



# **Hall County Regional Planning Commission**

**Wednesday, November 1, 2017  
Regular Meeting**

## **Item F5**

### **Rezoning-Meadow Lane 7th**

**Staff Contact: Chad Nabity**

## Agenda Item # 9

### PLANNING DIRECTOR MEMO TO REGIONAL PLANNING

October 24, 2017

**SUBJECT: Rezoning at Meadow Lane Subdivision west of Shady Bend Road and north of U.S. Highway 34.**

The Grand Island City Council considered this item at its meeting on September 26, 2017. Council held a public hearing and considered testimony from those present and considered the recommendation of the planning commission from its meeting on September 6, 2017.

At the September planning commission meeting, the Regional Planning Commission was unable to pass a vote recommending that council either approve or deny the request to rezone. A motion to recommend approval of the rezoning failed with a vote of 6 members in favor and 6 members opposed. A motion to recommend denial of the rezoning also failed with a vote of 3 members in favor and 9 members opposed. At the time, discussion was held about the recommendation and a question came up about retaking a vote. It was determined that action had been taken on both motions that could be offered on the subject and that the item would be sent forward to council with a recommendation of no recommendation.

Council held its own public hearing and considered the testimony of those in attendance and decided that it would be in the best interest of all concerned to send the item back to the planning commission for further discussion and a possible recommendation. The applicant presented a plan to create small detention cells at the north end of the commercial lots. The fill from these would be used to build pad sites for the residential and commercial development. While the cells would be shallow, they would provide both storage for water and a buffer between the highway-fronted commercial development and the residential development along Goldenrod Drive at the north end of the development.

Planning commission will hold a new public hearing on this topic to gather additional information and can consider the information presented to Council at its hearing on September 26. If you wish to view the Council hearing and discussion you can follow this link [http://grand-island.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=904](http://grand-island.granicus.com/MediaPlayer.php?view_id=2&clip_id=904) and select agenda items E2 for the hearing and F-2 for the rezoning.

*#9654 - Consideration of Request to Rezone Part of Lot 1 and all of Lot 2 of Proposed Meadow Lane Seventh Subdivision between Highway 34 and Goldenrod Drive and West of Shady Bend Road from LLR Large Lot Residential to B-2 General Business (Niedfelt Property Management, LLC)*

*This item was related to the aforementioned Public Hearing.*

*Motion by Haase, second by Stelk to refer Ordinance #9654 back to the Planning Commission.*

*A lengthy discussion was held regarding a solution to the drainage problem on the north side of this property. Also mentioned were traffic problems and no turning lanes on Highway 34.*

*Discussion was also held regarding stipulations on the zoning change. Mr. Nabity said the Planning Commission could not negotiate zoning changes but a majority of the issues regarding drainage related to maintenance. The drainage plan could be a part of the subdivision agreement.*

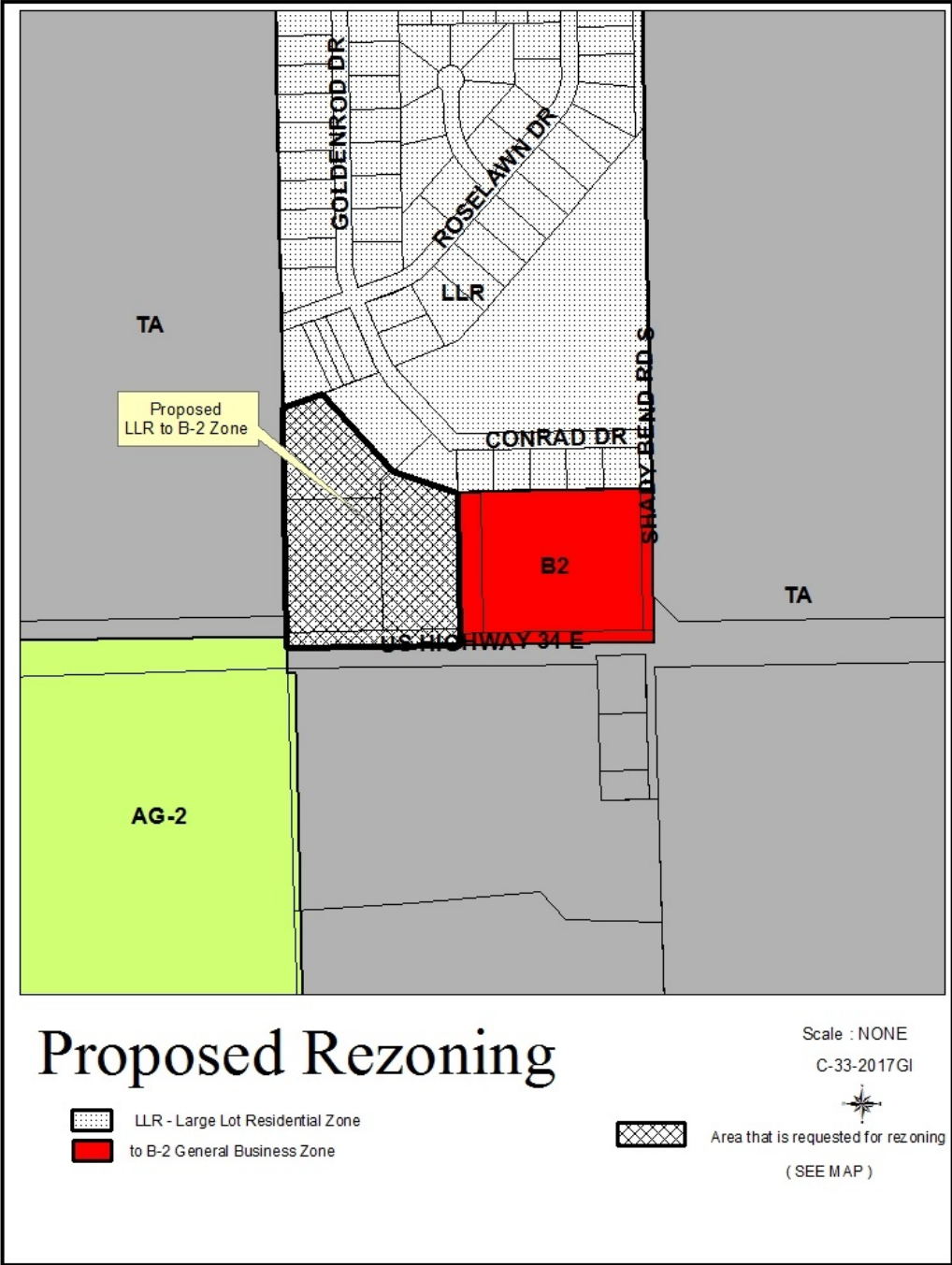
*Motion by Stelk, second by Jones to amend the motion to have the Planning Commission review the drainage problems and make recommendations to the Council. Upon roll call vote, Councilmembers Steele, Fitzke, Hehnke, Haase, Jones, and Stelk voted aye. Councilmembers Minton, Donaldson, and Nickerson voted no. Motion adopted.*

*The proposed access easement on the south side of the property was mentioned. Christie DePoorter stated they had originally planned this property as large lot residential but were looking at the best possible use of this property and drainage control. Steve Spaulding commented on concerns of retention cells and mitigating water problems on this property. Ray Dooley commented on water coming down on Highway 34.*

*Upon roll call vote of the main motion, Councilmembers Steele, Fitzke, Donaldson, Hehnke, Haase, Jones, Stelk, and Nickerson voted aye. Councilmember Minton voted no. Motion adopted.*

Based on the referral back to the planning commission this item needs to be reconsidered. The planning commission can consider recommending approval or denial as submitted or alternately can make recommendations to the developer regarding actions that could be taken to make the application acceptable. This application has already been modified from the original application to minimize the impact on the residential neighborhood and the developer has suggested additional modifications to the property that they would be willing to undertake as part of this development.

\_\_\_\_\_ Chad Nabity AICP, Planning Director



## *Niedfelt Property Management*

PO Box 1445, Grand Island, NE 68802

September 25, 2017

City of Grand Island  
City Council  
100 East First Street  
Grand Island, NE 68801

Dear Councilman,

I am writing regarding the rezoning request from Niedfelt Property Management for Lots 1 & 2 of Meadow Lane Seventh Subdivision from LLR to B2. Currently, Lots 1 & 2 are LLR and could accommodate up to 20 home sites.

This application originated when two Grand Island businesses approached Niedfelt Property Management to purchase Lot 1 and Lot 2 to move two businesses currently in rented locations to new facilities in the Highway 34 business corridor. The two businesses who were interested in the property included a small iron works manufacturer and a Small to Semi-truck repair business. The business owners offered to plant a tree line to shield viewing of the businesses, to limit vehicle traffic to the residential roads (Golden Rod and Conrad Drives), and to make every effort to be "good neighbors." During the review process, the area residents shared several concerns including 1) the commercial lot would butt up against Golden Rod Drive and Conrad Drive, 2) business traffic may impact the subdivision and 3) the overall drainage issues for the subdivision has been an issue for several years. After experiencing the reaction of the neighbors which included threats of future lawsuits, the potential buyers withdrew their purchase option for the property. There are currently no potential buyers for any of the proposed property lots.

Niedfelt Property Management is resubmitting the request to rezone part of the property to allow the two south lots to be changed to a B2 zone for possible business development. The new plat includes four residential lots which are over 200 feet deep on Golden Rod Drive and Conrad Drive. These four residential lots address the request to have a residential buffer between the residential roads (Golden Rod and Conrad Drives) and the commercial lots. These residential lots will also remove the chance that business traffic will be going through the subdivision. The primary access to both Lots 1 & 2 will be off of Highway 34, with a small driveway access from Lot 2 to Conrad Drive to meet code requirements.

Even though Niedfelt Property Management is not responsible for the drainage issues that have plagued the subdivision for many years, Niedfelt Property Management would be willing to dig shallow retention ponds on the north end of both Lots 1 and Lot 2 if the lots are ever sold to help mitigate drainage issues stemming from possible runoff from any business facilities on the south end of the properties. In regards to the drainage concerns, the Regional Planning Commission members strongly urged the area residents to band together to encourage Hall County to clean out the slue that runs through the south side of the subdivision to gain better drainage. Niedfelt Property Management would encourage the City of Grand Island to support any and all efforts to improve the drainage through this residential subdivision.

On a personal note, I own the residence east of the property under discussion. After contacting Hall County, I was encouraged to not install a culvert in my driveway until the new paving and road design was completed. I graded my lot to make sure that there is a 2' ditch between my lot and my neighbor's lot, but there has been some puddling of water on the <sup>north</sup> south end of my yard due to the lack of a culvert. I will move forward with adding a culvert to assist with any drainage issues stemming from my home.

With the addition of Walmart, apartments, and other development on Highway 34, it seems that Highway 34 is becoming a successful business corridor for the City of Grand Island. There is already B2 zoned property adjacent to Lots 1 & 2, with additional B2 just to the west of the property on Highway 34. Conrad American is on B2 zoned property and has been an active business for many years.

Niedfelt Property Management has made every effort to address the concerns shared by the area residents. We held a meeting for the residents to share their concerns and to discuss possible solutions. We have added large residential lots to create a buffer between the B2 zoned property and the residential street. We reduced the size of the commercial lots and are offering to dig retention ponds in the north side of the commercial lot to reduce any possible runoff from future business sites. We are aware that the area residents have shared concerns about increased traffic on Highway 34 from possible businesses on Lot 1 & 2, but several driveways already come off of Highway 34. In addition, two possible businesses would probably have less traffic than the addition of another 20 homes on the property.

We ask the Grand Island City Council members to vote in favor of the proposed rezoning of Lot 1 and Lot 2 to B2. It seems unfair to block the rezoning of Lot 1 and Lot 2 simply because development may or may not impact the drainage in the area. Area residents are basically calling for the property to remain an alfalfa field forever, which is an unreasonable expectation to place on any land owner.

If you have any questions, please contact Christie DePoorter at 307-256-3450.

Sincerely,

*Christie DePoorter*

Co-Owner, Niedfelt Property Management & Property Owner in Meadow Lane Subdivision

ORDINANCE NO. 9654

An ordinance rezoning a certain tract of land within the zoning jurisdiction of the City of Grand Island; changing the land use classification of a tract of land comprised of Part of Lot One (1) and all of Lot Two (2) of Meadow Lane Seventh Subdivision in Hall County, Nebraska, from LLR Large Lot Residential to B2 General Business Zone; directing that such zoning change and classification be shown on the Official Zoning Map of the City of Grand Island; and providing for publication and an effective date of this ordinance.

WHEREAS, the Regional Planning Commission on September 6, 2017, held a public hearing on the proposed zoning of such area; and

WHEREAS, notice as required by Section 19-923, R.R.S. 1943, has been given to the Boards of Education of the school districts in Hall County, Nebraska; and

WHEREAS, after public hearing on September 26, 2017, the City Council found and determined the change in zoning be approved and made.

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

SECTION 1. The following tract of land is hereby rezoned, reclassified and changed from LLR Large Lot Residential Zone to B2 General Business Zone:

Lot 1 except the northerly 124.44 feet of the easterly 27.36 feet of said Lot 1 and all of Lot 2 of Meadow Lane Seventh Subdivision in Hall County, Nebraska along with one half (½) of the adjoining street right of way

SECTION 2. That the Official Zoning Map of the City of Grand Island, Nebraska, as established by Section 36-51 of the Grand Island City Code be, and the same is, hereby ordered to be changed, amended, and completed in accordance with this ordinance.

Approved as to Form	<input checked="" type="checkbox"/>
October 18, 2008	<input checked="" type="checkbox"/> City Attorney



ORDINANCE NO. 9654 (Cont.)

SECTION 3. That this ordinance shall be in force and take effect from and after its passage and publication, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: September 26, 2017

\_\_\_\_\_  
Jeremy L. Jensen, Mayor

Attest:

\_\_\_\_\_  
RaNae Edwards, City Clerk

**Ordinance No. 9654 was referred back to the Planning Commission by the City Council at their September 26, 2017 City Council meeting.**



# APPLICATION FOR REZONING OR ZONING ORDINANCE CHANGE

Regional Planning Commission

Check Appropriate Location:

- ☒ City of Grand Island and 2 mile zoning jurisdiction  
☐ Alda, Cairo, Doniphan, Wood River and 1 mile zoning jurisdiction  
☐ Hall County

RPC Filing Fee

(see reverse side)

plus Municipal Fee\*

\$50.00

\*applicable only in Alda, Doniphan, Wood River

## A. Applicant/Registered Owner Information (please print):

Applicant Name Niedfelt Property Management, LLC. Phone (h) \_\_\_\_\_ (w) \_\_\_\_\_

Applicant Address PO BOX 1445 Grand Island, NE 68802

Registered Property Owner (if different from applicant) \_\_\_\_\_

Address \_\_\_\_\_ Phone (h) \_\_\_\_\_ (w) \_\_\_\_\_

## B. Description of Land Subject of a Requested Zoning Change:

Property Address \_\_\_\_\_

Legal Description: (provide copy of deed description of property)

Lot 1,2 Block 1 Subdivision Name Meadow Lane 7th Sub, and/or

All/part \_\_\_\_\_ ¼ of Section \_\_\_\_\_ Twp \_\_\_\_\_ Rge \_\_\_\_\_ W6PM

## C. Requested Zoning Change:

1. Property Rezoning (yes X) (no   )  
(provide a properly scaled map of property to be rezoned)

From LLR to B2

2. Amendment to Specific Section/Text of Zoning Ordinance (yes   ) (no X)  
(describe nature of requested change to text of Zoning Ordinance)

## D. Reasons In Support of Requested Rezoning or Zoning Ordinance Change:

Lots re-platted, set up for commercial access

**NOTE: This application shall not be deemed complete unless the following is provided:**

1. Evidence that proper filing fee has been submitted.
2. A properly scaled map of the property to be rezoned (if applicable), and copy of deed description.
3. The names, addresses and locations of all property owners immediately adjacent to, or within, 300 feet of the perimeter of the property to be rezoned (if the property is bounded by a street, the 300 feet shall begin across the street from the property to be rezoned).
4. Acknowledgement that the undersigned is/are the owner(s), or person authorized by the owner(s) of record title of any property which is requested to be rezoned:

**\*A public hearing will be held for this request\***

Signature of Owner or Authorized Person 

Date

8/23/17

Note: Please submit a copy of this application, all attachments plus any applicable municipal filing fee to the appropriate Municipal Clerk's Office. RPC filing fee must be submitted separately to the Hall County Treasurer's Office (unless application is in Grand Island or its 2 mile zoning jurisdiction, then the RPC filing fee must be submitted to the G.I. City Clerk's Office).

Application Deemed Complete by RPC: mo. 8 day 22 yr. 17 Initial IO pd 800

RPC form revised 4/30/07