

City of Scottsbluff, Nebraska

Tuesday, February 18, 2014

Regular Meeting

Item Pub. Hear.4

**Council to consider the Final Plat for Block 9, Five Oaks
Subdivision, Scotts Bluff County and approve the Resolution.**

Staff Contact: Rick Kuckkahn, City Manager

Agenda Statement

Item No.

For meeting of: February 18, 2014

AGENDA TITLE: Final Plat for Block 9, Five Oaks Subdivision situated in the NW ¼ Section 14, T22N, R55W of the 6th P.M., Scotts Bluff County.

SUBMITTED BY DEPARTMENT/ORGANIZATION: Development Services

PRESENTATION BY: Rick Kuckkahn

SUMMARY EXPLANATION: Public hearing for a final plat of Block 9, Five Oaks Subdivision. Property owners, C&T Holdings, have submitted a request to plat approximately 7.9 ± acres from their Five Oaks preliminary plat. This parcel is located on the SE corner of Avenue I and 42nd Street the purpose of the final plat is to allow for the sale and commercial development of the property. This plat also comes with a request to rezone from Agricultural to C-2 Neighborhood & Retail Commercial. The plat meets the requirements of the proposed C-2 zoning district and the new owners will come back before the City with updates to the plat and a developer's agreement.

BOARD/COMMISSION RECOMMENDATION: At a regular meeting held on February 10, 2014 the Planning Commission approved the Final plat of Block 9, Five Oaks Subdivision.

STAFF RECOMMENDATION: Approval of the final plat so resolution may be recorded with the Register of Deeds.

EXHIBITS

Resolution x Ordinance Contract Minutes x Plan/Map x

Other (specify) ☐ _____

NOTIFICATION LIST: Yes No ☐ Further Instructions ☐

Bill Trumbull, 1310 Circle Drive, Scottsbluff, NE

APPROVAL FOR SUBMITTAL: _____
City Manager

RESOLUTION NO. _____

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

That the final plat of Block 9, Five Oaks Subdivision, Scotts Bluff
County, Nebraska, and unplatted lands situated in the NW ¼ of Section
14, T22N, R55W of the 6th P.M., Scotts Bluff County, Nebraska dated
February 3, 2014, duly made, acknowledged and certified, is approved.
Such Plat is ordered filed and recorded in the office of the Register of
Deeds, Scotts Bluff County, Nebraska.

Passed and approved this 18th day of February 2014.

Mayor

Attest:

City Clerk

SEAL

FINAL PLAT OF
BLOCK 9 ,FIVE OAKS SUBDIVISION,
SCOTTS BLUFF COUNTY, NEBRASKA, AND UNPLATTED LANDS

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

BLOCK 9 PROPERTY DESCRIPTION

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.

RED CEDAR DRIVE AND WEST OAK BLVD. ACCESS EASEMENT

A STREET RIGHT OF WAY KNOW AS RED CEDAR DRIVE AND WEST OAK BLVD. OF THE
FIVE OAKS FINAL PLAT, CONTAINING 69,809 SQ. FT.(1.60 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:

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A DISTANCE OF 77.79 FEET);
THENCE SOUTH 68°07'09.09" EAST, A DISTANCE OF 204.03 FEET;
THENCE ON THE ARC OF A CURVE TO THE LEFT, A RADIUS OF 174.00 FEET, A CENTRAL
ANGLE OF 20°00'00", A DISTANCE OF 60.74 FEET, (A CHORD BEARING SOUTH 78°07'09" EAST,
A DISTANCE OF 60.43 FEET);
THENCE SOUTH 88°07'09" EAST, A DISTANCE OF 5.04 FEET;
THENCE ON THE ARC OF A CURVE TO THE LEFT, A RADIUS OF 20.00 FEET, A CENTRAL
ANGLE OF 90°00'00", A DISTANCE OF 31.42 FEET, (A CHORD BEARING NORTH 46°52'51" EAST,
A DISTANCE OF 28.28 FEET);
THENCE NORTH 01°52'51" EAST, A DISTANCE OF 813.15 FEET;
THENCE SOUTH 88°13'30" EAST, A DISTANCE OF 52.00 FEET;
THENCE SOUTH 01°52'51" WEST, A DISTANCE OF 885.25 FEET;
THENCE NORTH 88°07'09" WEST, A DISTANCE OF 77.04 FEET;
THENCE ON THE ARC OF A CURVE TO THE RIGHT, A RADIUS OF 226.00 FEET, A CENTRAL
ANGLE OF 20°00'00", A DISTANCE OF 78.89 FEET, (A CHORD BEARING NORTH 78°07'09" WEST,
A DISTANCE OF 78.49 FEET);
THENCE NORTH 68°07'09" WEST, A DISTANCE OF 204.03 FEET;
THENCE ON THE ARC OF A CURVE TO THE LEFT, A RADIUS OF 174.00 FEET, A CENTRAL ANGLE OF
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OF 59.89 FEET);
THENCE NORTH 87°56'20" WEST, A DISTANCE OF 87.56 FEET;
THENCE NORTH 02°03'39" EAST, A DISTANCE OF 52.00 FEET, POINT OF BEGINNING.

Sheet Revisions

Date	Description	Initials
12-30-13	DRAFTED SURVEY	CJG

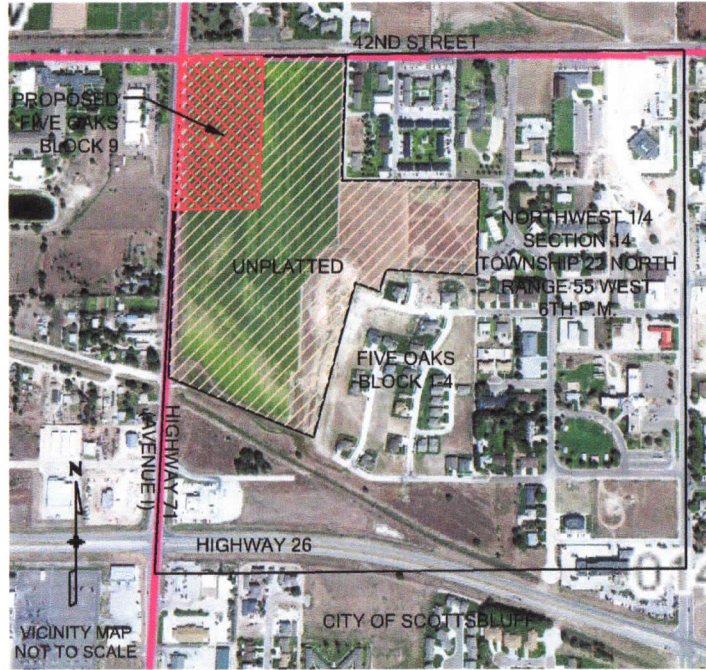


Land Survey & Final Plat of Five Oaks Block 9

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	01-30-2014	1 of 2	1

PROJECT VICINTY MAP



LEGEND

- BAKER SET 1 5/16" ORANGE PLASTIC CAP ON A 5/8" REBAR, STAMPED BAKER AND ASSOCIATES LS 731
- BOUNDARY EVIDENCE (PROPERTY CORNERS)
- SECTION CORNER SYMBOL
- QUARTER AND SIXTEENTH SECTION MONUMENTS
- NDOR CONCRETE RIGHT OF WAY MONUMENT
- ROW (R) RECORD PER PREVIOUSLY FILED SURVEYS
- (M) MEASURED BY BAKER & ASSOCIATES INC.

SURVEY NOTES

1. THIS SURVEY RELIES ON WESTERN PRAIRE TITLE & ESCROW CO. LLC, ORDER NO.: 13121653, EFFECTIVE DATE OF _____ AT 4:30 P.M. NO TITLE SEARCH WAS MADE BY BAKER AND ASSOCIATES, INC., TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. ALL TAX INFORMATION, LIENS, LEASES, ASSIGNMENTS, AGREEMENTS, MOTIONS, DECLARATIONS, PROVISIONS, CONDITIONS, RESERVATIONS, RESTRICTIONS, ZONING, COVENANTS, WATER AND MINERAL RIGHTS AND OBLIGATIONS FOR THE PROPERTY SHOWN HEREON ARE REFLECTED IN SAID TITLE COMMITMENT. BAKER AND ASSOCIATES INC. OBTAINED ADDITIONAL RIGHT OF WAY INFORMATION AND DOCUMENTS IN THE COURSE OF THE PLAT PREPARATION THAT ARE SHOWN HEREON AND ARE NOT REFLECTED ON SAID TITLE COMMITMENT
2. THE MONUMENTATION RECOVERED WAS LOCATED BY A COMBINATION OF GLOBAL POSITIONING SYSTEM (GPS) FAST STATIC, RTK AND RTK DATA LOGGING TECHNIQUES. CONVENTIONAL SURVEY METHODS WERE APPLIED WHEN REQUIRED.
3. 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.
4. ALL DIMENSIONS SHOWN HEREON ARE U.S. SURVEY FEET.
5. NOTICE: YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE (3) YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION, BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TWO YEARS FROM THE DATE OF THE CERTIFICATION SIGNATURE HEREON.

INDEX OF SHEETS

- PAGE 1 TITLE SHEET
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 PLAT 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 1:10,000 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 30th 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



APPROVAL AND ACCEPTANCE

THE FOREGOING PLAT OF BLOCK 9, FIVE OAKS SUBDIVISION, AN ADDITION TO THE CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA, WAS APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SCOTTSBLUFF, NEBRASKA, BY RESOLUTION DULY PASSED THIS _____ DAY OF _____, 2014.

BY:

RANDY MEININGER, MAYOR

ATTESTED:

CITY CLERK

OWNER'S STATEMENT

WE, 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 ACCESS EASEMENTS OF WEST OAKS BLVD. AND RED CEDER DRIVE AND THE 10' UTILITY EASEMENT, SHOWN HEREON ARE HEREBY DEDICATED FOR PUBLIC USE. THE ENTITIES RESPONSIBLE FOR PROVIDING THE SERVICES FOR WHICH THE RIGHT OF WAYS ARE ESTABLISHED ARE HEREBY GRANTED THE PERPETUAL RIGHT OF INGRESS AND EGRESS FROM AND TO ADJACENT PROPERTIES.

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: _____

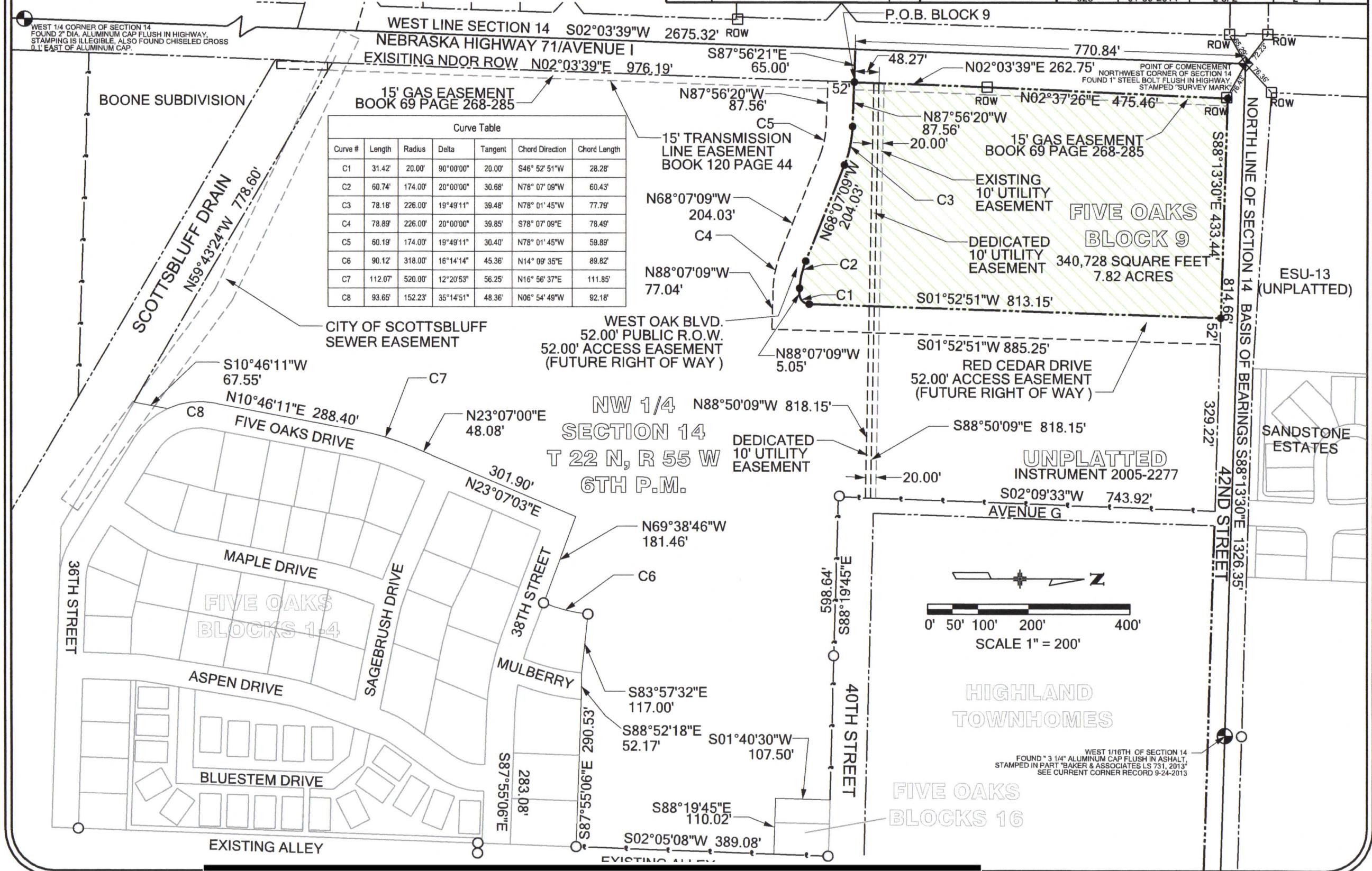
NOTARY PUBLIC

**FINAL PLAT OF
BLOCK 9, FIVE OAKS SUBDIVISION,
SCOTTS BLUFF COUNTY, NEBRASKA, AND UNPLATTED LANDS**
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		
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12-30-13	DRAFTED SURVEY	CJG

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www.baker-ang.com
Engineers * Architects * Surveyors
COPYRIGHT

Land Survey & Final Plat of Five Oaks Block 9			
Plan 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	Subst	Sheet No.
023	01-30-2014	2 of 2	2



Planning Commission Minutes
Regular Scheduled Meeting
February 10, 2014
Scottsbluff, Nebraska

The Planning Commission of the City of Scottsbluff, Nebraska met in a regular scheduled meeting on Monday, February 10, 2014, 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 January 31, 2014. 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, Becky Estrada called the meeting to order. Roll call consisted of the following members: Jim Zitterkopf, David Gompert, Anita Chadwick, Henry Huber, Dana Weber, Callan Wayman, Mark Westphal, and Becky Estrada. Absent: Angie Aguillo. City officials present: Annie Urdiales, Planning Administrator, Annie Folck, City Planner, Howard Olson, City Attorney, and Gary Batt, Code Administrator II.

ITEM 2: 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 1/13/14 were reviewed and approved. A motion was made to accept the minutes by Westphal, and seconded by Zitterkopf. "YEAS": Zitterkopf, Wayman, Westphal, and Estrada. "NAYS": None. ABSTAIN: Gompert, Chadwick, Huber, and Weber. None. ABSENT: Aguillo. Motion carried.

ITEM 7A: The Planning Commission opened a public hearing on a final plat for Block 9, Five Oaks Subdivision, Scotts Bluff County, NE and unplatted lands situated in the NW ¼ of Section 14, T22N, R55W of the 6th p.m. This parcel is located on the southeast corner of Avenue I and West 42nd Street. The property owners, C&T Holdings, are requesting the final plat of approximately 7.82 acres along with a rezone of the property to allow for sale of the lot for commercial development. The parcel will have access on 42nd Street and Avenue I with future streets abutting the parcel to the east and south. The new property owners will come back to the Planning Commission with a replat of the lot with the platted streets, the plat will also include annexation language to incorporate the lot into the City's corporate limits. A developer's agreement will also be submitted at that time for City Council approval. No

extension of public water and sewer mains are planned at this time, the existing infrastructure is in place for this area.

Conclusion: A motion was made by Westphal and seconded by Gompert to make positive recommendation to City Council to approve the Final Plat of Block 9, Five Oaks Subdivision. "YEAS": Zitterkopf, Wayman, Chadwick, Gompert, Huber, Weber, Westphal, Aguillo, and Estrada. "NAYS": None. ABSTAIN: None. ABSENT: Aguillo. Motion carried.

Agenda Item 7B: The Planning Commission opened a public hearing for the rezone request of Block 9, Five Oaks Subdivision from A - Agricultural to C-2 Neighborhood & Retail Commercial. The property is located on the SE corner of Avenue I and West 42nd Street existing zoning is agricultural when the preliminary plat was revised in 2008 and the area along Avenue I was shown as future commercial lots. The request for the C-2 zone fits all the performance guidelines of the proposed final plat.

Conclusion: A motion was made by Weber and seconded by Zitterkopf to approve the zone change of Block 9, Five Oaks Subdivision from A- Agricultural to C-2 Neighborhood & Retail Commercial. "YEAS": Zitterkopf, Westphal, Gompert, Weber, Huber, Chadwick, Wayman, and Estrada. "NAYS": None. ABSTAIN: None. ABSENT: Aguillo. Motion carried.

Agenda Item 7C: The Planning Commission opened a public hearing for a rezone request of lots 16-27, Block 1, Westfield Estates Replat and Lots 4&5, Block 2, Westfield Estates Replat.

Planning Commissioner Henry Huber declared a conflict of interest as he is the new property owner of these lots and asked to be recused for this item. A motion was made by Zitterkopf and seconded by Westphal to excuse Henry Huber from Agenda Item 7C rezone request "YEAS": Zitterkopf, Westphal, Gompert, Weber, Chadwick, Wayman, and Estrada. "NAYS": None. ABSTAIN: Huber. ABSENT: Aguillo. Motion carried

Mr. Huber is asking for a zone change of several lots in Westfield Estates Replat Subdivision. This subdivision is located in the City's extra territorial jurisdiction and situated south of Highway 26 and West of Highway 71 and the Overpass. Lots 16 through 25, Block 1, are zoned R-1A, & Lots 26 & 27, Block 1 are zoned C-2. These lots are situated north of Burlington Boulevard. Lot 4, Block 2 is zoned R-1 & Lot 5, Block 2 is zoned C-2 these two lots are situated south of West 35th Street. Mr. Huber is asking the Planning Commission to consider a change of all the lots to C-3 Heavy Commercial. The lots north of Burlington Boulevard border the Railroad tracks and Highway 26 on the rear property line; because of this the best fit and use of these lots would be a commercial zone. Parcels to the north, west and east are zoned C-3 and C-2 with the majority being C-3 Heavy Commercial. There is no city water or sewer in this subdivision and it could be sometime before City utilities would be extended to this area. With bigger commercial lots state guidelines for well and septic fields would be used if necessary depending on the type of commercial use. With the Railroad tracks and Highway 26 to the north this area is not a good fit for residential development. Another consideration is the road itself Burlington Boulevard is considered a private road and the County does not maintain, the developer would have to approach the County about maintaining the road or maintain the road privately on his own.

Neighbors from Westfield Estates asked Mr. Huber what he intends to develop the proposed commercial lots as they enjoy the quiet neighborhood and concerned about commercial uses. Mr. Huber intends to build a home on the west side of the berm and access onto that lot would be from Burlington Boulevard, he does not want heavy commercial traffic on the street either and would hope for possibly some storage units or comm shops. The Planning Commission asked if there were previous issues when the batch

plant was there. There were no problems because a berm was put in place on the east end of the batch plant and the traffic was to the north of the neighborhood. The difference between the C-3 Heavy Commercial and C-2 Neighborhood & Retail Commercial is the number of permitted used allowed in the zones. C-3 allows for 106 permitted used by right where as the C-2 zone allows for 68 permitted used by right.

The Planning Commission asked if Mr. Huber would be opposed to zoning the lots to the north of Burlington Boulevard to C-3 Heavy Commercial and the lots on the south side of 35th Street as C-2. The commercial zones do require a buffer between a commercial and residential zone, which will offer some protection to the residential homes on 35th Street. Mr. Huber said he would be okay with that change.

Conclusion: A motion was made by Weber and seconded by Westphal to approve the zone change of Lots 16-27 Block 1, Westfield Estates Replat from R-1A & C-2 to C-3 Heavy Commercial, and Lot 4, Block 2, Westfield Estates to C-2 from R-1A. "YEAS": Zitterkopf, Westphal, Gompert, Weber, Huber, Chadwick, Wayman, and Estrada. "NAYS": None. ABSTAIN: None. ABSENT: Aguillo. Motion carried.

Item 7D: The Planning Commission opened a public hearing on a preliminary plat of Revision # 1 Block 9, Reganis Subdivision situated in the SE ¼ of the SW ¼ of Section 13, T22N, R55W of the 6th p.m.

The applicants and property owners Tim and Virginia Reganis, represented by M.C. Schaff and Associates have submitted a revised preliminary plat of the Reganis Subdivision. The Planning Commission had previously approved a preliminary plat for this subdivision in November of 2013. The revised preliminary has been scaled back from the original plat that was approved. The subdivision is situated directly north of 27th Street, east of US Hwy 26, west of WNCC and south of Talisman Drive. The property consists of approximately 25.27 acres and includes the east portion of 12th Avenue. Twelfth Avenue will be extended south to 27th Street and Winter Creek Drive will be extended to the east.

City Staff and Baker and Associates have reviewed the revised preliminary plat. Adjustments were made to the plat and it meets all the subdivision codes and City standards for a preliminary plat.

Tim Reganis, property owner, spoke in support of the revised preliminary plat; the revised plat has been scaled back. Mr. Reganis plans to open a Honda Dealership on Block 9; future plans include a hotel, and smaller commercial development. He hopes to move the rest of his dealership to this area sometime in the future.

The lots north of Wintercreek Drive are zoned residential and the plan is to build duplexes. Twelfth Avenue is shown and will divide the Reganis property from the College property except for proposed Block 12, which is on the east side of 12th Avenue.

Larry McCaslin, a property owner in Sheldon Heights Subdivision to the south of the development addressed the Planning Commission voicing concern over the safety of the access onto 27th Street. He suggested alternate placement of 12th Avenue by aligning streets on the south side of 27th Street.

Annie Folck, City Planner, speaking for City Staff addressed the concerns with the Sheldon Heights Subdivision to the south. Staff didn't believe that the placement of 12th avenue would create extra traffic interfering with access to 27th. In addition, most of the traffic from the two streets in that subdivision will most likely head east or west on 27th Street and not cross to 12th wherever it may be located. The City

Staff sees this as the current plan for 12th Avenue to be the best layout for the development. If 12th Avenue is moved over the buffer between the college and the new development will be lost. The college wants to utilize 12th Avenue as an access to Conestoga Hall and would like to eventually abandon the current access on the east end Pioneer Hall.

The question was asked if in the future the hotel is built could this create more traffic and whether or not a traffic study has been done in this area and if a traffic light could be installed to accommodate the increase in traffic. A traffic study has not been done, it could be done after the development and at that time get a more accurate traffic numbers and if indicated the need for a traffic light it could be considered. A light in this area could cause more traffic backup, and turn lanes could be planned into 27th Street if necessary.

John Schaffer, 2601 Addison Avenue also voiced his concerns with the traffic safety and access onto 27th Street from their subdivision.

Clayton Neilsen, with M.C. Schaff and Associates, addressed the Planning Commission. He has drawn up the plans for the plat, and realigning 12th Avenue will not help traffic accessing 27th Street from the north. Twenty-Seventh Street could accommodate a center turn lane for both left and right turns from 27th Street.

Howard Olsen, City Attorney, addressed the Planning Commission, there is record of a public easement between the College and the past property owner Melvin Maxwell, the predecessor to Reganis. The public easement was recorded in May of 1997. The easement was done in conjunction with a conveyance done by the Maxwell's with the college so the college had reassurance that 12th Avenue would fall in the same location shown on the plat. The City was not part of this transaction and is not bound to this easement as it was between the property owners of record at that time but does express the intention of the parties at that time.

Mr. McCaslin addressed the Planning Commission about a possible alternative for the street layout. A possible solution something to consider in the current layout the alley on east side of Block 9 almost lines up with Addison, switch location of 12th Avenue and the alley around then 12th intersects opposite Addison and go straight up alley and have t- intersection for hotel and also have access for Block 9 (car lot), instead of off of 27th Street. Mr. Reganis indicated he wants his development to front 12th Avenue and he does not want two properties on each side of the street, as he hopes to move his entire dealership to this area in the future. The college also prefers the current plan.

Conclusion: A motion was made by Huber and seconded by Chadwick to approve the revised preliminary plat of Reganis Subdivision Revision No. 1. "YEAS": Zitterkopf, Westphal, Gompert, Weber, Huber, Chadwick, Wayman, and Estrada. "NAYS": None. ABSTAIN: None. ABSENT: Aguallo. Motion carried.

Item 7 E: The Planning Commission opened a public hearing for a final plat of Block 9, Reganis Subdivision situated in the SE ¼ of the SW ¼ of Section 13, T22N, R55W of the 6th P.M., Scotts Bluff County. The final plat consists of 4.67 ± acres, from their revised preliminary plat. The platting of Block 9 on the north side of 27th Street also dedicates a 50' right-of-way on the south side of Block 9 for 27th Street. This parcel is located north of 27th St., east of US Hwy 26, west of the college, and south of Talisman Drive. The purpose of the final plat is to allow for commercial development. The plat meets the requirements of the C-2 zoning district.

Conclusion: A motion was made by Westphal and seconded by Gompert to approve the final plat of Block 9, Reganis Subdivision. "YEAS": Zitterkopf, Westphal, Gompert, Weber, Huber, Chadwick, Wayman, and Estrada. "NAYS": None. ABSTAIN: None. ABSENT: Aguillo. Motion carried.

Item 7F: The Planning Commission opened a public hearing for the Redevelopment Plan for the Reganis Development.

This redevelopment plan impacts only the Reganis project, and not the rest of the area that was declared blighted and substandard. The major improvements funded from the TIF (Tax Increment Financing) will be site preparation (removal of existing buried foundations and pipes), movement of dirt and tiling and re-sloping of Winters Creek Canal. The developer intends to use Block 9, Reganis Subdivision for auto sales and is also applying for a special use permit from the Planning Commission as the area is located in a C-2 Neighborhood Retail and Commercial Zoning District.

Larry McCaslin addressed the Planning Commission with questions about the funding and how the TIF funds are distributed would like to know if any funds would possibly be used for the paving of the streets in Sheldon Heights. Other question he has are the legal issues how TIF money can be used what type of projects, what type of work can be paid for and how the TIF money can generate. He had several other questions regarding the use of the TIF funds what's allowed and what isn't on a proposed development using Tax Increment Financing.

Howard Olsen addressed the Planning Commission regarding TIF. TIF fosters development property allowing new development to be constructed and paid through the tax increment financing. It is the type of financing that uses the difference between the value and tax of the property before the project versus the value and tax on the developed property. The difference is used to pay back the bonds that the City issues to pay for the permitted improvements. The bonds are purchased by the developer. The City has no liability or risk. The developer chooses what he wants to use TIF for and the City makes sure that the proposed use of funds meets legal requirements. Tiling of the Winter Creek Canal is considered a public improvement (46-128 public use). Site preparation is allowed under 18-2103 provides specifically for removal of old structures. The assessor sets the value, but we will have estimates before that. The TIF agreement will be reviewed and approved by the City Council. That agreement drills down the specifics on the plan between the developer and the City.

Bill Trumbull addressed the Planning Commission in favor of Tax Increment Financing, they have used it in the past and we may be seeing a lot more use of TIF in the future. Several existing projects in the past were done with TIF and its use is broad and valuable.

Tim Reganis said many of the questions will be answered in the agreement of the Redevelopment Plan by the City Council. His development is pretty conservative and if funds exceed the uses, the City would have control of those funds.

Conclusion: A motion was made by Weber and seconded by Gompert to approve the Redevelopment Plan for Block 9, Reganis Subdivision. "YEAS": Zitterkopf, Westphal,

Gompert, Weber, Huber, Chadwick, Wayman, and Estrada. "NAYS": None. ABSTAIN: None. ABSENT: Aguillo. Motion carried.

Item 7G: The Planning Commission opened a public hearing for a request of a special use permit for Block 9, Reganis Subdivision. The applicant(s), Tim Reganis, is requesting a special permit to allow for auto sales in a C-2 Neighborhood and Retail Commercial zoning district. Mr. Reganis is also the property owner of said property, which is situated on the Northeast corner of 27th Street and Highway 26, legal description in Block 9, Reganis Subdivision.

Auto sales are a permitted use in a C-2 zone with a special use permit from the Planning Commission. There are several pre-existing auto sales businesses in the C-2 zoning districts throughout the City. The Planning Commission has approved other requests for this type of special permit. (2417 Avenue I, 2419 Avenue I, 112 West 27th St. and Wolf Auto on 14th Avenue and Hwy 26) City Staff intends to come back before the Planning Commission with a proposed text change to allow auto sales as a permitted use by right to the C-2 zoning district.

A landscape plan has been submitted and will be reviewed to make sure it falls under the guidelines for the City's GGO (gateway greenway overlay) zone requirements. The Planning Commission did allow for a reduced landscape plan for Wolfe Auto who is also in the GGO zoning district.

Signage for the Honda Dealership will have to meet requirements of the zoning district; these signs will be reviewed and approved by the Development Services staff. If City sign requirements are not met, the plans will come back before the Planning Commission.

Conclusion: A motion was made by Weber and seconded by Westphal to approve the Special Use Permit in the C-2 zoning district at 1117 East 27th Street. "YEAS": Zitterkopf, Westphal, Gompert, Weber, Huber, Chadwick, Wayman, and Estrada. "NAYS": None. ABSTAIN: None. ABSENT: Aguillo. Motion carried

ITEM 8. Unfinished Business: The Planning Commission was reminded about the annual APA/NPZA conference in March and the City's recognition dinner next Friday, February 21, 2014.

There being no further business the Planning Commission with a motion to adjourn made by Chadwick and seconded by Wayman the meeting was adjourned at 7:35 p.m. "YEAS": Wayman, Westphal, Huber, Gompert, Zitterkopf, Chadwick, Weber, and Estrada. NAYS: none. ABSENT: Aguillo. Motion carried.

Becky Estrada, Chairperson

Attest: _____
Annie Urdiales