



# Hall County Regional Planning Commission

**Wednesday, January 10, 2018**  
**Regular Meeting Packet**

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## **Commission Members:**

<b>Judd Allan</b>	<b>Hall County</b>	
<b>Tony Randone</b>	<b>Grand Island</b>	
<b>Derek Apfel</b>	<b>Grand Island</b>	
<b>Hector Rubio</b>	<b>Grand Island</b>	
<b>Leonard Rainforth</b>	<b>Hall County</b>	
<b>Carla Maurer</b>	<b>Doniphan</b>	
<b>Dean Kjar</b>	<b>Wood River</b>	
<b>Robin Hendricksen</b>	<b>Grand Island</b>	
<b>Jaye Monter</b>	<b>Cairo</b>	<b>Vice Chairperson</b>
<b>Pat O'Neill</b>	<b>Hall County</b>	<b>Chairperson</b>
<b>Greg Robb</b>	<b>Hall County</b>	
<b>Leslie Ruge</b>	<b>Alda</b>	<b>Secretary</b>

**Regional Planning Director: Chad Nabity**

**Planning Technician:**

**Administrative Assistant:**  
**Tracy Gartner**

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**6:00 PM**  
**City Hall Council Chambers - Grand Island**

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## **Call to Order**

## **Roll Call**

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### **A - SUBMITTAL OF REQUESTS FOR FUTURE ITEMS**

Individuals who have appropriate items for City Council consideration should complete the Request for Future Agenda Items form located at the Information Booth. If the issue can be handled administratively without Council action, notification will be provided. If the item is scheduled for a meeting or study session, notification of the date will be given.

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### **B - RESERVE TIME TO SPEAK ON AGENDA ITEMS**

This is an opportunity for individuals wishing to provide input on any of tonight's agenda items to reserve time to speak. Please come forward, state your name and address, and the Agenda topic on which you will be speaking.

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### **DIRECTOR COMMUNICATION**

This is an opportunity for the Director to comment on current events, activities, and issues of interest to the commission.





# Hall County Regional Planning Commission

Wednesday, January 10, 2018  
Regular Meeting

## Item A1

### Agenda

Staff Contact: Chad Nabity

**AGENDA AND NOTICE OF MEETING**  
**Wednesday, January 10, 2018**  
**6:00 p.m.**  
**City Hall Council Chambers — Grand Island**

**1. Call to Order.**

This is a public meeting subject to the open meetings laws of the State of Nebraska. The requirements for an open meeting are posted on the wall in this room and anyone who would like to find out what those are is welcome to read through them.

The Planning Commission may vote to go into Closed Session on any Agenda Item as allowed by State Law.

The Commission will discuss and may take action on any item listed on this agenda.

The order of items on the agenda may be reorganized by the Chair to facilitate the flow of the meeting to better accommodate the public.

**2. Minutes of the December 6, 2017.**

**3. Request Time to Speak.**

**4. Training Session – The Comprehensive Plan and its Relationship to Zoning**  
**Consent agenda**

**5. Final Plat –**

**6. Final Plat –**

**7. Director's Report.**

**8. Next Meeting February 7, 2017.**

**9. Adjourn.**

**PLEASE NOTE: This meeting is open to the public, and a current agenda is on file at the office of the Regional Planning Commission, located on the second floor of City Hall in Grand Island, Nebraska.**



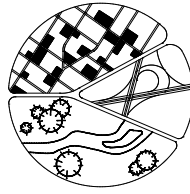
# Hall County Regional Planning Commission

Wednesday, January 10, 2018  
Regular Meeting

## Item E1

### Minutes

Staff Contact: Chad Nabity



THE REGIONAL PLANNING COMMISSION OF HALL COUNTY, GRAND ISLAND,  
WOOD RIVER AND THE VILLAGES OF ALDA, CAIRO, AND DONIPHAN,  
NEBRASKA

Minutes  
for  
December 6, 2017

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The meeting of the Regional Planning Commission was held Wednesday, December 6, 2017, in the Council Chambers - City Hall – Grand Island, Nebraska. Notice of this meeting appeared in the "Grand Island Independent" on November 24, 2017.

Present: Pat O'Neill	Robin Hendricksen (arrived at 6:58 p.m.)
Les Ruge	Dean Kjar
Hector Rubio	Derek Apfel
Judd Allan	Jaye Monter
Carla Maurer	Greg Robb (arrived at 6:06 p.m.)

Absent: Leonard Rainforth, Tony Randone.

Other: Hall County Supervisor Karen Bredthauer, Grand Island City Councilman Mitch Nickerson, Hall County Engineer Steve Riehle, Grand Island Public Works Director John Collins.

Staff: Chad Nabity, Tracy Overstreet Gartner.

Press: Austin Koeller, Grand Island Independent.

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**1. Call to order.**

Chairman O'Neill called the meeting to order at 6:00 p.m.

O'Neill stated that this was a public meeting subject to the open meetings laws of the State of Nebraska. He noted that the requirements for an open meeting are posted on the wall in the room and easily accessible to anyone who may be interested in reading them.

O'Neill also noted the Planning Commission may vote to go into Closed Session on any agenda item as allowed by State Law.

The Commission will discuss and may take action on any item listed on this agenda.

The order of items on the agenda may be reorganized by the Chair to facilitate the flow of the meeting to better accommodate the public.

**2. Minutes of the November 1, 2017 meeting.**

A motion was made by Apfel and seconded by Maurer to approve the minutes of the November 1, 2017 meeting.

The motion carried with eight members in favor (Apfel, Allan, O'Neill, Ruge, Maurer, Monter, Rubio and Kjar) and no members voting no or abstaining.

**3. Request Time to Speak.**

Steve Spaulding, 3204 S. Shady Bend Road, Items 6 and 7; Christie DePoorter, 3321 Conrad Drive, Items 6 and 7; Elaine Dooley, 3060 Roselawn Drive, Items 6 and 7; Linda Uhrich, 3126 Goldenrod Drive, Items 6 and 7. The following requested time to speak during discussion on Items 6 and 7: Ray Dooley, 3060 Roselawn Drive.

**4. Public Hearing – Redevelopment Plan – Take Flight Investments LLC–**

Concerning an amendment to the redevelopment plan for CRA Area 1 for a Site Specific Redevelopment Plan of 209 W. Third, Grand Island, Hall County, Nebraska (C-07-2018GI)

This item was held after the public hearings on Items 5 and 6 as the developer had not yet arrived, but had indicated he would be arriving from another meeting. O'Neill opened the public hearing.

Nabity said this redevelopment plan by Think Smart LLC is seeking to redevelop the former Connie Swanson Photography building at 209 W. Third into commercial space on the first floor and residential space on the mezzanine and second floor. Nabity said the mixed use downtown is consistent with Grand Island's comprehensive plan.

Ruge asked about access to the alley for fire response. Nabity said the development will have to comply with fire code.

O'Neill closed the public hearing.

A motion was made by Hendricksen and seconded by Allan to recommend approval of the redevelopment plan and Resolution 2018-05, finding that the plan is consistent with the comprehensive land use plan.

The motion carried with ten members in favor (Apfel, Allan, O'Neill, Ruge, Maurer, Robb, Monter, Rubio, Hendricksen and Kjar) and no members voting no or abstaining.

**5. Public hearing – One and Six Year Street Improvement Plan – Grand Island –**  
Public hearing and action on the 2018 to 2023 street improvement plan for the City of Grand Island, Hall County, Nebraska (C-08-2018GI)

O'Neill opened the public hearing.

Grand Island Public Works Director John Collins detailed the street improvements that were substantially completed over the current year. He then displayed a spreadsheet listing the proposed projects for the next six years. Collins said upgrades to the Five Points intersection and work on the Sycamore Street underpass are of note. Upgrades to 13<sup>th</sup> Street have been moved up to the 2018-19 fiscal year due to the proposed relocation of a fire station at 13<sup>th</sup> and North Road. Other projects in the next year include reconfiguring Stolley Park, raising the clearance from 13 feet to 16 feet and improving drainage on the Sycamore Street underpass, widening and improving Old Potash Highway on either side of Highway 281, and the standard local resurfacing projects. Collins then displayed a map of the projects for 2019-2023.

Ruge and Allan asked about state funding, design and timeline for the Highway 30 realignment, which Collins said is on tap for 2022. Ruge expressed concern that the Old Potash work needed to extend further west to Engleman Road. Collins said that area is under study but will likely be addressed in a separate project. Ruge said 13<sup>th</sup> Street and the North Road area needs more upgrades than those planned. Collins said 13<sup>th</sup> Street does have a lot of traffic. He said morning and evening commute traffic causes more delays on 13<sup>th</sup> than traffic from Westridge Middle School, although the school does create traffic congestion issues. Collins would like to see those addressed in the next six years – as well as improving all the intersections along North Road. Kjar asked about a traffic signal at 13<sup>th</sup> and North to accommodate the proposed fire station and 911 center there. Collins said a roundabout would work better for the next 20 years. A signal would require turning lanes.

O'Neill closed the public hearing.

A motion was made by Ruge and seconded by Kjar to recommend approval of the Grand Island One and Six Year Street Improvement Plan.

The motion carried with nine members in favor (Apfel, Allan, O'Neill, Ruge, Maurer, Robb, Monter, Rubio and Kjar) and no members voting no or abstaining. (Hendricksen did not vote as he hadn't yet arrived at the meeting.)

**6. Public hearing – Rezoning – Grand Island –** A request to rezone part of Lot 1 and all of Lot 2 of proposed Meadow Lane Seventh Subdivision from LLR Large Lot Residential to B-2 General Business Zone, in the jurisdiction of the City of Grand Island, Hall County, Nebraska (C-33-2017GI)

O'Neill opened the public hearing.

Nabity said this rezoning has been before the commission at the July meeting and was

reconfigured to allow residential lots along Conrad and Goldenrod Drive. However, the Grand Island City Council referred the rezoning and final plat back to the planning commission amid drainage concerns in the area. Nabity said the area doesn't drain well and never really has. He said the county, which has jurisdiction over the roads in the subdivision, last cleaned out the ditches there in 1994. Nabity said he and Hall County Engineer Steve Riehle met with neighbors to work out possible drainage remedies. Nabity said property owner Steve Spaulding has consented to a 30-foot wide drainage easement through part of the subdivision, the developers have consented to creation of a 1.5 acre water retention pond to hold and meter out rainfall and runoff and the county has consented to cleaning out ditches.

Riehle said the county has two proposed short-term remedies – to clean out the ditches along Conrad Drive and Goldenrod and to work with Spaulding to design and implement a 30-foot wide drainage easement along the path of the original slough. Riehle said long term the county plans to work with the Natural Resources District to improve drainage along the slough. Riehle said there is a 4-inch high rise in the slough now that serves as a dam to water trying to flow through. Riehle said ultimately work needs to be done both up gradient (by Wal-Mart South) and down gradient (into Merrick County) to improve water flow through the subdivision. Riehle said the water retention cell could also help improve water flow.

O'Neill asked why the county should pay to clear out ditches when statute states property owners should do so. Riehle said this particular issue has become a health and welfare issue, so he feels the county should do more. Riehle said he feels the county has been negligent in waiting so long to clear out ditches. O'Neill said he was researching state statute and found that the county can make property owners clear drainage ways on their property. O'Neill said if the county doesn't take such action, five property owner can petition the county to force the county to take action. Riehle confirmed that state statute states a county "shall" take drainage action upon petition by five affected property owners.

Riehle said the county is also looking at a potential paving district for an orphaned gravel stretch of Conrad and is looking at replacing/relaying some culvert pipe along Conrad.

Christie DePoorter, 3321 Conrad Drive, owner and developer, spoke in favor of the rezoning. She said over the past six months work has been done to address concerns. Residential lots were identified along Conrad and Goldenrod to maintain the neighborhood feel, she said. DePoorter said restrictive covenants will be prepared to require a green space on the north end of Lot 2 (commercial lot) that can be used in the future for the creation of a 1-acre to 1.5-acre water retention cell to meter water out so the slough is not overwhelmed. She said work is being done with Spaulding to have the drainage easement identified that can serve as the outlet for the retention cell, which is proposed now to be 15 to 20 inches deep with sloped sidewalls. DePoorter said the southwest end of Lot 2 will have an access off Highway 34 and a 40-foot wide easement road will allow access to both Lot 2 and Lot 1. The northern access on Lot 1 that enters onto Conrad is there only to meet the city's regulations of frontage on a public road for all lots. That Conrad access will be a maintenance driveway, not one

that can be accessed by commercial trucks, she said. DePoorter said there are currently no buyers for the proposed commercial lots. There were previously two interested buyers, but their interest ceased after the concerns raised by neighbors back in July.

Steve Spaulding, 3204 S. Shady Bend Road, spoke in favor of the rezoning. He said it makes sense to have commercial usage along Highway 34, but he also favors improving the drainage. Spaulding said he is willing to give up one-half acre of his property for creation of a 30-foot wide drainage easement that the county will take over and maintain. Spaulding said the drainage easement and clearing out ditches should improve drainage through the subdivision as it currently exists. If the Meadow Lane 7<sup>th</sup> area is fully developed, Spaulding said the water retention cell will be needed in order to hold about 90,000 cubic feet of water and meter it out over one to two days after a significant rain.

Elaine Dooley, 3060 Roselawn Drive, said many concerns have been addressed, however she is concerned about standing water in the retention cell and mosquito populations. She is also concerned about existing Highway 34 traffic and fears vehicles slowing to turn into the proposed commercial lots will pose a safety risk. She would like a turn lane there. O'Neill said the state will not allow a turn lane there, however he plans to ask for a speed limit reduction during the next Metropolitan Planning Organization meeting, of which he is the Regional Planning Commission liaison.

Linda Uhrich, 3126 Goldenrod Drive, said the subdivision has had water problems for more than 20 years. The residents there ask the county for improvement and nothing happens. She said when it rains, homeowners dewater, which is nearly useless because they pump water out into their yards, which recycles into the home again. Uhrich said she agrees that something should happen with the field the developers want rezoned, but she has concerns with the water. She wants to see something done so that properties are not flooded.

O'Neill asked that the 1963 aerials shots of the area be displayed so that the commission could see that the subdivision was built in the bottom of the slough. O'Neill asked if drainage easements through the subdivision have been recorded. Nabity said yes.

Ray Dooley, 3060 Roselawn Drive, asked about truck restrictions on the driveway onto Conrad and what improvements down gradient could be made. O'Neill reiterated the ability to force the county to improve drainage through a five-person petition. Nabity said drainage issues up- and down-gradient aren't issues that are related to the rezoning of this particular parcel.

O'Neill called DePoorter to the podium and asked if she would agree to a no-truck stipulation for the driveway on Conrad. She said yes. O'Neill asked DePoorter if she would consent to the set aside of green space for future creation of a water retention cell on Lot 2. She said yes. Allan asked about maintenance on the retention cell. Riehle said he wants the floor of the retention cell built up one foot above the floor of the ditches so that the cell remains dry except for major rain events. That will allow the cell to be mowed and maintained.



O'Neill closed the public hearing.

A motion was made by Ruge and seconded by Robb to recommend approval of the rezoning from LLR Large Lot Residential to B-2 General Business.

The motion carried with nine members in favor (Apfel, Allan, O'Neill, Ruge, Maurer, Robb, Monter, Rubio and Kjar) and no members voting no and one abstaining (Hendricksen.)

7. **Final Plat – Meadow Lane 7<sup>th</sup> Subdivision** – Located north of Highway 34 and west of Shady Bent Road in the jurisdiction of Grand Island, in Hall County, Nebraska. (6 lots, 11.68 acres)

A motion was made by Ruge and seconded by Kjar to stipulate that the subdivision agreement for the Meadow Lane 7<sup>th</sup> Subdivision (which the commission approved September 6, 2017) include a prohibition on a commercial driveway onto Conrad Drive and that green space be set aside on Lot 2 to accommodate the size and design of a water retention cell that meets the approval of the county engineer.

The motion carried with nine members in favor (Apfel, Allan, O'Neill, Ruge, Maurer, Robb, Monter, Rubio and Kjar) and no members voting no and one abstaining (Hendricksen.)

#### **Consent Agenda**

8. **Final Plat – TDKM Subdivision – Hall County** – located south of Platte River Drive and west of Hilltop Road in Hall County, Nebraska (1 lot, 1.02 acres)
9. **Final Plat – Walker Acres Subdivision – Hall County** – located south of Lepin Road and west of 190<sup>th</sup> Road in Hall County, Nebraska ( 1 lot, 3.4407 acres)
10. **Final Plat – Stacy Jo 2<sup>nd</sup> Subdivision – Wood River** – located south of Wood River Road and east of Cottonwood Street in the City of Wood River, in Hall County, Nebraska (1 lot, 0.551 acre)

A motion was made by Hendricksen and seconded by Apfel to recommend approval of the final plats for TDKM Subdivison, Walker Acres Subdivision and Stacy Jo 2<sup>nd</sup> Subdivision.

The motion carried with ten members in favor (Apfel, Allan, O'Neill, Ruge, Maurer, Robb, Monter, Rubio, Hendricksen and Kjar) and no members voting or abstaining.

11. **Election of Officers**

A motion was made by Apfel and seconded by Maurer to retain the current slate of officers: Chairman Pat O'Neill, Vice Chairman Jaye Monter and Secretary Les Ruge.

The motion carried with ten members in favor (Apfel, Allan, O'Neill, Ruge, Maurer, Robb, Monter, Rubio, Hendricksen and Kjar) and no members voting or abstaining.

**12. Director's Report.**

Nabity said the administrative assistant position has been offered and accepted by Crystal Uecker. Her starting date is being worked out. Nabity said he has four interviews Thursday for the planning technician position. He will be attending the annual Nebraska Association of County Officials meeting in Kearney next Thursday.

**13. Next Regular Meeting January 3, 2017.**

**13. Adjourn**

O'Neill adjourned the meeting at 7:46 p.m.

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Leslie Ruge, Secretary  
By Tracy Overstreet Gartner



# **Hall County Regional Planning Commission**

**Wednesday, January 10, 2018  
Regular Meeting**

## **Item 1**

### **The Comprehensive Plan and its Relationship to Zoning**

**Staff Contact: Chad Nabity**



January 2018

# *THE COMPREHENSIVE DEVELOPMENT PLAN AND ITS RELATIONSHIP TO ZONING*

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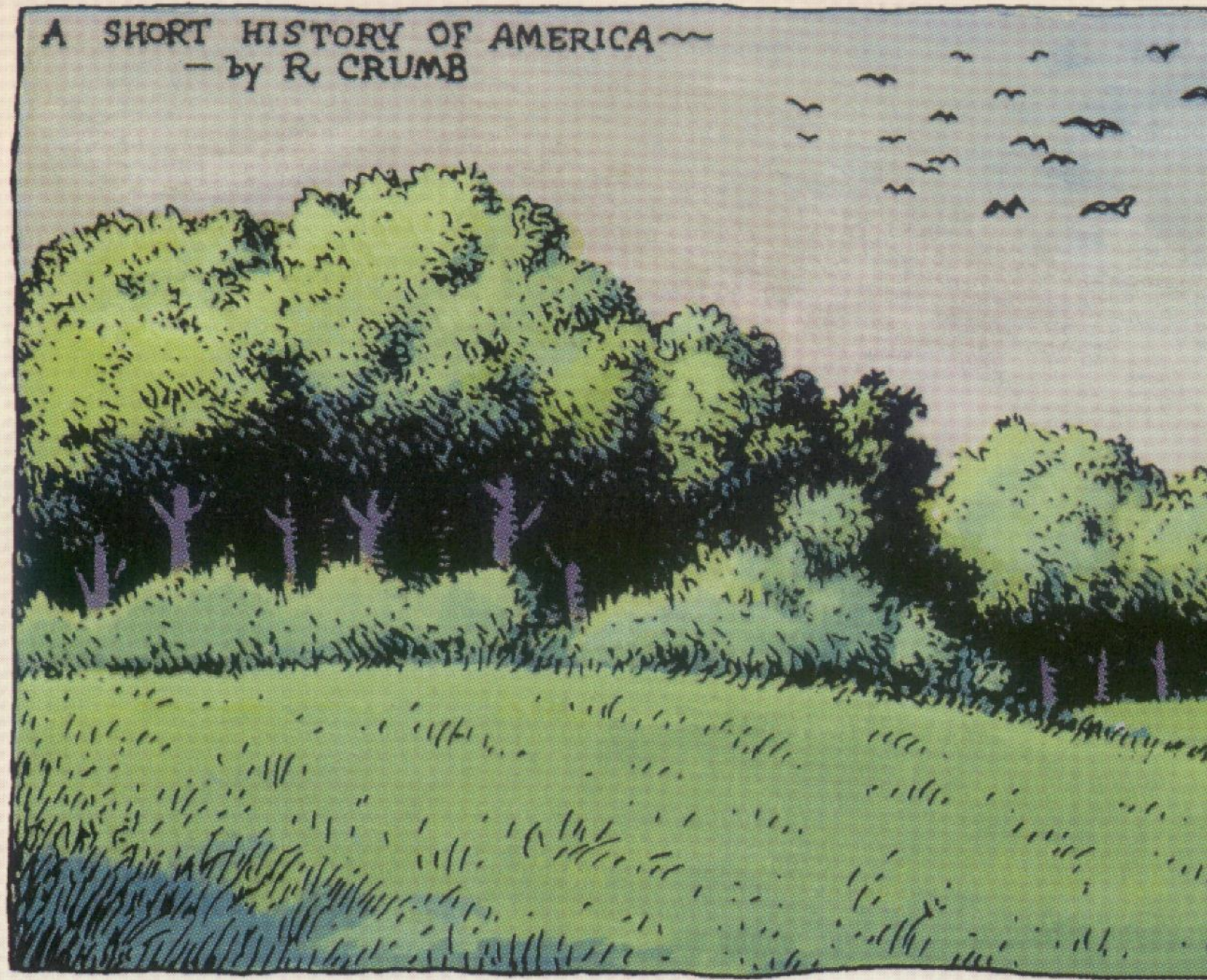
*Presenter:*

*Chad Nabity, AICP*



# *Why Plan?*

In the  
beginning...





## *Why Plan?*

Then came the  
Transportation  
systems.....and  
People





## *Why Plan?*

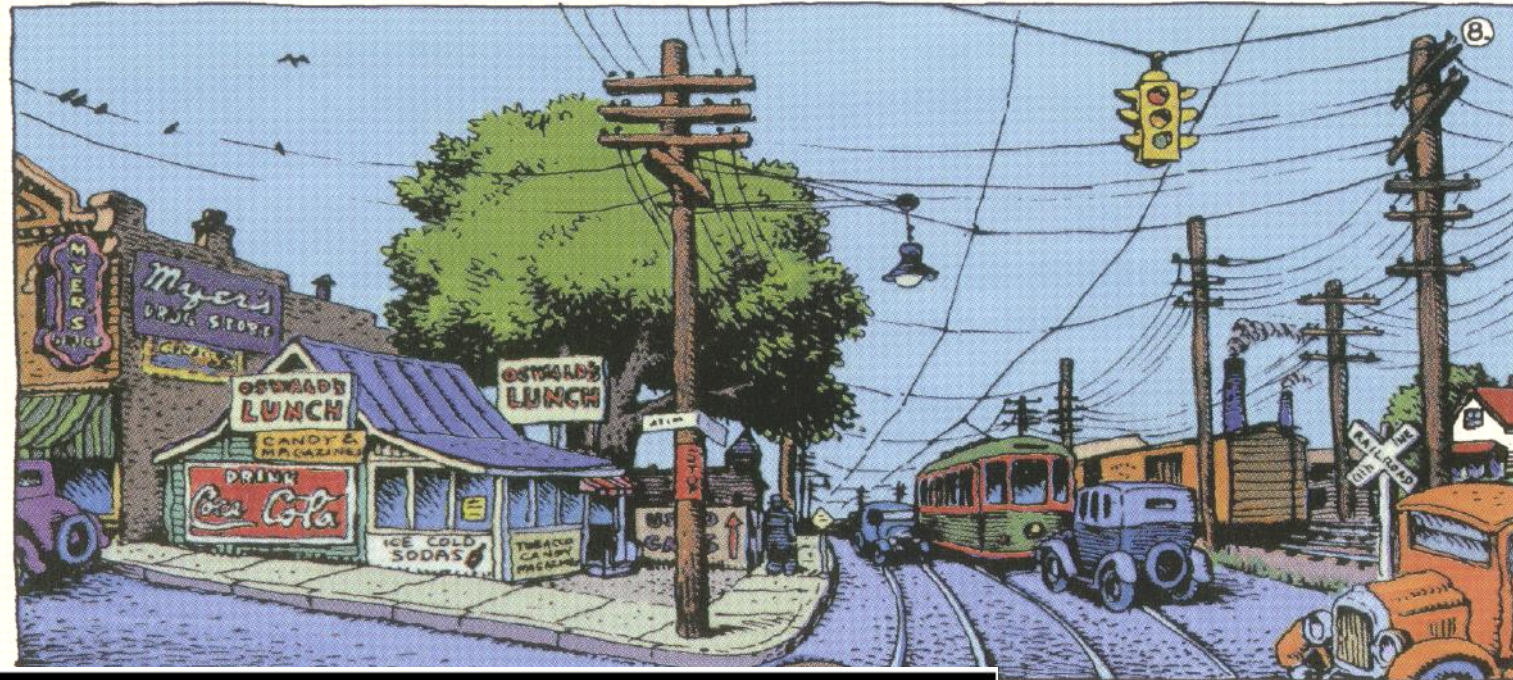
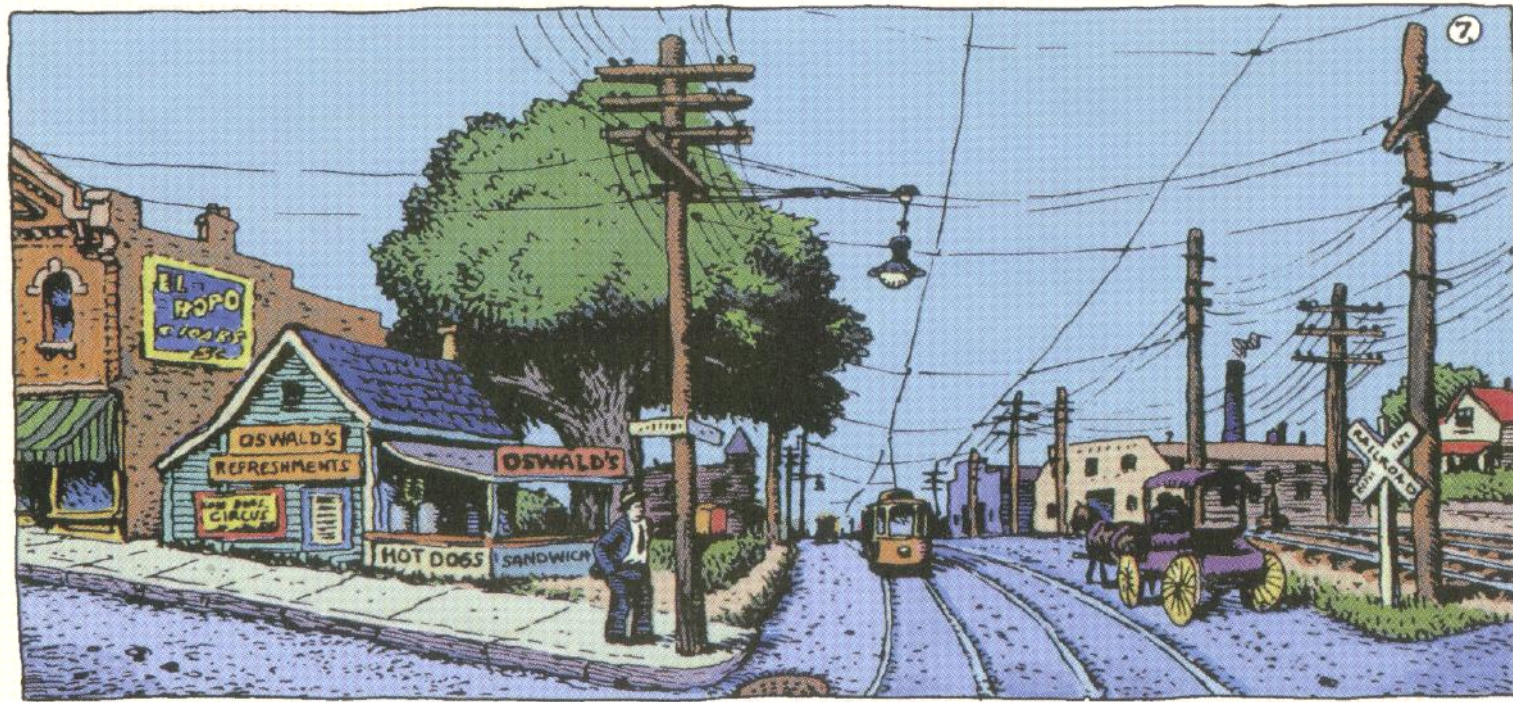
Then more people came and formed a town with different uses.....





## Why Plan?

Then more people,  
more uses and  
signs.....

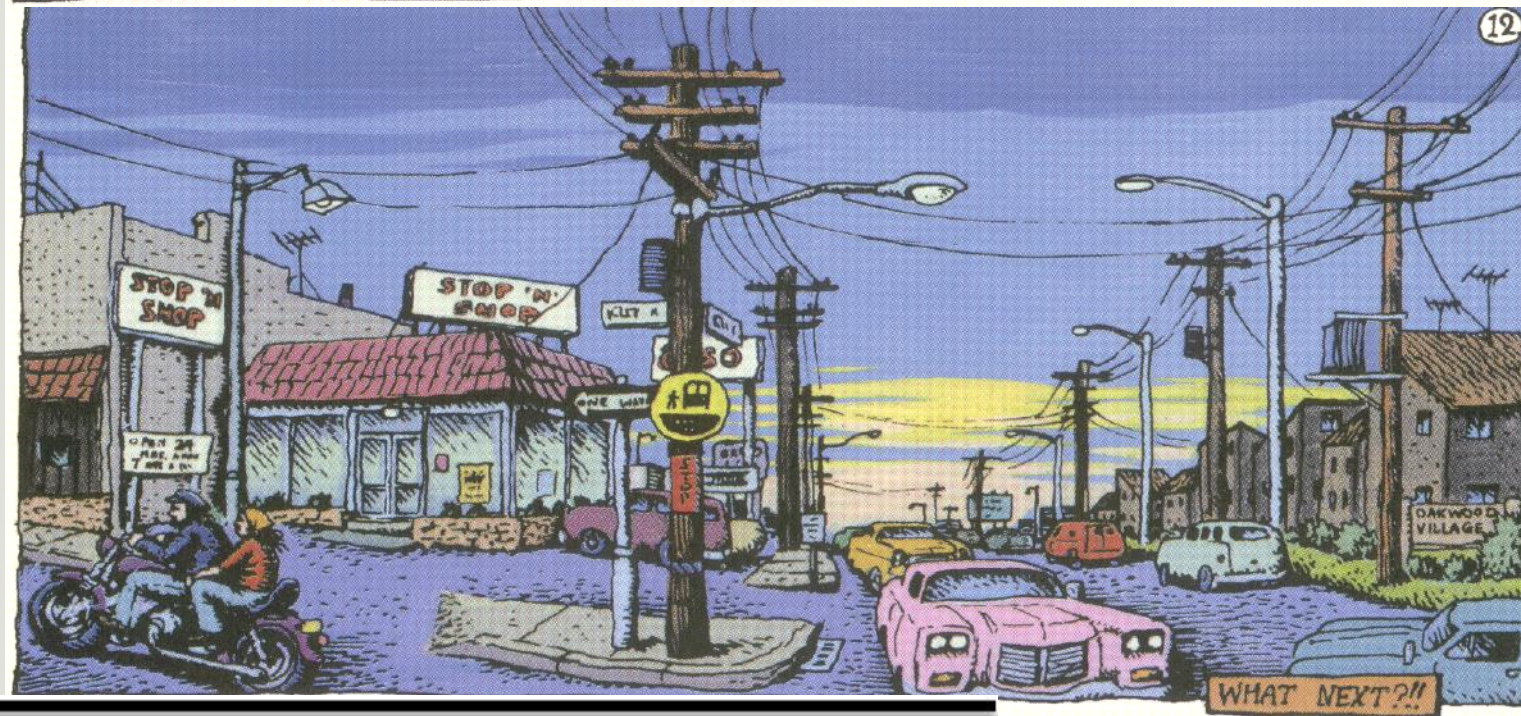
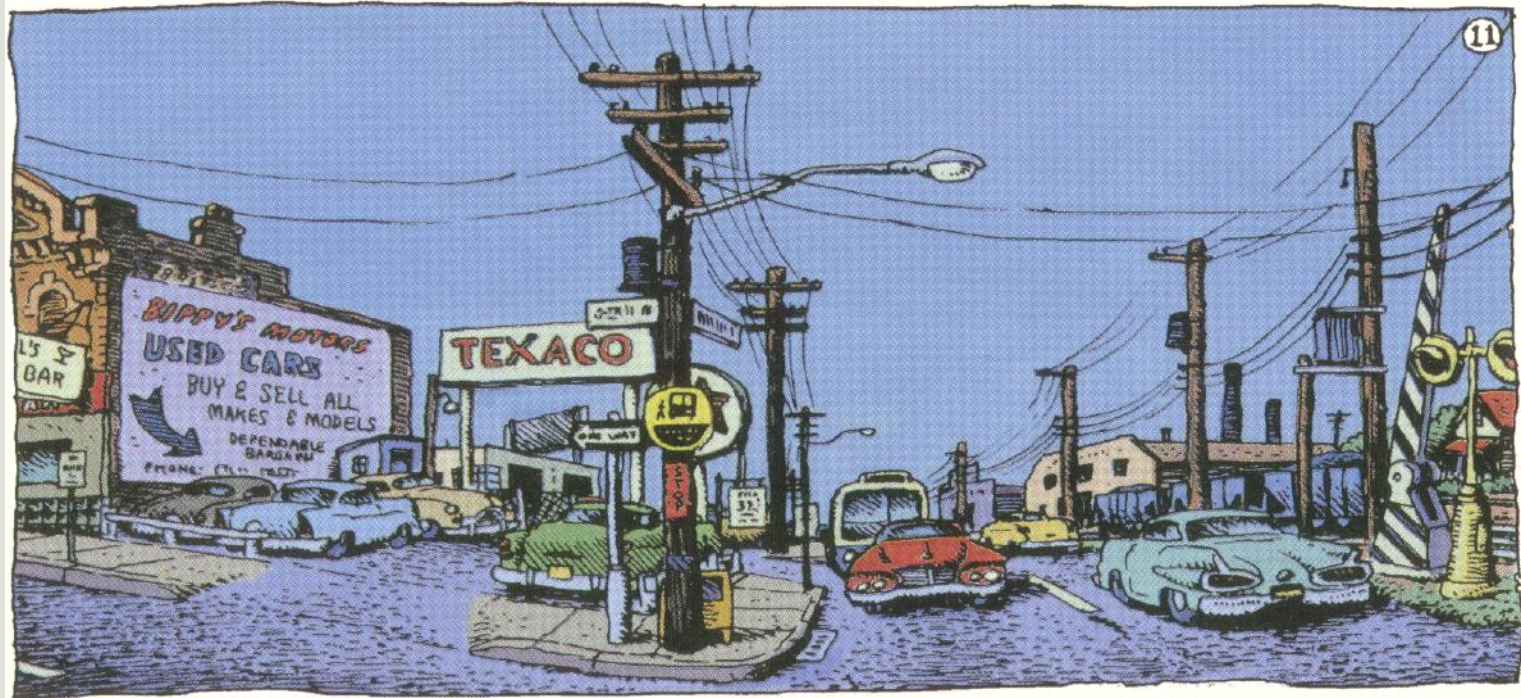




## Why Plan?

Then comes  
redevelopment and  
reuse and more  
people....

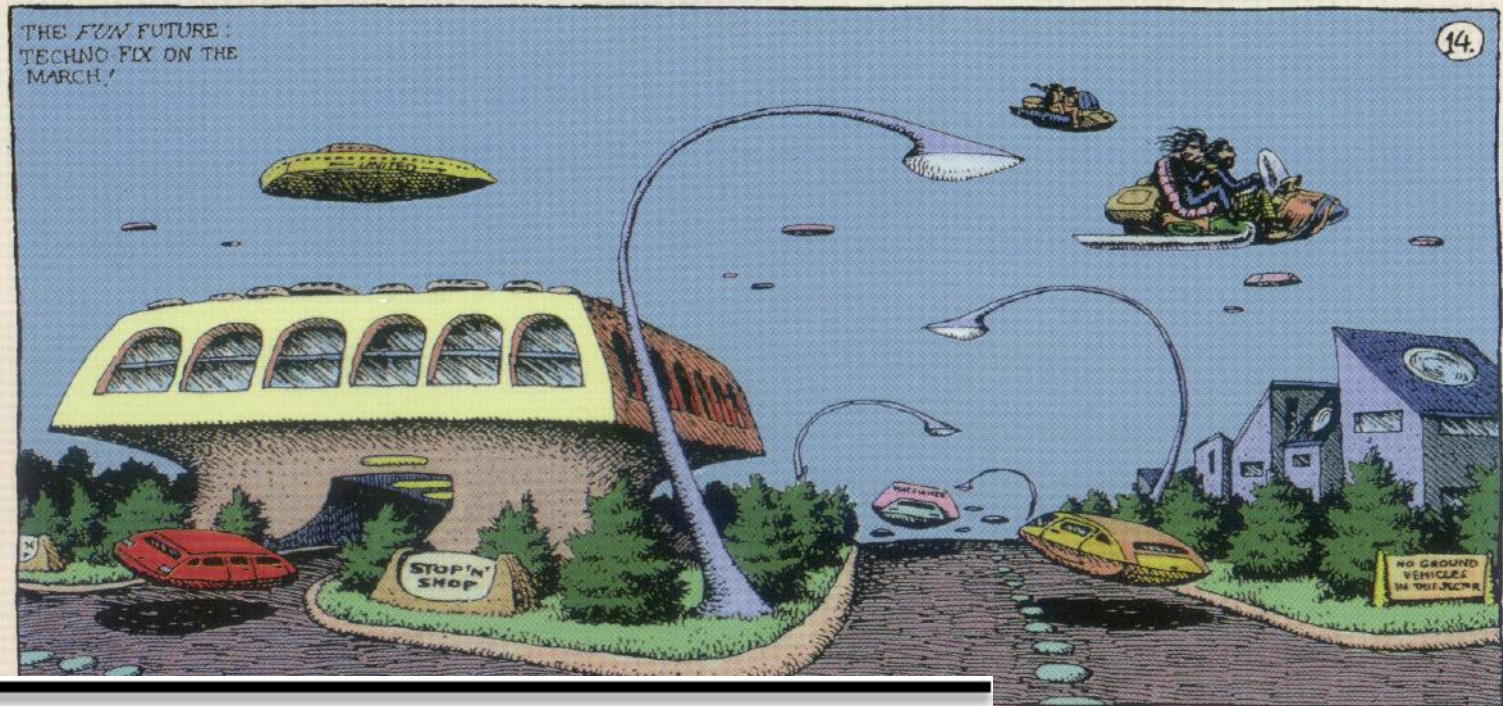
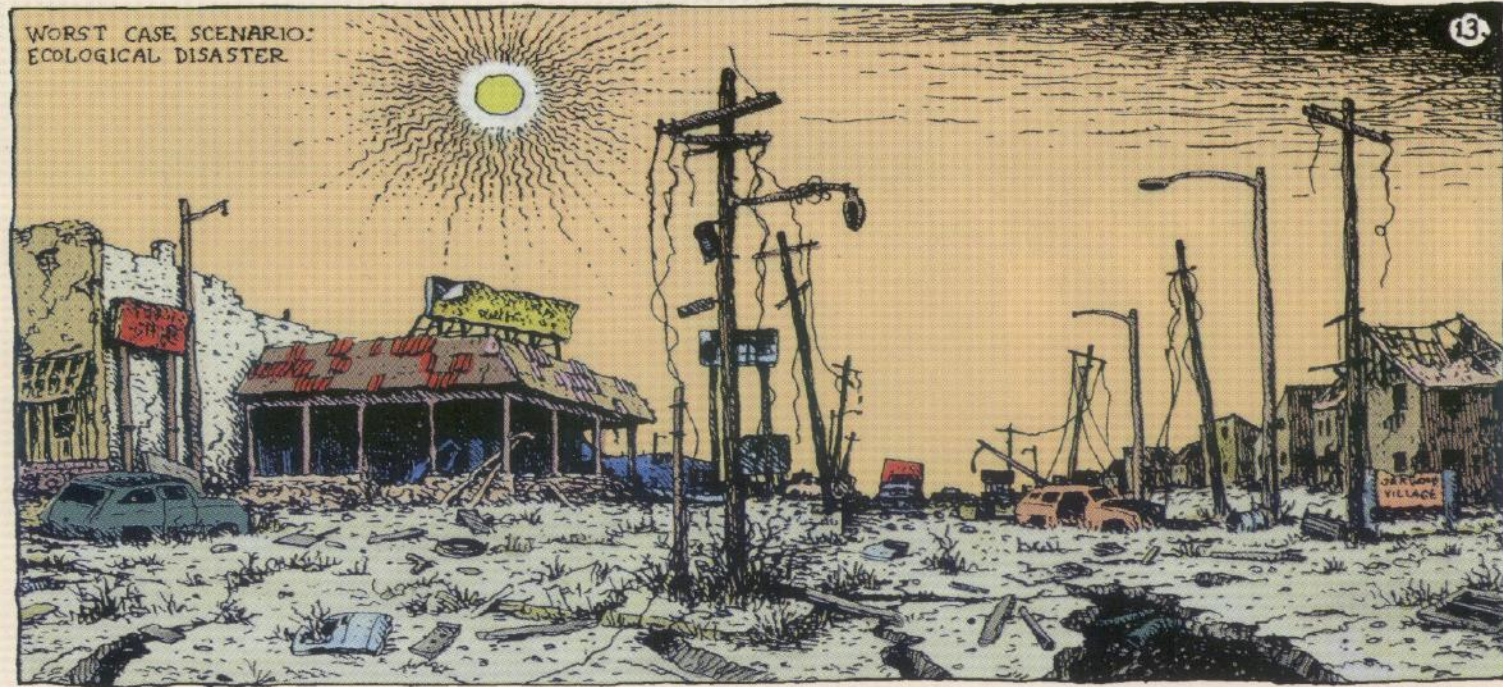
What next?????



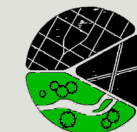


## Why Plan?

Blight and deterioration OR a community that evolves through Planning







## **What Is Planning**

***PLANNING IS AN ORGANIZED WAY OF DETERMINING  
COMMUNITY NEEDS AND SETTING GOALS AND  
OBJECTIVES TO ADDRESS THE NEEDS.***

***PLANNING IS A FORWARD THINKING PROCESS.***

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## **What Is Planning**

***PLANNING BRIDGES THE GAP FROM WHERE WE ARE TO  
WE WANT TO GO.***

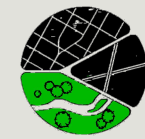
***PLANNING IS A PROCESS THAT CAN HELP MOVE A COMM  
FROM TODAY'S REALITY TO TOMORROW'S POSSIBILITIES.***

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# **What Is Planning**

**Even a journey of a thousand miles must begin with a single step.**



# *Authority to Plan*

## *IF A COMMUNITY OR COUNTY CHOOSES TO PLAN THE GOVERNING BODY SHALL:*

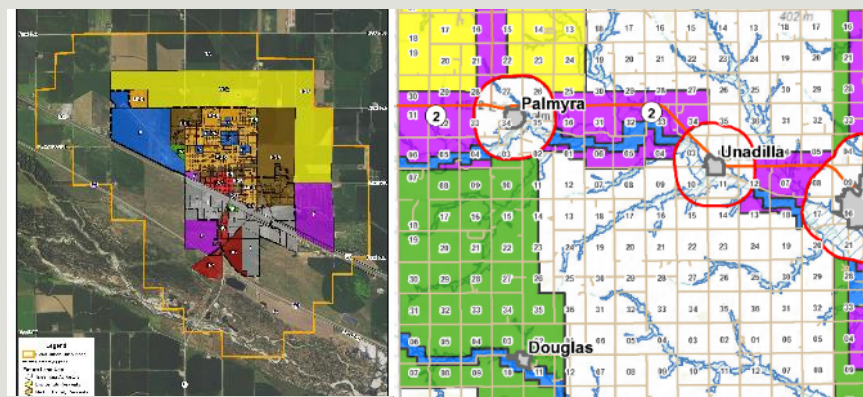
- *Create a planning commission*
- *Create, revise and implement a comprehensive plan*
- *Adopt and enforce a zoning resolution/ordinance*

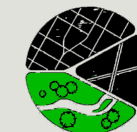




# *Jurisdictions*

- CITY/VILLAGE JURISDICTION



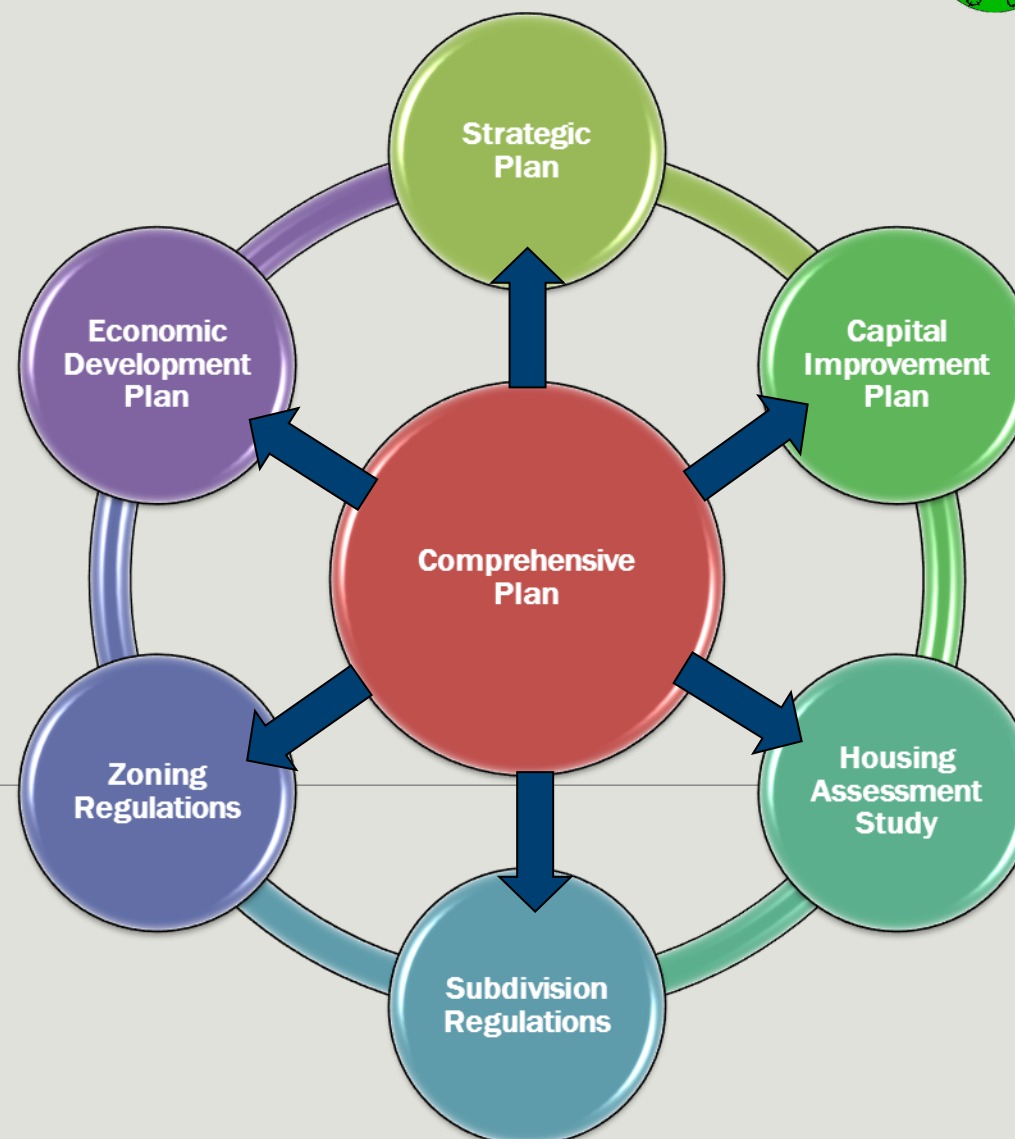


# *Purpose*

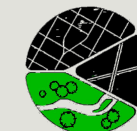
*THE COMPREHENSIVE PLAN  
IS ABOUT POLICY*

*POLICIES DRIVE  
REGULATIONS AND OTHER  
IMPLEMENTATION TOOLS*

*COMPREHENSIVE PLANS  
ARE NOT DIRECTLY  
REGULATORY*





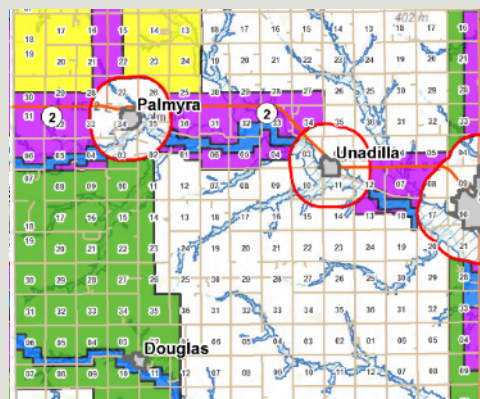


# *Purpose*

*DETERMINE DISTRIBUTION AND USE OF LAND*

*GENERAL LOCATION, CHARACTER AND EXTENT OF  
ROUTES AND FACILITIES*

*GENERAL LOCATION, TYPE, CAPACITY AND AREA OF  
AND PROJECTED COMMUNITY FACILITIES*

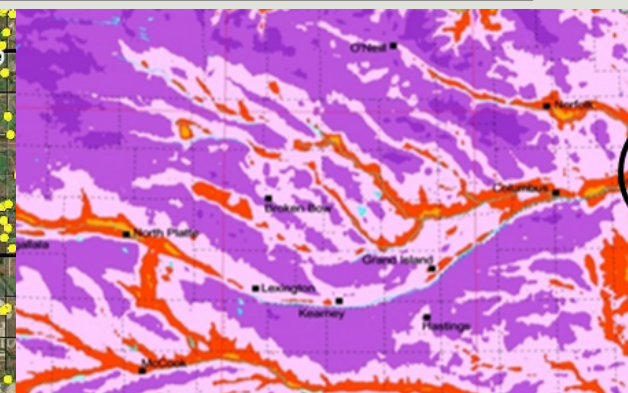
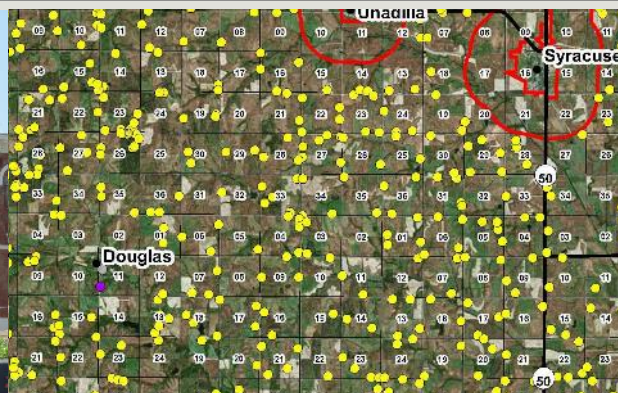
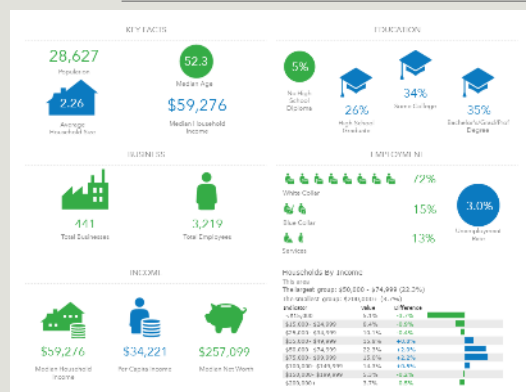




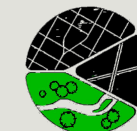
# *Comprehensive Plan*

## *PLANS SHOULD CONTAIN THE FOLLOWING ELEMENTS:*

- *Demographics (Population statistics, housing statistics, economic statistics)*
- *Community/County Facilities*
- *Existing Land Uses*
- *Energy Element*



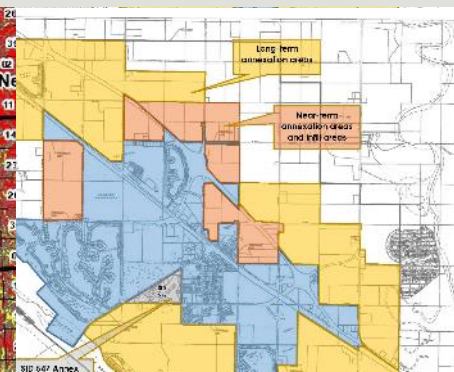
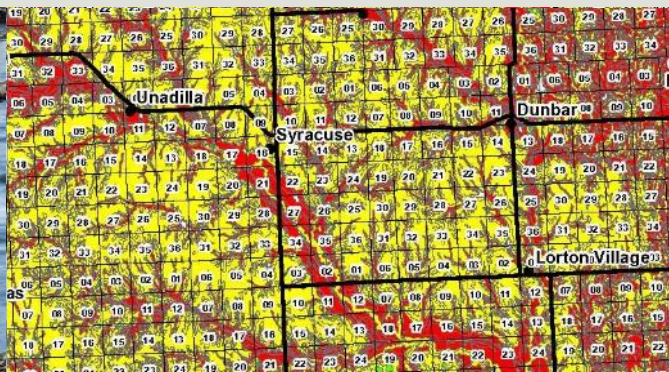


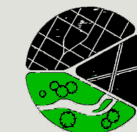


# *Comprehensive Plan*

## *PLANS SHOULD CONTAIN THE FOLLOWING ELEMENTS:*

- *Environmental Data*
- *Issues, Goals & Objectives*
- *Future Land Uses*
- *Transportation Elements*
- *Annexation and SIDS (municipalities only)*





# **Environmental Issues**

## **REVIEW ENVIRONMENTAL CONDITIONS**

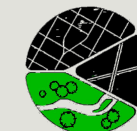
- Soil Suitabilities

## **EXISTING ENVIRONMENTAL CONDITIONS/EXISTING LAND USES = FUTURE LAND USES**

- Steeper slopes may require special conditions or prohibit development
- Floodplains and wetlands
  - special conditions for development/livestock production

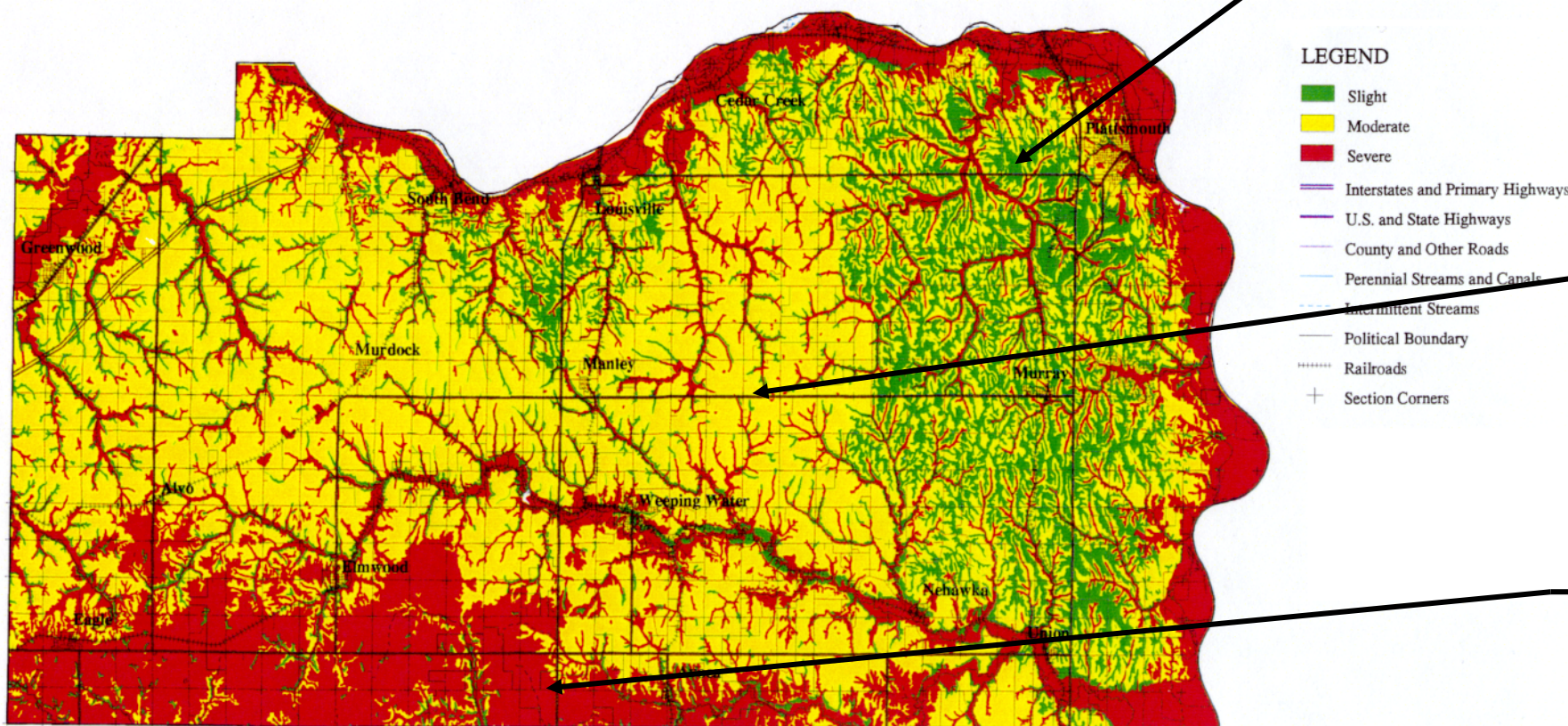






# Soils Mapping

Soil Suitability for Septic Tank Absorption Fields Map  
Cass County, Nebraska



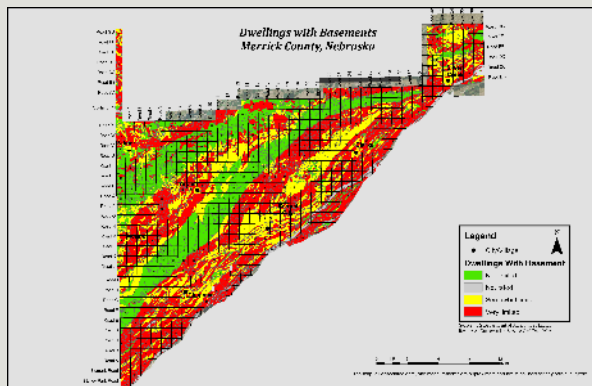
**GREEN** areas are ideal for  
Septic System placement

**YELLOW** areas may need  
special consideration depending  
on the conditions affecting the soil

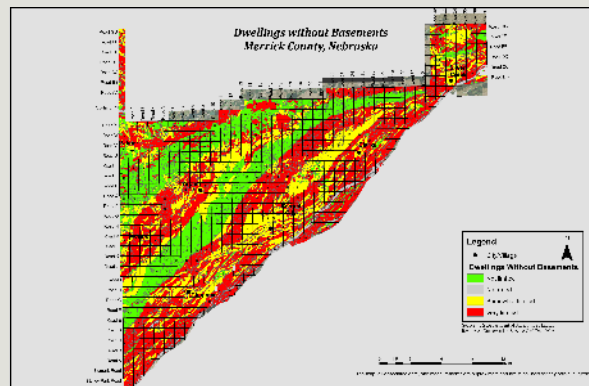
Special Conditions needed in  
areas colored **RED**



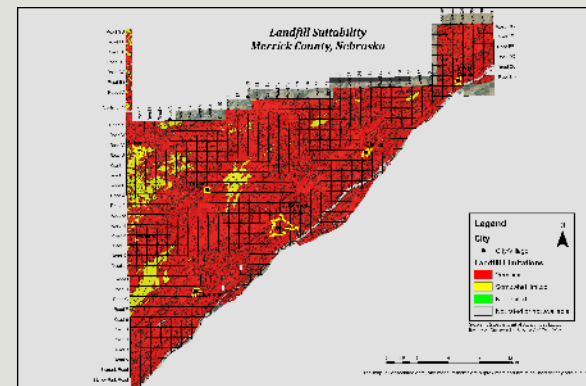
# Soils Mapping



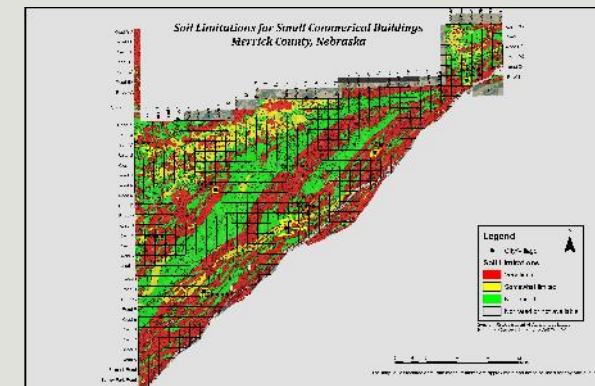
Dwellings with Basements



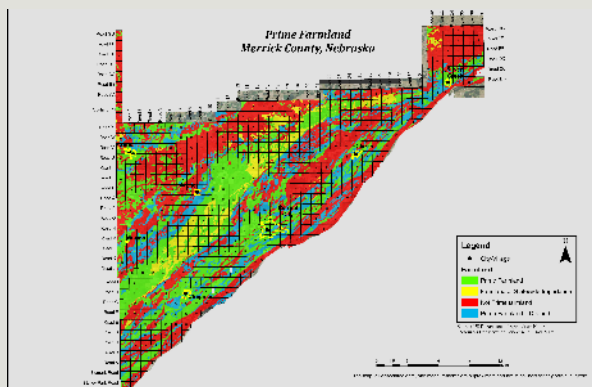
Dwellings without Basements



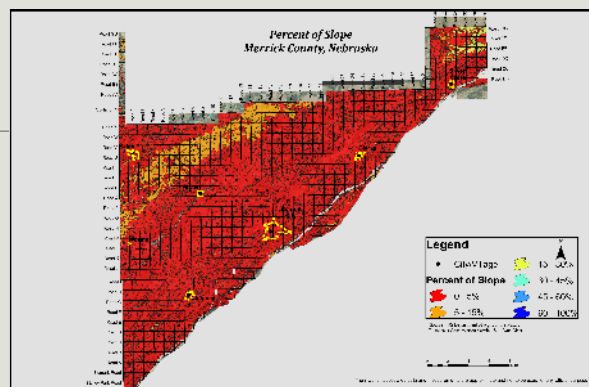
Landfill Suitability



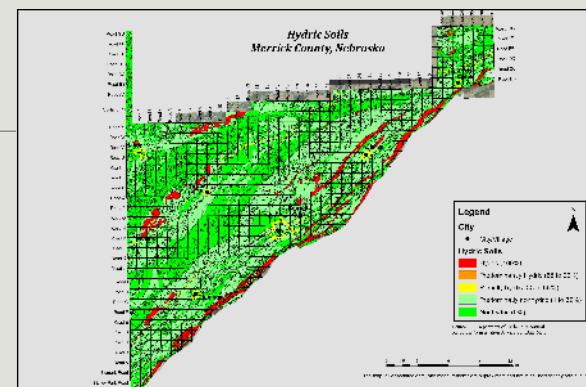
Limitations on Small Commercial Buildings



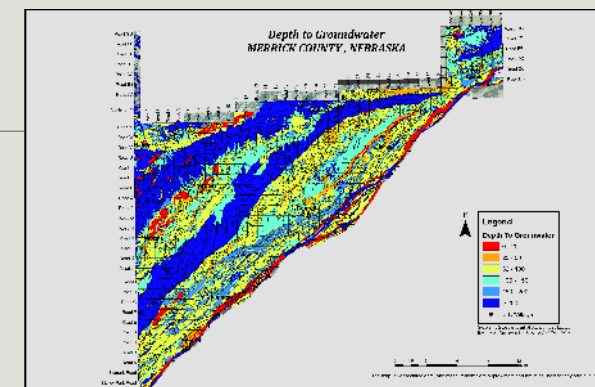
Prime Farmland



Percent Slope

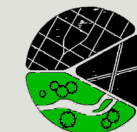


Hydric Soils



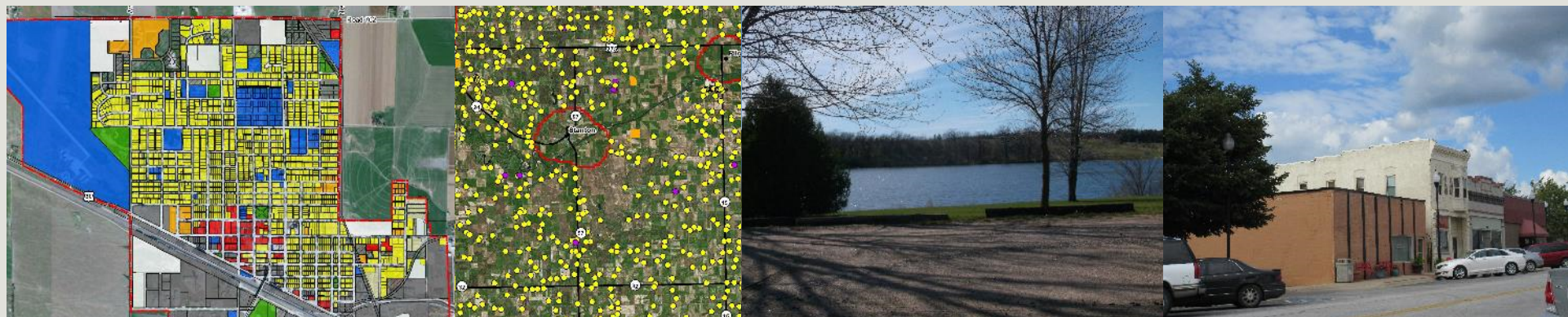
Depth to Groundwater

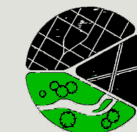




# Land Use

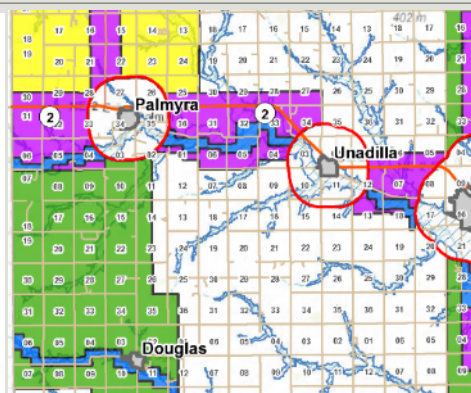
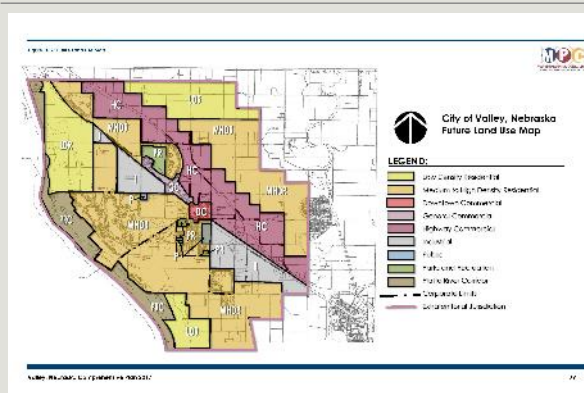
- *SHOULD INCLUDE BOTH GRAPHIC & TEXTUAL MATERIAL*
- *LAND USE PLAN SHOULD:*
  - *Distribution and location of specific uses*
  - *Recommended standards of population density*
  - *Review existing Land Uses throughout the Community and County to:*
    - *Document the uses for potential non-conforming uses*
    - *guide the Future Land Uses.*



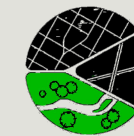


# Land Use

- THE FUTURE LAND USE PLAN CAN BE AS SIMPLE OR COMPLEX AS DESIRE
- THE FUTURE LAND USE PLAN IS A POLICY STATEMENT
  - directs future growth and uses.
  - Works at placing compatible uses together while separating incompatible uses







# Land Use

## • THE FUTURE LAND USE PLAN IS A POLICY STATEMENT

- directs future growth and uses.
- Works at placing compatible uses together while separating incompatible uses

### Medium to High Density Residential Land Use

#### General Purpose

This land use area is typically the most protected residential uses. This district is intended to be similar to the typical residential area covering most of Valley. City services such as water and sewer would be provided.

It is intended for this district to encourage different residential zoning classifications to be located throughout. Instead of attempting to identify specific areas where key densities will be allowed, the plan recognizes that various zoning densities may reside next to each other throughout the community. This area should include all types of residential uses depending upon the zoning classification including single-family detached dwellings, with occasional townhomes, condominiums, and multi-family apartment developments.

In specific cases, where the design criteria are met, mobile home residential development may be allowed in any of these areas. These criteria are intended to provide for an area that has livable lot sizes, landscaping, streets and storm shelters that are safe and clean.

#### Typical uses

1. Single-family residential dwelling units
2. Accessory uses associated with single-family residential dwelling units
3. Townhouses, condominiums and duplexes
4. Multi-family complexes
5. Lakefront developments
6. Industrial sand and gravel operations; provided the eventual remediation plan is for lake-side residential developments
7. Parks and Recreational facilities
8. Public facilities
9. Educational uses and structures
10. Community/Recreational Center
11. Religious uses and structures
12. Health care facilities

#### Potential natural issues to consider

1. Depth to water table
2. Topography
3. Natural amenities such as trees, ponds, and streams
4. Site drainage
5. Flooding hazard
6. Wetlands

#### Buildable lot policies

1. Minimum lot sizes should be in the 7,000 to 10,000 square foot range

#### Residential densities

1. The proposed density for this land use district ranges from four to 18 units per acre (a typical city block is approximately two acres). This density would allow lots for single family dwellings ranging from approximately 14,500 square feet to 7,000 square feet.
2. The higher densities would be in the form of horizontally connected multi-family dwelling units and will be on various lot sizes.

#### Development policies to consider

1. Cluster developments should be considered and used whenever soils, topography, natural amenities warrant. **See subsection of clustered developments.**





# Comprehensive Plans

- IMPLEMENTATION IS CRITICAL TO A SUCCESSFUL PLAN
- ZONING AND SUBDIVISION REGULATIONS ARE KEY IMPLEMENTATION TOOLS

	Land Use Action Items		\$\$\$	CIP		Less than 1 year	1 to 5 years	5 to 10 years	10 to 20 years	Major element / Strategic Outcome
				Y	N					
DBHLL-1.1	The cost of acquiring land, including both on-site and off-site, for a subdivision that will be used exclusively for the property owner, off the subdivision should be borne by the developer of the property owner within the subdivision.	1	-	•						
DBHLL-1.2	The City of Valley, when feasible, may choose to add a development or redevelopment with specific funding mechanisms such as Tax Increment Financing, special assessments, etc.	1	-	•						
DBHLL-1.3	The City should design the Land Use Plan that addresses and manages future growth within the jurisdiction of western Douglas County.	1,8	-		•					
DBHLL-1.4	The City should develop zoning and subdivision regulations that promote efficient land usage, while avoiding land use conflicts.	1,8	-		•					
DBHLL-1.5	Land use policies should encourage and encourage development outside of the corporate limits.	1,8	-	•						
DBHLL-1.6	Commercial land uses should be encouraged to be located along major transportation corridors.	1,8	-	•						
DBHLL-1.7	Freight roads should be located, as possible, where commercial development is located along major roads/highways.	1,7,8	-		•					
DBHLL-1.8	Continued development of the downtown area should be encouraged and assisted whenever possible.	1,4,7,8	-	•						
DBHLL-1.9	The long-term vision for the downtown Valley area will be to allow its growth across the entire city limits.	1,4,7,8	-		•					

Organization:  
1 City  
2 Douglas County  
3 NEED  
4 NIFA  
5 Omaha Area Chamber  
6 Private Businesses  
7 Developers  
8 Consultants  
9 Nebraska Department of Roads  
10 MUD  
11 OPD  
12 Local Organizations  
13 Schools

Funding Sources:  
1 General Funds  
2 Bonding  
3 SF  
4 Grants  
5 Private Funds  
6 Sales Tax



# *What is Zoning*

- It is NOT the Zoning Police
- It is NOT Communism
- It is about PROTECTING ones INVESTMENT and PROPERTY VALUES
- It is about placing COMPATIBLE USES next to each other



Quincy Herald-Whig -  
January 16, 2008



# *Bridging from the Comprehensive Plan to Zoning*

- **COMPREHENSIVE DEVELOPMENT PLAN IS THE BASIS FOR WRITING THE REGULATIONS**

- §19-903 Comprehensive development plan; requirements; regulations and restrictions made in accordance with plan; considerations .

The regulations and restrictions authorized by sections [19-901](#) to [19-915](#) shall be in accordance with a comprehensive development plan which shall consist of both graphic and textual material and shall be designed to accommodate anticipated long-range future growth which shall be based upon documented population and economic projections. The comprehensive development plan shall, among other possible elements, include:

---

- **Case Law**

Zoning regulations must be made in accordance with comprehensive plan. Weber v. City of Grand Island, 165 Neb. 827, 87 N.W.2d 575 (1958).

# **Bridging from the Comprehensive Plan to Zoning**

## **COMPREHENSIVE DEVELOPMENT PLAN IS THE BASIS FOR WRITING T REGULATIONS**

- **§23-114.03 ZONING REGULATIONS; PURPOSE; DISTRICTS.**

Zoning regulations shall be adopted or amended by the county board only after the adoption of the county comprehensive development plan by the county board and the receipt of the planning commission's specific recommendations. Such zoning regulations shall be consistent with an adopted comprehensive development plan and designed for the purpose of promoting the health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of Nebraska, including, among others, such specific purposes as:

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- **CASE LAW**

Under the 1967 act, a county engaged in zoning ought to adopt a comprehensive development plan within a reasonable time. Bagley v. County of Sarpy, 189 Neb. 393, 202 N.W.2d 841 (1972).



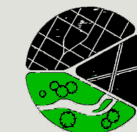


# Zoning

- EXERCISE OF “POLICE POWER”
- TO PROMOTE:
  - Health and safety
  - Morals (in Nebraska)
  - Convenience , order and prosperity
  - Welfare of public

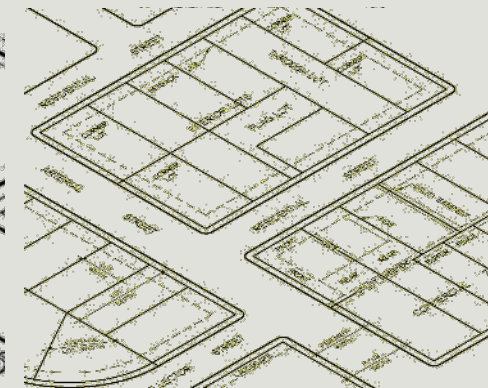
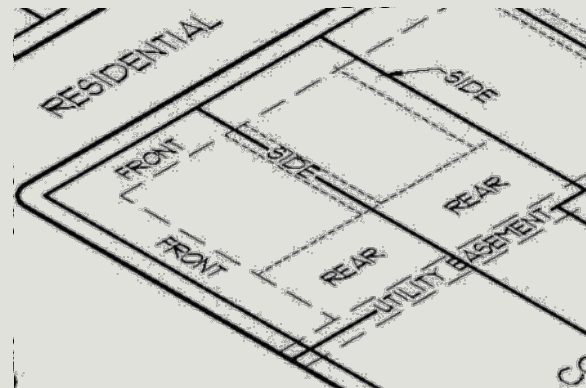


*Property owner refuses to comply  
to the zoning regulations*



# **Zoning Addresses**

- LOCATION, HEIGHT, BULK, NUMBER OF STORIES, AND SIZE
- PERCENTAGE OF LOT AREAS TO BE OCCUPIED
- BUILDING SETBACK LINES
- SIZES OF YARDS, COURTS AND OPEN SPACES
- DENSITY OF POPULATION
- USES OF BUILDINGS
- USES OF LAND



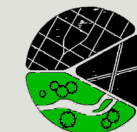


# **Purpose of Zoning**

- **DISTRIBUTE/CONSOLIDATE POPULATION AND LAND DEVELOPMENT**
- **PROTECT TAX BASE**
- **PROTECT PROPERTY AGAINST BLIGHT AND DEPRECIATION**
- **SECURE GOVERNMENTAL EXPENDITURES**
- **FOSTER AGRICULTURE, RECREATION AND INDUSTRIES**
- **ENCOURAGE APPROPRIATE USE OF LAND**
- **PRESERVE AND ENHANCE HISTORIC PLACES**

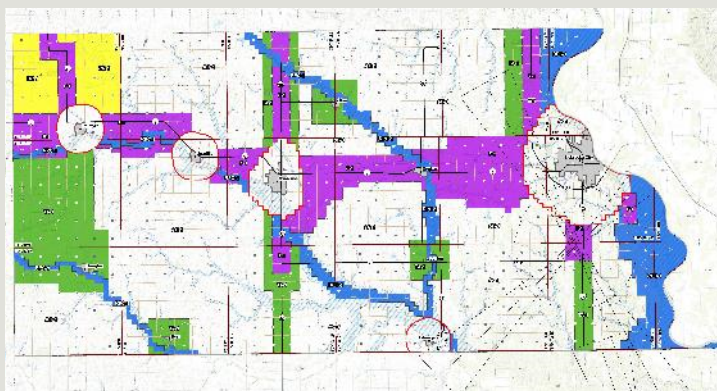






# *Zoning Districts*

- MAY DIVIDE JURISDICTION INTO DISTRICTS
- REGULATE, RESTRICT OR PROHIBIT
  - Erection
  - Construction
  - Reconstruction
  - Use
- USE, CONDITION OR OCCUPANCY OF LAND



# *Zoning Districts*

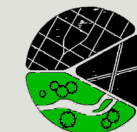
- **EXCEPTION (REGARDING BUILDING PERMITS ONLY\*)**
    - **Agricultural Structures (counties only)**
    - **Buildings utilized for agricultural purposes on twenty acres or more which produces \$1,000 or more of farm products each year**
- \* Nebraska Supreme Court ruled that agricultural uses were not exempt from land use and setbacks regulations nor was it the intent of the legislature when the Statutes were written. Holt County v. Premium Farms**



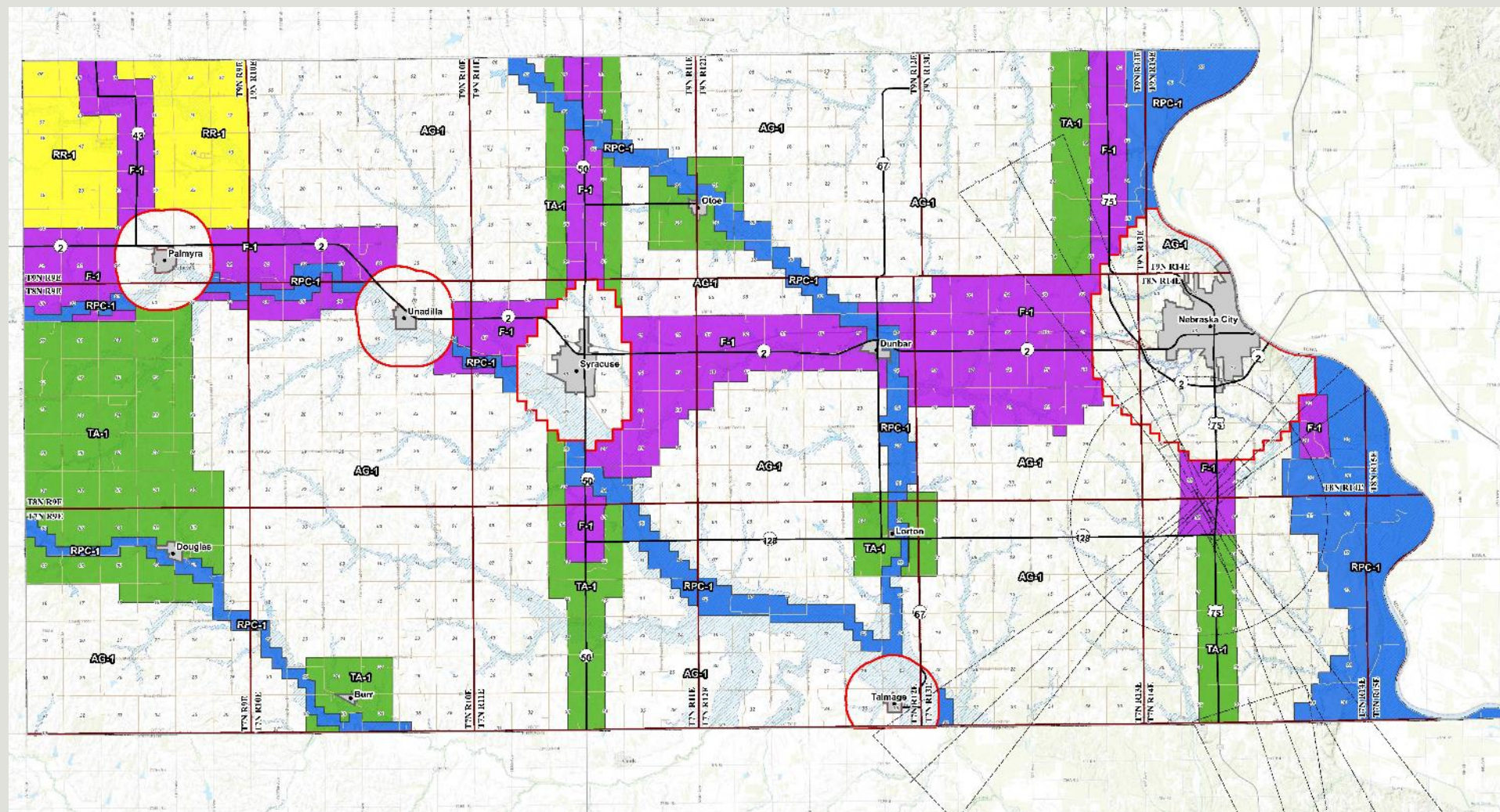
**Zoning Permits -  
YES**

**Building Permits -  
NO**

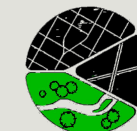




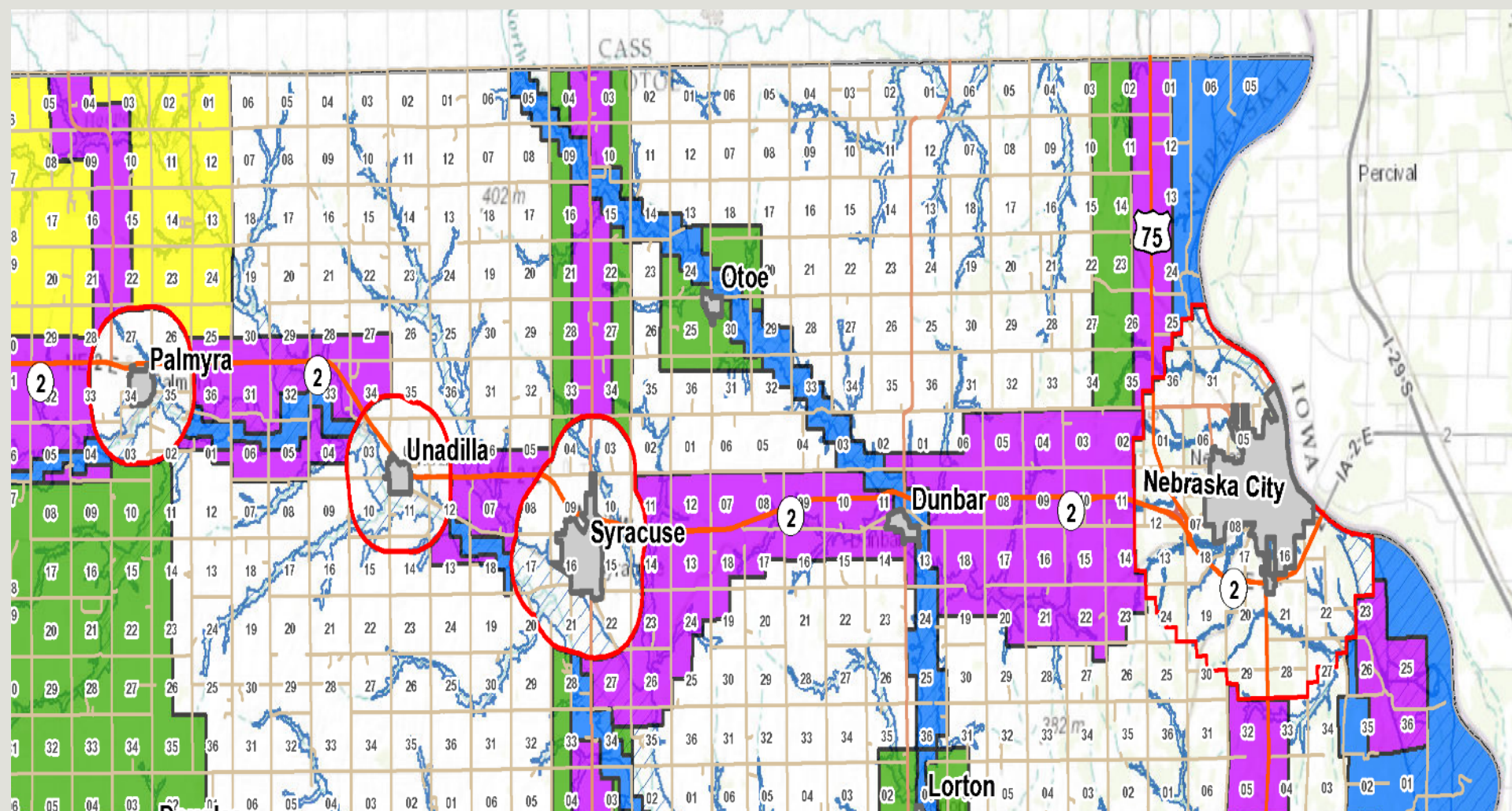
# The Zoning Map



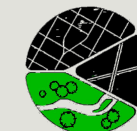




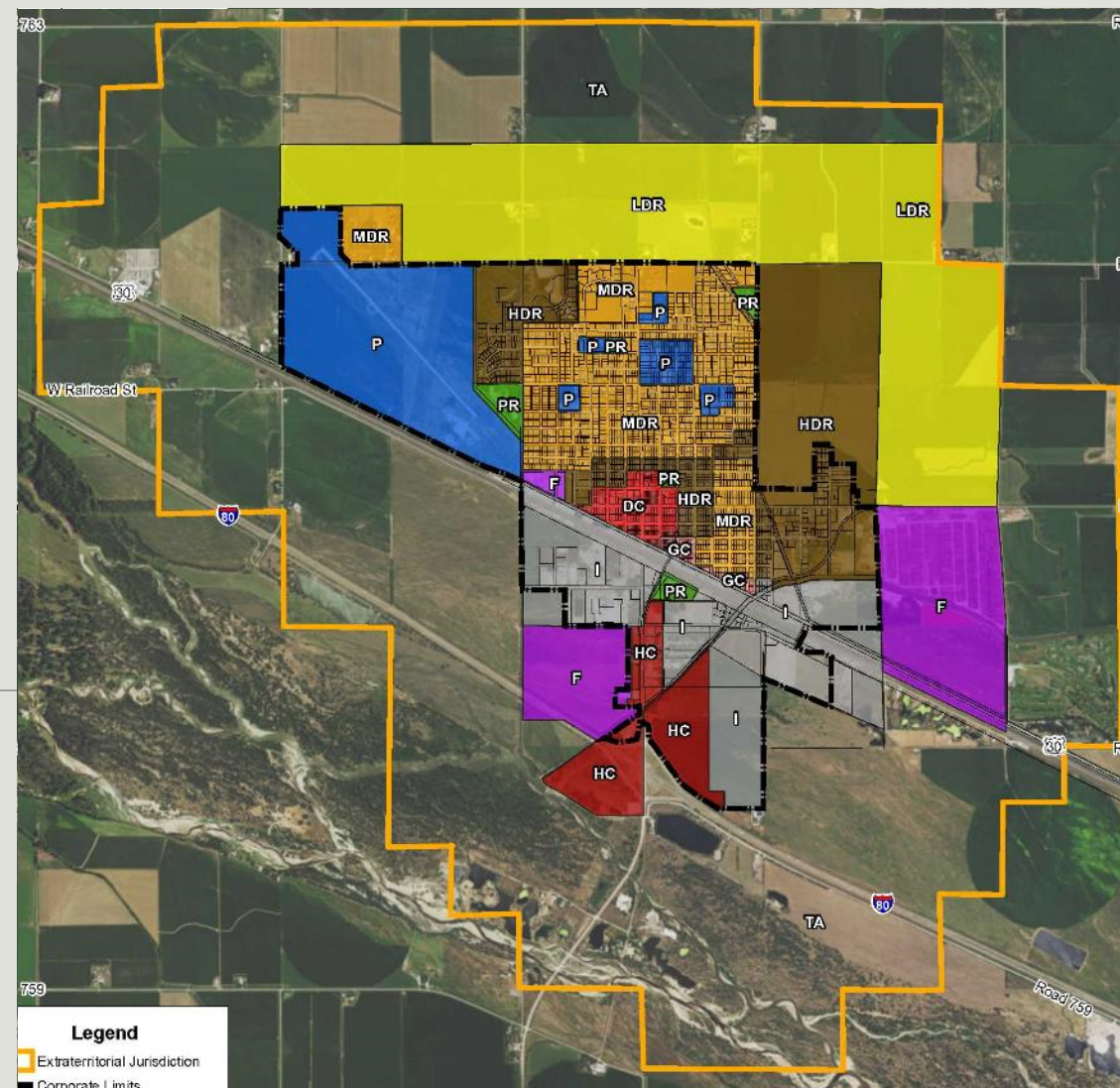
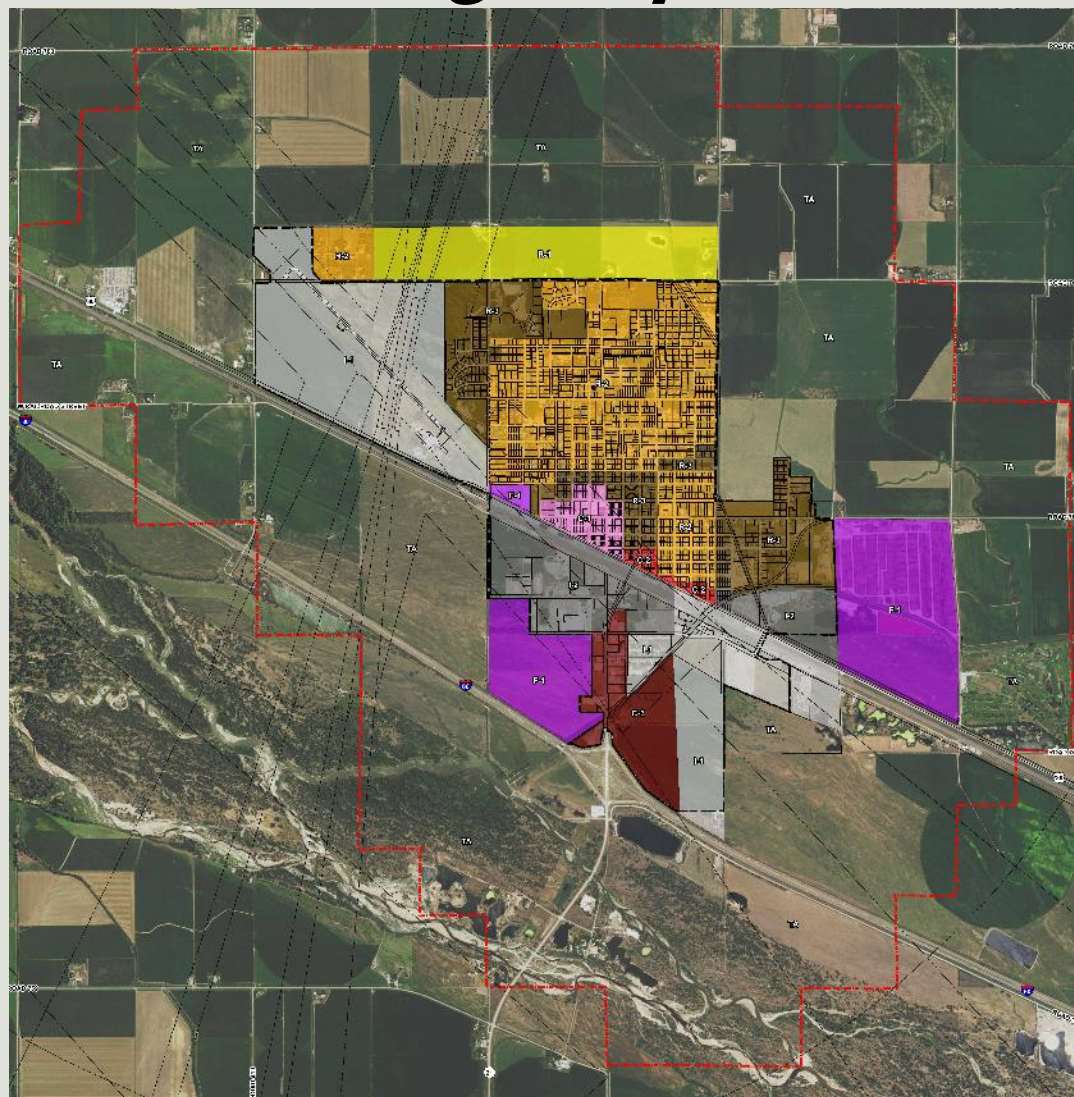
# *The Future Land Use Map*

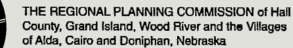






# The Zoning Map

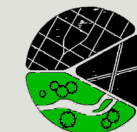




- **WHAT USES GO WHERE?**
  - **What makes sense to your community or county**
  - **You want similar uses near each other**
  - **Minimizing land use conflicts is critical**

P = Permitted  
C = Conditional Use Permit  
T = Temporary  
"X" = not permitted  
\*1 = Floodplain regulations shall be met

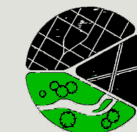




# *Conditional Uses*

- **MAY GRANT CONDITIONAL USE PERMITS**
  - Specific Conditions
  - Public hearings
  - Equitable
  - Promotes public interest
  - Site Specific
  - Planning Commission/Governing Body





# Conditional Uses

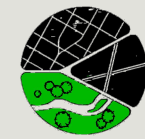
- **BE VERY CAUTIOUS WITH WHAT YOU REQUIRE A CUP FOR?**
  - Adult Entertainment venues
  - Signs
  - Anything that has a direct constitutional protection under the 1<sup>st</sup> Amendment



# **Conditional Uses**

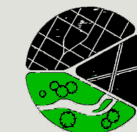
- COUNTIES ARE REQUIRED UNDER STATUTE TO MAKE “FINDINGS OF FACT” ON CONDITIONAL USE PERMITS
    - Actually **all decisions** should include “Findings of Fact”
    - “findings of Fact” by the Planning Commission provides the Governing Bodies with key pieces of information - gives elected officials some insight into how the Planning Commission is thinking.
    - “Findings of Fact” by Planning Commission and the Governing Body provides a record by which a judge can make a ruling if a municipality/County Decision is appealed.
-





# **Board of Adjustment**

- **BOARD OF ADJUSTMENT**
    - **Appointed by Governing Body**
    - **Five members and one alternate**
    - **Decisions appealed to District Court, not Governing Body**
    - **Three distinct powers**
      - **Hear and decide appeals**
      - **Hear and decode requests for interpretation of maps**
      - **Grant variance**
-



# **Variances**

- **VARIANCE GRANTED BY BOARD OF ADJUSTMENT WHEN:**
  - Regulation would produce undue hardship
  - Hardship not shared by other properties
  - Variance will not be detriment to adjacent property
  - Based upon exceptional hardship, not profit, convenience or caprice
- **SITUATION OR USE NOT TO BE ADOPTED AS AMENDMENT**
- **VOTE OF FOUR MEMBERS NEEDED TO:**
  - reverse any decision of Zoning Administrator
  - grant a variance
  - Decide a line on a map



# ***QUESTIONS?***

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