

City of Scottsbluff, Nebraska

Monday, December 15, 2014

Regular Meeting

Item Subdiv.1

Council to consider a Final Plat for Lots 1C, 1D,& 1E, Block 2, a replat of Lot 1A, Eisele Subdivision, City of Scottsbluff and approve the Resolution.

Staff Contact: Annie Folck, City Planner

Agenda Statement

Item No.

For meeting of: December 15, 2014

AGENDA TITLE: Final Plat for Lots 1C, 1D,& 1E, Block 2, a replat of Lot 1A, Eisele Subdivision, a subdivision of Lot 1, Eisele Subdivision a subdivision in the City of Scottsbluff, Scotts Bluff County, Nebraska situated in the NE ¼ of Section 27, T22N, R55W of the 6th P.M., Scotts Bluff County.

SUBMITTED BY DEPARTMENT/ORGANIZATION: Development Services

PRESENTATION BY: Rick Kuckkahn

SUMMARY EXPLANATION: The applicant(s), Darwin Adams, has requested approval of a final plat prepared by M.C. Schaff and Associates. They are re-platting Lot 1A, Eisele Subdivision a replat of Lot 1, Eisele subdivision. They are subdividing the property into three individual lots (lot 1C, 1D, & 1E), this property is located in a C-3, heavy commercial zoning district. Property to the west is ABC nursery and properties to the east include a car wash, business offices, and a realty company. Mr. Adams is asking to divide the property into three separate lots, currently a building is under construction on proposed lot 1D. Potentially another building will be constructed on Lot 1E sometime in the near future; this leaves Lot 1C which abuts an alley on the north, a 30' access easement is also included on the north end of lot 1D which will allow access back and forth between lots 1C & 1E.

City Staff met with Mr. Adams and discussed several options on dividing the lot. This plan seemed to be the best option for the division of the lots, and will allow for future boundary changes of the lots if surrounding property is sold. The lots meet the standards of the C-3 Heavy Commercial district.

BOARD/COMMISSION RECOMMENDATION: The Planning Commission at their regular meeting of December 8, 2014 made positive recommendation to City Council.

STAFF RECOMMENDATION: Approve final plat and resolution for filing at the Register of Deeds

EXHIBITS

Resolution X Ordinance Contract Minutes x Plan/Map x

Other (specify) ☐ _____

NOTIFICATION LIST: Yes X No ☐ Further Instructions ☐

M.C. Schaff & Associates, 818 S Beltline Hwy E, & Darwin Adams 50688 Hwy 71, Scottsbluff, NE

APPROVAL FOR SUBMITTAL: _____
City Manager

Rev 3/1/99CClerk

Planning Commission Minutes
Regular Scheduled Meeting
December 8, 2014
Scottsbluff, Nebraska

The Planning Commission of the City of Scottsbluff, Nebraska met in a regular scheduled meeting on Monday, December 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 November 28, 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: Anita Chadwick, Callan Wayman, Angie Aguallo, David Gompert, Mark Westphal, Dana Weber, Jim Zitterkopf, and Becky Estrada. Absent: Henry Huber. 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 November 10, 2014 were reviewed and approved. A motion was made to accept the minutes by Zitterkopf, and seconded by Chadwick. "YEAS": Zitterkopf, Aguallo, Chadwick, and Estrada. "NAYS": None. ABSTAIN: Gompert, Wayman, Westphal, and Weber. ABSENT: Huber. Motion carried.

ITEM 7A: The Planning Commission opened a public hearing for applicant(s), Darwin Adams, he has requested approval of a final plat prepared by M.C. Schaff and Associates. The final plat is described as Lots 1C, 1D, & 1E, Eisele Subdivision a replat of Lot 1A, Eisele Subdivision a subdivision of Lot 1, Eisele Subdivision. This property is located in a C-3, heavy commercial zoning district and addressed as 1005 South Beltline Highway West, the property to the west is ABC nursery and properties to the east include a car wash, business offices, and a realty company. Mr. Adams is proposing to divide Lot 1A, into three separate lots, all three lots will abut an alley on the north end, currently a building is under construction on proposed lot 1D. Potentially another building will be constructed on Lot 1E sometime in the near future; Lot 1C will be used mostly for parking of equipment for the proposed businesses and a 30' access easement on the north end of lot 1D was added allowing access back and forth between lots 1C & 1E. City Staff met with Mr. Adams and discussed several options on dividing the lot. This plan

seemed to be the best option for the division of the lots, and will allow for future boundary changes of the lots if surrounding property is sold. The lots meet the standards of the C-3 Heavy Commercial district.

Conclusion: A motion was made by Weber and seconded by Zitterkopf to approve the Final plat of Lots 1C, 1D, & 1E, Eisele Subdivision a replat of Lot 1A, Eisele Subdivision a subdivision of Lot 1, Eisele Subdivision **“YEAS”:** Weber, Chadwick, Zitterkopf, Aguillo, Gompert, Wayman, Westphal, and Estrada. **“NAYS”:** None. **ABSTAIN:** None. **ABSENT:** Huber. Motion carried.

ITEM 7B: The Planning Commission opened discussion on rural residential - large lot development in the city’s two mile extra territorial jurisdiction. The Planning Commission had requested more information on this type of development at their last meeting. City Planner, Annie Folck, addressed the Planning Commission regarding this type of development and possible problems with allowing this type of development within the City’s extra territorial jurisdiction. The city’s subdivision code lists the requirements for development within the city limits and the two mile extra territorial zoning jurisdiction. When unplatted property is developed there is a process that the City has to follow, streets, sidewalks curb, gutter, water and sewer infrastructure are part of the development and a developers agreement lists how the infrastructure will be done and how it will be paid for; usually there are two options either the Developer pays for the improvements or Districts are formed. Some of the requirements are listed below.

Section **21-1-27** has language regarding the extra territorial properties as follows: **Improvements; requirements; general.** The requirements for improvements set forth in this Article shall apply in every subdivision hereafter platted that is within or is proposed to be annexed to the corporate limits of the City, and every existing street or alley of the City that abuts such subdivision. The provisions of this **Article shall apply also to subdivisions hereafter platted that are within two (2) miles of, but are not proposed to be annexed to, the corporate limits of the City; and every such subdivision shall be so laid out and platted that, if it subsequently is annexed to the City, the improvements referred to in this Article may be constructed in the subdivision in accordance with the requirements in those sections.** Such improvements shall be constructed by the person proposing the subdivision at his or her own expense. Construction shall not be commenced until after plans and specifications, and contracts, if any, therefor have been approved by the Planning and Building Official, and shall be completed in accordance with the plans, specifications and contracts. Provided, anything in the foregoing provisions of this section to the contrary notwithstanding, the requirements in this section are subject to the exceptions and other requirements stated in sections 21-1-28 to 21-1-30, inclusive, and section 21-1-40.

Under section 21-1-34 the City Planner is allowed to waive the paving – the language reads - Provided further, that the City Planner may waive the requirements of this section for areas outside of the City limits if in the judgment of the City Planner the density of the population and the volume of traffic are sufficiently low that gravel streets are appropriate. (Ord. 3858, 2005)

If a developer is unable to put the infrastructure in they can request that the City create districts for paving, water, sewer, storm sewer. The districts assess the cost to each lot in the subdivision according to frontage and the assessments are paid back usually within a 15 year time period. After the infrastructure improvements have been installed, inspected, and meet City specifications, the City takes over the maintenance of the public streets and utilities.

Folck addressed some of the problems cities may have and what other Cities require for large lot development; these areas are unable to be legally annexed into the city because there is no city infrastructure in place. When a property is annexed into the City the City must provide city services to

the subdivision. The City is required to have a plan on how the development will be served with City services. These types of services (paving, water, sewer, storm sewer) are expensive and the city does not have the budget to put the services in. Well contamination and failed septic fields are other problems that need to be addressed. This type of land use hinders and can prohibit future extension of public services. It can affect what lies beyond; the City has to be able to get through the large lots to provide services to the next developer on the other side of the large lots. Another problem with rural large lot development and urban services is the lot size itself, our rural residential requires 3 acres which is several times the size of our minimum residential lot size (5,500 sq. ft.) the cost to the homeowner is assessed on the linear frontage of their property, with lot widths of 200' wide these costs (paving, water, sewer & storm sewer) would be unaffordable for most homeowners.

One of the things we could require is ghost platting which is done in Lincoln, whereby the plat is laid out in the large lots with an overlay layer showing how the large lots can be further subdivided into smaller lots. It must show how the smaller lots would be served by utilities and streets. Additionally, it must require structures to be placed on the property so that when property is further subdivided in the future; all existing structures will be properly placed so as to meet setback requirements from future lot lines. The City of Grand Island required the streets to be paved and that the developer installs dry pipes for water and sewer for future public services. This approach is expensive, as the developer must pay for wells and septic in addition to the cost of water and sewer lines that will not be utilized for some time. This is advantageous to the City, though, because when the City is ready to annex the development, services are already in the ground and can be tied into the City's infrastructure. Another option that has been suggested is to allow development to go forward without these improvements, under the condition that the developer's agreements contain language that would create a covenant preventing future lot owners in the development from protesting the creation of improvement districts if and when the City grows out in that area and the development is annexed. The City usually asks that the developers agree to certain conditions that are tied to the subdivision approval. The developer's agreement usually specifies that the developer will install paved streets, water, sewer, and stormwater lines. This agreement could be amended to say that the developer does not need to install those services at the time that the land is subdivided, but that a covenant with the land would prevent the protest of, future improvement districts. If the City is not going to grow any further large lot development is fine, but if we want to grow and compete with other Cities we need to be careful of not cutting ourselves off from development to the north and creating a similar situation as Cheyenne where large lots were developed with no city utilities, and has stopped Cheyenne from growing to the north of their city.

Adam Reed and Shane Cochrane, both representing Paul Reed Construction, addressed the Planning Commission asking that they allow large lot development within their two mile extra territorial jurisdiction as they have done in the past with other similar developments.

The Planning Commission agreed that we need to set guidelines on where this type of development can be constructed within the two mile jurisdiction and that the City has to think about long term development and growth that is best for the City. If the City is not going to grow any further this type of development is fine, but if we want to grow and compete with other Cities we need to be careful of not cutting ourselves off from development to the north and creating a similar situation as Cheyenne where large lots were developed with no city utilities, and has stopped Cheyenne from growing to the north of their city.

We need to encourage development where infrastructure is close by and easy to extend to new areas of development. We need to decide what our vision is for the future and make a plan that is consistent and fair for all development. We want to move forward and not repeat past mistakes. The Planning Commission asked that staff come back with some options on what can be done for large lot development that they may review and make a recommendation on what would work the best for the City. The

Planning Commission asked that for now no change be made from how it's been done in the past and asked for the options to review at a future meeting of the Planning Commission.

A recommendation was made by Westphal and seconded by Dana to leave things as they are until further research on options and updates of the Comprehensive Development Plan. **"YEAS"**: Weber, Chadwick, Zitterkopf, Aguillo, Gompert, Wayman, Westphal, and Estrada. **"NAYS"**: None. **ABSTAIN**: None. **ABSENT**: Huber. Motion carried.

ITEM 7C. Annie Folck gave an update on the status of the City's Comprehensive Development plan to the Commission. The existing plan was done in 2004, and was done when the City's two mile jurisdiction was not in place (city adopted 2 mile area in 2008). Most comp plans are redone or updated anywhere from 10 to 15 years. The City has met with an Economic Development group and they have recommended some areas for improvement. The City is working with Panhandle Area Development District to redo the City's plan. We are also meeting with Gering to see if some of the areas of the plans can be done together. We want to work together and coordinate efforts as much as we can. Folck would like to have sub committees to do preliminary work on the plan and asked for volunteers, (Westphal & Chadwick volunteered) we hope to meet individually and then hold a couple of meeting after the first of the year and plan from there to make recommendations for the public hearings and input from the community on how we want the city to grow. Areas to discuss include housing, and land use recommendations from the sub committees.

ITEM 8. Unfinished Business: None

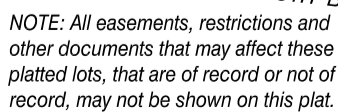
There being no further business, a motion to adjourn was made by Weber and seconded by Westphal. The meeting was adjourned at 7:35 p.m. **"YEAS"**: Gompert, Wayman, Weber, Westphal, Chadwick, Zitterkopf, Aguillo, and Estrada. **"NAYS"**: None. **ABSTAIN**: None. **ABSENT**: Huber. Motion carried.

Becky Estrada, Chairperson

Attest: _____

Annie Urdiales

**SITUATED IN THE NORTHEAST QUARTER OF SECTION 27,
TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH P.M.,
SCOTTS BLUFF COUNTY, NEBRASKA**



RESOLUTION NO. _____

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

That the final plat of Lots 1C, 1D, and 1E, Eisele Subdivision, a replat of Lot 1A, Eisele Subdivision, a subdivision in the City of Scottsbluff, Scotts Bluff County, Nebraska situated in the Northeast $\frac{1}{4}$ of Section 27, T22N, R55W of the 6th P.M., Scotts Bluff County, Nebraska dated December 11, 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 15th day of December 2014.

Mayor

Attest:

City Clerk

SEAL