



Hall County Regional Planning Commission

Wednesday, December 05, 2007

Regular Meeting

Item F4

PUD Amendment

Concerning an amended PUD for Outlot "D" in Bellamy's First Subdivision, Hall County, Nebraska. (C-7-2008HC). (Hearing, Discussion, Action)

Staff Contact: Chad Nabity

Agenda Item #7

PLANNING DIRECTOR RECOMMENDATION TO REGIONAL PLANNING COMMISSION:

December 5, 2007

SUBJECT: *Zoning Change (C-7-2008HC)*

PROPOSAL: This application includes approximately 53.04 acres of property approximately 1 mile west of Cairo in the NW ¼ of 23-12-12 south of Highway 2 between 150th Road and Cameron Road. The property is located just outside of the Cairo Zoning Jurisdiction. On April 19, 2005 the Hall County Board approved a resolution changing the zoning on the property to PUD and approving the preliminary development plan and plat.

EVALUATION:

This is the second phase of the development, 29 lots and 2 outlots. The second phase, as proposed, is consistent with the approved development plan. Included with this application is a proposed subdivision agreement that would be signed by both the subdivider and the County outlining expectations and responsibilities with regard to this subdivision.

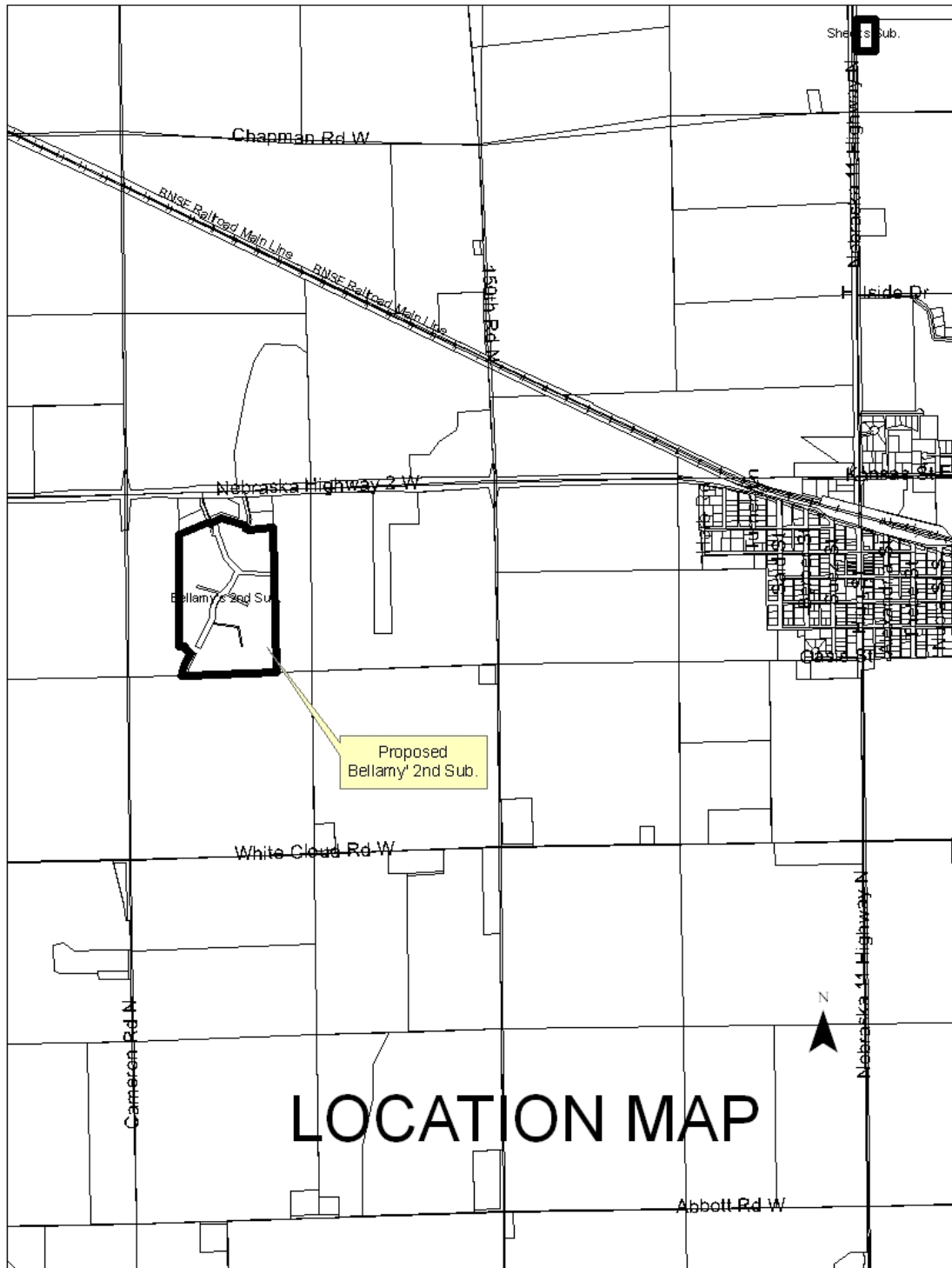
The Subdivision Agreement deals with design, installation and maintenance of the roads and drainage systems. The agreement also requires that all residential structures be built to meet the flood plain regulations based on the information provided by the Nebraska Department of Natural Resources. This property is not in a flood plain per the Hall County Flood Plain maps provided by FEMA but information provided by DNR does identify the floodplain and the base flood elevations.

The Nebraska Department of Environmental Quality has approved the use of septic systems on this property.

RECOMMENDATION:

That the Regional Planning Commission recommend that the Hall County Board approve the final development plan for Bellamy's Second Subdivision and approve the final plat for this district as presented.

_____ Chad Nabity AICP, Planning Director



SUBDIVISION AGREEMENT

BELLAMY'S SECOND SUBDIVISION

(Lots 1-29 inclusive, and outlot A)

In the County of Hall, Nebraska

The undersigned, John P. Bellamy, Husband and Bonnie S. Bellamy, Wife, hereinafter called the Subdivider, as owner of a tract of land comprising a tract of land located in the N.W.1/4 of Section 23, T.12N., R.12W. of the 6th P.M., Hall County, Nebraska being more particularly described as:

Outlot D of Bellamy's First Subdivision in Hall County, Nebraska; said tract containing 53.04 acres, more or less; desires to have subdivided as a subdivision the foregoing tract of land located within the jurisdiction of Hall County, Nebraska, and hereby submits to the County Board of Supervisors of such County for acceptance as provided by law an accurate map and plat of such proposed subdivision, to be known as BELLAMY'S SECOND SUBDIVISION, designating explicitly the land to be laid out and particularly describing the lots, easements, and streets belonging to such subdivision, with the lots designated by number, easements by dimensions, and streets by name, and proposes to cause the plat of such subdivision

when finally approved by the Regional Planning Commission and the County Board to be acknowledged by such owner, certified as to accuracy of survey by a registered land surveyor, and to contain a dedication of the easements to the use and benefit of public utilities, and of the street to the use of the public forever. In consideration of the acceptance of the plat of said BELLAMY'S SECOND SUBDIVISION, the Subdivider hereby consents and agrees with the County of Hall, Nebraska, as follows:

1. **Planned Unit Development Zone** . This subdivision is within a designated as a Planned Unit Development Zone and shall be regulated in accordance with the Hall County Zoning Resolution. A Development Plan as shown on Exhibit A, attached hereto and incorporated herein by reference is hereby approved for such Subdivision. Any amendments to such Development Plan shall be approved by Hall County in accordance with the Hall County Zoning and Subdivision Regulations. The official Development Plan shall be on file with the Hall County Regional Planning Department.

2. **Roads** . The Subdivider agrees to install, maintain and repair at its expense gravel surfacing along East Bella-Vista and West Bella-Vista within the subdivision. The subdivider further agrees to install and maintain culverts and drainage structures to designs and specifications approved by the Hall County Roads Department. The Subdivider agrees that when constructed in accordance with the Development Plan, East Bella-Vista and West Bella-Vista will not meet the Hall County street standards, and as such, will not become dedicated public roads, and will not be maintained by Hall County.

3. **Water**. A public water supply is not available to the subdivision and the subdivider agrees that each lot will be served by individual wells. Based on information available water quality and quantity should be sufficient for household use. Availability, adequacy, quality and quantity of water is not

guaranteed by the County and the County does not hold any responsibility for provision of water to lots created in this subdivision.

4. **Sanitary Sewer.** Each lot shall be served by individual on site waste-water treatment systems as approved by the State of Nebraska. Septic drain fields shall be installed within the easements provided on each lot.

5. **Storm Drainage.** The Subdivider agrees to grade all lots in the subdivision in conjunction with the development proposed thereon so that storm drainage is conveyed to a public right-of-way or to other drainage systems. Storm drainage shall not be permitted to back onto adjoining properties. Storm drainage shall be built to specification and designs approved by the Hall County Engineer.

6. **Design and Construction.** No building shall be constructed within the Subdivision except within the Building Envelope Areas as defined on the Development Plan (Exhibit "A"). No portion of any building constructed (including architectural features) shall exceed a height of 35 feet above the average ground elevation adjacent to the building.

7. **Outlots A and C.** Uses on Outlot A shall be limited to ingress and egress drainage, utilities, landscaping and driving surfaces as identified in the Development Plan.

8. **Flood Plain** Since the subdivision is within a flood plain as delineated the best information available from the Nebraska Department of Natural Resources, all structures constructed shall have the lowest floor elevation to a minimum of one foot above the elevation of the 100-year flood as determined by the building permit received by the Subdivider or successors from the County Building Department. No basement shall be constructed in connection with any structure in the flood plain unless such basement is floodproofed and certified as such by a qualified engineer or architect.

9. **Engineering Data.** All final engineering plans and specifications for public improvements shall bear the signature and seal of a registered professional engineer and shall be furnished by the Subdivider to the Department of Public Works for approval prior to contracting for construction of any improvements. Inspections of public improvements under construction shall be performed under the supervision of a professional registered engineer and upon completion shall be subject to inspection and approval by the Department of Public Works prior to acceptance by the County of Hall. An "as built" set of plans and specifications including required test results bearing the seal and signature of a registered professional engineer shall be filed with the Director of Public Works by the Subdivider prior to acceptance of these improvements by the County.

10. **Warranty.** The undersigned owner, as Subdivider, warrants that it is the owner in fee simple of the land described and proposed to be known as BELLAMY'S SECOND SUBDIVISION, and that an abstract of title will be submitted for examination, if necessary, upon request of the County of Hall.

14. **Successors and Assigns.** This agreement shall run with the land and shall be binding upon and inure to the benefit of the parties hereto, their successors, assigns, heirs, devisees, and legatees. Where the term "Subdivider" is used in this agreement, the subsequent owners of any lots in the subdivision shall be responsible to perform any of the conditions of this agreement if the Subdivider has not performed such conditions.

Dated _____, 2007.

John P. Bellamy, Husband and Bonnie S.
Bellamy, Wife, Subdivider

By: _____
John P. Bellamy, Husband

By: _____
Bonnie S. Bellamy, Wife

[illegible]

On _____, 2005, before me, the undersigned, a Notary Public in and for said County and State, personally appeared John P. Bellamy, husband and Bonnie S. Bellamy, wife, known personally to me to be the identical person and such officer who signed the foregoing Subdivision Agreement and acknowledged the execution thereof to be his voluntary act and deed for the purpose therein expressed on behalf of the corporation.

WITNESS my hand and notarial seal the date above written.

Notary Public

COUNTY OF HALL, NEBRASKA

By: _____
_____, Chairman of the Hall County
Board of Supervisors

Attest: _____
Marla Conley, County Clerk

[illegible]

Before me, a notary public, qualified in said County personally came Pamela Lancaster, Chairman of the Hall County Board of Supervisors for the County of Hall, Nebraska, known to me to be such officer and the identical person who signed the foregoing Subdivision Agreement and acknowledged that the foregoing signature was his voluntary act and deed pursuant to Resolution _____, and that the County's seal was thereto affixed by proper authority.

WITNESS my hand and notarial seal on _____, 2007.

Notary Public

November 20, 2007
C-7-2008HC

Dear Property Owner:

You are hereby notified that a public hearing will be held at a meeting before the Regional Planning Commission, in the Council Chambers, located in Grand Island's City Hall, 100 E First Street, Beginning at 6:00 p.m., Wednesday December 5, 2007 concerning the following changes:

For reasons of Section 19-923 Revised Statutes of Nebraska, as amended, there is herewith submitted a request for an amendment to the Hall County Zoning Map for property proposed for platting as Bellamy's Second Addition, located in the NW ¼ 23-12-12 (south of Nebraska Highway 2 and west of Cairo) from PUD Planned Unit Development to Amended PUD Planned Unit Development. The Amended PUD would allow the development of final 29 lots for residential development at this location as approved with the preliminary plan.

You, as an owner of property adjacent to or within 300 feet of the proposed zone changes, are invited to attend this hearing and give testimony before the Planning Commission relative to the request. This notice is not a requirement of law, but is being sent to you in the interest of public involvement so that you will be aware of such possible land use changes adjacent to or near your property and have the opportunity to express your views.

If you have any questions concerning this proposal, please call the office of the Regional Planning Commission.

Sincerely,

Chad Nabity, AICP
Planning Director

November 20, 2007

Dear Members of the Board:

RE: Final Approval of Planned Unit Development. (C-7-2008HC)

For reasons of Section 19-923 Revised Statutes of Nebraska, as amended, there is herewith submitted final approval of second phase of the Bellamy Subdivision a Planned Unit Development located in the NW ¼ 23-12-12. The applicants are proposing the final 29 lots of a 34 lot subdivision.

You are hereby notified that the Regional Planning Commission will consider this Change of Zone at the next meeting that will be held at 6:00 p.m. on December 5, 2007 in the Council Chambers located in Grand Island's City Hall.

Sincerely,

Chad Nabity, AICP
Planning Director

cc: County Clerk
County Attorney
County Building Department
County Public Works Director
Manager of Postal Operations
Tagge Engineering

This letter was sent to the following School Districts 1R, 2, 3, 8, 12, 19, 82, 83, 100, 126.