

# **City of Scottsbluff, Nebraska**

**Monday, September 15, 2014**

**Regular Meeting**

## **Item Subdiv.1**

**Council to consider the Preliminary Plat for Premier Estates.**

**Staff Contact: Annie Urdiales, Planning Administrator**

# Agenda Statement

Item No.

For meeting of: September 15, 2014

**AGENDA TITLE:** Preliminary Plat for Premier Estates

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

**PRESENTATION BY:** Rick Kuckkahn

**SUMMARY EXPLANATION:** Paul Reed Construction has submitted a Preliminary Plat for Premier Estates for property owners, Judson and Susan Martin, for review and approval by the Planning Commission & City Council.

The property is in the City's extra territorial jurisdiction and situated north of County Road H (56<sup>th</sup> st) and about a three quarters of a mile west of Highway 71. City staff and Consultants have reviewed the preliminary plat and proposed infrastructure to the property. The developer has also checked with the County regarding access of off County Road H. The area is approximately 40± acres and will be developed into twelve (12) lots of approximately three acres each. Each lot will be served with a water well and septic system. We asked for a few revisions to the street layout which will help emergency vehicles access onto all the lots. We have requested that a Drainage Report be submitted and approved before final plat is approved by the Planning Commission and City Council. A public hearing for the proposed zone change to R-1B – Rural Residential will be held on October 6, 2014.

**BOARD/COMMISSION RECOMMENDATION:** At a regular meeting held on September 8, 2014 the Planning Commission approved the proposed preliminary plat for Premier Estates. A drainage report as per City code to be submitted before final plat approval.

**STAFF RECOMMENDATION:** Approve Preliminary Plat of Premier Estates to allow Developer to move forward with Final Platting and development of property.

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## EXHIBITS

Resolution ☐ Ordinance ☐ Contract ☐ Minutes x Plan/Map x

Other (specify) ☐ \_\_\_\_\_

**NOTIFICATION LIST:** Yes ☐ No ☐ Further Instructions ☐  
Shane Cochran, Paul Reed Construction, 2970 N 10<sup>th</sup> St. Gering, NE 69341

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

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Rev 3/1/99CClerk

# A Plat Of Unincorporated Land To A Subdivision In Scotts Bluff County, Nebraska

Project Address:  
County Of Scottsbluff  
Township: 22N Range: 55W  
Section: 3 Quarter: S/W  
1/4 Quarter: S/E  
Latitude: 41° 54' 16"N  
Longitude: 103° 41' 16"W  
General Elevation: 3980 Feet

Adam L. Reed

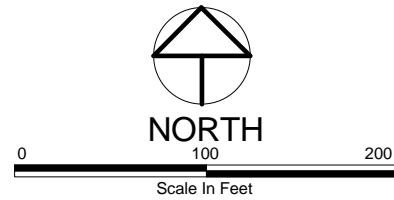
Premier Estates Lots 1 - 12

**PRELIMINARY  
PLAT**

|                |           |
|----------------|-----------|
| Project number | XXXX-2014 |
| Date           | 8/08/2014 |
| Drawn by       | Author    |
| Checked by     | Checker   |

**1.0**

|       |              |
|-------|--------------|
| Scale | 1" = 100'-0" |
|-------|--------------|

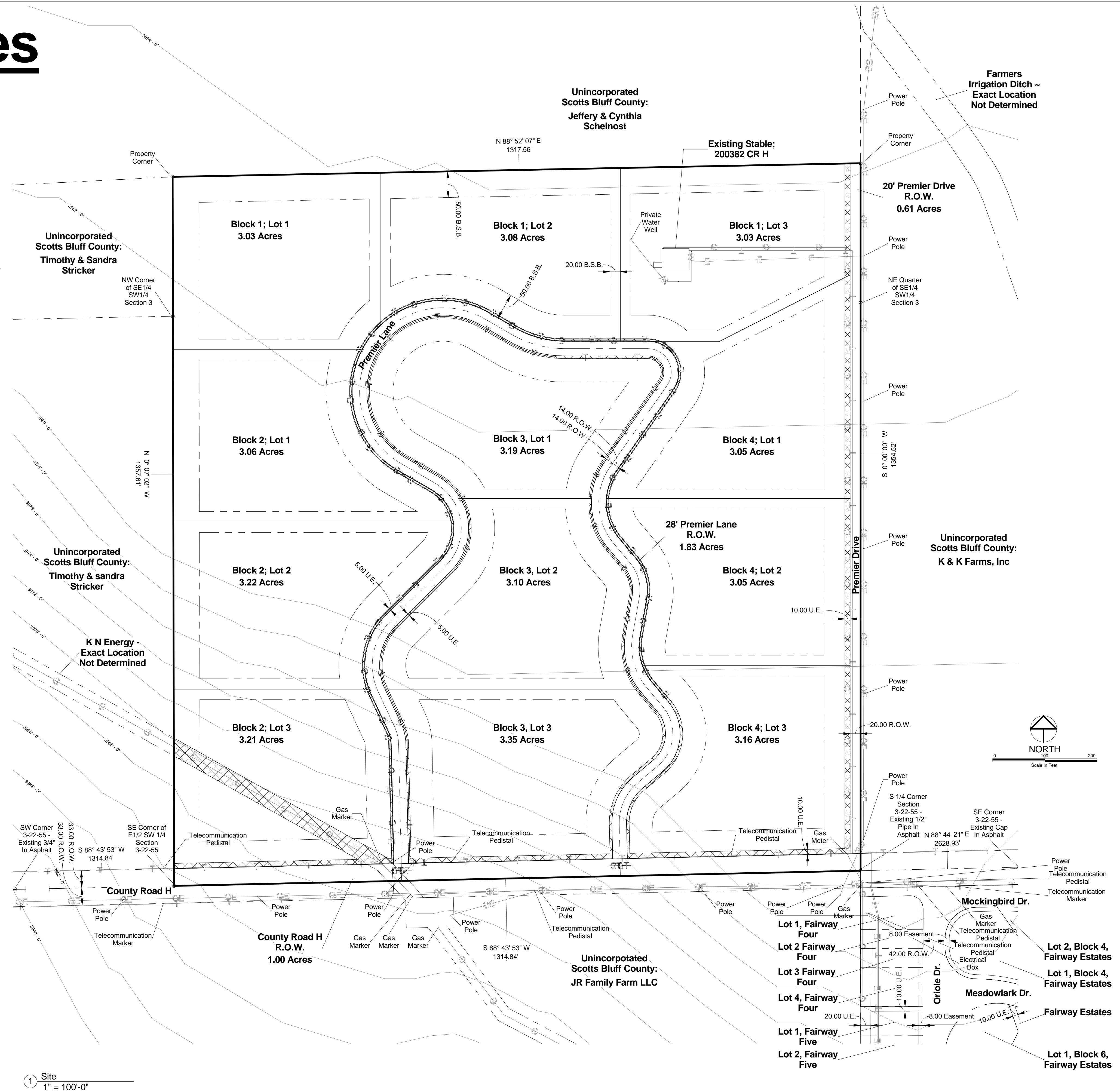
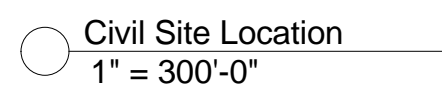
Premier Estates Lots 1 - 12



NOTE: THE SCOPE OF THIS PROJECT IS TO REZONE AND DEVELOPE A TRACT OF LAND SITUATED IN THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 22 NORTH, RANGE 55 WEST, OF THE 6TH P.M. SCOTTSBLUFF COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH QUARTER CORNER OF SECTION 3, THENCE WESTERLY ON THE SOUTH LINE OF SECTION 3 A DISTANCE OF 1314.84 FEET, TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 3, THENCE A DEFLECTION ANGLE RIGHT 91°-09'-05", ON THE WEST LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 3, A DISTANCE OF 1357.61 FEET, TO THE POINT OF DEFLECTION ANGLE RIGHT 88°-09'-00", A DISTANCE OF 137.00 FEET, TO THE POINT OF INTERSECTION WITH THE EAST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 3, THENCE A DEFLECTION ANGLE RIGHT 91°-07'-53", ON THE EAST LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 3, A DISTANCE OF 1354.52 FEET, TO THE POINT OF BEGINNING, CONTAINING AN AREA OF 40.96 ACRES, MORE OR LESS.

DESCRIPTION OF SAID TRACT MAY BE FOUND IN RECORDED BOOK 218 PAGES 531 & 532 WITH A SUPPORTING AFFIDAVIT IN DEED BOOK 145 PAGES 107 AND 108. SAID TRACT IS CURRENTLY LOCATED OUTSIDE OF THE CITY OF SCOTTSBLUFF CORPORATE LIMITS BUT IS WITHIN THE CITY OF SCOTTSBLUFF ZONING JURISDICTION. THE SAID TRACT IS CURRENTLY ZONED AGRICULTURAL, BUT SCOPE OF THIS PROJECT IS TO REZONE SAID TRACT TO A RURAL RESIDENTIAL USE. THE REASON FOR THIS REZONE IS THAT SAID TRACT IS AN AREA THAT WILL ALLOW THE UNDEVELOPED PROPERTY TO BE DEVELOPED IN A MANNER CONSISTENT WITH ADJACENT PROPERTY, AS THERE IS A RESIDENTIAL ZONED AREA NEAR ONE CORNER. EACH DEVELOPED LOT TO HAVE A PRIVATE WATER WELL, SEPTIC TANK, AND DRAIN FIELD.



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County Of Scottsbluff  
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1/4 Quarter: S/E  
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[illegible]

Adam L. Reed  
Premier Estates Lots 1 - 12

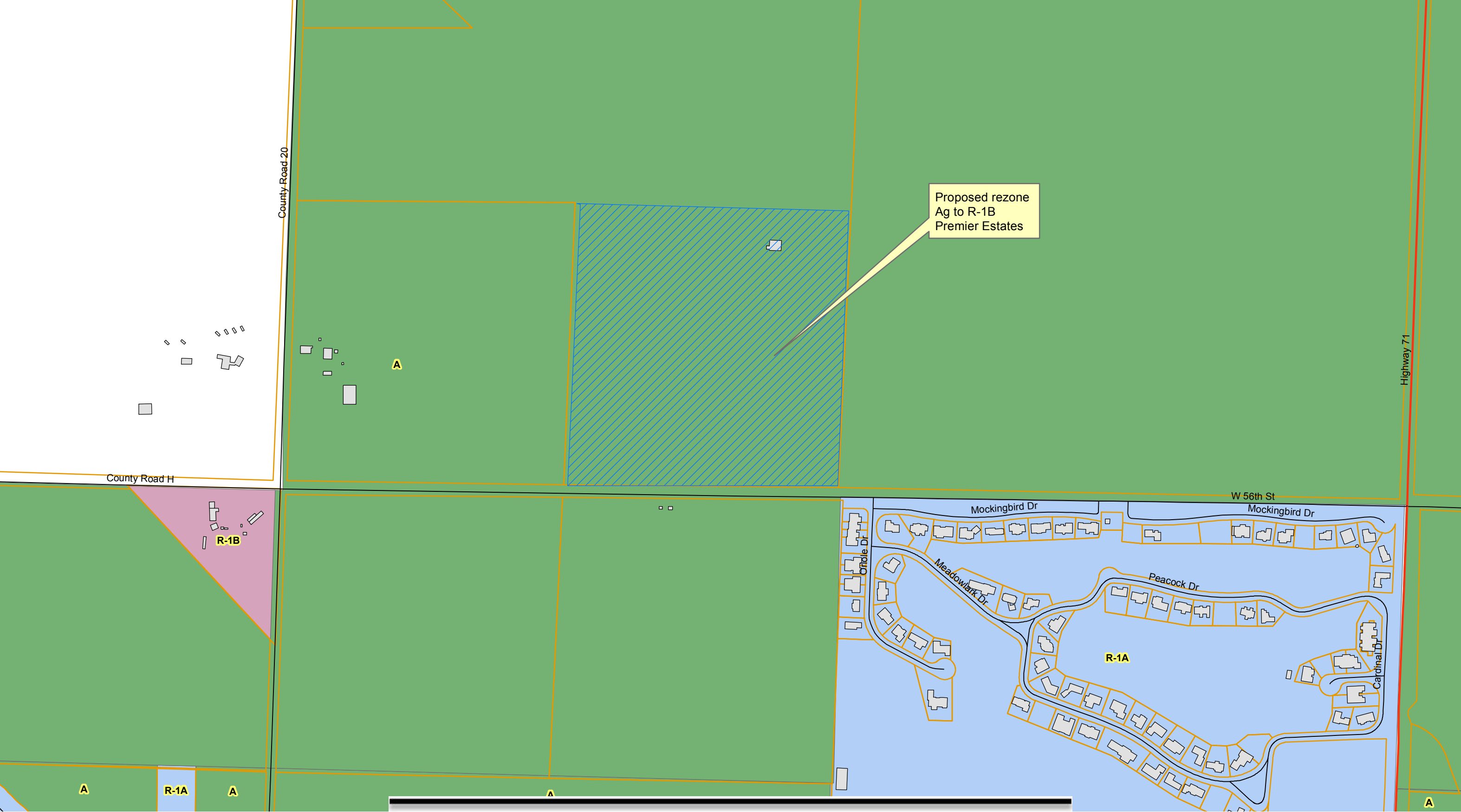
## SITE PLAN

|                |           |    |
|----------------|-----------|----|
| Project number | XXXX-2014 | AM |
| Date           | 8/08/2014 |    |
| Drawn by       | SJC       |    |
| Checked by     | SJC       |    |

# C1.0

|       |              |
|-------|--------------|
| Scale | As indicated |
|-------|--------------|





**Planning Commission Minutes  
Regular Scheduled Meeting  
September 8, 2014  
Scottsbluff, Nebraska**

The Planning Commission of the City of Scottsbluff, Nebraska met in a regular scheduled meeting on Monday, September 8, 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 August 29, 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: Callan Wayman, Angie Aguallo, Henry Huber, Mark Westphal, and Becky Estrada. Absent: Dana Weber, Anita Chadwick, Jim Zitterkopf, and David Gompert. City officials present: Annie Urdiales, Planning Administrator, Annie Folck, City Planner, 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 August 11, 2014 were reviewed and approved. A motion was made to accept the minutes by Westphal, and seconded by Wayman. "YEAS": Wayman, Aguallo, Westphal, Huber, and Estrada. "NAYS": None. ABSTAIN: None. ABSENT: Weber, Gompert, Zitterkopf, and Chadwick. Motion carried.

**ITEM 7A:** The Planning Commission opened a public hearing to review a request for a special use permit submitted by NE Colorado Cellular Inc. d/b/a Viero Wireless. The request is for a 75' monopole type tower and supporting equipment, to be located at 1807 West Overland. This area is just outside the City corporate limits and is zoned R-1A – Single Family Residential. The property is approximately 83 acres and zoned Agricultural and farmed, the area where the cell tower will be placed is approximately 4,500 sq. ft. and will be leased from the owner(s) DVS Properties LLC (Dave Schueths). This area is located on the north side of West Overland just west of Avenue R. Representative, Henry Jacobsen, from Viero answered questions from the P.C. in the next five years they think they will have maybe two more towers in the Scottsbluff area, they hope to have other towers co-locate on existing towers in the City. Viero has also provided copy of letter from the Federal Aviation Administration approving this location. An elevation certificate was also provided as the property is in an AO flood zone and will be build three feet above highest adjacent grade. No protests were filed against the granting of the cell tower and property owner, Dave Schueths, spoke in favor of the tower.

**Conclusion:** A motion was made by Huber and seconded by Aguallo to approve the special use permit to allow a Wireless Communication Facility - 75' cell tower to NE Colorado Cellular Inc. d/b/a Viero Wireless to be located at 1807 West Overland. "YEAS": Wayman, Aguallo, Westphal, Huber, and Estrada. "NAYS": None. ABSTAIN: None. ABSENT: Weber Chadwick, Zitterkopf, and Gompert. Motion carried.

**ITEM 7B:** The Planning Commission opened a public hearing for a request from property owner(s) Judson & Susan Martin, represented by Paul Reed Construction for a rezone of proposed Lots 1-9, Block 1, and Lots 1-3, Block 2,

Premier Estates, Scott Bluff County, Nebraska, situated in the East half of the SW ¼ of Section 3, T22N, R55W of the 6<sup>th</sup> P.M., Scotts Bluff County, Nebraska. The request is to rezone from A-Agricultural to R-1B- Rural Residential. This zone change will meet the guidelines of the proposed development of 40 acres which is to be developed into twelve three acre lots.

**Conclusion:** A motion was made by Westphal and seconded by Huber to approve the request to rezone proposed Lots 1-9, Block 1, and Lots 1-3, Block 2, Premier Estates, situated in the East half of the SW ¼ of Section 3, T22N, R55W of the 6<sup>th</sup> P.M., Scotts Bluff County, Nebraska. **“YEAS”:** Wayman, Aguallo, Westphal, Huber, and Estrada. **“NAYS”:** None. **ABSTAIN:** None. **ABSENT:** Chadwick, Zitterkopf, Weber, and Gompert. Motion carried.

**ITEM 7C:** The Planning Commission opened a public hearing for a request from property owner(s) Judson & Susan Martin, represented by Paul Reed Construction for a Preliminary Plat of Lots 1-9, Block 1, and Lots 1-3, Block 2, Premier Estates, Scott Bluff County, Nebraska, situated in the East half of the SW ¼ of Section 3, T22N, R55W of the 6<sup>th</sup> P.M., Scotts Bluff County, Nebraska. The property is composed of forty acres and will consist of twelve (12) three acre lots for residential development, each lot will have a well and septic system. Access to the lots will be from County Road H onto a private street in the subdivision. A couple of neighbors asked about the development and how it would affect their property. The developer answered their questions the change in zoning to the lots will not change their zoning; the surrounding land will remain Agricultural. A Hydrology (drainage) report will need to be submitted to Planning Commission and City Council before final plat approval of any of the lots. A SWPP permit will have to be acquired through the State as this is not within our city limits.

**Conclusion:** A motion was made by Wayman and seconded by Aguallo to approve the preliminary plat of Lots 1-9, Block 1, and Lots 1-3, Block 2, Premier Estates, situated in the E ½ of the SW ¼ of Section 3, T22N, R55W of the 6<sup>th</sup> P.M., Scott Bluff County, Nebraska. **“YEAS”:** Wayman, Aguallo, Westphal, Huber, and Estrada. **“NAYS”:** None. **ABSTAIN:** None. **ABSENT:** Chadwick, Zitterkopf, Gompert, and Weber. Motion carried.

**ITEM 7D:** The Planning Commission opened a public hearing to adopt an Energy Element plan into the City’s Comprehensive Development Plan. The Plan will keep our current Comprehensive Plan valid and in compliance. LB 997 was introduced in 2010 and required all municipalities, except villages to adopt an Energy Element into their Comprehensive Development Plan by January 1, 2015. The City hired Marvin Consultants to draft a plan for the City of Scottsbluff.

The Energy Element is to be used as tool for reducing energy use, a way for communities to save money & energy, an opportunity to eliminate barriers to energy efficiency and a chance to increase energy independence and educating the public.

**Conclusion:** A motion was made by Wayman and seconded by Aguallo to make positive recommendation to the City Council to approve and adopt the Energy Element Plan into our Comprehensive Development Plan. **“YEAS”:** Wayman, Aguallo, Westphal, Huber, and Estrada. **“NAYS”:** None. **ABSTAIN:** None. **ABSENT:** Chadwick, Zitterkopf, Gompert, and Weber. Motion carried.

**Item 7E:** The Planning Commission opened a public hearing regarding text changes to the zoning code. Recently staff reviewed height requirements in all zoning districts, a variance was requested on the height limit in the C-2 Neighborhood Commercial and Retail zoning district which is set at 25’. The residential zoning districts are 35’ and other commercial, office, and industrial areas vary from 35’ to 70’. The twenty-five foot height limit in the C-2 district was found to be confusing, since all residential and rural areas have the 35’ requirement. The C-1 is 70’ and C-3 Heavy Commercial is 35’. The Board of Adjustment asked that the Planning Commission review these requirements and consider changing the C-2 zoning district to 35’ which seems to be the maximum in residential and commercial zones.

Staff researched height requirements in residential, commercial and industrial zoning districts in a few other cities. The 35’ height limit is shown in residential zones; residential zones for multi-family - apartments and hotels are 45’ to 75’; Agricultural zones are shown as 35’; Industrial areas are 55’ to 75’. Commercial areas vary anywhere from 28’ in the suburban office zone to 75’ in Highway commercial zones.

The Planning Commission also considered adding language under general requirements or commercial districts for a 45' maximum height for hotels and apartments, anything above the 45' height would require a special use permit from the Planning Commission.

Other changes/corrections in this code include: in our R-4 performance guidelines, (numbers do not line up correctly). Add height requirement in the R-1B performance guidelines as only the accessory building is shown, and set at 35' to match the other residential districts. Under the PBC zone #4 building structures, height is listed as 45' we would like to add this under the performance guidelines chart.

**Conclusion:** A motion was made by Wayman and seconded by Aguallo to approve the proposed text changes/corrections to zoning code in the C-2, R-1B, R-4, and PBC zones. **"YEAS":** Wayman, Aguallo, Westphal, Huber, and Estrada. **"NAYS":** None. **ABSTAIN:** None. **ABSENT:** Chadwick, Zitterkopf, Gompert, and Weber. Motion carried.

**ITEM 8. Unfinished Business:** Annie Folck updated the Planning Commission on the planning seminar the date has been set for Friday, October 10, 2014, at the John Harms Center, there will be two tracts one for beginning planning covering the basics and an advanced tract covering TIF, flood plain, hazard mitigation, etc. The class will be from 9:30 a.m. to 4:30 p.m., no fees will be charged. We will send out an agenda as soon as the final arrangements are made. We hope to see all our Commissioners there.

There being no further business the Planning Commission with a motion to adjourn made by Huber and seconded by Aguallo the meeting was adjourned at 6:50 p.m. **"YEAS":** Wayman, Aguallo, Huber, Westphal, and Estrada. **NAYS:** none. **ABSENT:** Chadwick, Gompert, Zitterkopf, and Weber. Motion carried.

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

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