



# SCOTTSBLUFF CITY PLANNING COMMISSION AGENDA Monday, October 13, 2014, 6:00 PM

PLANNING  
COMMISSIONERS

BECKY ESTRADA  
CHAIRPERSON

ANGIE AGUALLO  
VICE CHAIRPERSON

DANA WEBER

HENRY HUBER

MARK WESTPHAL

CALLAN WAYMAN

DAVID GOMPERT

JIM ZITTERKOPF

ANITA CHADWICK

LINDA REDFERN  
ALTERNATE

1. **WELCOME TO THE PLANNING COMMISSION MEETING:** Chairman
2. **NEBRASKA OPEN MEETINGS ACT:** For all interested parties, a copy of the Nebraska Open Meetings Act is posted on a bulletin board at the back of the council chambers in the west corner.
3. **ROLL CALL:**
4. **NOTICE OF CHANGES IN THE AGENDA:** Additions may not be made to this agenda less than 24-hours prior to the beginning of the meeting unless added under item 5 of this agenda.
5. **CITIZENS WITH ITEMS NOT SCHEDULED ON THE REGULAR AGENDA:** As required by State Law, no item may be considered under this item unless the Planning Commission determines that the matter requires an emergency action.
6. **APPROVAL OF THE PLANNING COMMISSION MINUTES FROM:**
  - A **Minutes**  
Approve minutes of 9/8/14
7. **NEW BUSINESS:**
  - A **Special Use Permit**  
SUP: Cell Tower in Ag Zone  
Applicant(s): Verizon  
Owner(s): City of Scottsbluff  
Address: 100175 County Road 19  
Location: N side Hwy 92 & E of C.R. 19
  - B **Final Plat with Ordinance to vacate N. Hts.**  
Final Plat: Lot 12A, Blk 2, Northern Heights  
Applicant(s): M.C. Schaff & Associates  
Owner(s): Torrington Town Homes LLC  
Location: S of 35th St. & W of 2nd Ave
  - C **Final Plat with ordinance to vacate Cemetery**  
Final Plat: Re-plat of Third Addition Section F Cemetery land  
Applicant(s): M.C.Schaff & Associates  
Owner(s): City of Scottsbluff  
Location: Fairview Cemetery
8. **UNFINISHED BUSINESS:**
  - A **Election of officers**
9. **ADJOURN**

The public is invited to participate in all Planning Commission Meetings. If you need special accommodations to participate in the meeting, please contact the Development Services Department at (308) 630-6243, 24-hours prior to the meeting.

2525 CIRCLE DRIVE • SCOTTSBLUFF, NEBRASKA 69361 • (308) 630-6243 • FAX (308) 630-6294

**City of Scottsbluff, Nebraska**  
**Monday, October 13, 2014**  
**Regular Meeting**

**Item Appr. Min.1**

**Minutes**

*Approve minutes of 9/8/14*

**Staff Contact: Annie Urdiales**

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

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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

57 the 6<sup>th</sup> P.M., Scotts Bluff County, Nebraska. The request is to rezone from A-Agricultural to R-1B- Rural  
58 Residential. This zone change will meet the guidelines of the proposed development of 40 acres which is to be  
59 developed into twelve three acre lots.

60

61 **Conclusion:** A motion was made by Westphal and seconded by Huber to approve the request to rezone proposed  
62 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,  
63 R55W of the 6<sup>th</sup> P.M., Scotts Bluff County, Nebraska. “**YEAS**”: Wayman, Aguallo, Westphal, Huber, and  
64 Estrada. “**NAYS**”: None. **ABSTAIN**: None. **ABSENT**: Chadwick, Zitterkopf, Weber, and Gompert. Motion  
65 carried.

66

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

77

78 **Conclusion:** A motion was made by Wayman and seconded by Aguallo to approve the preliminary plat of Lots 1-9,  
79 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  
80 6<sup>th</sup> P.M., Scott Bluff County, Nebraska. “**YEAS**”: Wayman, Aguallo, Westphal, Huber, and Estrada. “**NAYS**”:  
81 None. **ABSTAIN**: None. **ABSENT**: Chadwick, Zitterkopf, Gompert, and Weber. Motion carried.

82

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

88

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

92

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

97

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

106

107 Staff researched height requirements in residential, commercial and industrial zoning districts in a few other cities.  
108 The 35’ height limit is shown in residential zones; residential zones for multi-family - apartments and hotels are 45’  
109 to 75’; Agricultural zones are shown as 35’; Industrial areas are 55’ to 75’. Commercial areas vary anywhere from  
110 28’ in the suburban office zone to 75’ in Highway commercial zones.

110

111 The Planning Commission also considered adding language under general requirements or commercial districts for a  
112 45' maximum height for hotels and apartments, anything above the 45' height would require a special use permit  
113 from the Planning Commission.

114

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

119

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

124

125 **ITEM 8. Unfinished Business:** Annie Folck updated the Planning Commission on the planning seminar the date  
126 has been set for Friday, October 10, 2014, at the John Harms Center, there will be two tracts one for beginning  
127 planning covering the basics and an advanced tract covering TIF, flood plain, hazard mitigation , etc. The class will  
128 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  
129 arrangements are made. We hope to see all our Commissioners there.

130

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

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

137

138 Attest: \_\_\_\_\_

139 Annie Urdiales

# City of Scottsbluff, Nebraska

Monday, October 13, 2014

Regular Meeting

## Item NewBiz1

### Special Use Permit

*SUP: Cell Tower in Ag Zone*

*Applicant(s): Verizon*

*Owner(s): City of Scottsbluff*

*Address: 100175 County Road 19*

*Location: N side Hwy 92 & E of C.R. 19*

Staff Contact: Annie Urdiales



SCOTTSBLUFF  
PLANNING COMMISSION  
Staff Report

To: Planning Commission  
From: Development Services Department  
Date: October 13, 2014  
Subject: Special Permit Request – Verizon  
Location: 100175 County Road 19  
Zoning: Ag  
Property Size: n/a  
# Lots/Units: n/a

**Background:** The applicant(s), Nevco Wireless representing Verizon has requested a (conditional) special use permit to allow for a cell tower and supporting equipment. This type of tower is a permitted use in the agricultural zoning district with approval of a special use permit through the Planning Commission. Verizon has signed an agreement with the City of Scottsbluff (property owners) of the land in which they are placing the cell tower. The cell tower will be situated north of Highway 92 and east of County Road 19.

The tower will be a 198’ monopole structure with no guy wires and not a three legged tower. It will look like a light standard at a ball field. The tower will be fenced with 6’ chain link fence with two strand barbed wire. There will be a prefab concrete building adjacent to the tower that will house the radio equipment and the compound will have a stoop light for added security.

**Analysis:** The property is zoned Agricultural and the applicant has submitted all proper paper work for the permit. The surrounding properties are also zoned A- Agricultural. Plans will be submitted to Development Services and reviewed when the building permit is applied for.

Please note that per 25-13-9 that a building permit must be issued within one year of approval of the Special Use Permit or the Permit expires and per 25-13-11 that the Permit may not be transferred with change of ownership of the land.

**Lot Sizes:** The acreage for this area is approximately 200 ± acres. A site plan showing layout of the tower is attached.

**Staff Recommendation:** Approve a Special Use Permit to allow for a cell tower supporting equipment in an Ag zoning district with no additional conditions.

**RECOMMENDATION**

**Approve**

Make a motion to approve the special use permit to allow for a Cell Tower and supporting equipment at 100175 County Road 19 in an Agricultural zoning district subject to the following condition(s):

**Deny**

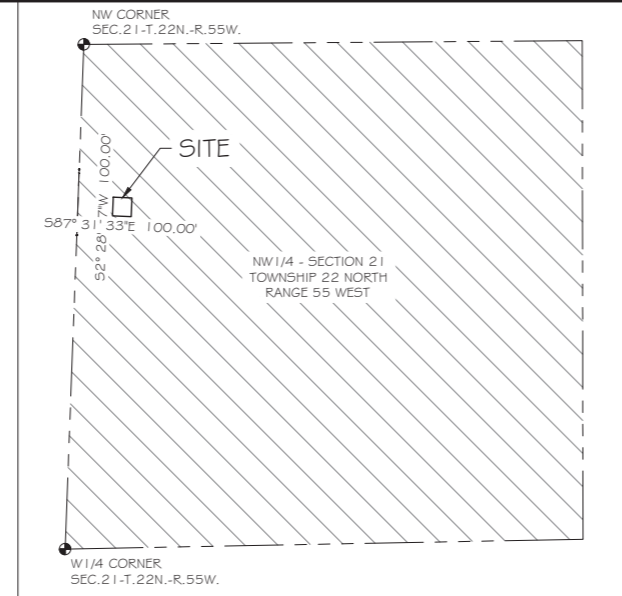
Make a motion to disapprove the special use permit to allow for a Cell Tower and supporting equipment at 100175 County Road 19 in an Agricultural zoning district, for the following reason(s):

**Table**

Make a motion to TABLE the special use per for a Cell Tower and supporting equipment at 100175 County Road 19 in an Agricultural zoning district for the following reason(s):



VICINITY MAP  
 NORTH NOT TO SCALE



PROPERTY DETAIL  
 NORTH NOT TO SCALE

PROPERTY LEGAL DESCRIPTION PER WARRANTY DEED, RECORDED AS DOCUMENT NO. 200G-3583 IN THE SCOTTSBLUFF COUNTY REGISTER OF DEEDS OFFICE ON JUNE 6TH, 2006.

THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH P.M., SCOTTSBLUFF COUNTY, NEBRASKA, EXCEPTING THEREFROM THAT PARCEL DESCRIBED IN A RETURN OF APPRAISERS WHICH WAS FILED MAY 13, 1997 AND APPEARS OF RECORD IN BOOK 212 OF DEEDS AT PAGE 716 IN THE OFFICE OF THE REGISTER OF DEEDS OF SCOTTSBLUFF COUNTY NEBRASKA AND EXCEPTING FURTHER THE FOLLOWING DESCRIBED REAL ESTATE:

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH P.M., SCOTTSBLUFF COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SECTION 21, THENCE SOUTHERLY ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 21, ON AN ASSUMED BEARING OF 500° 04' 56"E, A DISTANCE OF 1417.52 FEET, TO THE POINT OF BEGINNING, THENCE CONTINUING SOUTHERLY ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 21, BEARING 500° 04' 56"E, A DISTANCE OF 208.71 FEET, THENCE BEARING 589° 55' 04"W, A DISTANCE OF 208.71 FEET, THENCE BEARING N00° 04' 56"W, A DISTANCE OF 177.46 FEET, THENCE BEARING N49° 26' 43"W, A DISTANCE OF 1052.86 FEET, TO THE POINT OF INTERSECTION WITH THE SOUTHEASTERLY LINE OF A STRIP OF LAND AS SHOWN ON SURVEY PLAT DATED AUGUST 4, 1998, BY DONALD BRUSH, L.S. 511, THENCE BEARING N40° 33' 17"E, ON SAID SOUTHEASTERLY LINE OF STRIP OF LAND, A DISTANCE OF 25.00 FEET, THENCE BEARING S49° 26' 43"E, A DISTANCE OF 1034.01 FEET, THENCE BEARING N89° 55' 04"E, A DISTANCE OF 206.73 FEET, TO THE POINT OF BEGINNING, CONTAINING AN AREA OF 1.59 ACRES, MORE OR LESS.

**PROPOSED 100' X 100' LAND SPACE DESCRIPTION**

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 21, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND 3/4" REBAR MARKING THE NORTHWEST CORNER OF SAID SECTION 21; THENCE S02° 07' 48"W, 809.37 FEET ALONG THE WEST LINE OF SAID SECTION 21; THENCE S87° 31' 33"E, 187.78 FEET TO THE POINT OF BEGINNING; THENCE S87° 31' 33"E, 100.00 FEET; THENCE S02° 28' 27"E, 100.00 FEET; THENCE N87° 31' 33"W, 100.00 FEET; THENCE N02° 28' 27"E, 100.00 FEET TO THE POINT OF BEGINNING. SAID LAND SPACE CONTAINS 10,000 SQUARE FEET OR 0.2 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY AND ALL EASEMENTS OR AGREEMENTS, RECORDED OR UNRECORDED.

**PROPOSED ACCESS RIGHT-OF-WAY DESCRIPTION**

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 21, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND 3/4" REBAR MARKING THE NORTHWEST CORNER OF SAID SECTION 21; THENCE S02° 07' 48"W, 825.37 FEET ALONG THE WEST LINE OF SAID SECTION 21; THENCE S87° 31' 33"E, 37.26 FEET, MORE OR LESS, TO THE EAST RIGHT-OF-WAY LINE OF COUNTY ROAD \*19\* AND THE POINT OF BEGINNING; THENCE CONTINUE S87° 31' 33"E, 120.82 FEET TO THE BEGINNING OF A 14.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHWEST, ALONG SAID CURVE 21.99 FEET, THE CHORD OF WHICH BEARS N47° 28' 27"E, 19.80 FEET; THENCE N02° 28' 27"E, 102.00 FEET, THENCE S87° 31' 33"E, 15.00 FEET TO THE NORTHWEST CORNER OF THE PROPOSED LAND SPACE; THENCE S02° 28' 27"W, 100.00 FEET ALONG THE WEST LINE OF THE PROPOSED LAND SPACE; THENCE S87° 31' 33"E, 100.00 FEET ALONG THE SOUTH LINE OF THE PROPOSED LAND SPACE; THENCE S02° 28' 27"W, 30.00 FEET; THENCE N87° 31' 33"W, 249.78 FEET, MORE OR LESS, TO THE EAST RIGHT-OF-WAY LINE OF COUNTY ROAD \*19\*; THENCE N02° 19' 18"E, 14.00 FEET ALONG THE EAST RIGHT-OF-WAY LINE OF COUNTY ROAD \*19\* TO THE POINT OF BEGINNING. SAID LAND SPACE CONTAINS 6,880 SQUARE FEET OR 0.16 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY AND ALL EASEMENTS OR AGREEMENTS, RECORDED OR UNRECORDED.

**PROPOSED 8' WIDE UTILITY RIGHT-OF-WAY CENTERLINE DESCRIPTION**

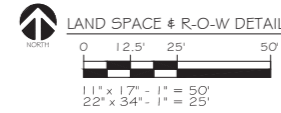
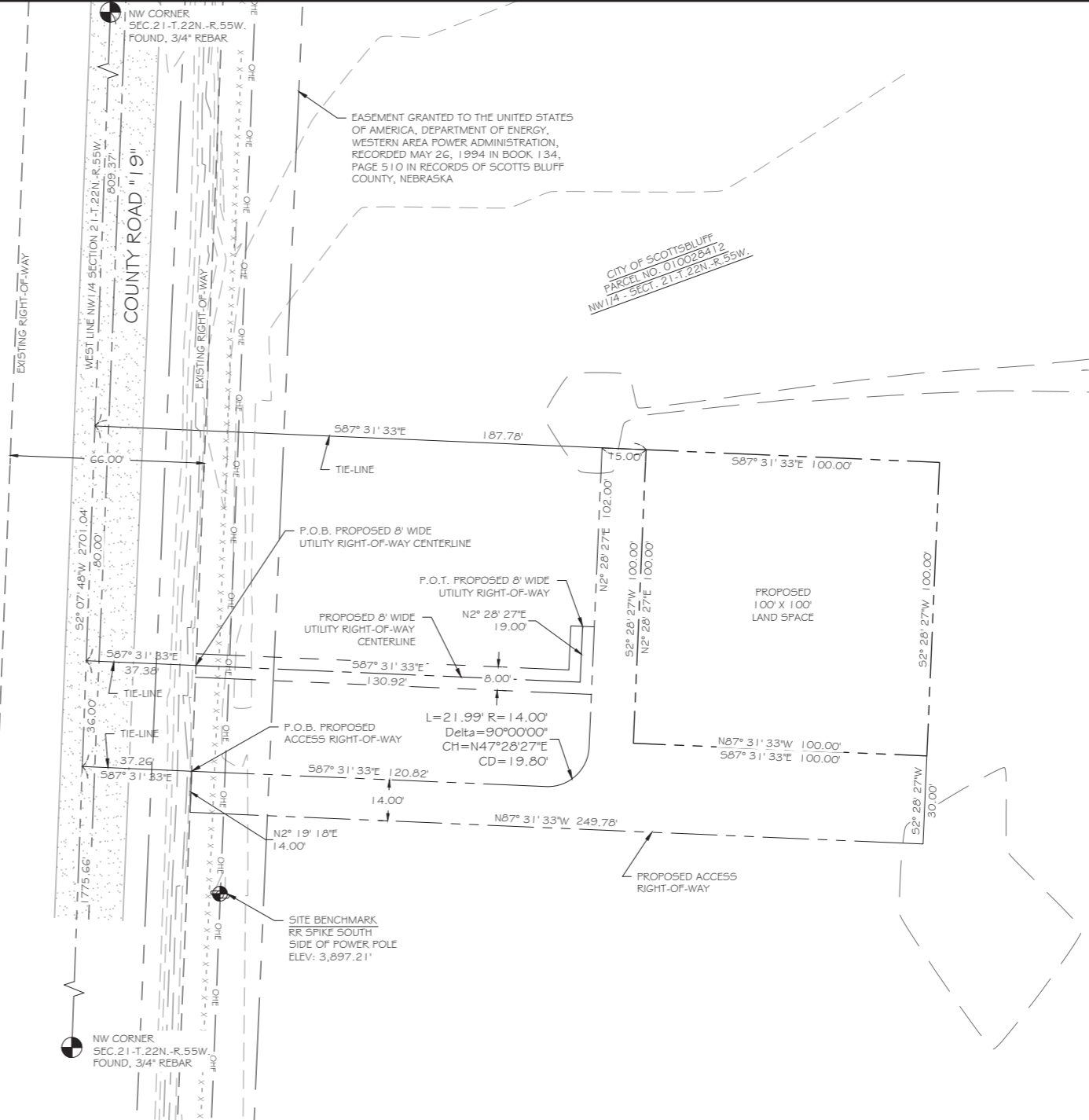
A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 21, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND 3/4" REBAR MARKING THE NORTHWEST CORNER OF SAID SECTION 21; THENCE S02° 07' 48"W, 889.37 FEET ALONG THE WEST LINE OF SAID SECTION 21; THENCE S87° 31' 33"E, 37.26 FEET, MORE OR LESS, TO THE EAST RIGHT-OF-WAY LINE OF COUNTY ROAD \*19\* AND THE POINT OF BEGINNING; THENCE CONTINUE S87° 31' 33"E, 130.92 FEET; THENCE N02° 28' 27"W, 19.00 FEET TO THE POINT OF TERMINATION. SAID RIGHT-OF-WAY CONTAINS 149.92 LF, MORE OR LESS, AND IS SUBJECT TO ANY AND ALL EASEMENTS OR AGREEMENTS, RECORDED OR UNRECORDED.

LEGEND	
EXISTING	
— OHE —	OVERHEAD ELECTRIC
— STM —	STORM SEWER
---	SECTION LINE
---	PROPOSED LAND SPACE
---	PROPOSED RIGHT-OF-WAY SIDELINE
---	PROPOSED RIGHT-OF-WAY CENTERLINE
P.O.B.	
( )	POINT OF BEGINNING
( )	RECORDED AS
( )	WATER VALVE
( )	TELEPHONE PEDESTAL
( )	UTILITY POLE
( )	LIGHT POLE
( )	GRAVEL

**TITLE REVIEW:**

- NEBRASKA TITLE COMPANY  
 TITLE NO. 6082068  
 EFFECTIVE DATE: JANUARY 28, 2014
- SCHEDULE B ADDITIONAL EXCEPTIONS:
- 3A. - 3D. NON-SURVEYING STATEMENTS
- 3E. TERMS AND CONDITIONS CONTAINED IN THE RETURN OF APPRAISERS ASSESSING DAMAGE FOR THE APPROPRIATION OF THE PROPERTY FOR CONSTRUCTION, OPERATION AND MAINTENANCE OF A MUNICIPAL WELL FIELD AND RESTRICTIVE EASEMENT ON THE REMAINING TRACT, RECORDED MAY 13, 1997 IN BOOK 212, PAGE 716, RECORDS OF SCOTTS BLUFF COUNTY, NEBRASKA. EXCEPTION NOT SHOWN ON SURVEY. DOES NOT AFFECT LAND SPACE.
- 3F. TERMS AND CONDITIONS CONTAINED IN CONTRACT AND GRANT OF EASEMENT TO THE UNITED STATES OF AMERICA, DEPARTMENT OF ENERGY, WESTERN AREA POWER ADMINISTRATION, RECORDED MAY 26, 1994 IN BOOK 134, PAGE 510; RECORDS OF SCOTTS BLUFF COUNTY, NEBRASKA. EASEMENT IS SHOWN ON SURVEY. DOES NOT AFFECT LAND SPACE. THE ACCESS & UTILITY RIGHTS-OF-WAY CROSS THIS EASEMENT.
- 3G. TERMS AND CONDITIONS CONTAINED IN RETURN OF APPRAISERS RECORDED IN BOOK 83, PAGE 434; RECORDS OF SCOTTS BLUFF COUNTY, NEBRASKA. EASEMENT IS NOT SHOWN ON SURVEY. DOES NOT AFFECT THE LAND SPACE.



**SURVEYOR'S NOTES:**

- 1) AN ATTEMPT WAS MADE TO LOCATE ALL PROPERTY CORNERS AND MONUMENTS. WHERE NO MONUMENTS WERE FOUND, THE PROPERTY LINE WAS DRAWN BASED ON RECORDED AND/OR FILED DOCUMENTS.
- 2) THE SURVEY FOR THIS MAP WAS PERFORMED BY RAMAKER & ASSOCIATES, INC. REVIEW WAS PERFORMED BY MICHAEL J. OEHME, SURVEYOR NO. LS-532.
- 3) NOT TO BE USED AS CONSTRUCTION DRAWINGS.
- 4) THE LOCATIONS OF UNDERGROUND UTILITIES WAS DETERMINED BY FIELD OBSERVATIONS AND VISIBLE MARKINGS ONLY AT TIME OF SURVEY.
- 5) THE PURPOSE OF THIS SURVEY IS TO ESTABLISH AND DESCRIBE A LAND SPACE AND ASSOCIATED RIGHT-OF-WAYS. THIS IS NOT A BOUNDARY SURVEY OF THE PARENT PARCEL.
- 6) PROPERTY DESCRIPTION FROM INFORMATIONAL REPORT BY NEBRASKA TITLE COMPANY, TITLE NO. 6082068.
- 7) THIS MAP WAS PREPARED WITH THE AID OF INFORMATIONAL REPORT BY NEBRASKA TITLE COMPANY, TITLE NO. 6082068, EFFECTIVE DATE JANUARY 28, 2014.
- 8) BEARINGS ARE REFERENCED TO THE WEST LINE OF SECTION 21, TOWNSHIP 22 NORTH, RANGE 55 WEST, SURVEYED TO BEAR N02° 07' 48"E.
- 9) DATUM: NEBRASKA STATE PLANE COORDINATE SYSTEM, US FOOT.

**RAMAKER & ASSOCIATES, INC.**  
 1120 Dallas Street, Sauk City, WI 53583  
 Phone: 608-643-1100 Fax: 608-643-7999  
 www.Ramaker.com

**verizonwireless**  
 10801 BUSH LAKE ROAD  
 BLOOMINGTON, MN 55438



Certification & Seal:  
 I hereby certify that this Survey Document was prepared and the related Survey Work was performed by me or under my direct personal supervision and that I am a duly Licensed Land Surveyor under the Laws of the State of Nebraska.

Michael J. Oehme, PLS  
 License Number: LS-532, Date: 04/15/14

MARK	DATE	DESCRIPTION
	04/15/14	DATE ISSUED:
	FINAL	ISSUE PHASE:
		PROJECT TITLE:

**NEO I-HAIG**

PROJECT LOCATION:  
 HIGHWAY \*92\* & COUNTY ROAD \*19\*  
 SCOTTSBLUFF, NE 69361  
 SCOTTS BLUFF COUNTY

**PLAT OF SURVEY**

SCALE:	
R.# & NUMBER	20145-114
PROJECT NUMBER	27845
SHEET NUMBER	1 OF 1



# City of Scottsbluff, Nebraska

Monday, October 13, 2014

Regular Meeting

## Item NewBiz2

### Final Plat with Ordinance to vacate N. Hts.

*Final Plat: Lot 12A, Blk 2, Northern Heights*

*Applicant(s): M.C. Schaff & Associates*

*Owner(s): Torrington Town Homes LLC*

*Location: S of 35th St. & W of 2nd Ave*

Staff Contact: Annie Urdiales

# ***SCOTTSBLUFF CITY***

## ***PLANNING COMMISSION STAFF REPORT***

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**To:** Planning Commission  
**From:** Development Services Department  
**Date:** October 13, 2014  
**Subject:** Final Plat – Lot 12A, replat of Lot 12, & part of 20' alley, Blk. 2, Northern Heights Add.  
**Location:** East of Ave B, south of 35<sup>th</sup> Street & west of 2<sup>nd</sup> Avenue

**Zoning: R-1A**  
**Property Size:** 8,143 S.F.

### **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), Steve Herron, represented by M.C. Schaff and Associates, has requested approval of a final plat of Lot 12A, Block 2, Northern Heights Addition a replat of vacated Lot 12, Block 2, Northern Heights Addition, and part of vacated 20' alley, an addition to the City of Scottsbluff, Scotts Bluff County, Nebraska. The final plat will re-align lot 12A with the lots to the west by lining up the south property line and will straighten the 20' alley behind the lot.

Mr. Herron has developed the lot residentially and the change in property line will make it easier for the new property owner(s) to maintain the alley which will be straightened in an east/west direction, currently the plat has the alley curving to the south. The parcels to the south are preliminary platted and will be revised when the lots are final platted. This plat includes an ordinance to vacate lot 12 and part of 20' alley which will also be submitted to City Council for approval.

### **Analysis**

Staff has reviewed the final plat and recommends the Planning Commission makes positive recommendation of the proposed plat to City Council, with the approval of the ordinance to vacate.

### **RECOMMENDATION**

#### ***Approve***

**Make a POSITIVE RECOMMENDATION to the City Council to approve** the final plat of Lot 12A, Block 2, Northern Heights Addition a replat of vacated Lot 12, Block 2, Northern Heights Addition, and part of vacated 20' alley, an addition to the City of Scottsbluff, Scotts Bluff County, Nebraska situated in the SE  $\frac{1}{4}$  of Section 14, T22N, R55W of the 6<sup>th</sup> P.M, City of Scottsbluff, Scotts Bluff County, Nebraska subject to the following condition(s):

#### ***Deny***

**Make a NEGATIVE RECOMMENDATION to the City Council to disapprove** the final of plat Lot 12A, Block 2, Northern Heights Addition a replat of vacated Lot 12, Block 2, Northern Heights Addition and part of 20' alley an addition to the City of Scottsbluff, Scotts Bluff County, Nebraska situated in the SE ¼ of Section 14, T22N, R55W of the 6<sup>th</sup> P.M, City of Scottsbluff, Scotts Bluff County, Nebraska for the following reason(s):

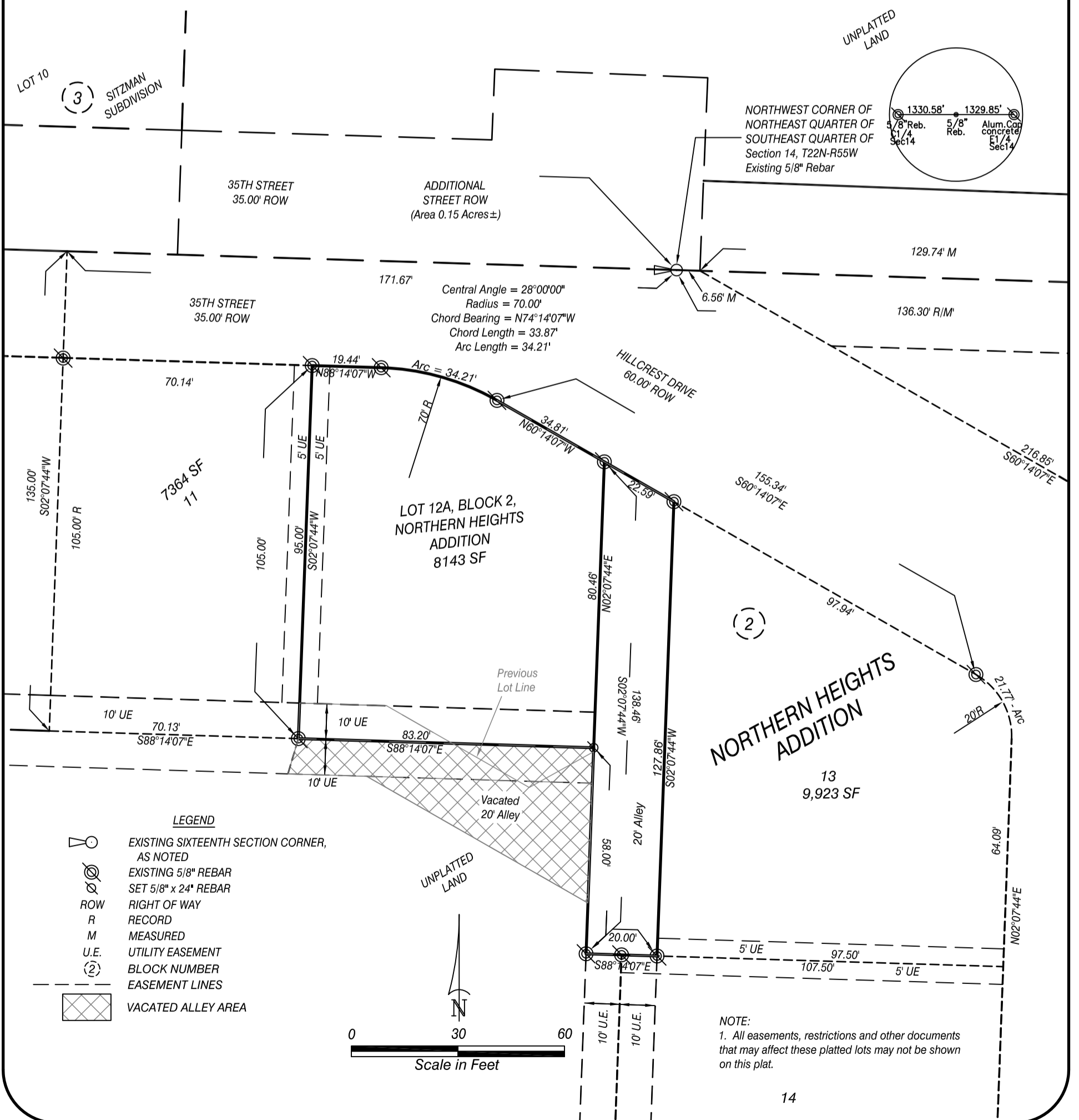
***Table***

**Make the motion to TABLE** the final plat of Lot 12A, Block 2, Northern Heights Addition a replat of vacated Lot 12, Block 2, Northern Heights Addition and part of 20' alley an addition to the City of Scottsbluff, Scotts Bluff County, Nebraska situated in the SE ¼ of Section 14, T22N, R55W of the 6<sup>th</sup> P.M, City of Scottsbluff, Scotts Bluff County, Nebraska for the following reason(s):

# FINAL PLAT LOT 12A, BLOCK 2; NORTHERN HEIGHTS ADDITION

**A REPLAT OF VACATED LOT 12, BLOCK 2,  
NORTHERN HEIGHTS ADDITION, AND PART OF VACATED 20' ALLEY,  
AN ADDITION TO THE CITY OF SCOTTSBLUFF,  
SCOTTS BLUFF COUNTY, NEBRASKA**

SITUATED IN THE SOUTHEAST QUARTER OF SECTION 14,  
TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH P.M.,  
SCOTTS BLUFF COUNTY, NEBRASKA



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

**AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA VACATING LOT 12, BLOCK 2, NORTHERN HEIGHTS ADDITION TO THE CITY OF SCOTTSBLUFF AS WELL AS VACATING A PART OF A 20' ALLEY IN BLOCK 2 OF NORTHERN HEIGHTS ADDITION, ALL IN THE CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA.**

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

Section 1. The owner of the property involved, Steve Herron, has requested that the City of Scottsbluff vacate the following property to allow for a replat:

Lot 12, Block 2, Northern Heights Addition to the City of Scottsbluff, Scotts Bluff County, Nebraska, situated in the southeast quarter of Section 14, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska, including property described:

Commencing at the southwest corner of Lot 12, Block 2, Northern Heights Addition, as monumented by a 5/8" Rebar with cap, thence bearing S88°14'07"E, a distance of 24.46 feet, thence bearing S60°14'07"E, a distance of 21.30 feet, to the Point of Beginning, thence continuing on said bearing S60°14'07"E, a distance of 25.00 feet, thence bearing N60°56'48"E, a distance of 20.71 feet, thence bearing N02°07'44"E, a distance of 1.13 feet, thence bearing N88°14'07"W, a distance of 39.86 feet, to the Point of Beginning, containing an area of 244 square feet, more or less; and

Part of a 20' alley in Block 2, Northern Heights Addition to the City of Scottsbluff, Scotts Bluff County, Nebraska, situated in the southeast quarter of Section 14, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska, including property described:

Beginning at the southwest corner of Lot 12, Block 2, Northern Heights Addition, as monumented by a 5/8" Rebar with cap, thence bearing S02°07'44"W, a distance of 10.00 feet, thence bearing S88°14'07"E, a distance of 43.33 feet, thence bearing N60°14'07"W, a distance of 21.30 feet, thence bearing N88°14'07"W, a distance of 24.46 feet, to the Point of Beginning, containing an area of 339 square feet, more or less; and

Beginning at the southwest corner of Lot 12, Block 2, Northern Heights Addition, as monumented by a 5/8" Rebar with cap, thence bearing S02°07'44"W, a distance of 10.00 feet, thence bearing S16°24'27"W, a distance of 10.34 feet, thence bearing S88°14'07"E, a distance of 22.15 feet, thence bearing S60°14'07"E, a distance of 71.78 feet, thence bearing N02°07'44"E, a distance of 42.58 feet, thence bearing S60°56'48"W, a distance of 20.71 feet, thence bearing N60°14'07"W, a distance of 46.30 feet, thence bearing N88°14'07"W, a distance of 24.46 feet, to the Point of Beginning, containing an area of 2,011 square feet, more or less;

as more fully set forth on the attached map, marked as Exhibit A and incorporated by this reference.

Section 2. The City Council finds that the requesting party is the owner and that it is in the best interest of the City that the property be vacated as requested.

Section 3. Lot 12, Block 2, Northern Heights Addition to the City of Scottsbluff, along with portions of the alley as set forth above, are hereby vacated to allow for a replat of the property.

Section 4. This Ordinance shall become effective upon its passage, approval and publication as provided by law.

PASSED AND APPROVED on \_\_\_\_\_, 2014.

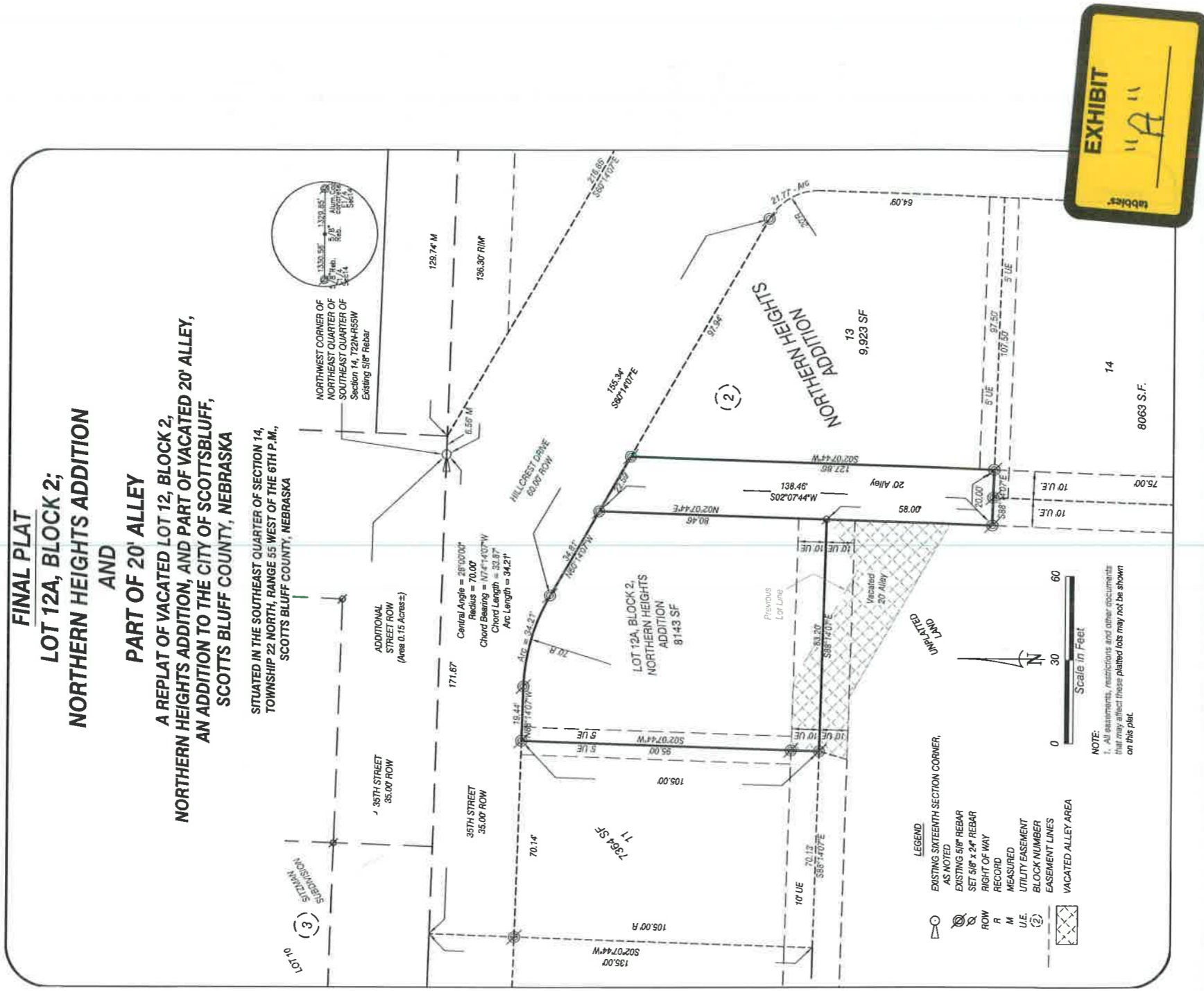
Attest:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk (Seal)

Approved as to form:

\_\_\_\_\_  
Deputy City Attorney



# **City of Scottsbluff, Nebraska**

**Monday, October 13, 2014**

**Regular Meeting**

## **Item NewBiz3**

### **Final Plat with ordinance to vacate Cemetery**

*Final Plat: Re-plat of Third Addition Section F Cemetery land*

*Applicant(s): M.C.Schaff & Associates*

*Owner(s): City of Scottsbluff*

*Location: Fairview Cemetery*

**Staff Contact: Annie Urdiales**

# **SCOTTSBLUFF CITY**

## **PLANNING COMMISSION STAFF REPORT**

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**To:** Planning Commission  
**From:** Development Services Department  
**Date:** October 11, 2014  
**Subject:** Lots A-1 through J-8, Blocks 1 & 2, and Blocks 3 & 4, Columbarium Addition to Fairview Cemetery, a replat of vacated Lots 1-8, Block 263 & Lots 1-8, Block 264, replat # Three of Section F, replat # Two of Section E & F, and part of Section D, all part of Third Addition to Fairview Cemetery City of Scottsbluff, Scotts Bluff County, NE.  
**Location:** East side of 5<sup>th</sup> Avenue and south of 42<sup>nd</sup> Street

**Zoning:** R-1  
**Property Size:** ± acres

### **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), City of Scottsbluff has submitted a plat prepared by M.C. Schaff and Associates. They are replatting an area in Section F which contains 16 cemetery spaces. This area of the cemetery will serve as a columbarium for human remains.

### **Analysis**

Staff has reviewed the plat with the proposed lot line adjustments, and the lots meet the requirements of the R-1 zoning district. The plat will be done with approval of an ordinance to vacate Blocks 263 and 264.

### **RECOMMENDATION**

#### ***Approve***

**Make a POSITIVE RECOMMENDATION** to the City Council to approve a final plat of Lots A-1 through J-8, Blocks 1 & 2, and Blocks 3 & 4, Columbarium Addition to Fairview Cemetery, a replat of vacated Lots 1-8, Block 263 & Lots 1-8, Block 264, replat # Three of Section F, replat # Two of Section E & F, and part of Section D, all part of Third Addition to Fairview Cemetery City of Scottsbluff, Scotts Bluff County, Nebraska with the following condition(s):

#### ***Deny***

**Make a NEGATIVE RECOMMENDATION** to the City Council to disapprove final plat Lots A-1 through J-8, Blocks 1 & 2, and Blocks 3 & 4, Columbarium Addition to Fairview Cemetery, a replat of vacated Lots 1-8, Block 263 & Lots 1-8, Block 264, replat # Three of Section F, replat # Two of Section E & F, and part of Section D, all part of Third Addition to Fairview Cemetery City of Scottsbluff, Scotts Bluff County, Nebraska for the following reason(s):

#### ***Table***

**Make the motion to TABLE the final plat of** Lots A-1 through J-8, Blocks 1 & 2, and Blocks 3 & 4, Columbarium Addition to Fairview Cemetery, a replat of vacated Lots 1-8, Block 263 & Lots 1-8, Block 264, replat # Three of Section F, replat # Two of Section E & F, and part of Section D, all part of Third Addition to Fairview Cemetery City of Scottsbluff, Scotts Bluff County, Nebraska for the following reason(s):

Final Plat Request, Page 1



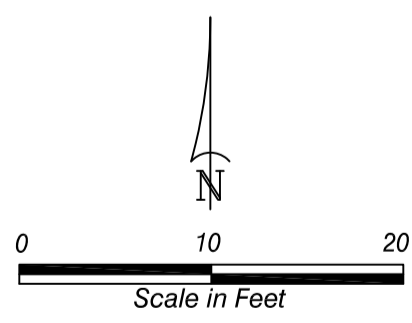
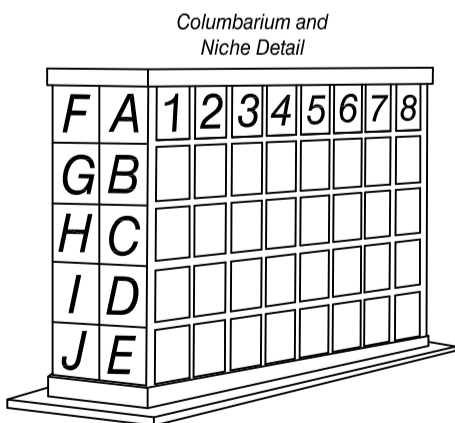
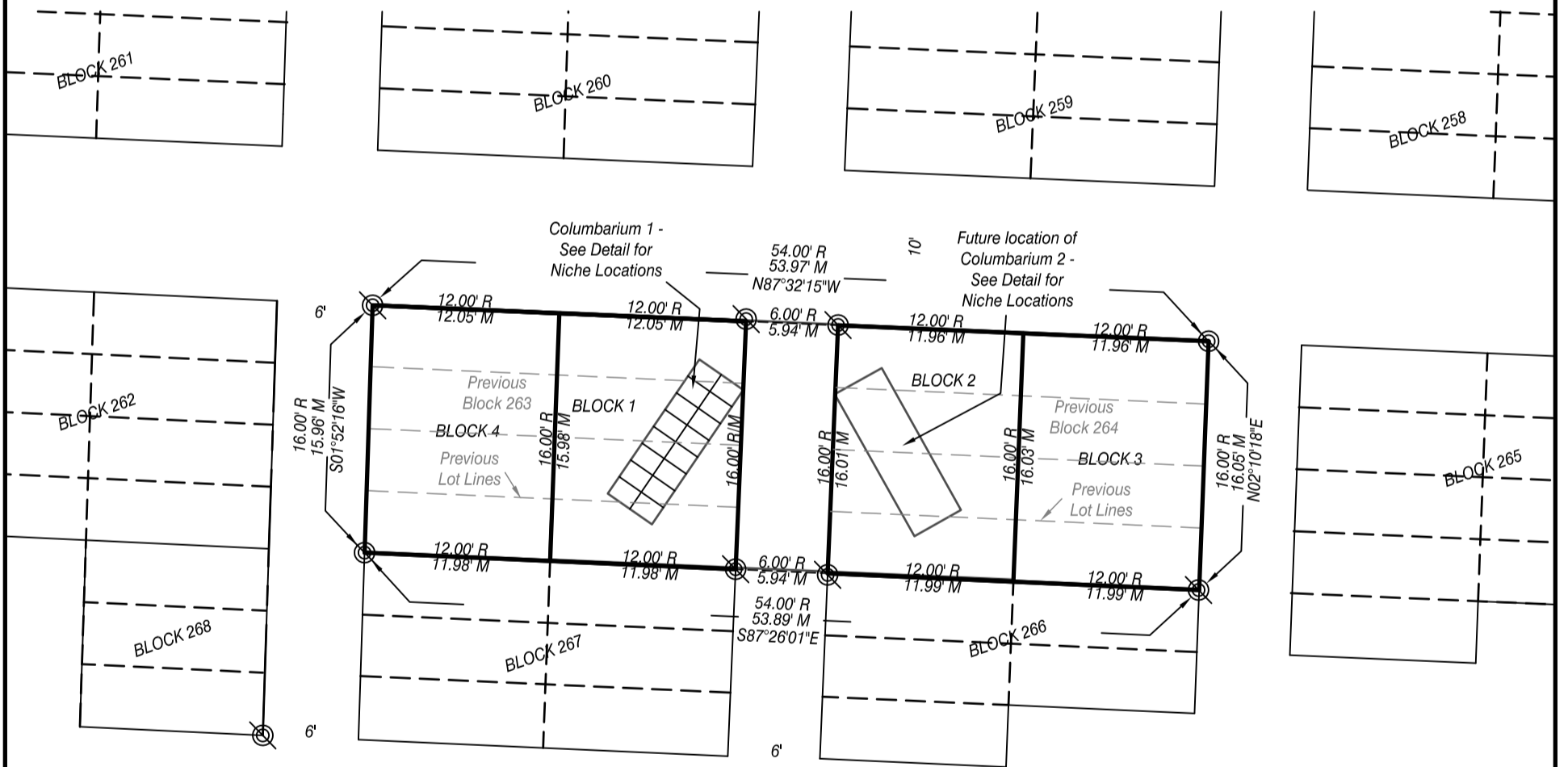
# FINAL PLAT

## LOTS A-1 THROUGH J-8, BLOCKS 1 AND 2, AND BLOCKS 3 AND 4, COLUMBARIUM ADDITION TO FAIRVIEW CEMETERY,

**A REPLAT OF VACATED LOTS 1 THROUGH 8, BLOCK 263  
AND LOTS 1 THROUGH 8, BLOCK 264, REPLAT NO. THREE OF SECTION F,  
REPLAT OF REPLAT NO. TWO OF SECTION E AND F, AND PART OF SECTION D, ALL  
PART OF THIRD ADDITION TO FAIRVIEW CEMETERY**

**AN ADDITION TO THE CITY OF SCOTTSBLUFF,  
SCOTTS BLUFF COUNTY, NEBRASKA**

**SITUATED IN THE NORTHWEST QUARTER OF SECTION 13,  
TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH P.M.,  
SCOTTS BLUFF COUNTY, NEBRASKA**



- LEGEND**
- ⊙ EXISTING 1/2" ROD
  - ⊗ SET 5/8" x 24" REBAR, OR AS NOTED
  - M MEASURED
  - R RECORD
  - ROW RIGHT OF WAY
  - Ⓛ BLOCK NUMBER

*NOTE: All easements, restrictions and other documents that may affect these platted lots, that are of record or not of record, may not be shown on this plat.*

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

**AN ORDINANCE OF THE CITY OF SCOTTSDLUFF, NEBRASKA VACATING LOTS 1, 2, 3, 4, 5, 6, 7, AND 8, BLOCK 263 AND LOTS 1, 2, 3, 4, 5, 6, 7, AND 8, BLOCK 264, SECTION F, A REPLAT OF PART OF THIRD ADDITION, SECTION F, REPLAT NUMBER 3, WITHIN THE CITY OF SCOTTSDLUFF, SCOTTS BLUFF COUNTY, NEBRASKA.**

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

Section 1. The City of Scottsbluff, Nebraska (“City”) as the owners of the property involved, have requested that the City vacate the following property to allow for a replat:

Lots 1, 2, 3, 4, 5, 6, 7, and 8, Block 263 and Lots 1, 2, 3, 4, 5, 6, 7, and 8, Block 264, Section F, a replat of part of THIRD ADDITION, Section F, Replat Number 3, an Addition to the City of Scottsbluff, Scotts Bluff County, Nebraska.

Section 2. The City Council finds that the vacating party is the owner and that it is in the best interests of the City that the property be vacated as requested.

Section 3. Lots 1 through 8, Block 263, and Lots 1 through 8, Block 264, Section F, a replat of part of Third Addition, Section F, Replat Number 3, are hereby vacated to allow for a replat of the property to be used as a columbarium in the City cemetery.

Section 4. This Ordinance shall become effective upon its passage, approval and publication as provided by law.

PASSED AND APPROVED on \_\_\_\_\_, 2014.

Attest:

\_\_\_\_\_ Mayor

\_\_\_\_\_  
City Clerk (Seal)

Approved as to form:

\_\_\_\_\_  
Deputy City Attorney

**City of Scottsbluff, Nebraska**  
**Monday, October 13, 2014**  
**Regular Meeting**

**Item Unfin. Biz1**

**Election of officers**

**Staff Contact: Annie Urdiales**