE : 308-632-3123



REZONING STATEMENT

THE UNDERSIGNED, BEING ALL THE OWNERS, MORTGAGEES, BENEFICIARIES OF DEEDS OF TRUST AND HOLDERS OF OTHER INTERESTS IN THE LAND DESCRIBED HEREIN, HAVE LAID OUT, SUBDIVIDED, AND PLATTED SAID LANDS INTO BLOCK 9 OF FIVE OAKS, AS SHOWN HEREON UNDER THE NAME AND SUBDIVISION OF FIVE OAKS BLOCK 9 THE CURRENT ZONING BE CHANGED FROM AGRICULTURAL (A) TO NEIGHBORHOOD COMMERCIAL (C-2).

BY: \_\_\_\_\_  
REPRESENTATIVE OF C & T HOLDINGS L.L.C.

STATE OF NEBRASKA )  
                                  ) SS  
COUNTY OF SCOTTS BLUFF )

ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2014,

BY \_\_\_\_\_  
WITNESS MY HAND AND OFFICIAL SEAL

MY COMMISSION EXPIRES: \_\_\_\_\_

NOTARY PUBLIC



