



CITY OF SCOTTSBLUFF
Scottsbluff City Hall
2525 Circle Drive
PLANNING COMMISSION AGENDA
Monday, October 10, 2022
6:00 PM

- 1. Roll Call:**
- 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 south wall of the council chambers.
- 3. Notice of Changes in the Agenda by the City Manager:** Additions may not be made to this agenda less than 24-hours before the beginning of the meeting unless added under item 4 of this agenda.
- 4. 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.
- 5. Approval of the Planning Commission Minutes From:**
 - A September 12, 2022 Regular Meeting**
- 6. New Business :**
 - A Planning Commission to conduct a Public Hearing to consider a Preliminary Plat & Final Plat of Lots 1 & 2, Block 1, Morgan Subdivision, commonly identified as 209 W. 27th Street**
 - B Planning Commission to conduct a Public Hearing to consider the creation of an AEDS situated on a tract of land in the Southeast Quarter of the Northeast Quarter of Section 7, Township 22N, Range 55 West of the 6th PM, commonly identified as 80436 CR 24**
 - C Planning Commission to conduct a public hearing to consider the Plat Vacation of Lots 2A, 2, and 3a, Block 7, Fairway Estates, commonly identified as 1214 Mockingbird Drive**
 - D Planning Commission to conduct a public hearing to consider the Plat Vacation of Part of Lots 1, 2, 3, and Part of Lot 1A, Block 10, Imperial Addition, commonly identified as 1501 E. Overland Drive**
- 7. Officer Election:**
 - A 2022-2023 Officer Elections**
- 8. Staff Reports:**
 - A (Informational Only)**
- 9. Other Business:**
 - A Planning Commission to discuss Community Surveys**
- 10. Schedule Meeting:**
 - A Confirm next Meeting Date: November 14, 2022**

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



11. Adjourn

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City of Scottsbluff, Nebraska
Monday, October 10, 2022
Regular Meeting

Item Appr. Min.1

September 12, 2022 Regular Meeting

Staff Contact:

PLANNING COMMISSION MINUTES
REGULAR SCHEDULED MEETING
September 12, 2022
SCOTTSBLUFF, NEBRASKA

The Planning Commission for the City of Scottsbluff met in regular scheduled meeting on Monday, September 12, 2022 at 6:00 PM in the Scottsbluff City Council Chambers at 2525 Circle Drive, Scottsbluff, Nebraska. A notice of the meeting was published in the Star-Herald, a newspaper of general circulation in the city, on September 1, 2022. The notice stated the date, time, and location of the meeting, that the meeting was open to the public, and that anyone with a disability desiring reasonable accommodation to attend should contact the Development Services office. An agenda was kept current and available for public inspection at the Development Services office, provided the Planning Commission can modify the agenda at the meeting if it is determined that an emergency so required. A copy of the agenda packet was delivered to each Planning Commission member.

- 1 Chairman Dana Weber called the meeting to order at 6:00 PM. Roll call consisted of the following members being present, Becky Estrada, Dave Gompert, Callen Wayman, Mark Westphal, Dana Weber, Angie Aguillo, Jim Zitterkopf Linda Redfern (Alternate, Quorum present so excused). "Absent": Anita Chadwick, Henry Huber. City Officials present were Zachary Glaubius, Planning Administrator, Taylor Stephens, GIS Analyst, Stormwater Specialist Leann Sato, and Gary Batt, Code Administrator II.
- 2 Chairman Dana Weber informed those present of the Nebraska Open Meetings Act and that a copy was located on the south wall of the Council Chambers.
- 3 Acknowledgement of any changes in the agenda: None.
- 4 Business not on the agenda: None.
- 5 The minutes from the July 11, 2022 meeting were reviewed. Conclusion: a motion was made by Aguillo and seconded by Estrada to approve the minutes from July 11, 2022 meeting. "Yeas" Zitterkopf, Aguillo, Westphal, Wayman, Weber, Gompert, Estrada "Nays": "Absent": Chadwick, Huber "Excused": Redfern (alt.) The motion carried.
- 6 Item 6B: Chairman Weber opened a public hearing at 6:02 PM regarding a Rezone of Lots 1- 2 & 5-9 of Block 3, Lots 1-3 of Block 6, Lots 1-7 of Block 7, and Tract C, Hilltop Estates Subdivision, situated in the Northwest Quarter of Section 13, Township 22N, Range 55 West of the 6th P.M., Scotts Bluff County C. Glaubius stated staff had discovered part of the Hilltop Estates subdivision was rezoned with the other part in 2017. Glaubius stated the subdivision is split between R-1 and R-1A Single Family. Glaubius stated there were several lots that were split between zoning districts, which would complicate future construction due to different requirements in the districts. Glaubius stated he had spoken with Hunter Kosman, the developer, on the rezone, and he was agreeable to it. Glaubius stated the main difference was the setbacks and lot sizes as R-1 has a minimum lot size of 12,000 square feet compared to the 5,500 square feet requirement in the R-1A district. John Blomstedt, a property owner within 300 feet spoke to the Planning Commission. Blomstedt inquired what the rezone change meant. Blomstedt inquired if the lots could be further subdivided with the rezone. Glaubius stated they would be able to split into 5,500 square foot lots with the approval of the rezone. Blomstedt stated he was told duplexes would be permitted in the subdivision with the rezone to R-1A, and expressed concern about future duplexes decreasing his property value. Wayman and Weber stated the majority of the subdivision was already zoned R-1A, and therefore duplexes were already permitted. Weber stated duplexes are permitted in R-1A and in R-1 with a special permit. Weber stated duplexes

will be permitted regardless of R-1 or R-1A zoning district. Blomstedt asked what a special permit meant. Weber stated a property owner would need the Planning Commission's permission to build a duplex in the R-1 zoning district. Blomstedt stated he was told when he purchased his property that duplexes could only be built on the southern edge of the subdivision. Glaubius stated there could be a homeowner's association convenient that has that restriction. Blomstedt asked if the HOA covenant took precedence over the zoning district. Weber stated the HOA covenant would be in addition to the zoning requirements. Weber stated the zoning requirements are enforced by the City, while HOA covenant requirements have to be enforced by the HOA. Blomstedt stated the HOA requires 17,000 square foot lots and no duplexes except for the southern lots. Weber stated the rezone would not have a big effect on the subdivision as the HOA further restricts development. Weber reiterated that the HOA requirements would have to be enforced by the HOA. Westphal asked what the average lot size in the subdivision was. Blomstedt stated the majority of the lots are a half-acre or larger. Weber closed the public hearing at 6:10 PM. Weber stated staff is recommending a positive recommendation on the approval of the rezone. Westphal asked if the developer was pursuing the rezone to sell lots faster. Glaubius stated the rezone request is from the City. Wayman stated the proposed rezone is to clean up the zoning map. Batt stated this rezone request is to correct an oversight in 2017 when the majority of the subdivision was rezoned. Aguillo stated the rezone would eliminate lots with mixed zoning districts. Westphal asked if a duplex could be put in with this rezone. Glaubius stated the City would permit it, but the HOA covenant prohibits it. Glaubius stated the City does not enforce HOA covenants and does not research them. Westphal asked if there were different height restrictions. Batt stated the maximum height for both zoning districts is 35 feet. Westphal stated he was not in favor of the rezone as the Blomstedts were told there would not be duplexes built near them, and the rezone was just to make a pretty map for the City. Weber stated duplexes still could have been built near them with the present R-1 zoning, and the only difference is the necessity of a special permit.

- 7 **Conclusion:** Motion by Wayman, seconded by Gompert to make a positive recommendation on the approval by the city council for a rezone from R-1 to R-1A of Lots 1- 2 & 5-9 of Block 3, Lots 1-3 of Block 6, Lots 1-7 of Block 7, and Tract C, Hilltop Estates Subdivision. "Yeas" Zitterkopf, Aguillo, Wayman, Weber, Gompert, Estrada "Nays": Westphal "Absent": Chadwick, Huber "Excused": Redfern (alt.)
- 8 Item 6C: Chairman Weber opened the public hearing regarding a proposed ordinance text change to Chapter 25 Article 19, Article 12, Article 15, and Article 3 regarding the Floodplain Overlay Zone at 6:15 PM. Glaubius stated the ordinance change is predominantly to Article 19 which is the Floodways article. Glaubius stated the reason for the proposed ordinance text change was to improve the City's Community Rating System score. Glaubius stated the CRS is a FEMA program that the City participates in that give property owners in the floodplain a discount on their flood insurance premiums. Glaubius stated there was approximately 794 eligible properties and 2,002 structures in the flood area. Glaubius stated the City is currently at a score of 9. Glaubius stated 10 is the minimum and 1 is the best. Glaubius stated Sato was working with a FEMA representative to improve the City's score to 8. Glaubius stated each number is a 5% discount. Glaubius stated the existing floodplain ordinance was modified to be more consistent with the Nebraska Department of Natural Resources' model floodplain ordinance in the proposed change. Glaubius stated the most important change was adding the requirement to elevate mechanical and utility equipment above the base flood elevation. Glaubius stated the City is already required to require this elevation by FEMA, but did not have it in ordinance text. Glaubius stated the name of Article 19 would also be changed from "Floodways" to "Floodplain Overlay Zone." Glaubius stated floodway/floodplain references were

updated to reflect the new name in Articles 12 and 15. Glaubius also stated the ordinance text change included the repeal of 25-3-22 regarding the Floodplain Zoning District. Glaubius stated the Floodplain Zoning District is not utilized by the City and is redundant. Glaubius stated updated flood terminology was included in the proposed text change such as changing the 100- and 500-year flood to the 1% and 0.2% flood chance as used by FEMA. Glaubius stated staff recommends a positive recommendation on the approval of the ordinance text change. Weber closed the public hearing at 6:18 PM. Weber inquired about mechanical and utility elevation requirement being currently enforced. Glaubius stated it is being enforced, but not in city code. Weber stated the proposed ordinance text change does not really change much. Weber stated with the 5% discount per score, the City could save property owners up to 50% on flood insurance premiums. Westphal and Aguillo stated this would be hugely beneficial to the community. Weber inquired how to improve the score to 1. Sato stated we were ineligible as we are not located on the coast. Sato stated there was only one community in the nation that had a score of 1.

- 9 **Conclusion:** Motion by Westphal, seconded by Estrada to make a positive recommendation to the city council to approve the proposed ordinance text amendment change to 4-1-10 and 4-1-2. "Yeas" Aguillo, Zitterkopf, Westphal, Weber, Gompert, Wayman, Estrada "Nays": "Absent": Chadwick, Huber "Excused": Redfern (alt.) The motion carried.
- 10 Item 7: Staff Reports. Glaubius stated there was two subdivisions originally on the meeting agenda and notices were mailed out, however not all required information was submitted in time to have public hearings on September 12, 2022. Glaubius stated he expects them to be on the October 10, 2022 Planning Commission meeting. Glaubius stated staff is working on more ordinance text changes including some to Chapter 21 regarding cul de sac diameters. Glaubius stated that Stormwater Specialist/Floodplain Manager Leann Sato has been moved to the Development Services Department from Public Works. Glaubius stated Code Administrator I Sheila Hort retired and Code Administrator I Logan Lund has filled her position.
- 11 Item 8: Other Business: The Planning Commission recognized Mark Westphal and Anita Chadwick for their service to the Planning Commission as their terms expire on September 30, 2022.
- 12 Weber introduced Item 9 regarding scheduling the next Planning Commission meeting on October 10, 2022
- 13 Item 10: Adjournment
- 14 Adjournment: Motion by Westphal, seconded by Estrada to adjourn the meeting at 6:25 PM. "Yeas" Aguillo, Zitterkopf, Westphal, Weber, Gompert, Wayman, Estrada "Nays": "Absent": Chadwick, Huber "Excused": Redfern (alt.) The motion carried.

Chairman Dana Weber

Zachary Glaubius, Secretary

City of Scottsbluff, Nebraska

Monday, October 10, 2022

Regular Meeting

Item New Bus1

Planning Commission to conduct a Public Hearing to consider a Preliminary Plat & Final Plat of Lots 1 & 2, Block 1, Morgan Subdivision, commonly identified as 209 W. 27th Street

Staff Contact:



City of Scottsbluff, Nebraska
Application for a Preliminary Plat Subdivision

Date:			DO NOT WRITE IN THIS BLOCK	
Address (Location): 209 West 27th Street			Permit Number:	
Applicant's Name Morgan Rentals LLC			Plat Approved Denied	
Applicant's Address: BOX 2869			Date Issued:	
City: Dillon	State: CO	Zip: 80435	Comp. Plan Land Use:	Zone:
Telephone: 970-485-2684	Mobile:	Email: morganmtn@gmail.com	Attached: Plot Plan Legal Description (In Word) \$100.00 filing fee \$3.00 per property owner within 300-feet Receipt # _____	
Property Owner: same				
Property Owner's Address:				
City:	State:	Zip:		
Telephone:	Mobile:	Email:		
Engineer or Surveyor: MC Schaff & Associates			Total Acreage: 129,984 sq. ft. 2.98 Acres	
Engineer or Surveyor Address: 818 S. Beltline Highway E			Proposed number of lots: 8	
City: Scottsbluff	State: NE	Zip: 69361	Present Use of Property: C-2 & R-1A	
Telephone: 308-635-1926	Mobile:	Email:	Proposed Use of Property: C-2, R-1A	
Location of property: West of Walgreens, N of 27th St. Between Ave B & Ave D			Present Zoning: R1-A-Single Family Medium Density	
Please provide the following: Copy of Preliminary Plan (showing future & current property lines, fence lines, irrigation canals, future street widths, dimensions, existing structures, proposed structures, easements, etc...) Legal Description on a CD/Disk (in Word) \$100.00 filing fee Proof of Ownership of Property (See 21-1-50, Title Insurance, Attorney's opinion, Certificate of registered abstractor)				
The undersigned, hereby certify that he/she is familiar with all the requirements of Ordinance No. 3410 and amendments thereto, establishing minimum subdivision design standards to be installed by the subdivision and that he/she has caused said preliminary plat and plan to be prepared. He/she certifies that all requirements of Ordinance No. 3410 and amendments there to have been met and submits this application for approval subject to the requirements of said ordinance. I have also read and am familiar with the City Ordinances and will comply with these requirements; and that the statements herein contained are true and correct to the best of my knowledge and belief.				
Applicant's Signature: <i>K E Morgan</i>			Date: 8-18-2022	
Remarks: (Insert here any information not covered above)				

Development Services Department

2525 Circle Drive, Scottsbluff, NE 69361

(308) 630-6243



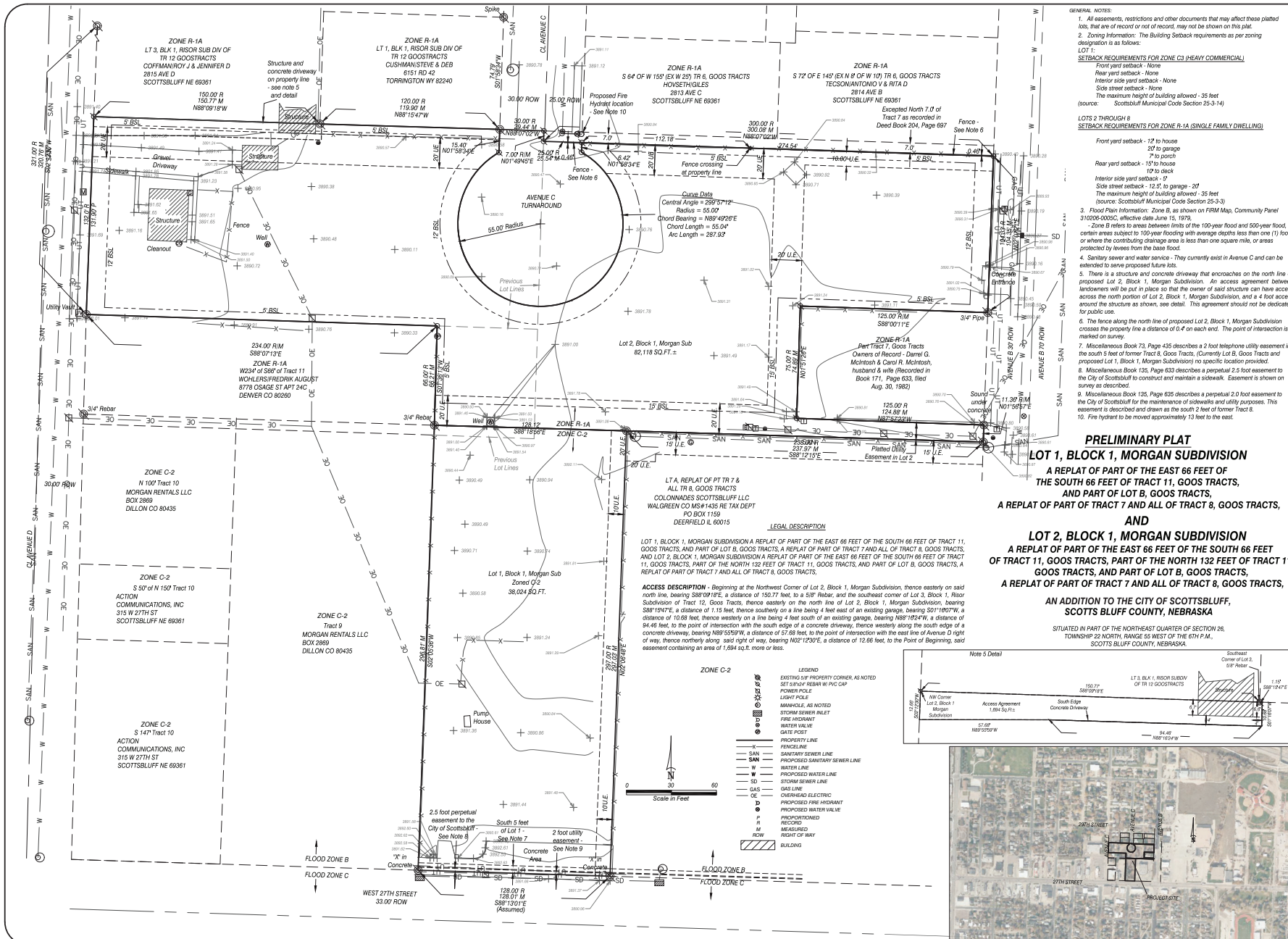
City of Scottsbluff, Nebraska Application for a Final Plat Subdivision

Date:			DO NOT WRITE IN THIS BLOCK	
Address (Location): 209 West 27th Street			Permit Number:	
Applicant's Name Morgan Rentals LLC			Plat Approved Denied	
Applicant's Address: BOX 2869			Date Issued:	
City: Dillon	State: CO	Zip: 80435	Comp. Plan Land Use:	Zone:
Telephone: 970-485-2684	Mobile:	Email: morganmtn@gmail.com	Attached: Final Plat Legal Description (in Word) \$100.00 filing fee Letter of transmittal Receipt # _____	
Property Owner: same				
Property Owner's Address:				
City:	State:	Zip:		
Telephone:	Mobile:	Email:		
Engineer or Surveyor: MC Schaff & Associates			Total Acreage: 34,024 sq. ft.	
Engineer or Surveyor Address: 818 S. Beltline Highway E			Proposed number of lots: 1	
City: Scottsbluff	State: NE	Zip: 69341	Present Use of Property: C-2, Neighborhood Comm,	
Telephone: 308-635-1926	Mobile:	Email: dsullivan@mcschaff.com	Proposed Use of Property: C-2, Neighborhood Comm,	
Location of property: West of Walgreens, N of 27th St. between Ave. B & Ave D.			Present Zoning: C-2, Neighborhood Comm.	
Please provide the following: Copy of Final Plat (Mylar and 3.5" diskette or CD-ROM in AutoCAD format) Copy of Preliminary Plat (showing future & current property lines, fence lines, irrigation canals, future street widths, dimensions, existing structures, proposed structures, easements, etc..) Legal Description on a CD/Disk (in Word) \$100.00 filing fee (if not submitted with approval of Preliminary Plat) Letter of transmittal				
The undersigned, hereby certify that he/she is familiar with all the requirements of Ordinance No. 3410 and amendments thereto, establishing minimum subdivision design standards to be installed by the subdivision and that he/she has caused said preliminary plat and plan to be prepared. He/she certifies that all requirements of Ordinance No. 3410 and amendments there to have been met and submits this application for approval subject to the requirements of said ordinance. I have also read and am familiar with the City Ordinances and will comply with these requirements; and that the statements herein contained are true and correct to the best of my knowledge and belief.				
Applicant's Signature: <i>Judy Morgan</i>			Date: <i>8-18-2022</i>	
Remarks: (Insert here any information not covered above)				

Development Services Department

2525 Circle Drive, Scottsbluff, NE 69361

(308) 630-6243



- GENERAL NOTES:**
- 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.
 - Zoning Information: The Building Setback requirements as per zoning designation is as follows:
 LOT 1:
SETBACK REQUIREMENTS FOR ZONE C3 (HEAVY COMMERCIAL)
 Front yard setback - None
 Rear yard setback - None
 Interior side yard setback - None
 Side street setback - None
 The maximum height of building allowed - 35 feet
 (source: Scottsbluff Municipal Code Section 25-3-14)
 LOT 2:
SETBACK REQUIREMENTS FOR ZONE R-1A (SINGLE FAMILY DWELLING)
 Front yard setback - 12' to house
 20' to garage
 7' to porch
 Rear yard setback - 10' to house
 10' to deck
 Interior side yard setback - 5'
 Side street setback - 12.5' to garage - 20'
 The maximum height of building allowed - 35 feet
 (source: Scottsbluff Municipal Code Section 25-3-3)
 3. Flood Plain Information: Zone B, as shown on FRM Map, Community Panel 31005-0000C effective date June 15, 1975.
 Zone B refers to areas between limits of the 100-year flood and 500-year flood, or certain areas subject to 100-year flooding with average depths less than one (1) foot, or where the average depth of water is less than one square mile, or areas protected by levees from the base flood.
 4. Sanitary sewer and water service - They currently exist in Avenue C and can be extended to serve proposed future lots.
 5. There is a structure and concrete driveway that encroaches on the north line of proposed Lot 2, Block 1, Morgan Subdivision. An access agreement between landowners will be put in place so that the owner of said structure can have access across the north portion of Lot 2, Block 1, Morgan Subdivision, and a 4 foot access around the structure as shown, see detail. This agreement should not be dedicated for public use.
 6. The fence along the north line of proposed Lot 2, Block 1, Morgan Subdivision crosses the property line a distance of 0.4' on each end. The point of intersection is marked on survey.
 7. Miscellaneous Book 73, Page 425 describes a 2 foot telephone utility easement in the south 55 feet of former Tract 8, Goos Tracts, (Currently Lot 8, Goos Tracts and proposed Lot 1, Block 1, Morgan Subdivision) no specific location provided.
 8. Miscellaneous Book 135, Page 633 describes a perpetual 2.0 foot easement to the City of Scottsbluff to construct and maintain a sidewalk. Easement is shown on survey as described.
 9. Miscellaneous Book 135, Page 635 describes a perpetual 2.0 foot easement to the City of Scottsbluff for the maintenance of sidewalks and utility purposes. This easement is described and drawn as the south 2 feet of former Tract 8.
 10. Fire hydrant to be moved approximately 13 feet to the east.

PRELIMINARY PLAT

LOT 1, BLOCK 1, MORGAN SUBDIVISION

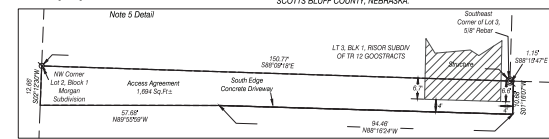
A REPLAT OF PART OF THE EAST 66 FEET OF THE SOUTH 66 FEET OF TRACT 11, GOOS TRACTS, AND PART OF LOT 8, GOOS TRACTS, A REPLAT OF PART OF TRACT 7 AND ALL OF TRACT 8, GOOS TRACTS, AND

LOT 2, BLOCK 1, MORGAN SUBDIVISION

A REPLAT OF PART OF THE EAST 66 FEET OF THE SOUTH 66 FEET OF TRACT 11, GOOS TRACTS, PART OF THE NORTH 132 FEET OF TRACT 11, GOOS TRACTS, AND PART OF LOT 8, GOOS TRACTS, A REPLAT OF PART OF TRACT 7 AND ALL OF TRACT 8, GOOS TRACTS,

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

SITUATED IN PART OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA.



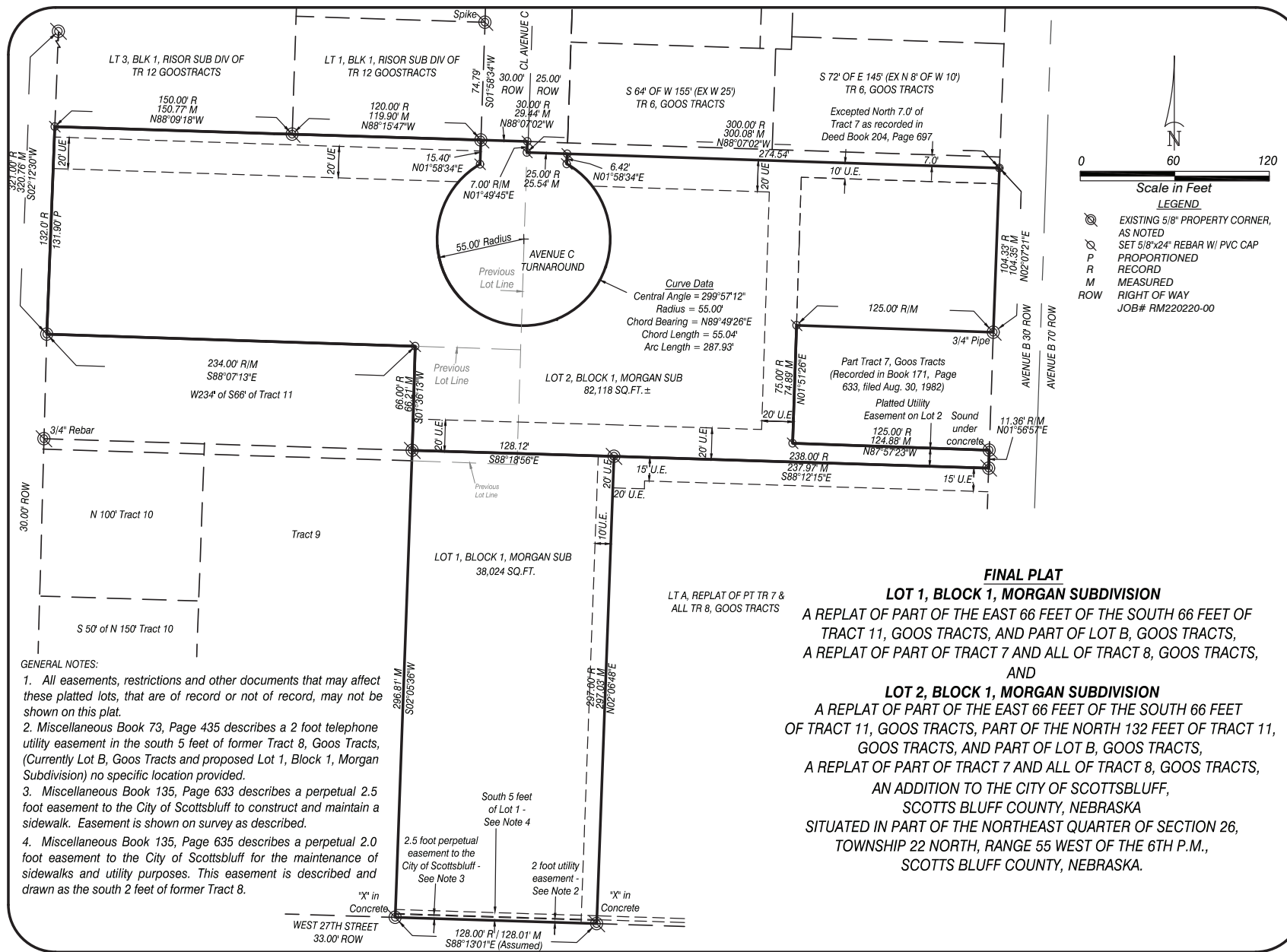
M. C. SCHAFF & ASSOCIATES, INC.
 818 SOUTH BELTLINE HIGHWAY EAST
 SCOTTSBLUFF, NEBRASKA 69361
 ENGINEERS ♦ PLANNERS ♦ DESIGNERS ♦ LAND SURVEYORS
 PH: 308-635-1926 FAX: 308-635-7807 INTERNET: WWW.MCSCHAFF.COM

PROJECT: PROPOSED PRELIMINARY PLAT OF LOTS 1 & 2, BLK. 1, BLOCK 1, MORGAN SUB. SCOTTSBLUFF, NEBRASKA
 CLIENT: MORGAN RENTALS, LLC

PROJECT NUMBER: RM202200-00
PROJECT DATE: AUGUST 11, 2022
PROJECT MGR: DJS
PROJECT TEAM: DB-TD

9-29-22 ENFORCEMENT
9-06-22 CITY COMMENTS
DATE REVISION

SHEET 1 OF 1
PRE-1



OWNER'S STATEMENT

We, the undersigned, being the owners of the North 132 feet of Tract 11, Goos Tracts, the East 66 feet of the South 66 feet of Tract 11, Goos Tracts, and part of Lot B, Goos Tracts, a replat of part of Tract 7 and all of Tract 8, Goos Tracts, an addition to the City of Scottsbluff, Scotts Bluff County, Nebraska situated in part of the Northeast Quarter of Section 26, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska as described in the foregoing 'Surveyor's Certificate' and shown on the accompanying plat have caused such real estate to be platted as LOT 1, BLOCK 1, MORGAN SUBDIVISION, A REPLAT OF PART OF THE EAST 66 FEET OF THE SOUTH 66 FEET OF TRACT 11, GOOS TRACTS, AND PART OF LOT B, GOOS TRACTS, A REPLAT OF PART OF TRACT 7 AND ALL OF TRACT 8, GOOS TRACTS, AND LOT 2, BLOCK 1, MORGAN SUBDIVISION A REPLAT OF PART OF THE EAST 66 FEET OF THE SOUTH 66 FEET OF TRACT 11, GOOS TRACTS, PART OF THE NORTH 132 FEET OF TRACT 11, GOOS TRACTS, AND PART OF LOT B, GOOS TRACTS, A REPLAT OF PART OF TRACT 7 AND ALL OF TRACT 8, GOOS TRACTS, AN ADDITION TO THE CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA SITUATED IN PART OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA

That the foregoing plat is made with the free consent and in accordance with the desires of the undersigned owners. We hereby dedicate the streets and easements shown on this survey for the use and benefit of the public. Dated this _____ day of _____, 2022.

Owners:

By: Vernon E. Morgan, Husband

By: Judy Morgan, Wife

LOTS 1 & 2, BLOCK 1,
MORGAN SUBDIVISION,
SCOTTSBLUFF, NEBRASKA
SHEET 2 OF 3
JOB# RM220220-00

ACKNOWLEDGEMENT

STATE OF _____ }
COUNTY OF _____ }

Before me, a Notary Public, qualified and acting in said County, personally came Vernon E. Morgan, Husband, to me known to be the identical person whose signature is affixed to the foregoing 'Owner's Statement' and acknowledged the execution thereof to be his voluntary act and deed.

WITNESS MY HAND AND SEAL THIS _____ DAY OF _____, 2022.

Notary Public

My Commission Expires _____

ACKNOWLEDGEMENT

STATE OF _____ }
COUNTY OF _____ }

Before me, a Notary Public, qualified and acting in said County, personally came Judy Morgan, Wife, to me known to be the identical person whose signature is affixed to the foregoing 'Owner's Statement' and acknowledged the execution thereof to be her voluntary act and deed.

WITNESS MY HAND AND SEAL THIS _____ DAY OF _____, 2022.

Notary Public

My Commission Expires _____

SURVEYOR'S CERTIFICATE

I, Dennis P. Sullivan, a Nebraska Registered Land Surveyor, hereby certify that I, or under my direct supervision, have surveyed and prepared a plat of LOT 1, BLOCK 1, MORGAN SUBDIVISION A REPLAT OF PART OF THE EAST 66 FEET OF THE SOUTH 66 FEET OF TRACT 11, GOOS TRACTS, AND PART OF LOT B, GOOS TRACTS, A REPLAT OF PART OF TRACT 7 AND ALL OF TRACT 8, GOOS TRACTS, AND LOT 2, BLOCK 1, MORGAN SUBDIVISION A REPLAT OF PART OF THE EAST 66 FEET OF THE SOUTH 66 FEET OF TRACT 11, GOOS TRACTS, PART OF THE NORTH 132 FEET OF TRACT 11, GOOS TRACTS, AND PART OF LOT B, GOOS TRACTS, A REPLAT OF PART OF TRACT 7 AND ALL OF TRACT 8, GOOS TRACTS, AN ADDITION TO THE CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA SITUATED IN PART OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA more particularly described as follows,

BEGINNING AT THE SOUTHEAST CORNER OF TRACT 9, GOOS TRACTS, THENCE EASTERLY ON THE NORTH RIGHT OF WAY LINE OF 27TH STREET, ON AN ASSUMED BEARING OF S88°13'01"E, A DISTANCE OF 128.01 FEET, TO THE POINT OF INTERSECTION WITH THE SOUTHWEST CORNER OF LOT A, GOOS TRACTS, THENCE BEARING N02°06'48"E, ON THE WEST LINE OF SAID LOT A, A DISTANCE OF 297.03 FEET, TO THE POINT OF INTERSECTION WITH THE NORTHWEST CORNER OF LOT A, GOOS TRACTS, THENCE BEARING S88°12'15"E, ON THE NORTH LINE OF SAID LOT A, A DISTANCE OF 237.97 FEET, TO THE POINT OF INTERSECTION WITH THE WEST RIGHT OF WAY LINE OF AVENUE B, THENCE BEARING N01°56'57"E, ON THE WEST RIGHT OF WAY LINE OF AVENUE B, A DISTANCE OF 11.36 FEET, TO THE POINT OF INTERSECTION WITH THE SOUTHEAST CORNER OF A TRACT OF LAND AS DESCRIBED IN DEED BOOK 171, PAGE 633, THENCE BEARING N87°57'23"W, ON THE SOUTH LINE OF SAID REFERENCED TRACT OF LAND, A DISTANCE OF 124.88 FEET, TO THE POINT OF INTERSECTION WITH THE SOUTHWEST CORNER OF SAID REFERENCED TRACT OF LAND, THENCE BEARING N01°51'26"E, ON THE WEST LINE OF SAID REFERENCED TRACT OF LAND, A DISTANCE OF 74.89 FEET, TO THE POINT OF INTERSECTION WITH THE NORTHWEST CORNER OF SAID REFERENCED TRACT OF LAND, THENCE BEARING S88°00'11"E, ON THE NORTH LINE OF SAID REFERENCED TRACT OF LAND, A DISTANCE OF 125.00 FEET, TO THE POINT OF INTERSECTION WITH THE WEST LINE OF AVENUE B, THENCE BEARING N02°07'21"E, ON THE WEST LINE OF AVENUE B, A DISTANCE OF 104.35 FEET, THENCE BEARING N88°07'02"W, ON A LINE BEING 7.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF TRACT 7, GOOS TRACTS, A DISTANCE OF 300.08 FEET, TO THE POINT OF INTERSECTION WITH THE WEST LINE OF SAID TRACT 7, GOOS TRACTS, THENCE BEARING N01°49'45"E, ON THE WEST LINE OF SAID TRACT 7, GOOS TRACTS, A DISTANCE OF 7.00 FEET, TO THE NORTHWEST CORNER OF SAID TRACT 7, GOOS TRACTS, THENCE BEARING N88°07'02"W, ON THE NORTH LINE OF TRACT 11, GOOS TRACTS, A DISTANCE OF 29.44 FEET, TO THE POINT OF INTERSECTION WITH THE SOUTHEAST CORNER OF LOT 1, BLOCK 1, RISOR SUBDIVISION OF TRACT 12, GOOS TRACTS, THENCE BEARING N88°15'47"W, ON THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 119.90 FEET, TO THE POINT OF INTERSECTION WITH THE SOUTHEAST CORNER OF LOT 3, BLOCK 1, RISOR SUBDIVISION OF TRACT 12, GOOS TRACTS, THENCE BEARING N88°09'18"W, ON THE SOUTH LINE OF SAID LOT 3, A DISTANCE OF 150.77 FEET, TO THE POINT OF INTERSECTION WITH THE EAST LINE OF AVENUE D, THENCE BEARING S02°12'30"W, ON THE EAST RIGHT OF WAY LINE OF AVENUE D, A DISTANCE OF 131.90 FEET, TO THE POINT OF INTERSECTION WITH THE NORTHWEST CORNER OF THE WEST 234 FEET OF THE SOUTH 66 FEET OF TRACT 11, GOOS TRACTS, THENCE BEARING S88°07'13"E, ON THE NORTH LINE OF THE WEST 234 FEET OF THE SOUTH 66 FEET OF TRACT 11, GOOS TRACTS, A DISTANCE OF 234.00 FEET, TO THE POINT OF INTERSECTION WITH THE NORTHEAST CORNER OF THE WEST 234 FEET OF THE SOUTH 66 FEET OF TRACT 11, GOOS TRACTS, THENCE BEARING S01°36'13"W, ON THE EAST LINE OF THE WEST 234 FEET OF THE SOUTH 66 FEET OF TRACT 11, GOOS TRACTS, A DISTANCE OF 66.21 FEET, TO THE POINT OF INTERSECTION WITH THE NORTHEAST CORNER OF TRACT 9, GOOS TRACTS, THENCE BEARING S02°05'36"W, ON THE EAST LINE OF SAID TRACT 9, GOOS TRACTS, A DISTANCE OF 296.81 FEET, TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 2.98 ACRES, MORE OR LESS.

LOT 1 & 2, BLOCK 1,
MORGAN SUBDIVISION,
SCOTTSBLUFF, NEBRASKA
SHEET 3 OF 3
JOB# RM220220-00

SURVEYOR'S CERTIFICATE (continued)

That the accompanying plat is a true delineation of such survey drawn to a scale of 60 feet to the inch. That all dimensions are in feet and decimals. That each lot and block has its own number and that the boundary of the plat is shown with a heavy solid line with dashed lines being for orientation purposes only. That all corners found or set are marked as shown.

WITNESS MY HAND AND SEAL THIS _____ DAY OF _____, 2022.
FOR THE FIRM OF M. C. SCHAFF AND ASSOCIATES, INC.

Dennis P. Sullivan, Nebraska Registered Land Surveyor, L. S. 562

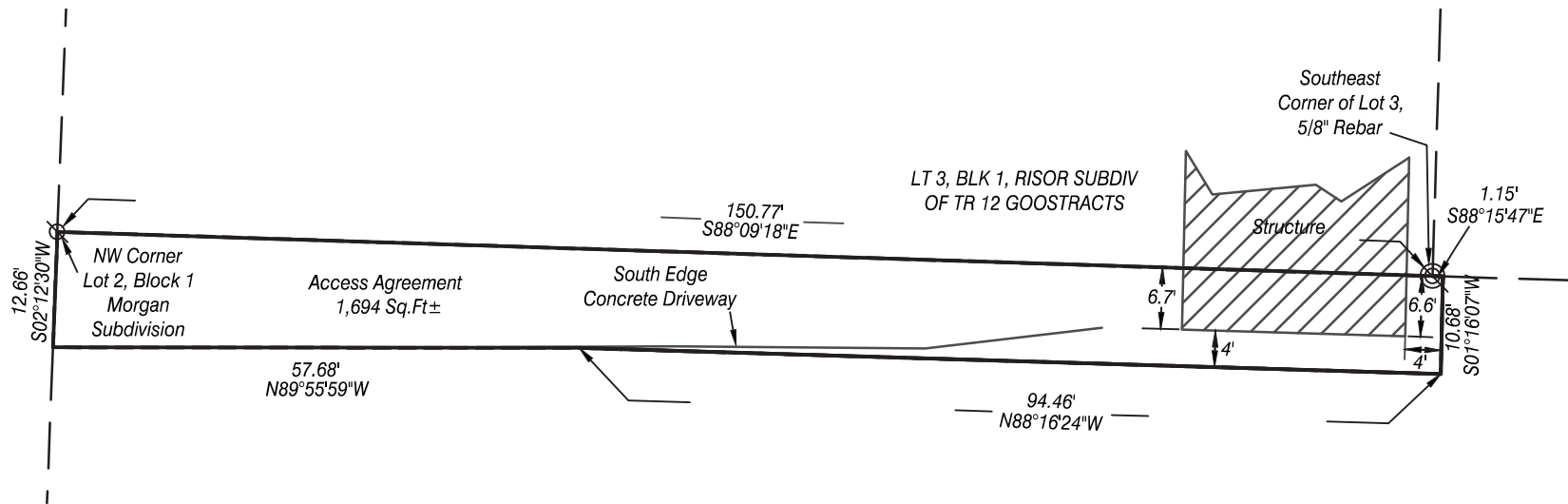
APPROVAL AND ACCEPTANCE

The foregoing plat of LOT 1, BLOCK 1, MORGAN SUBDIVISION A REPLAT OF PART OF THE EAST 66 FEET OF THE SOUTH 66 FEET OF TRACT 11, GOOS TRACTS, AND PART OF LOT B, GOOS TRACTS, A REPLAT OF PART OF TRACT 7 AND ALL OF TRACT 8, GOOS TRACTS, AND LOT 2, BLOCK 1, MORGAN SUBDIVISION A REPLAT OF PART OF THE EAST 66 FEET OF THE SOUTH 66 FEET OF TRACT 11, GOOS TRACTS, PART OF THE NORTH 132 FEET OF TRACT 11, GOOS TRACTS, AND PART OF LOT B, GOOS TRACTS, A REPLAT OF PART OF TRACT 7 AND ALL OF TRACT 8, GOOS TRACTS, AN ADDITION TO THE CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA SITUATED IN PART OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA is hereby approved by the Mayor and City Council of the City of Scottsbluff, Scotts Bluff County, Nebraska, by resolution duly passed

this _____ day of _____, 2022.

ATTEST: _____
City Clerk

Mayor: Jeanne McKerrigan



CONTRACT FOR PUBLIC IMPROVEMENTS

This contract is made this 27 day of September 2022, between City of Scottsbluff, Nebraska, a Municipal Corporation, hereafter called "City", and Morgan Rentals, LLC, a Nebraska Limited Liability Company, hereafter called "Owner".

RECITALS

1. Morgan Rentals, LLC owns real estate described as follows:

Lot 2, Block 1, Morgan Subdivision, a Replat of part of the East 66 feet of the south 66 feet of Tract 11, Goos Tracts, Part of the North 132 feet of Tract 11, Goos Tracts, and Part of Lot B, Goos Tracts, a Replat of Part of Tract 7 and all of Tract 8, Goos Tracts, an addition to the City of Scottsbluff, Scotts Bluff County, Nebraska.

This real estate will hereafter be called Morgan Rentals, LLC

2. Certain improvements in the area which are required by the Scottsbluff Municipal Code to be constructed by the property owner have not been constructed. The parties desire to memorialize their agreement with respect to the construction of these improvements. For that purpose, Owner desires to bind itself and its successors in interest to construct the improvements in accordance with the Scottsbluff Municipal Code as hereinafter provided.

AGREEMENTS OF THE PARTIES

In consideration of the mutual promises of the parties, it is agreed as follows:

3. Owner does not intend at this time to develop Lot 2, Block 1, Morgan Subdivision. The City has advised Owner that no building permits will be allowed or approved concerning Lot 2, Block 1, Morgan Subdivision, until such time as the Avenue C cul-de-sac, curb, gutter, and sidewalk are built on Lot 2, Block 1, Morgan Subdivision, as shown in the Preliminary Plat and Final Plat. The cost of these improvement shall be paid by Owner or the Owner's successor in interest.

4. All improvements described in this agreement shall be constructed in accordance with plans and specifications approved by the City and in accordance with all ordinances and codes adopted by the City. All the improvements shall become the property of the City immediately upon acceptance of the improvements by the City Council. Owner warrants such improvements for a period of one year from the date of the acceptance of the improvements.

5. To secure the obligation of Owner, or the Owner's successor in interest, to construct the improvements described herein, Owner shall grant to City a lien on the property by a recorded

Deed of Trust reflecting and referring to the agreement set forth herein, which shall be filed with the Register of Deeds and become a first lien on the property. The Deed of Trust shall be released upon posting a bond or letter of credit for the full value of the construction costs of the improvements, or upon completion and payment of the improvements by Owner, or Owner's successor, in compliance with the City Codes and Building Standards.

6. Owner, for itself and on behalf of all future grantees and owners, covenants and agrees to participate in and not object to the creation of any special improvement districts that may be subsequently created to construct and improve Lot 2, Block 1, Morgan Subdivision. It is the intent of Owner that this paragraph bind all future grantees, heirs and owners and that this covenant and contract runs with the land as it touches and concerns the development of Lot 2, Block 1, Morgan Subdivision. Owner further agrees that all future transfers or conveyances of lots within Lot 2, Block 1, Morgan Subdivision shall be subject to and conditioned upon a provision in the deed or conveying document that the grantee or new owner will participate in and not object to the creation of any special improvement districts that may be subsequently created to construct and improve Lot 2, Block 1, Morgan Subdivision. This paragraph and the covenants herein will not be deemed a waiver of Owner's, grantee's or lot owner's right to contest the extent to which it is benefitted by such special improvement district, or to contest the amount of any assessments levied against the Owner's, grantee's or lot owner's property.

8. This contract shall run with the land and shall bind, in addition to the parties, the successors and assigns of the respective parties.

9. The parties agree to execute a Memorandum of Contract suitable for filing in the Office of the Register of Deeds of Scotts Bluff County, Nebraska, to give notice of the fact that this Contract has been executed. Owner shall reimburse the City for the costs of filing this Memorandum of Contract.

IN WITNESS WHEREOF, the parties have set their hands the day and year first herein written.

CITY OF SCOTTSBLUFF, NEBRASKA

Mayor

Dated _____

Attest:

City Clerk

MORGAN RENTALS, LLC
Owner

Seal

By *V E Morgan*
Vernon Morgan, Managing Member

Dated *September 27, 2022*

City of Scottsbluff Planning Commission

Development Services Staff Report – Zachary Glaubius

Prepared on: September 30, 2022 For Hearing of: October 10, 2022



I. GENERAL INFORMATION

A. Applicant: Morgan Rentals, LLC
PO Box 2869
Dillon, CO 80435

B. Property
Owner: Same as Applicant

C. Proposal: Preliminary and Final Plats of Lots 1-7, Block 1, Morgan Subdivision

D. Legal Description: Lot 1, Block 1, Morgan Subdivision, A replat of Part of the East 66 Feet of the South 66 Feet of Tract 11, Goos Tracts, and Part of Lot B, Goos Tracts, a Replat of Part of Tract 7 and All of Tract 8, Goos Tracts, and Lot 2, Block 1, Morgan Subdivision, a Replat of Pat of the East 66 Feet of the South 66 Feet of Tract 11, Goos Tracts, Part of the North 132 Feet of Tract 11, Goos Tracts, and Part of Lot B, Goos Tracts, a Replat of Part of Tract 7 and All of Tract 8 Goos Tracts.

E. Location: 209 W. 27th Street - northwest of the intersection of Avenue B and W. 27th Street (north and west of Walgreens).

F. Existing Zoning & Land Use: C-2 Neighborhood and Retail Commercial | R-1A Single Family Residential

G. Future Land Use Designation: Northwest Commercial & Residential

H. Size of Site: Approximately 120,142 square feet

II. BACKGROUND INFORMATION

A. General Neighborhood/Area Land Uses and Zoning:

Direction From Subject Site	Future Land Use Designation	Current Zoning Designation	Surrounding Development
North	Residential	R-1A Single Family Residential	Single Family Detached Dwellings
East	Northwest Commercial	C-2 Neighborhood and Retail Commercial	Commercial Buildings
South	Northwest Commercial	C-2 Neighborhood and Retail Commercial	Commercial Buildings

West	Northwest Commercial & Residential	C-2 Neighborhood and Retail Commercial & R-1A Single Family Residential	Commercial Buildings
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B. Relevant Case History

1. N.A.

III. ANALYSIS

A. Comprehensive Plan: The Future Land Use Map of the Comprehensive Plan currently shows the northern and southern parts of the subdivision as Northwest Commercial. The western part of the subdivision is shown as residential.

B. Traffic & Access:

1. Lot 1 is accessible via 27th Street.
2. Lot 2 is accessible via Avenue B, Avenue C, and Avenue D.
3. Lots 1 and 2 are served by water and sewer via 27th Street, Avenue B, Avenue C, and Avenue D.
4. A cul de sac for Avenue C will be dedicated with this subdivision.

IV. STAFF COMMENTS

- A. As the property owner is selling Lot 1 and there will be no access to 27th Street from Avenue C, 21-1-18 requires a turnaround to be dedicated and constructed.
- B. There is an existing structure located in the northwest corner of the property which crosses the property line. The two property owners have agreed to a private easement to allow for the continued use of the structure.
- C. No zoning changes were submitted.

V. FINDINGS OF FACT

A. Findings of Fact to Recommend Its Approval May Include:

1. The preliminary and final plat will bring the land into conformance with Chapter 21 of the Municipal Code by properly subdividing the land.
2. The proposed lots and use are consistent with the surrounding neighborhood.
3. The C-3 District does not require a minimum lot size.
4. The situation pertaining to the structure crossing a property line has been addressed.

B. Findings of Fact to Not Recommend Approval May Include:

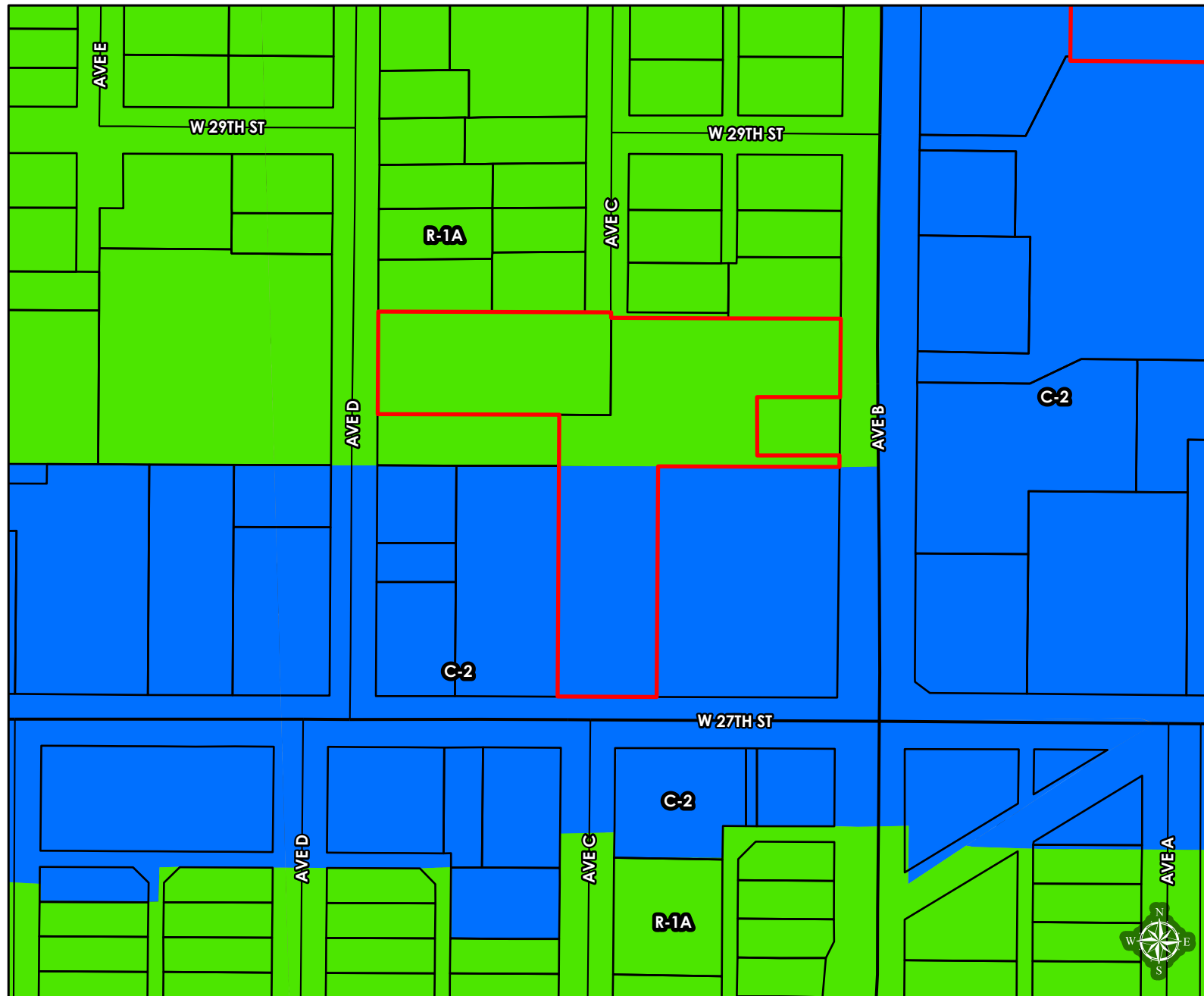
1. None

VI. STAFF RECOMMENDATION

- A. Staff recommends Planning Commission recommend the approval of the Preliminary and Final Plat of Lots 1 and 2, Block 1, Morgan Subdivision, to City Council.

Plat of Parcel 010122664 and surrounding area

Zoning Overview



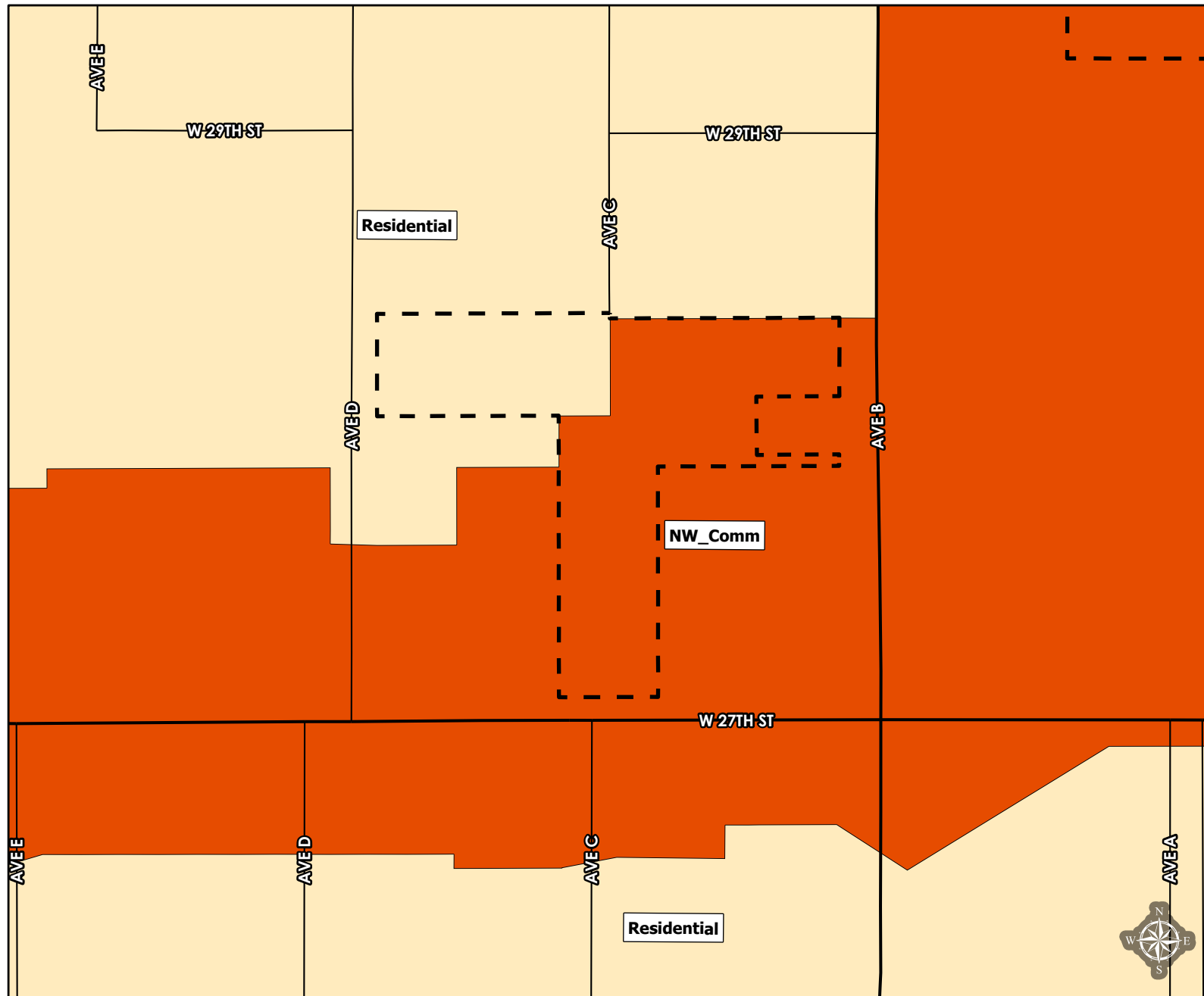
- Parcels
- Proposed Changes
- Street Centerlines**
 - Highway
 - Main Road
 - Residential/Rural
- Official City Zoning**
 - (A) Agriculture
 - (AR) Agriculture Residential
 - (C-1) Central Business District
 - (C-2) Neighborhood Commercial
 - (C-3) Heavy Commercial
 - (M-1) Light Manufacturing & Industrial
 - (M-2) Heavy Manufacturing and Industrial
 - (O-P) Office and Professional
 - (PBC) Planned Business Center
 - (R-1) Single Family
 - (R-1A) Single Family Medium Density
 - (R-1B) Rural Residential Estate
 - (R-4) Heavy Density Multiple Family
 - (R-6) Mobile Home

Taylor Stephens
City of Scottsbluff GIS
Created on 8/15/2022
Coordinate System: NAD 1983 (2011)
StatePlane Nebraska FIPS 2600 Feet
Lambert Conformal Conic

The City makes no representation or warranty as to the accuracy, timeliness, or completeness, and in particular, its accuracy in labeling or displaying dimensions, contours, property boundaries, or placement or location of any map features thereon.

Plat of Parcel 010122664 and surrounding area

2016 Comp. Plan
Future Land
Use Overview



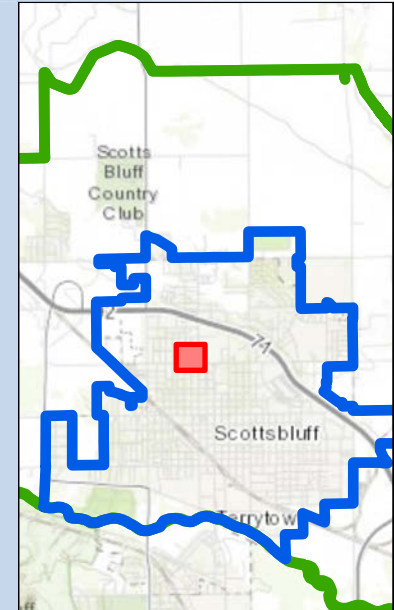
- Proposed Changes
- 2016 Comp. Plan Land Use**
- Automobile Commercial
 - Avenue B and Hospital Campus
 - Central Business District
 - East Overland
 - Highway 26 Commercial
 - Northwest Commercial
 - Residential
 - Rural
 - Rural Residential
 - SE Industrial and Commercial
 - South Broadway
 - WNCC and Surrounding Area
- Street Centerlines**
- Highway
 - Main Road
 - Residential/Rural
- 2016 Comp. Plan Development**
- LTD (10 - 20 yrs)
 - NTD (Less than 5 yrs)
 - STD (5 - 10 yrs)

Taylor Stephens
City of Scottsbluff GIS
Created on 8/15/2022
Coordinate System: NAD 1983 (2011)
StatePlane Nebraska FIPS 2600 Feet
Lambert Conformal Conic

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Plat of Parcel 010122664 and surrounding area

Aerial Overview



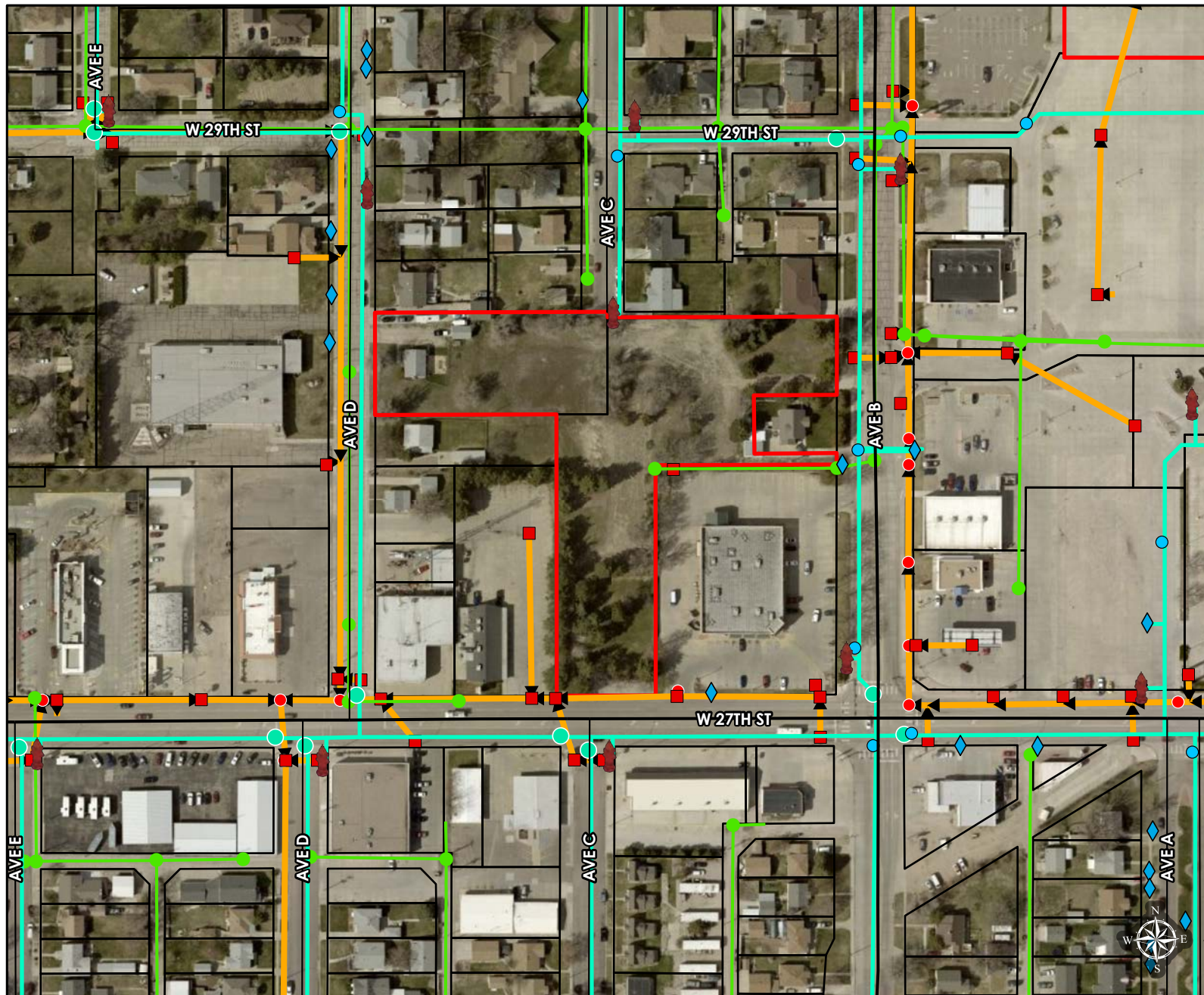
- Corporate Limits
- Extended Jurisdiction
- Proposed Changes
- Street Centerline**
- Highway
- Main Road
- Residential
- Parcels
- Address

Taylor Stephens
City of Scottsbluff GIS
Created on 8/15/2022
Coordinate System: NAD 1983 (2011)
StatePlane Nebraska FIPS 2600 Feet
Lambert Conformal Conic

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Plat of Parcel 010122664 and surrounding area

Utilities Overview



- Proposed Property
- Street Centerlines**
- Highway
- Main Road
- Residential/Rural
- ♦ Fire Hydrants
- ♦ Water Curbstop
- Water Valve
- Water Manhole
- Water Lines
- Wastewater MH
- Wastewater Lines
- ▲ Outfall
- Stormwater Inlet
- Stormwater Manhole
- ▶ Stormwater Arc
- Parcels

Taylor Stephens
City of Scottsbluff GIS
Created on 8/15/2022
Coordinate System: NAD 1983 (2011)
StatePlane Nebraska FIPS 2600 Feet
Lambert Conformal Conic

The City makes no representation or warranty as to the accuracy, timeliness, or completeness, and in particular, its accuracy in labeling or displaying dimensions, contours, property boundaries, or placement or location of any map features thereon.

City of Scottsbluff, Nebraska

Monday, October 10, 2022

Regular Meeting

Item New Bus2

Planning Commission to conduct a Public Hearing to consider the creation of an AEDS situated on a tract of land in the Southeast Quarter of the Northeast Quarter of Section 7, Township 22N, Range 55 West of the 6th PM, commonly identified as 80436 CR 24

Staff Contact:

CITY OF SCOTTSBLUFF
AGRICULTURAL ESTATE DWELLING SITE APPLICATION
AGRICULTURAL – ET ZONING DISTRICT

On the 24th day of AUGUST, 2022,

K E B FARMS, INC. (KELLY BECKER) (being the record title owner of the real estate described in paragraphs 1 and 3 below), has caused to be made an application to the City of Scottsbluff, Scotts Bluff County for an exception to Agriculture (A-ET) District Zoning, for an Agricultural Estate Dwelling Site subject to all provisions of Part 13 Ag. District, specifically 25-3-19.1-13, of the Zoning Regulations, as follows:

1. **LEGAL DESCRIPTION OF TRACT TO BE SEPARATED:** An accurate survey, properly identifying the tract to be set out, must accompany this application. If more space is needed, please attach the legal description. SEE ATTACHED (4.16 ACRES±)

2. **SIZE (ACREAGE) IN ABOVE DESCRIBED TRACT TO BE SEPARATED:** _____

TOTAL AREA = 4.16 ACRES± / NET AREA = 3.77 ACRES±

3. **LEGAL DESCRIPTION OF BALANCE OF LAND WHICH IS TO BE RESERVED:**

SW1/4 OF THE NE 1/4, S1/2 OF THE SE1/4 OF THE NE1/4 EXCEPT THE ABOVE DESCRIBED
TRACT, PART OF THE NE1/4 OF THE SE1/4 LYING NORTH OF FARMER'S IRRIGATION
DISTRICT LATERAL, ALL IN SECTION 7, TOWNSHIP 22 NORTH, RANGE 54 WEST
OF THE 6TH P.M.

4. **SIZE (ACREAGE) IN ABOVE DESCRIBED TRACT TO BE RESERVED:**

82.80 ACRES±

5. **INTENT** (Must have one or more of the following; each should be specifically described):
- a). An existing farmstead site (describe previous use) TRACT TO BE SEPARATED CURRENTLY USED AS AN EXISTING FARMSTEAD SITE. SITE HAS A HOUSE AND OUTBUILDINGS.
 - b). A conveyance to a farm-ranch owner's relative (set out the names of the relatives and relationship to the owner): INTENT OF AG ESTATE IS TO CONVEY PROPOSED SITE TO
OWNER'S SON - JEREMY BECKER
 - c). A conveyance to a farm-ranch owner, to be used for dwelling purposes for that farm-ranch owner:
 - d). Marginal usage land (describe completely as to the reason such land is "marginal use"):
6. **ACCESS TO PUBLIC ROAD** (Describe access: Must have a minimum width of 150 feet on an existing dedicated public road; or if an interior section type, there must be an access road of at least 25 feet in width. Also, access roads on the dedicated public road must be
ENTIRE EAST SIDE OF PROPOSED SITE ABUTS COUNTY ROAD 24.
7. **PRELIMINARY PLAN REQUIREMENTS** (Following procedures in Scottsbluff Municipal Code Book of the City of Scottsbluff Subdivision Regulations, as required by the City of Scottsbluff Development Services Department):
8. **REQUIREMENT:** Before any action can be taken, applicant shall submit a receipt from the Scotts Bluff County Treasurer's Office showing that the current property taxes have been paid.

CITY OF SCOTTSBLUFF
AGRICULTURAL ESTATE DWELLING SITE APPLICATION
AGRICULTURAL – ET ZONING DISTRICT

9. **NOTE:** Assuming that the City of Scottsbluff Planning Commission and City Council approve the referenced application for the creation of an Agricultural Estate Dwelling Site, then the applicant therein is required to have recorded for public record, at the direction of the City of Scottsbluff City Council, a “CERTIFICATE”, which sets out the action taken by the Commission and Council (at the cost of the applicant). Furthermore, there shall be a clear understanding that as to the referenced legal description (paragraph3, above), a request for an Agricultural Estate Dwelling Site shall be granted ONE TIME ONLY, so as to carry out the intent as expressed in Section 25-3-19.1 of the Scottsbluff Municipal Code Zoning Regulations. Furthermore, in the event that the Agricultural Estate Dwelling Site is no longer actually used for the purpose in existence upon giving of such approval, then it is understood that the approval granted by the City Council shall be automatically revoked.

Owner Name: K E B FARMS, INC. (KELLY BECKER)
Address: 80436 COUNTY ROAD 24
City/State: SCOTTSBLUFF, NE 69361
Telephone: 308-631-4622
Email Address: KEBECKER42@YAHOO.COM
Signature: 
Ag-Estate Address: 80436 COUNTY ROAD 24
City/State: SCOTTSBLUFF, NE 69361

City of Scottsbluff, Development Services

RECEIVED:

Date: _____

Receipt #: _____

Filing Fee - \$100.00

Public Hearing Notifications per Property Owner \$3.00 each

CITY OF SCOTTSBLUFF - PLANNING COMMISSION

The City of Scottsbluff Council, having received and reviewed the application of:

FOR AN EXCEPTION TO Agriculture (A) District Zoning for an Agricultural Estate Dwelling Site (Part 25-3-19.1-13 of the Scottsbluff Municipal Code Zoning Regulations) and having taken said application and request into consideration on the _____ day of _____, 20____ and then having heard comments and testimony thereon do hereby:

Approve: _____

Disapprove: _____

the request as stated.

COMMENTS:

Dated this _____ day of _____, 20____

CITY OF SCOTTSBLUFF
PLANNING COMMISSION

CHAIRMAN

SECRETARY

CITY OF SCOTTSBLUFF - CITY COUNCIL

The City of Scottsbluff Council, having received and reviewed the application of:

FOR AN EXCEPTION TO Agriculture (A) District Zoning for an Agricultural Estate Dwelling Site (Part 25-3-19.1-13 of the Scottsbluff Municipal Code Zoning Regulations) and having taken said application and request into consideration on the _____ day of _____, 20 ____ and then having heard comments and testimony thereon do hereby:

Approve: _____

Disapprove: _____

the request as stated.

COMMENTS:

Dated this _____ day of _____, 20 ____

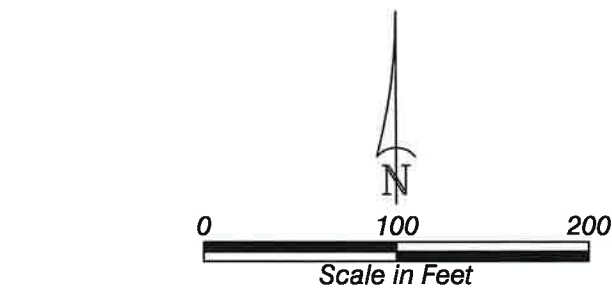
CITY OF SCOTTSBLUFF
CITY COUNCIL

ATTEST:

MAYOR

CITY CLERK

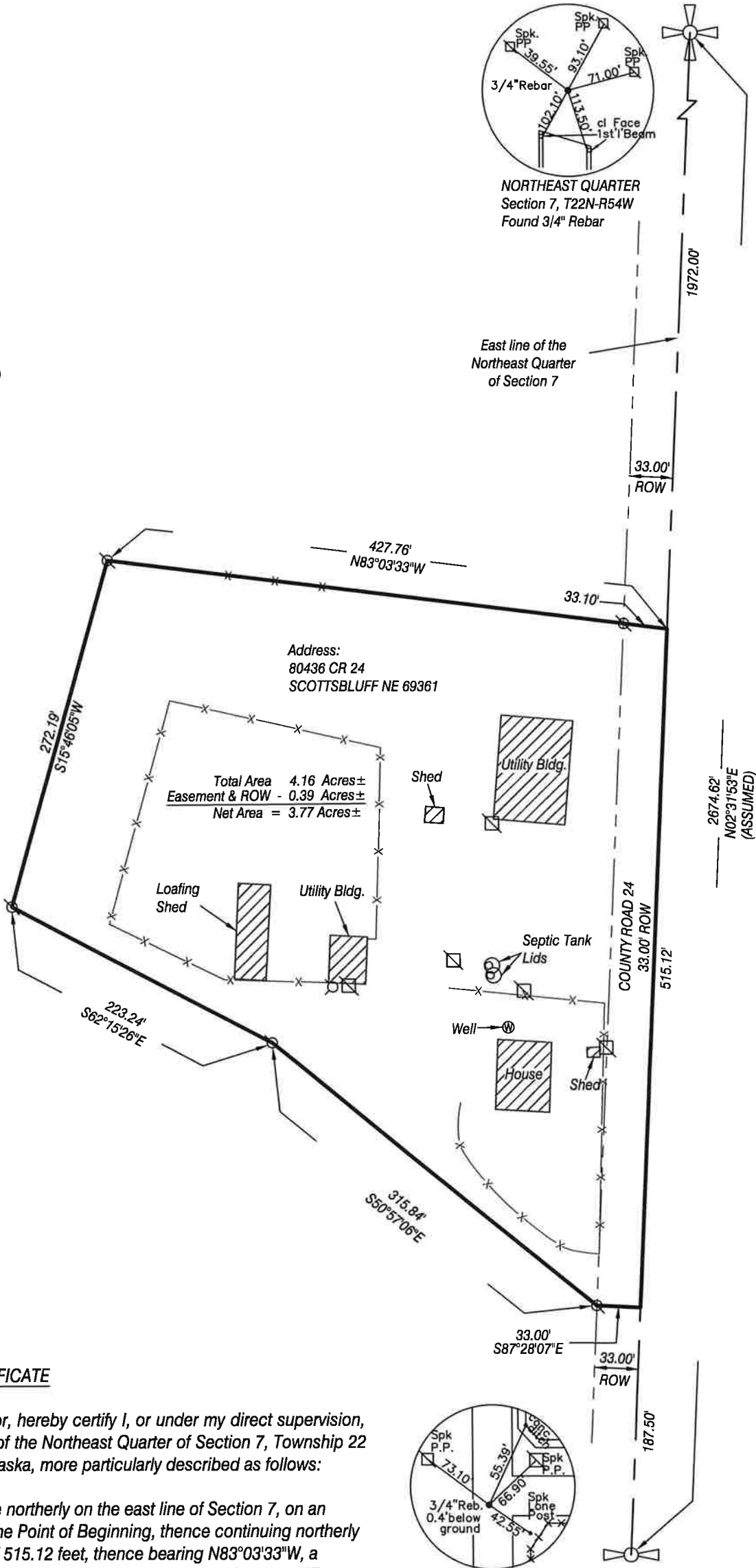
TRACT IN SE1/4 OF THE NE1/4 OF
SECTION 7, T22N-R54W
SCOTTS BLUFF COUNTY, NEBRASKA
JOB# RM220234-00



LEGEND

- EXISTING SECTION CORNER, AS NOTED
- EXISTING QUARTER SECTION CORNER, AS NOTED
- SET 5/8" X 24" REBAR W/CAP
- EXISTING FENCELINE
- STRUCTURES
- WELL
- YARD HYDRANT
- POWER POLE
- SEPTIC TANK LID
- ROW
- R
- M

NOTE: Easements of Record, if any, are not shown on this survey plat.



SURVEYOR'S CERTIFICATE

I, Dustin L. Beaudette, a Nebraska Registered Land Surveyor, hereby certify I, or under my direct supervision, have surveyed a tract of land situated in the Southeast Quarter of the Northeast Quarter of Section 7, Township 22 North, Range 54 West of the 6th P.M., Scotts Bluff County, Nebraska, more particularly described as follows:

Commencing at the East Quarter Corner of Section 7, thence northerly on the east line of Section 7, on an assumed bearing of N02°31'53"E, a distance of 187.50 feet, to the Point of Beginning, thence continuing northerly on the east line of Section 7, bearing N02°31'53"E, a distance of 515.12 feet, thence bearing N83°03'33"W, a distance of 427.76 feet, thence bearing S15°46'05"W, a distance of 272.19 feet, thence bearing S62°15'26"E, a distance of 223.24 feet, thence bearing S50°57'06"E, a distance of 315.84 feet, thence bearing S87°28'07"E, a distance of 33.00 feet, to the Point of Beginning, containing 4.16 acres, more or less.

That the accompanying plat is a true delineation of said survey drawn to a scale of 100 feet to the inch. That all dimensions are in feet and decimals. That all corners found or set are marked as shown.

WITNESS MY HAND AND SEAL this 30th day of AUGUST, 2022.
FOR THE FIRM OF M. C. SCHAFF AND ASSOCIATES, INC.

Dustin L. Beaudette, Nebraska Registered Land Surveyor, L. S. 799



City of Scottsbluff Planning Commission

Development Services Staff Report – Zachary Glaubius

Prepared on: September 19, 2022

For Hearing of: October 10, 2022



I. GENERAL INFORMATION

- A. Applicant:** KEB Farms (Kelly Becker)
80436 CR 24
Scottsbluff, NE 69361
- B. Property**
Owner: Same as Applicant
- C. Proposal:** Request for Creation of an Agricultural Estate Dwelling Site at 80436 CR 24
- D. Legal Description:** A tract of land situated in Southeast Quarter of the Northeast Quarter of Section 7, Township 22 North, Range 54 West of the 6th PM, Scotts Bluff County
- E. Location:** 80436 CR 24
- F. Existing Zoning & Land Use:** A-Agricultural
- G. Size of Site:** AEDS: Approximately 4.16 Acres
Agricultural/Vacant Land to be Reserved: Approximately 82.8 Acres

II. BACKGROUND INFORMATION

A. General Neighborhood/Area Land Uses and Zoning:

Direction From Subject Site	Future Land Use Designation	Current Zoning Designation	Surrounding Development
North	Rural	A -Agricultural	Farm Ground
East	Rural	A -Agricultural	Farm
South	Rural	A -Agricultural	Farm Ground
West	Rural	A -Agricultural	Farm Ground

B. Relevant Case History

1. N/A

III. ANALYSIS

- A. Comprehensive Plan:** The Future Land Use Map of the Comprehensive Plan currently shows the site as Rural.
- B. Traffic & Access:**
1. Current access to site is from frontage to CR 24.

2. The proposed AEDS will have a width of 515 feet along County Road 20. The minimum required under 25-3-19 is 150 feet.

C. Utilities:

1. The AEDS is located in the extra-territorial jurisdiction and is not served by city utilities.

IV. STAFF COMMENTS

- A. The intent of the property owner is to convey the AEDS to property owner's son.

V. FINDINGS OF FACT

A. Findings of Fact to Recommend Its Approval May Include:

1. The agricultural use and AEDS designation are consistent with the Comprehensive Plan Future Land Use Map.
2. The AEDS designation will not create any nonconforming yards or structures.
3. The reserved area meets the required 80 acre minimum.
4. The AEDS meets the 2-acre minimum and 20-acre maximum area requirement.

A. Findings of Fact to Not Recommend Approval May Include:

1. None

VI. STAFF RECOMMENDATION

- A. Staff recommends the Planning Commission make a positive recommendation to City Council to approve the Agricultural Estate Dwelling designation of a tract of land situated in Southeast Quarter of the Northeast Quarter of Section 7, Township 22 North, Range 54 West of the 6th PM, Scotts Bluff County, commonly identified as 80436 CR 24.

VII. PUBLIC NOTIFICATION

- A. Notification letters were mailed to property owners within 300 feet of the proposed AEDS. Ten (3) letters were mailed in total. One sign was posted on the property more than 10 days before the date of the meeting indicated the date, time, and place of the public hearing.

AEDS 80436 CR 24

Zoning Overview



Street Centerlines

- Highway
- Main Road
- Residential/Rural

Official City Zoning

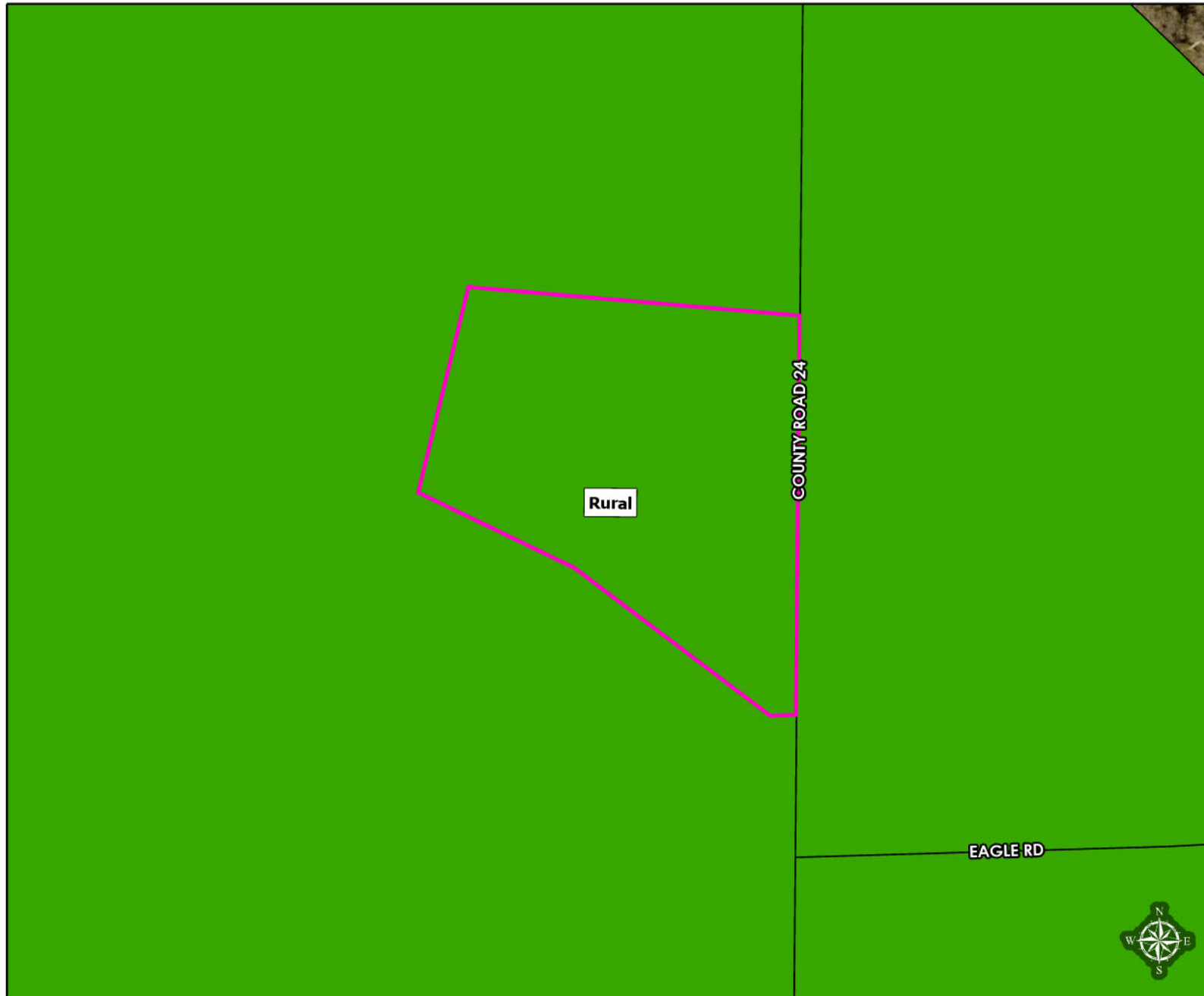
- (A) Agriculture
- (AR) Agriculture Residential
- (C-1) Central Business District
- (C-2) Neighborhood Commercial
- (C-3) Heavy Commercial
- (M-1) Light Manufacturing & Industrial
- (M-2) Heavy Manufacturing and Industrial
- (O-P) Office and Professional
- (PBC) Planned Business Center
- (R-1) Single Family
- (R-1A) Single Family Medium Density
- (R-1B) Rural Residential Estate
- (R-4) Heavy Density Multiple Family
- (R-6) Mobile Home
- Parcels
- AEDS Boundaries

Taylor Stephens
City of Scottsbluff GIS
Created on 9/26/2022
Coordinate System: NAD 1983 (2011)
StatePlane Nebraska FIPS 2600 Feet
Lambert Conformal Conic

The City makes no representation or warranty as to the accuracy, timeliness, or completeness, and in particular, its accuracy in labeling or displaying dimensions, contours, property boundaries, or placement or location of any map features thereon.

AEDS 80436 CR 24

2016 Comp. Plan Future Land Use Overview



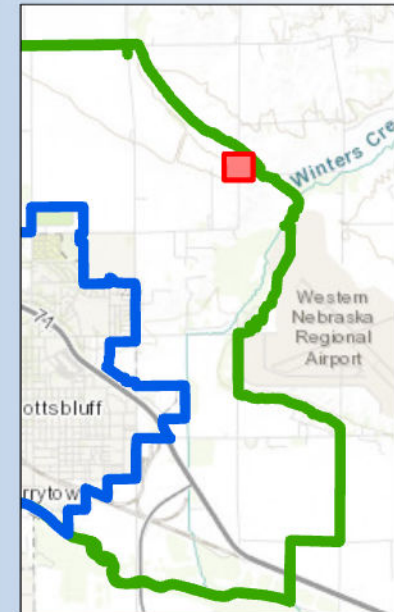
- Proposed Changes
- 2016 Comp. Plan Land Use**
- Automobile Commercial
 - Avenue B and Hospital Campus
 - Central Business District
 - East Overland
 - Highway 26 Commercial
 - Northwest Commercial
 - Residential
 - Rural
 - Rural Residential
 - SE Industrial and Commercial
 - South Broadway
 - WNCC and Surrounding Area
- Street Centerlines**
- Highway
 - Main Road
 - Residential/Rural
- 2016 Comp. Plan Development**
- LTD (10 - 20 yrs)
 - NTD (Less than 5 yrs)
 - STD (5 - 10 yrs)
 - AEDS Boundaries

Taylor Stephens
City of Scottsbluff GIS
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Lambert Conformal Conic

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AEDS 80436 CR 24

Aerial Overview



- Corporate Limits
- Extended Jurisdiction
- Street Centerline
 - Highway
 - Main Road
 - Residential
- Parcels
- Address
- AEDS Boundaries

Taylor Stephens
City of Scottsbluff GIS
Created on 9/26/2022
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StatePlane Nebraska FIPS 2600 Feet
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Street Centerlines

- Highway
- Main Road
- Residential/Rural

- Fire Hydrants
- ◆ Water Curbstop
- Water Valve
- Water Manhole
- Water Lines
- Wastewater MH
- Wastewater Lines
- ▲ Outfall
- Stormwater Inlet
- Stormwater Manhole
- Stormwater Arc

- Parcels

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RGB

- Red: Band_1
- Green: Band_2
- Blue: Band_3
- AEDS Boundaries

Taylor Stephens
City of Scottsbluff GIS
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Coordinate System: NAD 1983 (2011)
StatePlane Nebraska FIPS 2600 Feet
Lambert Conformal Conic

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City of Scottsbluff, Nebraska

Monday, October 10, 2022

Regular Meeting

Item New Bus3

**Planning Commission to conduct a public hearing to consider the
Plat Vacation of Lots 2A, 2, and 3a, Block 7, Fairway Estates,
commonly identified as 1214 Mockingbird Drive**

Staff Contact:

September 12, 2022

Mr. Zachary Glaubius, Planning Administrator
City of Scottsbluff
2525 Circle Drive
Scottsbluff, NE 69361

RE: Plat Vacation
Lots 2B and 3B, Block 7, Fairway Estates, Scottsbluff NE

Dear Mr. Glaubius

In order to replat our property (Lot 2A, Block 7, Fairway Estates) as Lots 2B and 3B, Block 7, Fairway Estates in the City of Scottsbluff, we would like to request the vacation of the previous two replats of the property, more defined as follows:

- Lot 2A, Block 7, Fairway Estates (Recorded in Instrument 2007-5844 of the Scotts Bluff County Register of Deeds, dated 10/1/2007)
- Lot 2, Block 7 and Lot 3A, Fairway Estates (Recorded in Deed Book 203, Page 678 of the Scotts Bluff County Register of Deeds, dated 5/9/1994)

Thank you for your time and attention in this matter. If you have any questions or concerns, please do not hesitate to contact us.

Very Truly,



Matt Carpenter

9/12/2022
Date



Gena Carpenter

9/12/2022
Date

City of Scottsbluff Planning Commission

Development Services Staff Report – Zachary Glaubius

Prepared on: September 30, 2022 For Hearing of: October 10, 2022



I. GENERAL INFORMATION

A. Applicant: Matt and Gena Carpenter
1214 Mockingbird Drive
Scottsbluff, NE 69361

B. Property
Owner: Same as Applicant

C. Proposal: Vacate Lot 2A, Lot 2, and Lot 3A, Block 7 Fairway Estates

D. Legal Description: A Tract of Land situated in the Northeast Quarter of Section 10, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska

E. Location: 1214 Mockingbird Drive

F. Existing Zoning & Land Use: R-1A Single Family – Single Family Dwelling

G. Size of Site: Approximately 24,595 square feet

II. BACKGROUND INFORMATION

A. General Neighborhood/Area Land Uses and Zoning:

Direction From Subject Site	Future Land Use Designation	Current Zoning Designation	Surrounding Development
North	Rural	A - Agricultural	Farmland
East	Residential	R-1A Single Family Residential	Single Family Dwellings
South	Residential	R-1A Single Family Residential	Scotts Bluff Country Club
West	Residential	R-1A Single Family Residential	Single Family Dwellings

B. Relevant Case History

1. Replatted twice since being platted.

III. STAFF COMMENTS

This would be the third replat Per 21-1-68, a subdivision may only be replatted twice. Therefore a vacation of the current subdivision is required to subdivide the property.

IV. FINDINGS OF FACT

A. Findings of Fact to Recommend Its Approval May Include:

1. The vacating of Lot 2A, Lot 2, and Lot 3A is required by code to replat a third time.

B. Findings of Fact to Not Recommend Approval May Include:

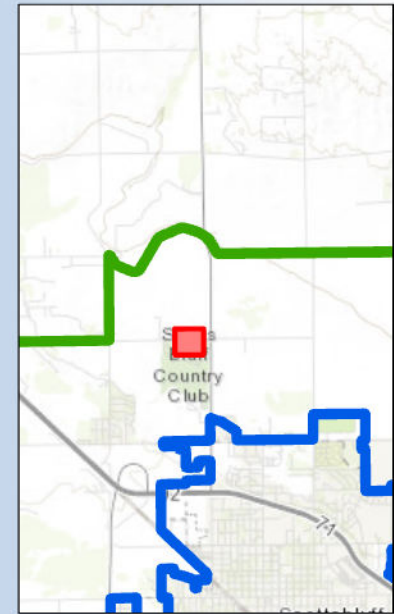
1. None

V. STAFF RECCOMENDATION

- A.** Staff recommends the Planning Commission make a positive recommendation to City Council to approve vacation of Lot 2A, 2, and 3A, Block 7, Fairway Estates Addition

1214 Mockingbird Dr Replat

Aerial Overview



- Corporate Limits
- Extended Jurisdiction
- Proposed Changes
- Street Centerline**
 - Highway
 - Main Road
 - Residential
- Parcels
- Address

Taylor Stephens
City of Scottsbluff GIS
Created on 10/4/2022
Coordinate System: NAD 1983 (2011)
StatePlane Nebraska FIPS 2600 Feet
Lambert Conformal Conic

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City of Scottsbluff, Nebraska

Monday, October 10, 2022

Regular Meeting

Item New Bus4

Planning Commission to conduct a public hearing to consider the Plat Vacation of Part of Lots 1, 2, 3, and Part of Lot 1A, Block 10, Imperial Addition, commonly identified as 1501 E. Overland Drive

Staff Contact:

City of Scottsbluff Planning Commission

Development Services Staff Report – Zachary Glaubius

Prepared on: September 29, 2022 For Hearing of: October 10, 2022



I. GENERAL INFORMATION

A. **Applicant:** City of Scottsbluff

B. **Property**

Owner: Kiowa Creek Land & Cattle Company Inc.

C. **Proposal:** Vacate Part of Lot 1A, Lot 1, Lot 2, and Part of Lot 3 Lot 10, Imperial Subdivision.

D. **Legal Description:** An addition to the City of Scottsbluff situated in the Southwest Quarter of the Southeast Quarter of Section 24, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska

E. **Location:** 501 E. Overland

F. **Existing Zoning & Land Use:** C-3 Heavy Commercial

G. **Size of Site:** Approximately 25,753 square feet

II. BACKGROUND INFORMATION

A. **General Neighborhood/Area Land Uses and Zoning:**

Direction From Subject Site	Future Land Use Designation	Current Zoning Designation	Surrounding Development
North	Residential	R-1A Single Family	Single-Family Dwellings
East	East Overland	C-3 Heavy Commercial	Businesses
South	East Overland	C-3 Heavy Commercial	Businesses
West	East Overland	C-3 Heavy Commercial	Businesses

B. **Relevant Case History**

1. Lot 1B was vacated and Orphan Motors Subdivision was platted in September 2022.

III. STAFF COMMENTS

- A. The County Register of Deeds requested further vacation of the land. The City of Scottsbluff has agreed to further vacate the land to unplatted land.

IV. FINDINGS OF FACT

A. Findings of Fact to Recommend Its Approval May Include:

1. The vacating of Part of Lot 1A, Lot 1, Lot 2, and Part of Lot 3, Block 10 is for record keeping purposes and will not affect the property owner.
2. The Scotts Bluff County Register of Deeds requested this vacation.

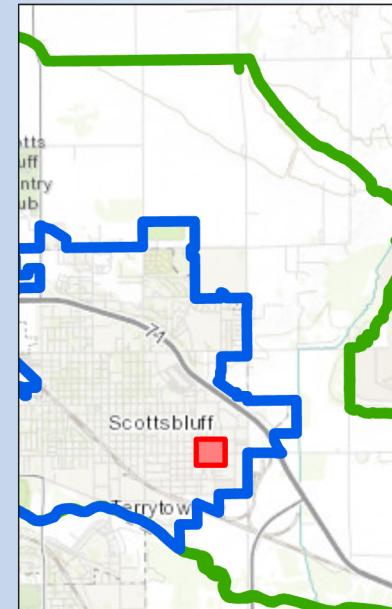
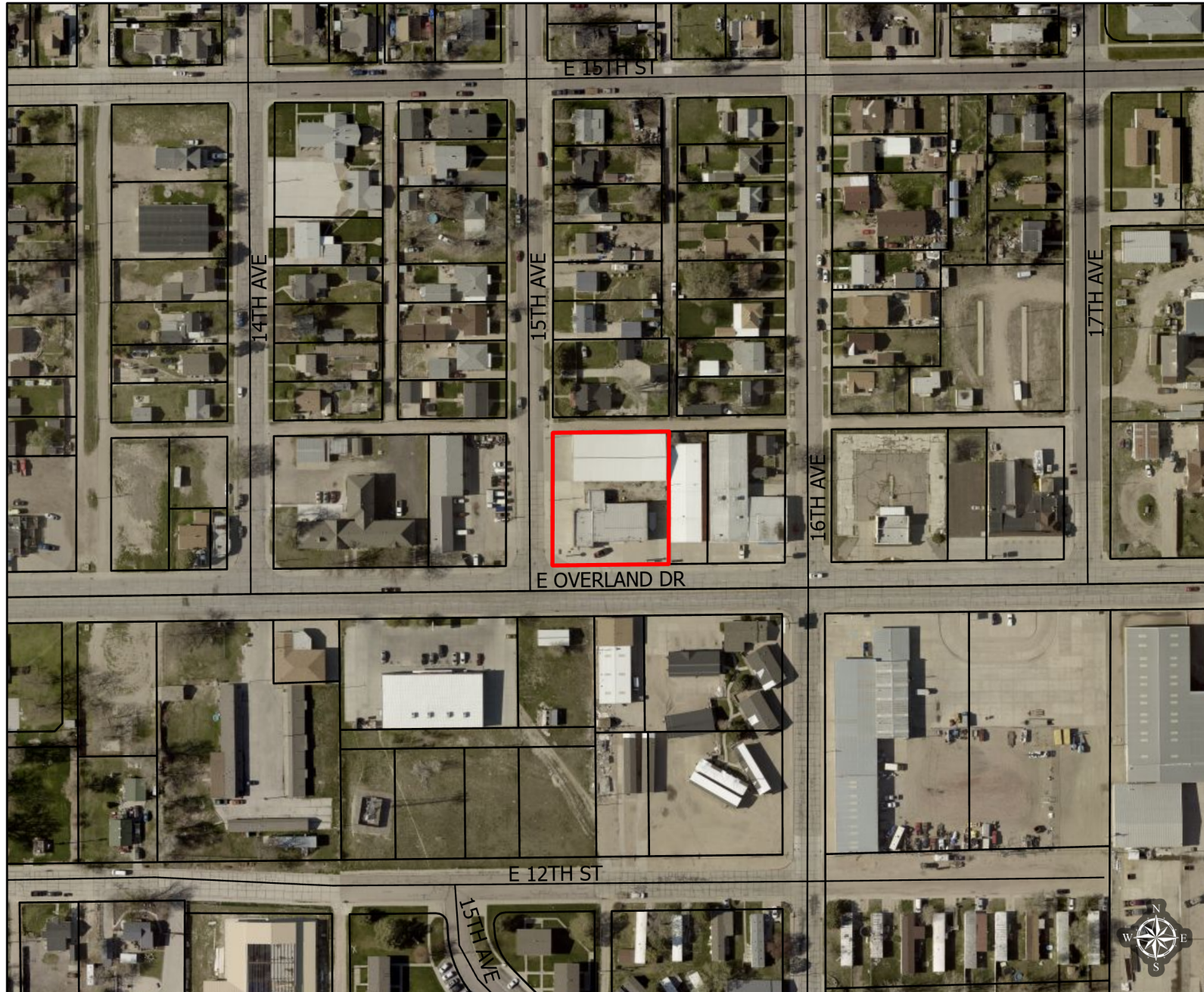
B. Findings of Fact to Not Recommend Approval May Include:

1. None

V. STAFF RECCOMENDATION

- A.** Staff recommends the Planning Commission make a positive recommendation to City Council to approve vacation of Part of Lot 1A, Lot 1, Lot 2, and Part of Lot 3, Block 10, Imperial Subdivision.

Plat 1501 E Overland Dr



- Corporate Limits
 - Extended Jurisdiction
 - Proposed Changes
- Street Centerline
- Highway
 - Main Road
 - Residential
 - Parcels

Taylor Stephens
City of Scottsbluff GIS
Created on 7/5/2022
Coordinate System: NAD 1983 (2011)
StatePlane Nebraska FIPS 2600 Feet
Lambert Conformal Conic

The City makes no representation or warranty as to the accuracy, timeliness, or completeness, and in particular, its accuracy in labeling or displaying dimensions, contours, property boundaries, or placement or location of any map features thereon.

City of Scottsbluff, Nebraska

Monday, October 10, 2022

Regular Meeting

Item Election1

2022-2023 Officer Elections

Staff Contact:

City of Scottsbluff, Nebraska

Monday, October 10, 2022

Regular Meeting

Item Staff Rep1

(Informational Only)

Staff Contact:

City of Scottsbluff, Nebraska

Monday, October 10, 2022

Regular Meeting

Item Olher Bus.1

Planning Commission to discuss Community Surveys

Staff Contact:

Community Surveys



The City of Scottsbluff utilizes software provided by ESRI for mapping and asset management purposes. They provide us with a form-fill survey solution called Survey123 which can allow for public input in an easy product. This can be used via a computer or a smart device. Survey data can be compiled into reports are exported as an excel file or csv for ease of use. Types of questions that can be asked in a survey include but not limited to the following:

- Text Boxes
- Location
- Email
- Single/Multiple Choice Questions
- Dropdown Questions
- Ratings/Likert Scales
- Rankings

These surveys can be built in a reasonable amount of time with given questions and then can be opened to the public for a certain amount of time if needed.

City of Scottsbluff, Nebraska
Monday, October 10, 2022
Regular Meeting

Item Meet1

Confirm next Meeting Date: November 14, 2022

Staff Contact: