



# SCOTTSBLUFF CITY PLANNING COMMISSION AGENDA

Monday, March 10, 2014, 6:00 PM  
Council Chambers, 2525 Circle Drive

## PLANNING COMMISSIONERS

BECKY ESTRADA  
CHAIRPERSON

ANGIE AGUALLO  
VICE CHAIRPERSON

DANA WEBER

HENRY HUBER

MARK WESTPHAL

CALLAN WAYMAN

DAVID GOMPERT

JIM ZITTERKOPF

ANITA CHADWICK

### 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 2/10/14

### 7. NEW BUSINESS:

#### A Northern Heights Addition

Final Plat: Lots 11-15, Blk 2, 1&2m Blk 5, 1-6, Blk 8, & 1-3 Blk 9

Applicant: Steve Herron (M.C.Schaff & Assoc.)

Owners: Torrington Town Homes, LLC

Location: E of 5th Ave, W of Ave B, S of 35th St & N of Hwy 26

#### B Plat & Dedication

Final Plat: Plat & Dedication of pt of 35th Street

Applicant: Mark Sitzman (M.C. Schaff & Assoc.)

Owner(s): Sitman Family Partnerships

Location: Extension of 35th St. east of Avenue B

#### C Five Oaks Final Plat

Final Plat: Lots 1A & 2A, Block 2, Amended Five Oaks Subdivision

Applicant: William Trumbull

Owner(s): C&T Holdings L.L.C.

Location: S of 38th St, E of Aspen Drive

#### D Ordinance Text Change

Ord Text Chg: Gateway Greenway Overlay Zone

Applicant: City

Owner(s): N/A

Location: N/A

### 8. UNFINISHED BUSINESS:

#### A Unfinished Business

Unfinished Business: None

### 9. ADJOURN

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|                                                                                                                                                                                                                                                  |  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
|                                                                                                                                                                                                                                                  |  |
| 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. |  |

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**City of Scottsbluff, Nebraska**  
**Monday, March 10, 2014**  
**Regular Meeting**

**Item Appr. Min.1**

**Minutes**

*Approve Minutes of 2/10/14*

Staff Contact: Annie Urdiales

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

The Planning Commission of the City of Scottsbluff, Nebraska met in a regular scheduled meeting on Monday, February 10, 2014, 6:00 p.m. in the City Hall Council Chambers, 2525 Circle Drive, Scottsbluff, Nebraska. A notice of the meeting had been published in the Star-Herald, a newspaper of general circulation in the City, on January 31, 2014. The notice stated the date, hour and place of the meeting, that the meeting would be open to the public, that anyone with a disability desiring reasonable accommodation to attend the Planning Commission meeting should contact the Development Services Department, and that an agenda of the meeting kept continuously current was available for public inspection at Development Services Department office; provided, the City Planning Commission could modify the agenda at the meeting if the business was determined that an emergency so required. A similar notice, together with a copy of the agenda, also had been delivered to each Planning Commission member. An agenda kept continuously current was available for public inspection at the office of the Development Services Department at all times from publication to the time of the meeting.

**ITEM 1:** Chairman, Becky Estrada called the meeting to order. Roll call consisted of the following members: Jim Zitterkopf, David Gompert, Anita Chadwick, Henry Huber, Dana Weber, Callan Wayman, Mark Westphal, and Becky Estrada. Absent: Angie Aguallo. City officials present: Annie Urdiales, Planning Administrator, Annie Folck, City Planner, Howard Olson, City Attorney, and Gary Batt, Code Administrator II.

**ITEM 2:** Chairman Estrada informed all those present of the Nebraska Open Meetings Act and that a copy of such is posted on the bulletin board in the back area of the City Council Chamber, for those interested parties.

**ITEM 3:** Acknowledgment of any changes in the agenda: None.

**ITEM 4:** Business not on agenda: None

**ITEM 5:** Citizens with items not scheduled on regular agenda: None

**ITEM 6:** The minutes of 1/13/14 were reviewed and approved. A motion was made to accept the minutes by Westphal, and seconded by Zitterkopf. "YEAS": Zitterkopf, Wayman, Westphal, and Estrada. "NAYS": None. ABSTAIN: Gompert, Chadwick, Huber, and Weber. None. ABSENT: Aguallo. Motion carried.

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

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

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

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

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

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

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

Neighbors from Westfield Estates asked Mr. Huber what he intends to develop the proposed commercial lots as they enjoy the quiet neighborhood and concerned about commercial uses. Mr. Huber intends to build a home on the west side of the berm and access onto that lot would be from Burlington Boulevard, he does not want heavy commercial traffic on the street either and would hope for possibly some storage units or comm shops. The Planning Commission asked if there were previous issues when the batch plant was there. There were no problems because a berm was put in place on the east end of the batch plant and the traffic was to the north of the neighborhood. The difference between the C-3 Heavy Commercial and C-2 Neighborhood & Retail Commercial is the number of permitted used allowed in the zones. C-3 allows for 106 permitted used by right where as the C-2 zone allows for 68 permitted used by right.

103 The Planning Commission asked if Mr. Huber would be opposed to zoning the lots to the north of  
104 Burlington Boulevard to C-3 Heavy Commercial and the lots on the south side of 35<sup>th</sup> Street as C-2. The  
105 commercial zones do require a buffer between a commercial and residential zone, which will offer some  
106 protection to the residential homes on 35<sup>th</sup> Street. Mr. Huber said he would be okay with that change.  
107

108 **Conclusion:** A motion was made by Weber and seconded by Westphal to approve the zone change of  
109 Lots 16-27 Block 1, Westfield Estates Replat from R-1A & C-2 to C-3 Heavy Commercial, and Lot 4,  
110 Block 2, Westfield Estates to C-2 from R-1A. "YEAS": Zitterkopf, Westphal, Gompert, Weber, Huber,  
111 Chadwick, Wayman, and Estrada. "NAYS": None. ABSTAIN: None. ABSENT: Aguillo. Motion  
112 carried.  
113

114 **Item 7D:** The Planning Commission opened a public hearing on a preliminary plat of Revision # 1 Block  
115 9, Reganis Subdivision situated in the SE ¼ of the SW ¼ of Section 13, T22N, R55W of the 6<sup>th</sup> p.m.  
116

117 The applicants and property owners Tim and Virginia Reganis, represented by M.C. Schaff and  
118 Associates have submitted a revised preliminary plat of the Reganis Subdivision. The Planning  
119 Commission had previously approved a preliminary plat for this subdivision in November of 2013. The  
120 revised preliminary has been scaled back from the original plat that was approved. The subdivision is  
121 situated directly north of 27<sup>th</sup> Street, east of US Hwy 26, west of WNCC and south of Talisman Drive.  
122 The property consists of approximately 25.27 acres and includes the east portion of 12<sup>th</sup> Avenue. Twelfth  
123 Avenue will be extended south to 27<sup>th</sup> Street and Winter Creek Drive will be extended to the east.  
124

125 City Staff and Baker and Associates have reviewed the revised preliminary plat. Adjustments were made  
126 to the plat and it meets all the subdivision codes and City standards for a preliminary plat.  
127

128 Tim Reganis, property owner, spoke in support of the revised preliminary plat; the revised plat has been  
129 scaled back. Mr. Reganis plans to open a Honda Dealership on Block 9; future plans include a hotel, and  
130 smaller commercial development. He hopes to move the rest of his dealership to this area sometime in  
131 the future.  
132

133 The lots north of Wintercreek Drive are zoned residential and the plan is to build duplexes. Twelfth  
134 Avenue is shown and will divide the Reganis property from the College property except for proposed  
135 Block 12, which is on the east side of 12<sup>th</sup> Avenue.  
136

137 Larry McCaslin, a property owner in Sheldon Heights Subdivision to the south of the development  
138 addressed the Planning Commission voicing concern over the safety of the access onto 27<sup>th</sup> Street. He  
139 suggested alternate placement of 12<sup>th</sup> Avenue by aligning streets on the south side of 27<sup>th</sup> Street.  
140

141 Annie Folck, City Planner, speaking for City Staff addressed the concerns with the Sheldon Heights  
142 Subdivision to the south. Staff didn't believe that the placement of 12<sup>th</sup> avenue would create extra traffic  
143 interfering with access to 27<sup>th</sup>. In addition, most of the traffic from the two streets in that subdivision will  
144 most likely head east or west on 27<sup>th</sup> Street and not cross to 12<sup>th</sup> wherever it may be located. The City  
145 Staff sees this as the current plan for 12<sup>th</sup> Avenue to be the best layout for the development. If 12<sup>th</sup>  
146 Avenue is moved over the buffer between the college and the new development will be lost. The college  
147 wants to utilize 12<sup>th</sup> Avenue as an access to Conestoga Hall and would like to eventually abandon the  
148 current access on the east end Pioneer Hall.  
149

150 The question was asked if in the future the hotel is built could this create more traffic and whether or not a  
151 traffic study has been done in this area and if a traffic light could be installed to accommodate the  
152 increase in traffic. A traffic study has not been done, it could be done after the development and at that  
153 time get a more accurate traffic numbers and if indicated the need for a traffic light it could be considered.

154 A light in this area could cause more traffic backup, and turn lanes could be planned into 27<sup>th</sup> Street if  
155 necessary.  
156  
157 John Schaffer, 2601 Addison Avenue also voiced his concerns with the traffic safety and access onto 27<sup>th</sup>  
158 Street from their subdivision.  
159  
160 Clayton Neilsen, with M.C. Schaff and Associates, addressed the Planning Commission. He has drawn up  
161 the plans for the plat, and realigning 12<sup>th</sup> Avenue will not help traffic accessing 27<sup>th</sup> Street from the north.  
162 Twenty-Seventh Street could accommodate a center turn lane for both left and right turns from 27<sup>th</sup> Street.  
163  
164 Howard Olsen, City Attorney, addressed the Planning Commission, there is record of a public easement  
165 between the College and the past property owner Melvin Maxwell, the predecessor to Reganis. The public  
166 easement was recorded in May of 1997. The easement was done in conjunction with a conveyance done  
167 by the Maxwell's with the college so the college had reassurance that 12<sup>th</sup> Avenue would fall in the same  
168 location shown on the plat. The City was not part of this transaction and is not bound to this easement as  
169 it was between the property owners of record at that time but does express the intention of the parties at  
170 that time.  
171  
172 Mr. McCaslin addressed the Planning Commission about a possible alternative for the street layout. A  
173 possible solution something to consider in the current layout the alley on east side of Block 9 almost lines  
174 up with Addison, switch location of 12<sup>th</sup> Avenue and the alley around then 12<sup>th</sup> intersects opposite  
175 Addison and go straight up alley and have t- intersection for hotel and also have access for Block 9 (car  
176 lot), instead of off of 27<sup>th</sup> Street. Mr. Reganis indicated he wants his development to front 12<sup>th</sup> Avenue  
177 and he does not want two properties on each side of the street, as he hopes to move his entire dealership to  
178 this area in the future. The college also prefers the current plan.  
179  
180 **Conclusion:** A motion was made by Huber and seconded by Chadwick to approve the revised  
181 preliminary plat of Reganis Subdivision Revision No. 1. "YEAS": Zitterkopf, Westphal, Gompert,  
182 Weber, Huber, Chadwick, Wayman, and Estrada. "NAYS": None. ABSTAIN: None. ABSENT: Aguillo.  
183 Motion carried.  
184  
185 **Item 7 E:** The Planning Commission opened a public hearing for a final plat of Block 9, Reganis  
186 Subdivision situated in the SE ¼ of the SW ¼ of Section 13, T22N, R55W of the 6<sup>th</sup> P.M., Scotts Bluff  
187 County. The final plat consists of 4.67 ± acres, from their revised preliminary plat. The platting of Block  
188 9 on the north side of 27<sup>th</sup> Street also dedicates a 50' right-of-way on the south side of Block 9 for 27<sup>th</sup>  
189 Street. This parcel is located north of 27<sup>th</sup> St., east of US Hwy 26, west of the college, and south of  
190 Talisman Drive. The purpose of the final plat is to allow for commercial development. The plat meets  
191 the requirements of the C-2 zoning district.  
192  
193 **Conclusion:** A motion was made by Westphal and seconded by Gompert to approve the final plat of  
194 Block 9, Reganis Subdivision. "YEAS": Zitterkopf, Westphal, Gompert, Weber, Huber, Chadwick,  
195 Wayman, and Estrada. "NAYS": None. ABSTAIN: None. ABSENT: Aguillo. Motion carried.  
196  
197 **Item 7F:** The Planning Commission opened a public hearing for the Redevelopment Plan for the Reganis  
198 Development.  
199  
200 This redevelopment plan impacts only the Reganis project, and not the rest of the area that was  
201 declared blighted and substandard. The major improvements funded from the TIF (Tax  
202 Increment Financing) will be site preparation (removal of existing buried foundations and pipes),  
203 movement of dirt and tiling and re-sloping of Winters Creek Canal. The developer intends to use

204 Block 9, Reganis Subdivision for auto sales and is also applying for a special use permit from the  
205 Planning Commission as the area is located in a C-2 Neighborhood Retail and Commercial  
206 Zoning District.

207

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

214

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

227

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

231

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

235

236 **Conclusion:** A motion was made by Weber and seconded by Gompert to approve the  
237 Redevelopment Plan for Block 9, Reganis Subdivision. "YEAS": Zitterkopf, Westphal,  
238 Gompert, Weber, Huber, Chadwick, Wayman, and Estrada. "NAYS": None. ABSTAIN: None.  
239 ABSENT: Aguillo. Motion carried.

240

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

246

247 Auto sales are a permitted use in a C-2 zone with a special use permit from the Planning Commission.  
248 There are several pre-existing auto sales businesses in the C-2 zoning districts throughout the City. The  
249 Planning Commission has approved other requests for this type of special permit. (2417 Avenue I, 2419  
250 Avenue I, 112 West 27<sup>th</sup> St. and Wolf Auto on 14<sup>th</sup> Avenue and Hwy 26) City Staff intends to come back

251 before the Planning Commission with a proposed text change to allow auto sales as a permitted use by  
252 right to the C-2 zoning district.  
253  
254 A landscape plan has been submitted and will be reviewed to make sure it falls under the guidelines for  
255 the City's GGO (gateway greenway overlay) zone requirements. The Planning Commission did allow for  
256 a reduced landscape plan for Wolfe Auto who is also in the GGO zoning district.  
257  
258 Signage for the Honda Dealership will have to meet requirements of the zoning district; these signs will  
259 be reviewed and approved by the Development Services staff. If City sign requirements are not met, the  
260 plans will come back before the Planning Commission.  
261  
262 **Conclusion:** A motion was made by Weber and seconded by Westphal to approve the Special  
263 Use Permit in the C-2 zoning district at 1117 East 27<sup>th</sup> Street. "YEAS": Zitterkopf, Westphal,  
264 Gompert, Weber, Huber, Chadwick, Wayman, and Estrada. "NAYS": None. ABSTAIN: None.  
265 ABSENT: Aguallo. Motion carried  
266  
267 **ITEM 8. Unfinished Business:** The Planning Commission was reminded about the annual APA/NPZA  
268 conference in March and the City's recognition dinner next Friday, February 21, 2014.  
269  
270 There being no further business the Planning Commission with a motion to adjourn made by Chadwick  
271 and seconded by Wayman the meeting was adjourned at 7:35 p.m. "YEAS": Wayman, Westphal, Huber,  
272 Gompert, Zitterkopf, Chadwick, Weber, and Estrada. NAYS: none. ABSENT: Aguallo. Motion carried.  
273  
274 \_\_\_\_\_  
275 Becky Estrada, Chairperson  
276  
277 Attest: \_\_\_\_\_  
278 Annie Urdiales

# **City of Scottsbluff, Nebraska**

**Monday, March 10, 2014**

**Regular Meeting**

## **Item NewBiz1**

### **Northern Heights Addition**

*Final Plat: Lots 11-15, Blk 2, 1&2m Blk 5, 1-6, Blk 8, & 1-3 Blk 9*

*Applicant: Steve Herron (M.C.Schaff & Assoc.)*

*Owners: Torrington Town Homes, LLC*

*Location: E of 5th Ave, W of Ave B, S of 35th St & N of Hwy 26*

**Staff Contact: Annie Urdiales**

# ***SCOTTSBLUFF CITY***

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

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**To:** Planning Commission  
**From:** Development Services Department  
**Date:** March 10, 2014  
**Subject:** Final Plat – Lots 11-15, Blk. 2, Lots 1&2, Blk. 5, Lots 1-6, Blk. 8, & Lots 1-3, Blk. 9, Northern Heights Addition  
**Location:** E of 5<sup>th</sup> Ave, W of Ave B, S of 35<sup>th</sup> St & North of Hwy 26

**Zoning:** Current R-1A  
**Property Size:** 6.42±

### **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 Lots 11-15, Blk. 2, Los 1&2, Blk. 5, Los 1-6, Blk. 8, & Lots 1-3, Blk. 9, Northern Heights Subdivision. The final plat will consist of 16 lots parcel of approximately 6.42± acres. The property is situated East of 5<sup>th</sup> Avenue West of Avenue B, South of 35<sup>th</sup> Street and North of Highway 26.

This Subdivision was preliminary platted and revised several times by then property owner, Randy Foos, the land has sat idle for a few years and the preliminary plat was renewed as needed. Steve Herron, is the new property owner and he is planning to develop the sixteen parcels into residential lots which will fill in the gap between the homes along the west side (Ave. B) and east side (5<sup>th</sup> Ave.) of the Subdivision. Hillcrest drive will be extended to the west to meet 35<sup>th</sup> Street which exits onto Avenue B. Mr. Herron is planning to construct the street to City standards sometime this year. The water and sewer infrastructure is in place.

### **Analysis**

Staff has reviewed the final plat and recommends the Planning Commission makes positive recommendation of the proposed plat to City Council.

### **RECOMMENDATION**

#### ***Approve***

**Make a POSITIVE RECOMMENDATION to the City Council to approve** the final plat of Lots 11-15, Blk. 2, Lots 1&2, Blk. 5, Lots 1-6, Blk. 8, & Lots 1-3, Blk. 9, Northern Heights Addition 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 subject to the following condition(s):

***Deny***

**Make a NEGATIVE RECOMMENDATION to the City Council to disapprove** the final plat Lots 11-15, Blk. 2, Lots 1&2, Blk. 5, Lots 1-6, Blk. 8, & Lots 1-3, Blk. 9, Northern Heights Addition 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***

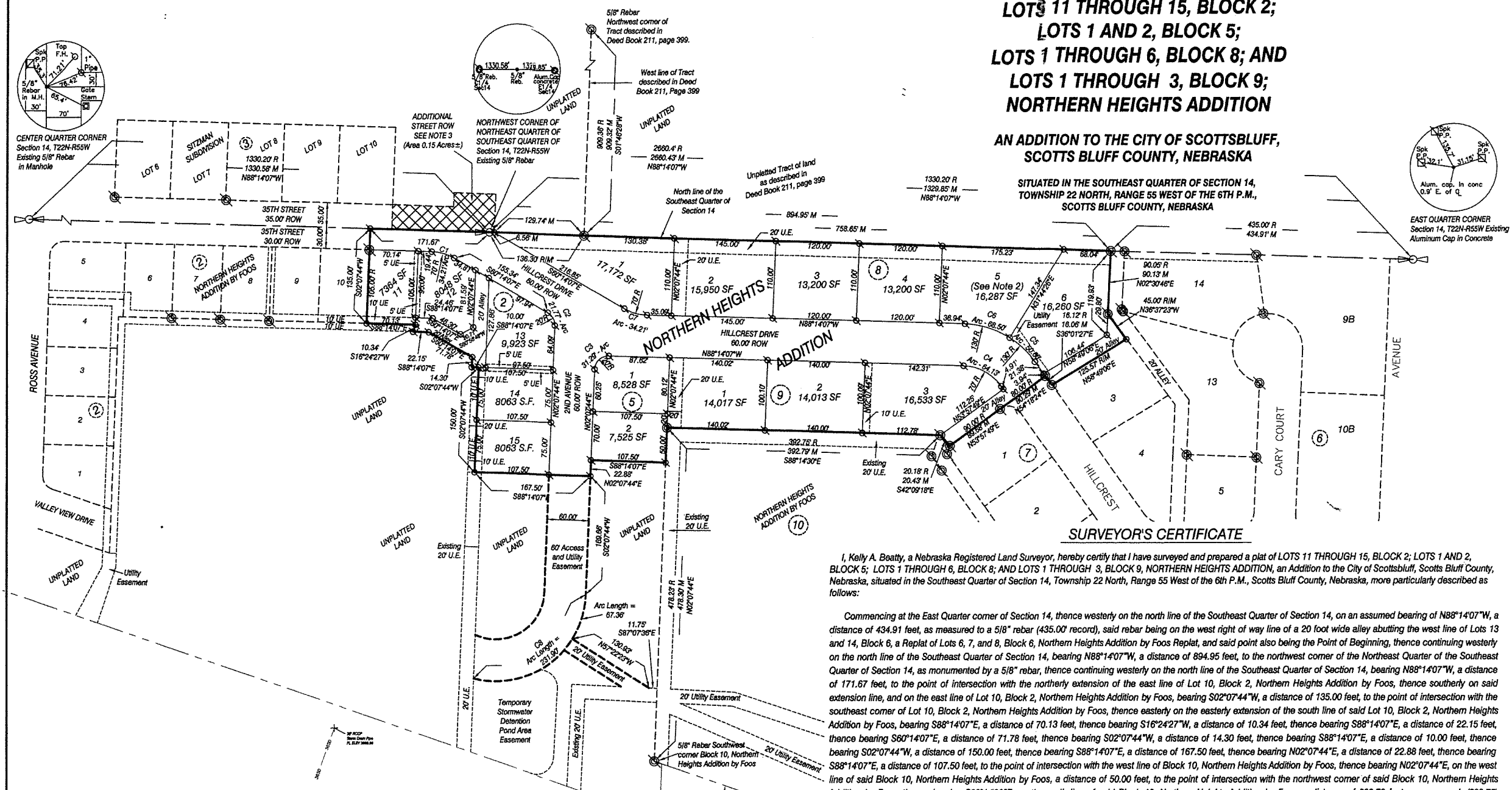
**Make the motion to TABLE** the final plat Lots 11-15, Blk. 2, Lots 1&2, Blk. 5, Lots 1-6, Blk. 8, & Lots 1-3, Blk. 9, Northern Heights Addition situated in the SE ¼ of Section 14, T22N, R55W of the 6<sup>th</sup> P.M, City of Scottsbluff, Scotts Bluff County, Nebraska for the following reason(s):

# FINAL PLAT

**LOTS 11 THROUGH 15, BLOCK 2;  
LOTS 1 AND 2, BLOCK 5;  
LOTS 1 THROUGH 6, BLOCK 8; AND  
LOTS 1 THROUGH 3, BLOCK 9;  
NORTHERN HEIGHTS ADDITION**

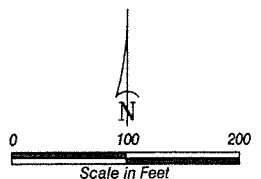
**AN ADDITION TO THE CITY OF SCOTTSBLUFF,  
SCOTTS BLUFF COUNTY, NEBRASKA**

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



- NOTES:**
1. All easements, restrictions and other documents that may affect these platted lots may not be shown on this plat.
  2. The previous existing water line utility easement passing northwesterly through Lot 5, Block 8 is now vacated and abandoned. The 20' Utility Easement shown along the north line is new dedicated.
  3. This portion of street right of way to be dedicated by others by separate plat.

- LEGEND**
- EXISTING QUARTER SECTION CORNER, AS NOTED
  - EXISTING SIXTEENTH SECTION CORNER, AS NOTED
  - EXISTING 5/8" REBAR
  - SET 5/8" x 24" REBAR
  - RIGHT OF WAY RECORD
  - MEASURED
  - UTILITY EASEMENT
  - BLOCK NUMBER
  - EASEMENT LINES
  - STREET RIGHT OF WAY TO BE DEDICATED BY OTHERS ON SEPARATE PLAT
  - 36" STORM DRAIN



| Curve Table |            |        |                 |              |            |
|-------------|------------|--------|-----------------|--------------|------------|
| Curve #     | Delta      | Radius | Chord Direction | Chord Length | Arc Length |
| C1          | 28°00'00"  | 70.00  | S74°14'07"E     | 33.87        | 34.21      |
| C2          | 62°21'51"  | 20.00  | N29°03'12"W     | 20.71        | 21.77      |
| C3          | 89°39'02"  | 20.00  | S45°57'15"W     | 28.20        | 31.29      |
| C4          | 52°29'39"  | 70.00  | N61°59'17"W     | 61.91        | 64.13      |
| C5          | 22°18'09"  | 130.00 | N46°53'32"W     | 50.28        | 50.60      |
| C6          | 30°11'30"  | 130.00 | N73°08'22"W     | 67.71        | 68.50      |
| C7          | 28°00'00"  | 70.00  | S74°14'07"E     | 33.87        | 34.21      |
| C8          | 102°12'24" | 130.00 | S53°13'56"W     | 202.35       | 231.90     |

**SURVEYOR'S CERTIFICATE**

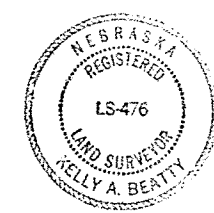
I, Kelly A. Beatty, a Nebraska Registered Land Surveyor, hereby certify that I have surveyed and prepared a plat of LOTS 11 THROUGH 15, BLOCK 2; LOTS 1 AND 2, BLOCK 5; LOTS 1 THROUGH 6, BLOCK 8; AND LOTS 1 THROUGH 3, BLOCK 9, NORTHERN HEIGHTS ADDITION, an Addition to the City of Scottsbluff, Scotts Bluff 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, more particularly described as follows:

Commencing at the East Quarter corner of Section 14, thence westerly on the north line of the Southeast Quarter of Section 14, on an assumed bearing of N88°14'07"W, a distance of 434.91 feet, as measured to a 5/8" rebar (435.00' record), said rebar being on the west right of way line of a 20 foot wide alley abutting the west line of Lots 13 and 14, Block 6, a Replat of Lots 6, 7, and 8, Block 6, Northern Heights Addition by Foss Replat, and said point also being the Point of Beginning, thence continuing westerly on the north line of the Southeast Quarter of Section 14, bearing N88°14'07"W, a distance of 894.95 feet, to the northwest corner of the Northeast Quarter of the Southeast Quarter of Section 14, as monumented by a 5/8" rebar, thence continuing westerly on the north line of the Southeast Quarter of Section 14, bearing N88°14'07"W, a distance of 171.67 feet, to the point of intersection with the northerly extension of the east line of Lot 10, Block 2, Northern Heights Addition by Foss, thence southerly on said extension line, and on the east line of Lot 10, Block 2, Northern Heights Addition by Foss, bearing S02°07'44"W, a distance of 135.00 feet, to the point of intersection with the southeast corner of Lot 10, Block 2, Northern Heights Addition by Foss, thence easterly on the easterly extension of the south line of said Lot 10, Block 2, Northern Heights Addition by Foss, bearing S88°14'07"E, a distance of 70.13 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 S02°07'44"W, a distance of 14.30 feet, thence bearing S88°14'07"E, a distance of 10.00 feet, thence bearing S02°07'44"W, a distance of 150.00 feet, thence bearing S88°14'07"E, a distance of 167.50 feet, thence bearing N02°07'44"E, a distance of 22.88 feet, thence bearing S88°14'07"E, a distance of 107.50 feet, to the point of intersection with the west line of Block 10, Northern Heights Addition by Foss, thence bearing N02°07'44"E, on the west line of said Block 10, Northern Heights Addition by Foss, a distance of 50.00 feet, to the point of intersection with the northwest corner of said Block 10, Northern Heights Addition by Foss, thence bearing S88°14'30"E, on the north line of said Block 10, Northern Heights Addition by Foss, a distance of 392.75 feet, as measured, (392.75' record), to the point of intersection with the northeast corner of said Block 10, Northern Heights Addition by Foss, said northeast corner of Block 10, also being on the west right of way line of a 20 foot alley, thence bearing S42°09'18"E, on the northerly right of way line of said platted alley, a distance of 20.43 feet (20.18' record), to the point of intersection with the northwesterly line of Lot 1, Block 7, Northern Heights Addition by Foss Replat, thence bearing N53°57'49"E, on said northwesterly line of Lot 1, Block 7, Northern Heights Addition by Foss Replat, a distance of 89.68 feet, as measured to a found 5/8" rebar (90.00' record), thence continuing northeasterly, bearing N54°18'24"E, a distance of 80.29 feet, as measured, (80.00' record) to an existing 5/8" rebar being on the northeasterly right of way line of Hillcrest Drive, as platted, thence southeasterly on said northeasterly right of way line of Hillcrest Drive, bearing S35°01'27"E, a distance of 16.06 feet, as measured (16.12' record), to the point of intersection with the southwest corner of Lot 3, Block 6, Northern Heights Addition by Foss Replat, thence bearing N58°49'06"E, on the northwesterly line of said Lot 3, Block 6, Northern Heights Addition by Foss Replat, a distance of 125.57 feet, as measured (125.57' record), to the point of intersection with the northwest corner of said Lot 3, Block 6, Northern Heights Addition by Foss Replat, said corner also being on the west right of way line of 20 foot alley abutting the west line of Lots 13 and 14, Block 6, a Replat of Lots 6, 7, and 8, Block 6, Northern Heights Addition by Foss Replat, thence bearing N36°37'23"W, on said west right of way line of alley, a distance of 45.00 feet measured and record, thence bearing N02°30'46"E, on said west right of way line of alley, a distance of 90.13 feet, as measured (90.05' record), to the Point of Beginning, containing an area of 6.42 acres, more or less.

That the accompanying plat is a true delineation of such survey drawn to a scale of 100 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. That all corners found or set are marked as shown.

WITNESS MY HAND AND SEAL THIS 6<sup>th</sup> DAY OF February, 2014.  
FOR THE FIRM OF M. C. SCHAFF AND ASSOCIATES, INC.

*Kelly A. Beatty*  
Kelly A. Beatty, Nebraska Registered Land Surveyor, L. S. 476



# **City of Scottsbluff, Nebraska**

**Monday, March 10, 2014**

**Regular Meeting**

## **Item NewBiz2**

### **Plat & Dedication**

*Final Plat: Plat & Dedication of pt of 35th Street*

*Applicant: Mark Sitzman (M.C. Schaff & Assoc.)*

*Owner(s): Sitman Family Partnerships*

*Location: Extension of 35th St. east of Avenue B*

Staff Contact: Annie Urdiales

# ***SCOTTSBLUFF CITY***

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

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|                  |                                                               |                       |              |
|------------------|---------------------------------------------------------------|-----------------------|--------------|
| <b>To:</b>       | Planning Commission                                           | <b>Zoning:</b>        | Current R-1A |
| <b>From:</b>     | Development Services Department                               | <b>Property Size:</b> | .15 acres ±  |
| <b>Date:</b>     | March 10, 2014                                                |                       |              |
| <b>Subject:</b>  | Final Plat & Dedication of part of 35 <sup>th</sup> St. R-O-W |                       |              |
| <b>Location:</b> | Extension of 35 <sup>th</sup> Street, east of Avenue B        |                       |              |

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### **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), Mark Sitzman, represented by M.C. Schaff and Associates, has requested approval of a final plat for dedication of part of 35<sup>th</sup> Street, in the City of Scottsbluff, NE situated in the NE quarter of Section 14, T22N, R55W of the 6<sup>th</sup> P.M. This final plat will allow for the extension of 35<sup>th</sup> Street to the east where it will connect with Hillcrest Drive and also allow for future development north of 35<sup>th</sup> Street in the Sitzman Subdivision

This right of way dedication is done in conjunction with the Northern Heights Subdivision to allow for the final platting of the 16 proposed lots. Hillcrest drive will be extended to the west to meet 35<sup>th</sup> Street which exits onto Avenue B. Mr. Herron is planning to construct the street to City standards sometime in the near future.

### **Analysis**

Staff has reviewed the final plat & dedication and recommends the Planning Commission makes positive recommendation of the proposed plat to City Council.

### **RECOMMENDATION**

#### ***Approve***

**Make a POSITIVE RECOMMENDATION to the City Council to approve** the final plat and dedication of part of 35<sup>th</sup> Street, in the 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 plat and dedication of part of 35<sup>th</sup> Street, in the City of Scottsbluff, Scotts Bluff County, Nebraska for the following reason(s):

#### ***Table***

**Make the motion to TABLE** the final plat and dedication of part of 35<sup>th</sup> Street in the City of Scottsbluff, Scotts Bluff County, Nebraska for the following reason(s):

Final Plat Request, Page 1

I, Kelly A. Beatty, a Nebraska Registered Land Surveyor, hereby certify that I have surveyed and prepared a plat of part of 35th Street, in the City of Scottsbluff, Scotts Bluff County, Nebraska, situated in part of the Northeast Quarter of Section 14, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska, more particularly described as follows:

Beginning at the southwest corner of the Southwest Quarter of the Northeast Quarter of Section 14, thence easterly on the south line of the Southwest Quarter of the Northeast Quarter of Section 14, on an assumed bearing S88°14'07"E, a distance of 6.56 feet, thence bearing N02°19'10"E, a distance of 54.34 feet, thence bearing N87°40'50"W, a distance of 60.00 feet, thence bearing S02°19'10"W, a distance of 19.92 feet, to a point being 35.00 feet north of the south line of the Southwest Quarter of the Northeast Quarter of Section 14, as measured perpendicular to said south line, thence bearing N88°14'07"W, on a line being 35.00 feet north of and parallel with the south line of the Southwest Quarter of the Northeast Quarter of Section 14, a distance of 87.33 feet, to the point of intersection with the southeast corner of the Northeast Quarter of Section 14, a distance of 87.33 feet, to the point of intersection with the south line of said Lot 10, Block 3, Sitzman Subdivision, thence bearing S01°59'21"W, on the southerly extension of the east line of said Lot 10, Block 3, Sitzman Subdivision, a distance of 35.00 feet, to the point of intersection with the south line of the Southwest Quarter of the Northeast Quarter of Section 14, thence bearing S88°14'07"E, on the south line of the Southwest Quarter of the Northeast Quarter of Section 14, a distance of 140.58 feet, to the Point of Beginning, containing an area of 0.15 acres, more or less.

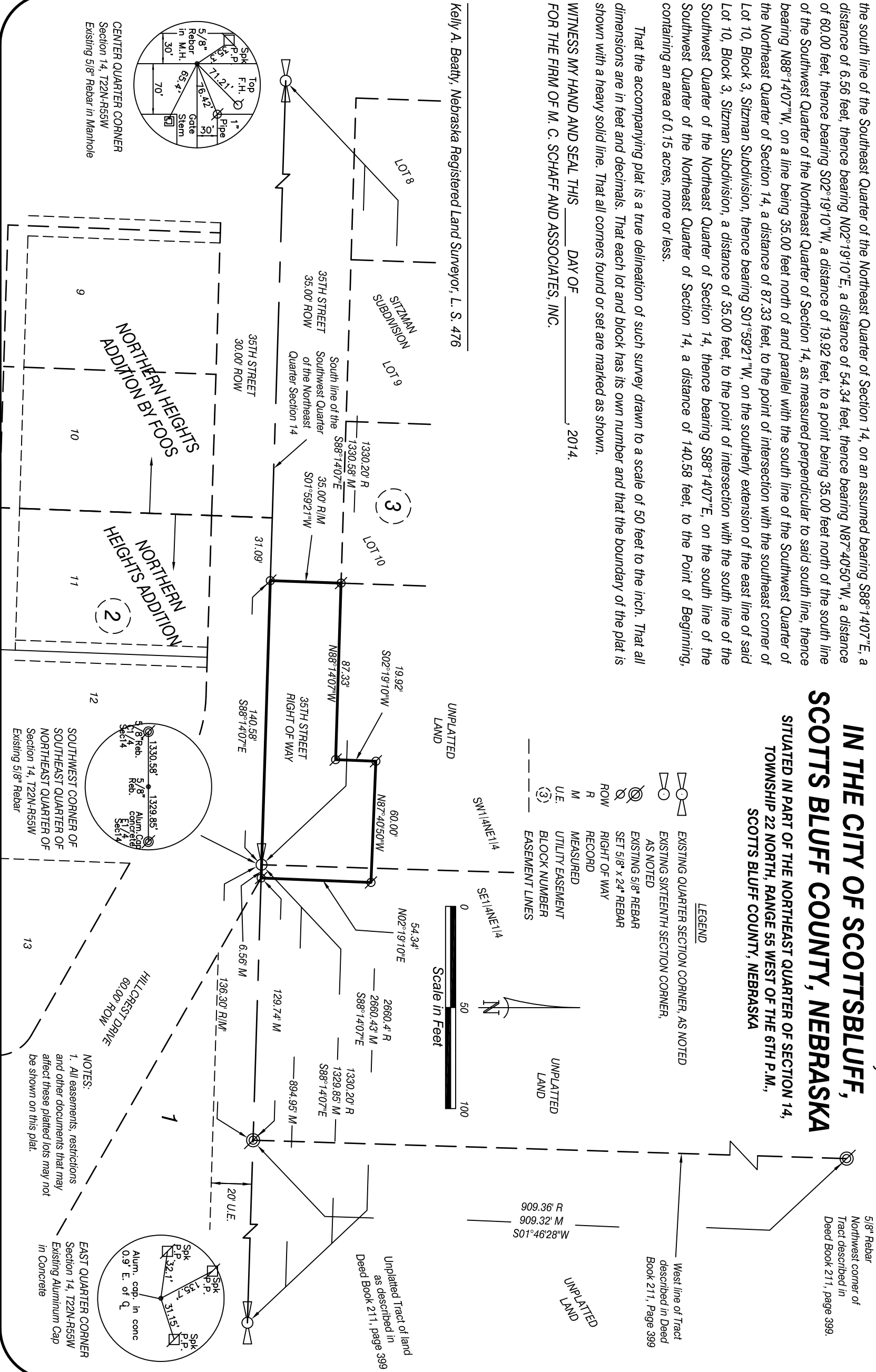
That the accompanying plat is a true delineation of such survey drawn to a scale of 50 feet to the inch. That all dimensions are in feet and decimals. That each lot and block has its own number and that the boundary of the plat is shown with a heavy solid line. That all corners found or set are marked as shown.

WITNESS MY HAND AND SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.  
FOR THE FIRM OF M. C. SCHAFF AND ASSOCIATES, INC.

Kelly A. Beatty, Nebraska Registered Land Surveyor, L. S. 476

FINAL PLAT

PLAT AND DEDICATION  
OF PART OF 35TH STREET,  
IN THE CITY OF SCOTTSBLUFF,  
SCOTTS BLUFF COUNTY, NEBRASKA  
SITUATED IN PART OF THE NORTHEAST QUARTER OF SECTION 14,  
TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH P.M.,  
SCOTTS BLUFF COUNTY, NEBRASKA



# **City of Scottsbluff, Nebraska**

**Monday, March 10, 2014**

**Regular Meeting**

## **Item NewBiz3**

### **Five Oaks Final Plat**

*Final Plat: Lots 1A & 2A, Block 2, Amended Five Oaks Subdivision*

*Applicant: William Trumbull*

*Owner(s): C&T Holdings L.L.C.*

*Location: S of 38th St, E of Aspen Drive*

**Staff Contact: Annie Urdiales**

# ***SCOTTSBLUFF CITY***

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

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|                  |                                                                                           |                       |                         |
|------------------|-------------------------------------------------------------------------------------------|-----------------------|-------------------------|
| <b>To:</b>       | Planning Commission                                                                       | <b>Zoning:</b>        | Current    Agricultural |
| <b>From:</b>     | Development Services Department                                                           | <b>Property Size:</b> | .48±                    |
| <b>Date:</b>     | March 10, 2014                                                                            |                       |                         |
| <b>Subject:</b>  | Final Plat – replat of pt. of lot 1,& lots 2,3,& 4, Blk. 2, Amended Five Oaks Subdivision |                       |                         |
| <b>Location:</b> | South of 38 <sup>th</sup> Street and East of Aspen Drive                                  |                       |                         |

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### **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), C and T Holdings, represented by Baker and Associates, have requested approval of a final plat of Lots 1A & 2A, Block 2, a replat of part of Lot 1, and Lots 2, 3, & 4, Block 2, Amended Five Oaks Subdivision. These lots are part of a Planned Unit Development (PUD) which was approved through a special use permit in January of 2005. Part of this request includes an amendment to the Special Use Permit removing Lots 2, 3, & 4, and part of lot 1, Block 2, Amended Five Oaks Subdivision. The new lots will comply with the R-1A zone and the lots will face existing public streets, Aspen Drive and 38<sup>th</sup> Street. Existing infrastructure is in place for residential development of these proposed lots.

The plat was reviewed by the City Public Works Department and the City Consultants, M.C. Schaff and Associates.

### **Analysis**

Staff has reviewed the final plat and recommends the Planning Commission makes positive recommendation of the proposed plat to City Council and amending the special use permit to remove part of lot 1, and lots 2, 3, & 4, Block 2, Amended Five Oaks Subdivision.

### **RECOMMENDATION**

#### ***Approve***

**Make a POSITIVE RECOMMENDATION to approve** the amendment to the special use permit for the Planned Unit Development (PUD) of Amended Five Oaks Subdivision removing part of lot 1, and lots 2, 3, & 4, Block 2, Amended Five Oaks Subdivision, City of Scottsbluff, Scotts Bluff County, Nebraska subject to the following condition(s):

***Deny***

**Make a NEGATIVE RECOMMENDATION to disapprove** the amendment to the special use permit for the Planned Unit Development (PUD) of Amended Five Oaks Subdivision removing part of lot 1 and lots 2, 3, & 4, Block 2, Amended Five Oaks Subdivision, City of Scottsbluff, Scotts Bluff County, Nebraska for the following reason(s):

***Table***

**Make the motion to TABLE the** amendment to the special use permit for the Planned Unit Development (PUD) of Amended Five Oaks Subdivision removing part of lot 1, and lots 2, 3, & 4, Block 2, Amended Five Oaks Subdivision City of Scottsbluff, Scotts Bluff County, Nebraska for the following reason(s):

**Second Motion:**

**Make a POSITIVE RECOMMENDATION to the City Council to approve** the final plat of Lots 1A, and 2A, Block 2, Amended Five Oaks Subdivision a replat of part of Lot 1, and Lots 2, 3, & 4, Block 2, Amended Five Oaks Subdivision, City of Scottsbluff, Scotts Bluff County, Nebraska subject to the following condition(s):

1. Approval of amendment to Special Use Permit for PUD for Five Oaks Subdivision

***Deny***

**Make a NEGATIVE RECOMMENDATION to the City Council to disapprove** the final plat of Lots 1A and 2A, Block 2, Amended Five Oaks Subdivision a replat of part of Lot 1 and lots 2,3, & 4, Block 2, Amended Five Oaks Subdivision, City of Scottsbluff, Scotts Bluff County, Nebraska for the following reason(s):

***Table***

**Make the motion to TABLE the** final plat of Lots 1A, and 2A, Block 2, Amended Five Oaks Subdivision a replat of part of lot 1, and lots 2, 3, & 4, Block 2, Amended Five Oaks Subdivision City of Scottsbluff, Scotts Bluff County, Nebraska for the following reason(s):



# **City of Scottsbluff, Nebraska**

**Monday, March 10, 2014**

**Regular Meeting**

## **Item NewBiz4**

### **Ordinance Text Change**

*Ord Text Chg: Gateway Greenway Overlay Zone*

*Applicant: City*

*Owner(s): N/A*

*Location: N/A*

**Staff Contact: Annie Folck**

# ***SCOTTSBLUFF CITY***

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

**To:** Planning Commission  
**From:** Development Services Department  
**Date:** March 10, 2014  
**Subject:** Proposed Ordinance Text Changes Gateway  
Greenway Overlay zone

### **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

### **Background**

City Staff and our Planning Consultants are reviewing the Gateway Greenway Overlay zoning district. We're looking at some changes to the district which include changes in language regarding signage regulations for commercial development in the GGO area and the requirements for trees and grouping of plants in the district. Another area we may look at is the distance of the overlay zone in certain areas of the entire overlay area. Staff will meet with legal on the changes and hope to have an ordinance with the text changes for review in our April meeting.

### **RECOMMENDATION**

No recommendation is needed at this time.

# **City of Scottsbluff, Nebraska**

**Monday, March 10, 2014**

**Regular Meeting**

## **Item Unfin. Biz1**

### **Unfinished Business**

*Unfinished Business: None*

**Staff Contact: Annie Urdiales**