



Hall County Regional Planning Commission

Wednesday, January 8, 2020
Regular Meeting Packet

Commission Members:

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

Regional Planning Director: Chad Nabity

Planning Technician:
Rashad Moxey

Administrative Assistant:
Norma Hernandez

6:00 PM
Council Chambers

Call to Order

Roll Call

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.

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.

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 8, 2020

Regular Meeting

Item A1

Agenda 1/8/20 Meeting

Staff Contact:



THE REGIONAL PLANNING COMMISSION of Hall
County, Grand Island, Wood River and the Villages
of Alda, Cairo and Doniphan, Nebraska

AGENDA AND NOTICE OF MEETING

Wednesday, January 8, 2020

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 3, 2019.**

- 3. Request Time to Speak.**

- 4. Public Hearing-Zoning Change-Superbowl Subdivision – Lot 1 of Superbowl Subdivision 641 S. Cherry Street from CD Commercial Development Zone to Amended CD Commercial Development Zone and RD Residential Development Zone. (C -06-2020GI)**

Preliminary and Final Plat of Nikodym Subdivision

- 5. Public Hearing-Zoning Change- Part of the NW ¼ Section 14, Township 11 north Range 10 west of the 6th P.M.– Approximately 138 acres south of 13th Street east of Engleman Road from TA Transitional Agriculture to R1- Suburban Residential Zone. (C - 07-2020GI)**

- 6. Public Hearing-Redevelopment Plan Amendment- Tabitha Grand Island Inc. Prairie Commons Phase 3- Concerning an amendment to the redevelopment plan for CRA Area No. 17 for Phase 3 of the Prairie Commons development. The request from Tabitha Grand Island Inc. for redevelopment of 1 lot west of Ewoldt Street and south of Husker Highway for senior living facilities including independent living, assisted living, memory care and skilled nursing care. (C-08-2020GI)**

- 7. Public Hearing-Zoning Change- Readoption of the Wood River Zoning Map with proposed changes–** Readoption of the Wood River Zoning map incorporating all amendments and annexations since October 31, 2018 and making changes to some zoning districts to better accommodate the growth and development of the city.(C -09-2020WR)
- 8. Public Hearing-Regulation Change- Chapter 36 of the Grand Island City Code Article XI Wireless Communications Towers-** Consideration of proposed changes to Chapter 36 sections 168 to 187 regarding regulations for wireless communications towers. (C -10-2020GI)
- 9. Director's Report**
 - a. Nebraska Planning Conference March 4-6
- 10.Next Meeting February 5, 2020.**
- 11.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.

**Staff Recommendation Summary
For Regional Planning Commission Meeting
January 8, 2020**

- 4. Public Hearing-Zoning Change-Superbowl Subdivision** – Lot 1 of Superbowl Subdivision 641 S. Cherry Street from CD Commercial Development Zone to Amended CD Commercial Development Zone and RD Residential Development Zone. (C -06-2020GI) (Hearing, Discussion, Action) **See Full Recommendation**

Preliminary and Final Plat of Nikodym Subdivision A replat of Superbowl Subdivision creating 3 lots including 1 for the existing bowling alley to be used as a the library and museum for a car club and reception hall, one lot north of the existing building for a single family home and a 3 lot to the north and west of the existing building reserved for future residential development.

- 5. Public Hearing-Zoning Change- Part of the NW ¼ Section 14, Township 11 north Range 10 west of the 6th P.M.**– Approximately 138 acres south of 13th Street east of Engleman Road from TA Transitional Agriculture to R1-Suburban Residential Zone. (C -07-2020GI) (Hearing, Discussion, Action) **See Full Recommendation**

- 6. Public Hearing-Redevelopment Plan Amendment- Tabitha Grand Island Inc. Prairie Commons Phase 3-** Concerning an amendment to the redevelopment plan for CRA Area No. 17 for Phase 3 of the Prairie Commons development. The request from Tabitha Grand Island Inc. calls for redevelopment of the western most lot of Prairie Commons Subdivision west of Ewoldt Street south of Husker Highway for senior housing. Tax increment financing will we used for acquisition, public infrastructure, grading and site preparation. (C-08-2020GI) (Hearing, Discussion, Action) A motion on Resolution 2020-04 is in order. **See Full Recommendation**

- 7. Public Hearing – Readoption of Zoning Map – Wood River–** Public Hearing to re-adopt the City of Wood River Zoning Map, with proposed changes due to annexation as produced using the Hall County Geographic Information System. The proposed map does change the zoning on two blocks north and west of downtown from commercial to residential to better reflect the exist uses on those properties. (C-09-2020WR) (Hearing, Discussion, Action) **See Full Recommendation**

- 8. Public Hearing-Regulation Change- Chapter 36 of the Grand Island City Code Article XI Wireless Communications Towers-** Consideration of proposed changes to Chapter 36 sections 168 to 187 regarding regulations for wireless communications towers. This is an update to the

telecommunication section of the zoning regulations and will result in a regulations that reflect the current state of technology and are compliant with state and federal regulations. City staff has been working with Bob Duchon, an attorney with River Oaks Communications Corporation of Colorado Springs CO for the last year regarding updates to this section of the regulations. (C -10-2020GI) (Hearing, Discussion, Action) **See Full Recommendation**

9. **Director's Report** Nebraska Planning Conference Kearney March 4-6 and moving the March meeting.



Hall County Regional Planning Commission

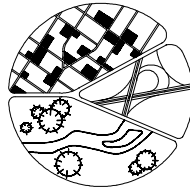
Wednesday, January 8, 2020

Regular Meeting

Item E1

Meeting Minutes

Staff Contact:



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

Minutes
for
December 4, 2019

The meeting of the Regional Planning Commission was held Wednesday, December 4, 2019, at City Hall – Grand Island, Nebraska. Notice of this meeting appeared in the "Grand Island Independent" on November 23, 2019.

Present: Pat O'Neill Leslie Ruge
 Jaye Monter Robin Hendricksen
 Carla Maurer Dean Kjar
 Leonard Rainforth

Absent: Hector Rubio, Darrel Nelson, Tony Randone,
 Judd Allan and Greg Robb

Other:

Staff: Chad Nabity, Rashad Moxey, Norma Hernandez

Press:

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 6, 2019 meeting.

A motion was made by Ruge and second by Maurer to approve the minutes of the November 6, 2019 meeting.

The motion carried with six members in favor (O'Neill, Ruge, Maurer, Monter, Hendricksen, and Kjar) and one member abstaining (Rainforth).

3. Request Time to Speak.

No requests were made.

4. Final Plat – Prairie Creek Meadows Third – Hall County – A tract of land consisting of all of Lots 3,4,5 and 6 of Prairie Creek Meadows Second Subdivision in Hall County, Nebraska. Located south of One R Road and west of Boxelder Drive.

A motion was made by Kjar and second by Rainforth to approve the Final Plat – Prairie Creek Meadows Third Subdivision.

The motion carried with seven members voting in favor (O'Neill, Ruge, Maurer, Monter, Rainforth, Hendricksen and Kjar and no members voting no.

5. Director's Report

Potential Changes to the Grand Island Subdivision and Zoning Regulations

- Number of copies. Only be sent electronically. Copies as needed.
- Driveway regulations – in front of a house 25 ft setback.

Changes with cell tower regulations.

- The small cell in the right of way, small cell on street lights and potentially on electric distribution poles

6. Next Meeting January 8, 2019

7. Adjourn at 6:20

Leslie Ruge, Secretary
By Norma Hernandez



Hall County Regional Planning Commission

Wednesday, January 8, 2020

Regular Meeting

Item F1

Public Hearing - Zoning Change - Superbowl Subdivision

Staff Contact:

Agenda Item # 4

PLANNING DIRECTOR RECOMMENDATION TO REGIONAL PLANNING

COMMISSION:

December 18, 2019

SUBJECT: *Zoning Change*(C-06-2020GI)

PROPOSAL: To change a portion of Lot 1 Super Bowl Subdivision from Commercial Development Zone (CD) to Residential Development Zone (RD) and amend the current CD zoning district changing the use from Bowling Alley/Family Entertainment Center to Museum and Reception Hall. The new development will consist of 3 lots. Lot 1 will remained zoned CD, the existing building is to be converted to a car museum and reception hall. Lot 2 will be a single family house, while lot 3 is to be reserved for future development and restricted until such time as approved by Council.

OVERVIEW:

Site Analysis

<i>Current zoning designation:</i>	CD: Commercial Development Zone
<i>Permitted and conditional uses:</i>	CD: The intent of this zoning district is to permit a more flexible regulation of land use so as to more fully implement comprehensive planning for large parcels of land proposed for commercial use. Permitted uses includes and not limited to retail uses, offices, hotels and entertainment uses.
<i>Comprehensive Plan Designation:</i>	Designated for future development as a Park or Recreational uses. Commercial and residential uses are planned adjacent to this property.
<i>Existing land uses:</i>	Commercial use (bowling alley)
<i>Proposed Zoning Designation:</i>	RD: Residential Development Zone/ Amended CD: Commercial Development Zone
<i>Permitted and conditional uses:</i>	RD: The intent of this zoning district is to permit a more flexible regulation of land use, and so as to more fully implement comprehensive planning for large parcels of land proposed predominantly for residential use. Permitted uses includes and not limited to residential uses, community building, and retirement and/or assisted living. CD: The intent of this zoning district is to permit a more flexible regulation of land use so as to more fully implement comprehensive planning for large parcels of land proposed for commercial use.

Permitted uses includes and not limited to retail uses, offices, hotels and entertainment uses.

Adjacent Properties Analysis

Current zoning designations:

North: RD - Residential Development Zone

South: R1 - Suburban Density Residential

East: B2 - General Business

West: R2 - Low Density Residential Zone

Permitted and conditional uses:

RD: Residential Development Zone – residential uses, community building, and retirement and/or assisted living.

R1: Residential uses at a density of 4 dwelling units per acre, churches, schools, parks;

B2: Commercial and retail uses including those with outside storage of merchandise, office uses and residential uses up to a density of 43 units per acre.

R2: Residential uses at a density of 14 to 15 dwelling units per acre, churches, schools, parks.

Comprehensive Plan Designation:

North: Designated for low to medium density residential

East: Designated for General Commercial and some low to medium density residential

South: Designated for low to medium density residential

West: Designated for low to medium density residential

Existing land uses:

North: Apartments

South and West: Single family residential

East: Single family residential and commercial development.

EVALUATION:

Positive Implications:

- *Largely Consistent with the existing land use within the area.*
- *Accessible to Existing Municipal Infrastructure:* City water and sewer services have been extended to serve the rezoning area.
- *Would provide additional housing:* This would provide for more modernized housing allowing for more housing choices throughout the community
- *Monetary Benefit to Applicant:* Would allow the applicant to develop the property that better relates to the existing uses within the area.

- **Negative Implications:**

- *None foreseen:*

Other Considerations:

- Will allow for residential uses and may reduce heavy outside traffic within the existing neighborhood.

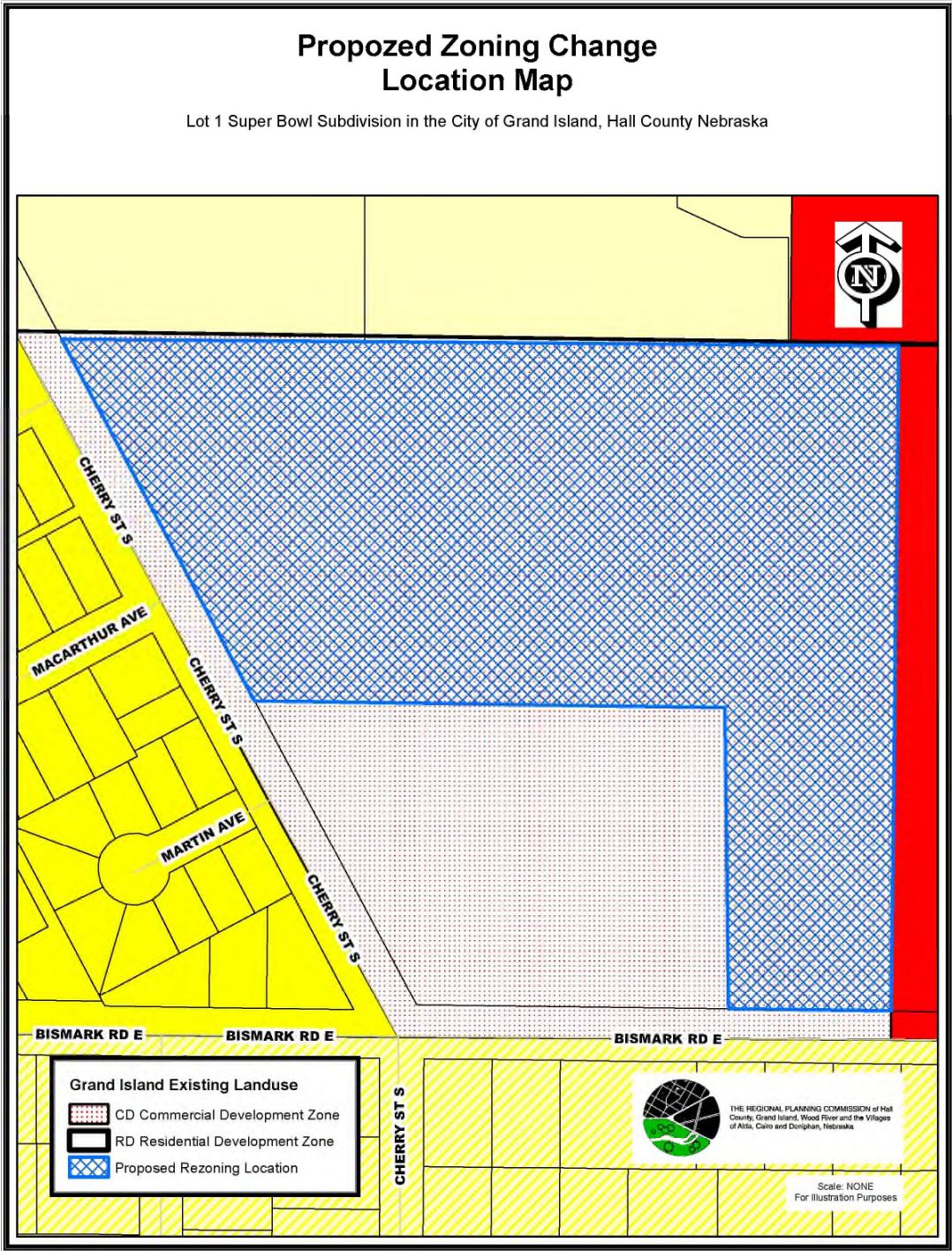
RECOMMENDATION:

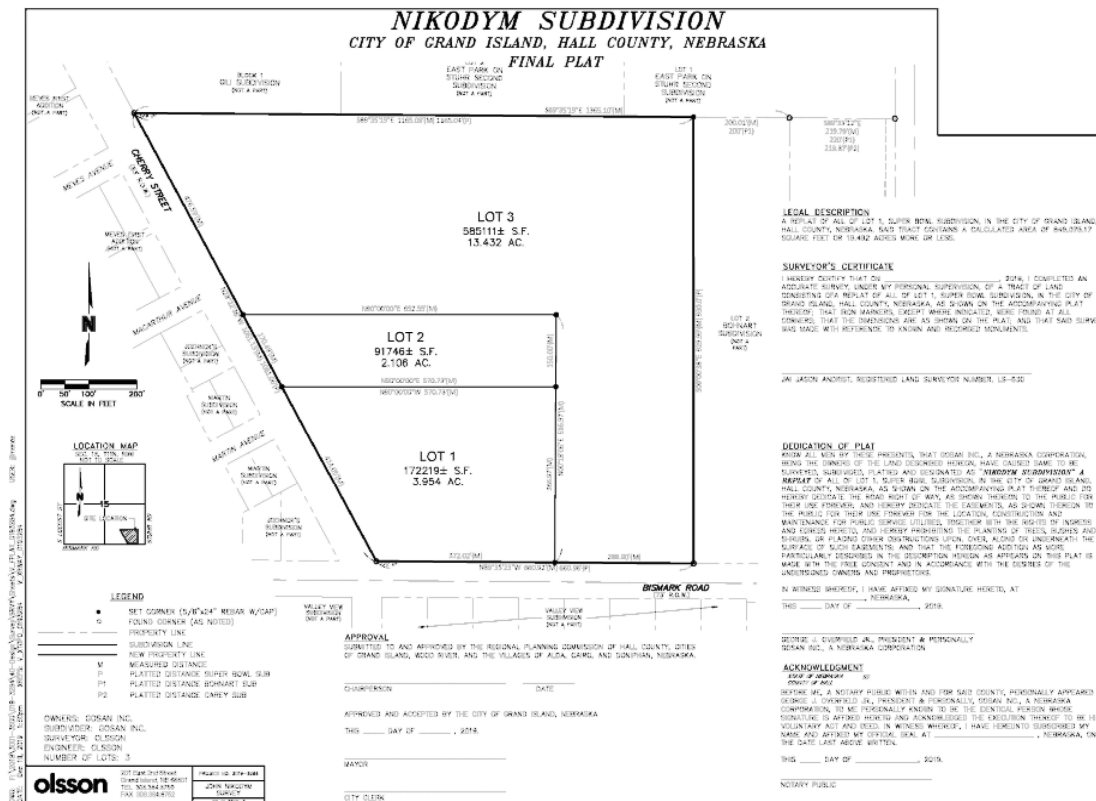
That the Regional Planning Commission recommend that the Grand Island City Council change the zoning on this site from **CD: Commercial Development Zone** to an **RD: Residential Development Zone** by amending the Subdivision Agreement and development plan as shown above and in the attached Exhibit 1.

_____ Chad Nabity AICP, Planning Director

Propozed Zoning Change Location Map

Lot 1 Super Bowl Subdivision in the City of Grand Island, Hall County Nebraska





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 \$800

(see reverse side)

plus Municipal Fee* \$50.00

*applicable only in Alda, Doniphan, Wood River

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

Applicant Name GOSAN INC. / John Nikodym Phone (h) 402-746-2248 (w) _____

Applicant Address 1111 Hwy 281

Registered Property Owner (if different from applicant) _____

Address _____ Phone (h) _____ (w) _____

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

Property Address PART OF SOUTH 641 CHERRY ST

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

Lot _____ Block _____ Subdivision Name SUPER BOWL SUB, and/or

All/part _____ 1/4 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 CD to RD

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

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

Building a home

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 Jan Amundson Date 11-15-19

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).

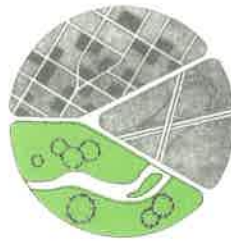
Application Deemed Complete by RPC: mo. _____ day. _____ yr. _____ Initial _____

RPC form revised 4/30/07

**PROPOSED SUBDIVISION
LOCATION MAP**



THE REGIONAL PLANNING COMMISSION of Hall
County, Grand Island, Wood River and the Villages
of Alda, Cairo and Conplish, Nebraska



THE REGIONAL PLANNING COMMISSION of Hall County, Grand Island, Wood River and the Villages of Alda, Cairo and Doniphan, Nebraska

December 19, 2019

Dear Members of the Board:

RE: Final Plat – Subdivision List.

For reasons of Section 19-923 Revised Statutes of Nebraska, as amended, there is herewith submitted a list of Subdivision Plats, for properties located in Hall County, Nebraska as attached.

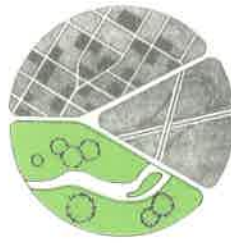
You are hereby notified that the Regional Planning Commission will consider these Subdivision Plats at the next meeting that will be held at **6:00 p.m. on January 8, 2020** in the City Council Chambers located in Grand Island's City Hall.

Sincerely,

Chad Nabity, AICP
Planning Director

CC: City Clerk
City Attorney
City Public Works
City Utilities
City Building Director
County Assessor/Register of Deeds
Manager of Postal Operations

This letter was sent to the following School Districts 2, 19, 82, 83, 100, 126.



THE REGIONAL PLANNING COMMISSION of Hall
County, Grand Island, Wood River and the Villages
of Alda, Cairo and Doniphan, Nebraska

December 19, 2019

Dear Members of the Board:

RE: City of Wood River, Nebraska Zoning Map Re-adoption

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, January 8, 2020 concerning the following changes:

Concerning the re-adoption of the City of Wood River Zoning Map as produced using the Hall County Geographic Information System as the official zoning map for the City of Wood River, Nebraska. (C-09-2020WR)

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 and have the opportunity to express your views.

If you have questions please call me at my office (308) 385-5240 or email cnabity@grand-island.com.

Sincerely,

Chad Nabity, AICP
Hall County Regional Planning Director



Hall County Regional Planning Commission

**Wednesday, January 8, 2020
Regular Meeting**

Item F2

Public Hearing - Zoning Change - Lechner

Staff Contact:

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 Lechner Family Partnership Phone (h) 308-390-1039 (w) _____

Applicant Address 3495 N. Burwick Rd Cairo NE 68824

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 _____ Block _____ Subdivision Name _____, and/or

All/part NW 1/4 of Section 14 Twp 11 Rge 10 W6PM 137 acres

C. Requested Zoning Change:

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

From TA Transitional AG to R1 Suburban Density Residential

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

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

This is planned for residential development

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 Marilyn A. Lechner PR Date 12-5-19

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. _____ day. _____ yr. _____ Initial _____

RPC form revised 4/30/07

Agenda Item # 5

PLANNING DIRECTOR RECOMMENDATION TO REGIONAL PLANNING

COMMISSION:

December 18, 2019

SUBJECT: *Zoning Change*(C-07-2020GI)

PROPOSAL: To rezone tract of land consisting of 137 acres located in the NW ¼ of Section 14 Township 11 range 10 West of the 6th Principal Meridian Hall County, Nebraska from TA: Transitional Agricultural Zone to R1: Suburban Residential Zone. This property is located south of 13th Street, and east of Engleman Road. At this time there is no subdivision proposed for this property

OVERVIEW:

Site Analysis

<i>Current zoning designation:</i>	TA: Transitional Agricultural Zone
<i>Permitted and conditional uses:</i>	TA: The intent of this zoning district is to provide for a transition from rural to urban uses, and is generally located on the fringe of the urban area. This zoning district permits both farm and non-farm dwellings at a maximum density of two dwelling units per acre, as well as other open space and recreational activities. The intent of the zoning district also would allow the raising of livestock to a limit and within certain density requirements.
<i>Comprehensive Plan Designation:</i>	Designated for low to medium density residential uses.
<i>Existing land uses:</i>	Vacant (Farm-ground)
<i>Proposed Zoning Designation:</i>	R1: Suburban Residential Zone
<i>Permitted and conditional uses:</i>	R1: Residential uses at a density of 4 dwelling units per acre, churches, schools, parks

Adjacent Properties Analysis

<i>Current zoning designations:</i>	North: R1: Suburban Density Residential, TA: Transitional Agricultural Zone & LLR: Large Lot Residential Zone
	South: TA: Transitional Agricultural Zone & LLR: Large Lot Residential Zone
	East: R1: Suburban Density Residential & LLR: Large Lot Residential Zone

West: AG-2: Secondary Agricultural Zone

<i>Permitted and conditional uses:</i>	AG-2: Agricultural operation, residential uses such as single family dwellings, ranch and farm dwellings, recreational camps, parks, playgrounds, churches, and schools. LLR: Residential uses at a density of 2 dwelling units per acre, churches, schools, and parks. R1: Residential uses at a density of 4 dwelling units per acre, churches, schools, and parks. TA: farm and non-farm dwellings at a maximum density of two dwelling units per acre, churches, schools, and parks.
<i>Comprehensive Plan Designation:</i>	North: Designated for low to medium density residential East: Designated for low to medium density residential and public uses South: Designated for low to medium density residential West: Designated for transitional agriculture
<i>Existing land uses:</i>	North: Single family residential South and East: Single family residential West: Agricultural commercial uses

EVALUATION:

Positive Implications:

- *Largely Consistent with the City's Comprehensive Land Use Plan: The property is designated for low to medium density residential use.*
- *Accessible to Existing Municipal Infrastructure:* City water and sewer services have been extended to serve the rezoning area.
- *Would provide additional housing:* This would provide for more modernized housing stock allowing for more housing choices throughout the community
- *Monetary Benefit to Applicant:* The applicant will be able to develop the property as proposed if the rezoning is permitted.

Negative Implications:

- *The change zoning from TA to R1 will allow for encroachment of urban uses (housing) near an existing feed lot.*

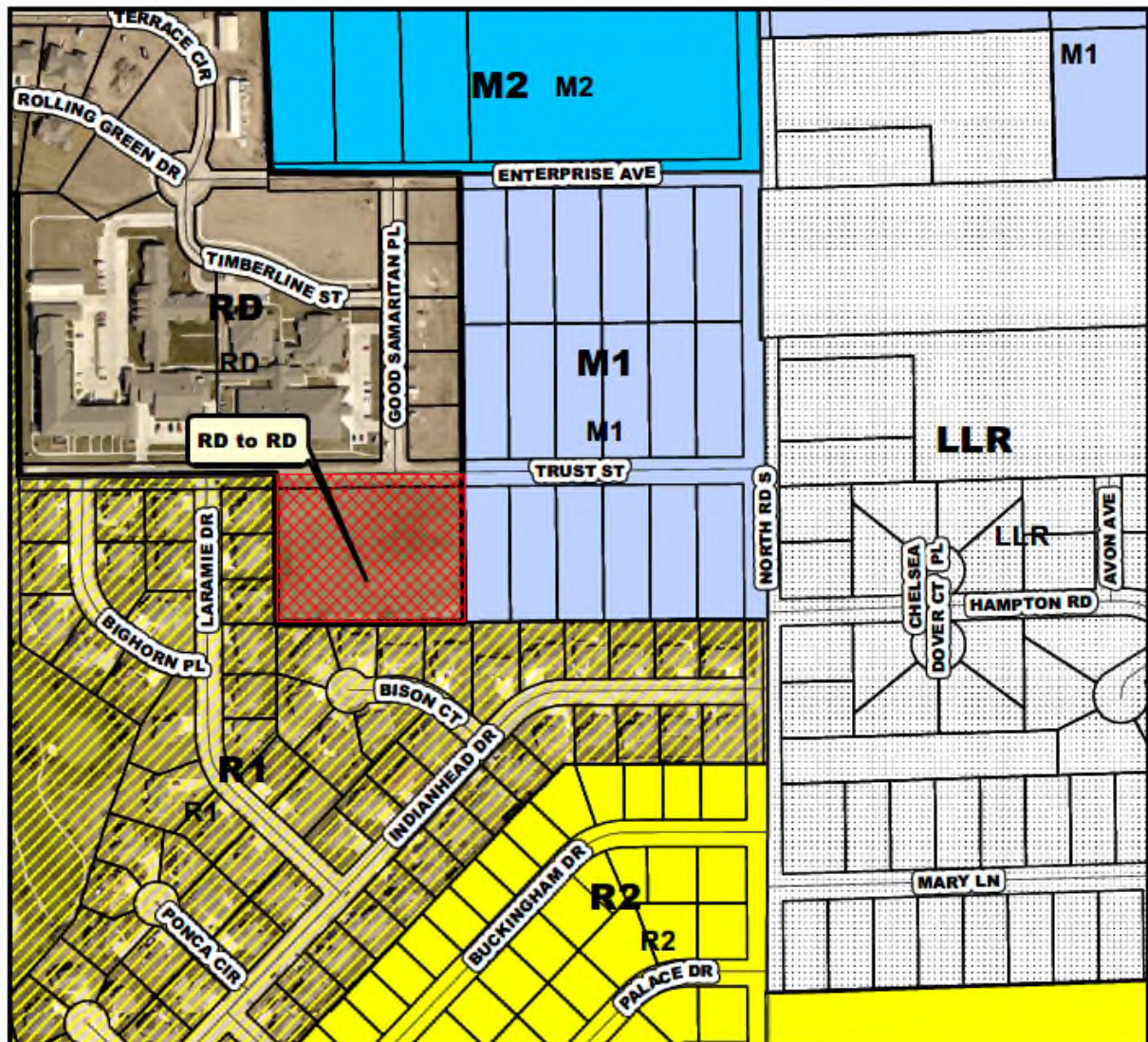
Other Considerations:

RECOMMENDATION:



That the Regional Planning Commission recommend that the Grand Island City Council change the zoning on this site from ***TA: Transitional Agricultural Zone*** to ***R1: Suburban Residential Zone***.

_____ Chad Nabity AICP, Planning Director

Rezoning Map



Legend

-  From: RD Residential Development Zone
-  To: RD Residential Development Zone

Scale: NONE
For Illustration Purposes



THE REGIONAL PLANNING COMMISSION of Mid
County, Grand Island, Platte River and the Villages
of Andover, Colorado



Hall County Regional Planning Commission

Wednesday, January 8, 2020

Regular Meeting

Item F3

**Public Hearing - Redevelopment Plan Amendment - Tabitha
Grand Island Inc. Prairie Commons Phase 3**

Staff Contact:

Agenda Item #7

PLANNING DIRECTOR RECOMMENDATION TO REGIONAL PLANNING COMMISSION:

December 26, 2019

SUBJECT:

Redevelopment plan amendment for property located in Blight and Substandard Area 17 for a Site Specific Redevelopment Plan for property located south of Husker Highway and west of Ewoldt Street, Prairie Commons Phase 3 in Grand Island, in Hall County, Nebraska to support this development. (C-08-2020GI)

PROPOSAL:

Tabitha Grand Island Inc. is proposing to build 157 units of senior housing including 80 units of independent living, 20 units of assisted living, 20 units of memory care and 36 units of skilled nursing care on the western most lot of the Prairie Commons Subdivision west of the new hospital. The property is zoned R-O residential office and the proposed use is consistent with the current zoning and future land use of the property.

OVERVIEW:

The purpose of the CRA and the designated blight and substandard area is to provide incentives for development in underdeveloped areas of the community. This proposed plan encourages a commercial uses for the traveling public at the intersection of two major roads in the City. This area has already been declared blighted and substandard by the CRA, the Hall County Regional Planning Commission and the Grand Island City Council.

This project is **consistent** with the **existing zoning** and the **future land use plan** for this area within the City of Grand Island. This is evident by the fact that the property is zoned RO Residential Office. The RO zoning district allows a variety of residential uses including apartments and nursing homes.

The Regional Planning Commission recommendation is limited to the appropriateness of the proposed use at this location. The Grand Island Comprehensive Plan calls commercial development transitioning to residential to the west.

The Planning Commission is required to comment on these applications to confirm that expenditure of public funds through TIF is not supporting uses that would be inconsistent with the comprehensive plan. The proposed use for a senior housing development at this location appears to be supported by the plan.

RECOMMENDATION:

That the Regional Planning Commission recommends that City Council **approve** of the redevelopment plan amendment as submitted. A resolution is attached for your consideration.

_____ Chad Nabity AICP, Planning Director

**Redevelopment Plan Amendment
Grand Island CRA Area 17
November 2019**

The Community Redevelopment Authority (CRA) of the City of Grand Island intends to amend the Redevelopment Plan for Area 17 within the city, pursuant to the Nebraska Community Development Law (the “Act”) and provide for the financing of a specific project in Area 17.

Executive Summary:

Project Description

PHASE 3 OF THE REDEVELOPMENT OF PROPERTY LOCATED SOUTH OF HUSKER HIGHWAY AND WEST OF U.S. HIGHWAY 281 THE PROJECT SITE CONSISTS OF 1 LOT WITHIN THE PRAIRIE COMMONS 4th SUBDIVISION IMMEDIATELY WEST OF EWOLDT STREET AS PLATTED. THE PROJECT WILL CONSIST OF ACQUISITION, SITE WORK AND GRADING TO PROMOTE AND ENHANCE DRAINAGE ACROSS THE SITE, INTALLATION OF PUBLIC AND PRIVATE ROADS, SEWER, WATER AND OTHER UTILITY INFRASTRUCTURE TO SUPPORT DEVELOPMENT OF THE SITE. THIS PHASE OF THIS DEVELOPMENT WILL CONSIST OF THE CONSTRUCTION A SENIOR HOUSING FACILITY WITH 157 APARTMENTS INCLUDING: 81 INDEPENDENT LIVING UNITS, 20 ASSISTED LIVING UNITS, 20 MEMORY CARE UNITS AND 36 SKILLED NURSING CARE UNITS.

Tax Increment Financing will aid with installing the necessary infrastructure and grading improvements to redevelop property currently platted as part of lot 2 of Prairie Commons Third Subdivision and approved as Prairie Commons Fourth Subdivision in the City of Grand Island. The use of Tax Increment Financing is an integral part of the development plan and necessary to make this project economically feasible. The first phase of this development including the Hospital and Medical Office Building to the east of this site is currently in progress. The second phase consists of three office buildings to be constructed to the west of the Hospital. It was anticipated when that project was approved that subsequent phases of the remainder of the site would include housing, office space and retail development. This third phase will consist of senior housing ranging from independent living to skilled nursing and memory care. This development will be approximately 200,000 square foot of developed area designed to serve the needs of seniors. The developer has indicated that this development would not be considered nor financially feasible for at this location without the use of TIF.

Tabitha is a mission focused non-profit that offers a comprehensive line of Senior Care services. Tabitha provides senior care in 28 Nebraska Counties. Their main campus is in the heart of Lincoln, Nebraska with other community campuses in Lincoln, Williamsburg neighborhood and in Crete Nebraska. Tabitha has regional offices in Grand Island, York and Nebraska City. This project will be developed with some portions tax exempt and other portions subject to property taxes. The Grand Island Community Redevelopment

Authority (CRA) intends to pledge the ad valorem taxes generated over the 15 year period beginning January 1, 2021 towards the allowable costs.

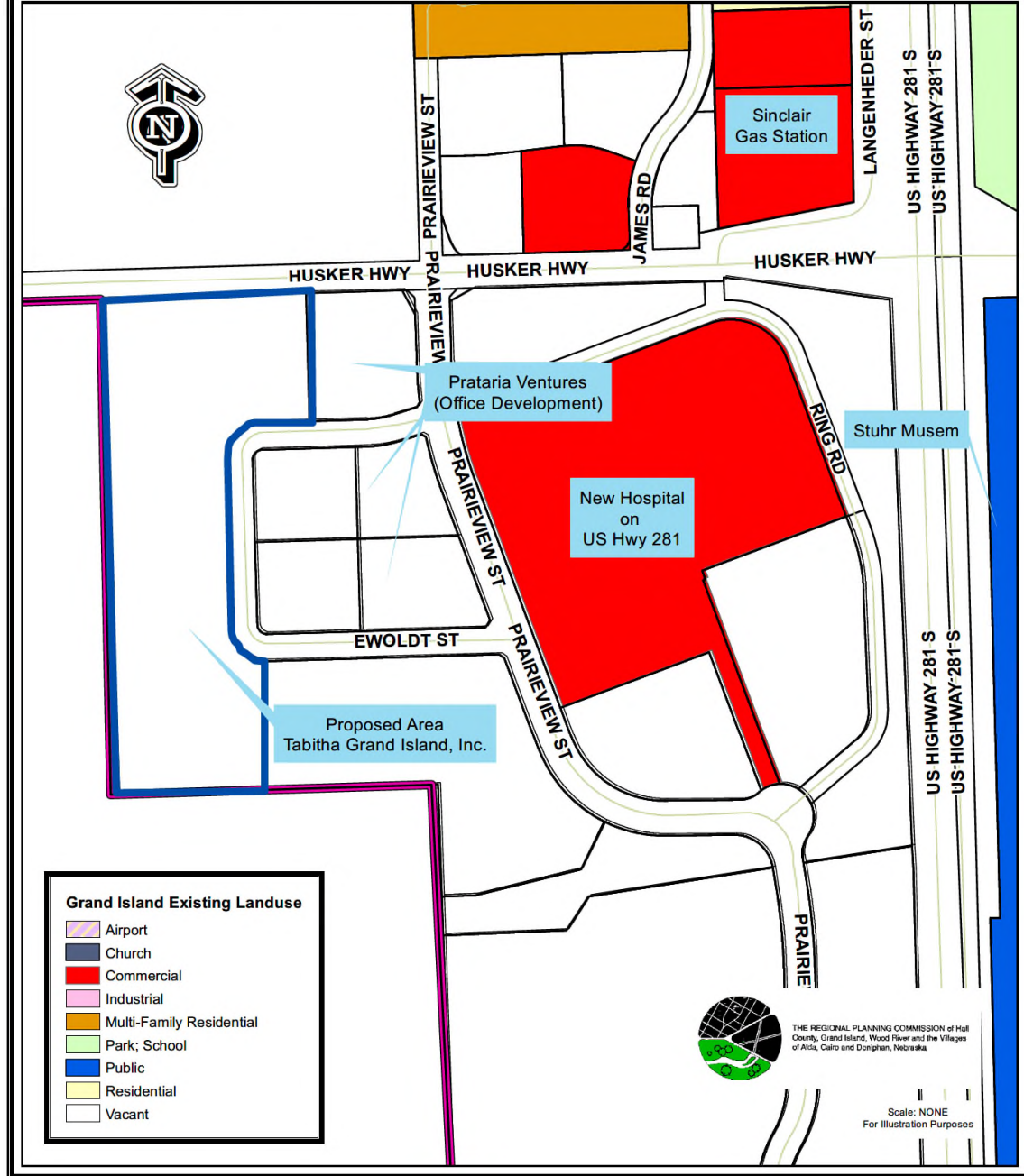
TAX INCREMENT FINANCING TO PAY FOR THE REHABILITATION OF THE PROPERTY WILL COME FROM THE FOLLOWING REAL PROPERTY:

Property Description (the “Redevelopment Project Area”)

Legal Descriptions: Lot 1 of Prairie Commons Fourth Subdivision in the City of Grand Island, Hall County, Nebraska.

Proposed Tax Increment Financing Project Existing Landuse Map

Lot 2, Prairie Commons Third Subdivision, In the City Of Grand Island, Nebraska.
Lot 1, Prairie Commons Fourth Subdivision, In the City Of Grand Island, Nebraska.



Existing Land Use and Subject Property

This plan amendment provides for the issuance TIF Notes, the proceeds of which will be granted to the Redeveloper. The tax increment will be captured for up to 15 tax years the payments for which become delinquent in years 2021 through 2034 inclusive or as otherwise dictated by the contract.

The real property ad valorem taxes on the current valuation will continue to be paid to the normal taxing entities. The incremental value for the first phase will be created by the construction a 200,000 square foot senior housing facility. This area is planned for commercial development with the Grand Island Comprehensive Plan and is currently zoned RO Residential Office, a variety of residential, office and medical uses are permitted in this district including nursing facilities and senior housing.

Statutory Pledge of Taxes.

In accordance with Section 18-2147 of the Act and the terms of the Resolution providing for the issuance of the TIF Note, the Authority hereby provides that any ad valorem tax on the Redevelopment Project Area for the benefit of any public body be divided for a period of fifteen years after the effective date of this provision as set forth in the Redevelopment Contract, consistent with this Redevelopment Plan. Said taxes shall be divided as follows:

a. That portion of the ad valorem tax which is produced by levy at the rate fixed each year by or for each public body upon the redevelopment project valuation shall be paid into the funds, of each such public body in the same proportion as all other taxes collected by or for the bodies; and

b. That portion of the ad valorem tax on real property in the redevelopment project in excess of such amount, if any, shall be allocated to and, when collected, paid into a special fund of the Authority to pay the principal of; the interest on, and any premiums due in connection with the bonds, loans, notes, or advances on money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such Authority for financing or refinancing, in whole or in part, a redevelopment project. When such bonds, loans, notes, advances of money, or indebtedness including interest and premium due have been paid, the Authority shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon real property in such redevelopment project shall be paid into the funds of the respective public bodies.

Pursuant to Section 18-2150 of the Act, the ad valorem tax so divided is hereby pledged to the repayment of loans or advances of money, or the incurring of any indebtedness, whether funded, refunded, assumed, or otherwise, by the CRA to finance or refinance, in whole or in part, the redevelopment project, including the payment of the principal of, premium, if any, and interest on such bonds, loans, notes, advances, or indebtedness.

Redevelopment Plan Amendment Complies with the Act:

The Community Development Law requires that a Redevelopment Plan and Project consider and comply with a number of requirements. This Plan Amendment meets the statutory qualifications as set forth below.

1. The Redevelopment Project Area has been declared blighted and substandard by action of the Grand Island City Council on June 9, 2015.[§18-2109] Such declaration was made after a public hearing with full compliance with the public notice requirements of §18-2115 of the Act.

2. Conformation to the General Plan for the Municipality as a whole. [§18-2103 (13) (a) and §18-2110]

Grand Island adopted a Comprehensive Plan on July 13, 2004. This redevelopment plan amendment and project are consistent with the Comprehensive Plan, in that no changes in the Comprehensive Plan elements are intended. This plan merely provides funding for the developer to rehabilitate the building for permitted uses on this property as defined by the current and effective zoning regulations. **The Hall County Regional Planning Commission held a public hearing at their meeting on January 8, 2020 and passed Resolution 2020-04 confirming that this project is consistent with the Comprehensive Plan for the City of Grand Island.**

3. The Redevelopment Plan must be sufficiently complete to address the following items: [§18-2103(13) (b)]

a. Land Acquisition:

This Redevelopment Plan for Area 17 does anticipate real property acquisition by the developer. There is no proposed acquisition by the authority.

b. Demolition and Removal of Structures:

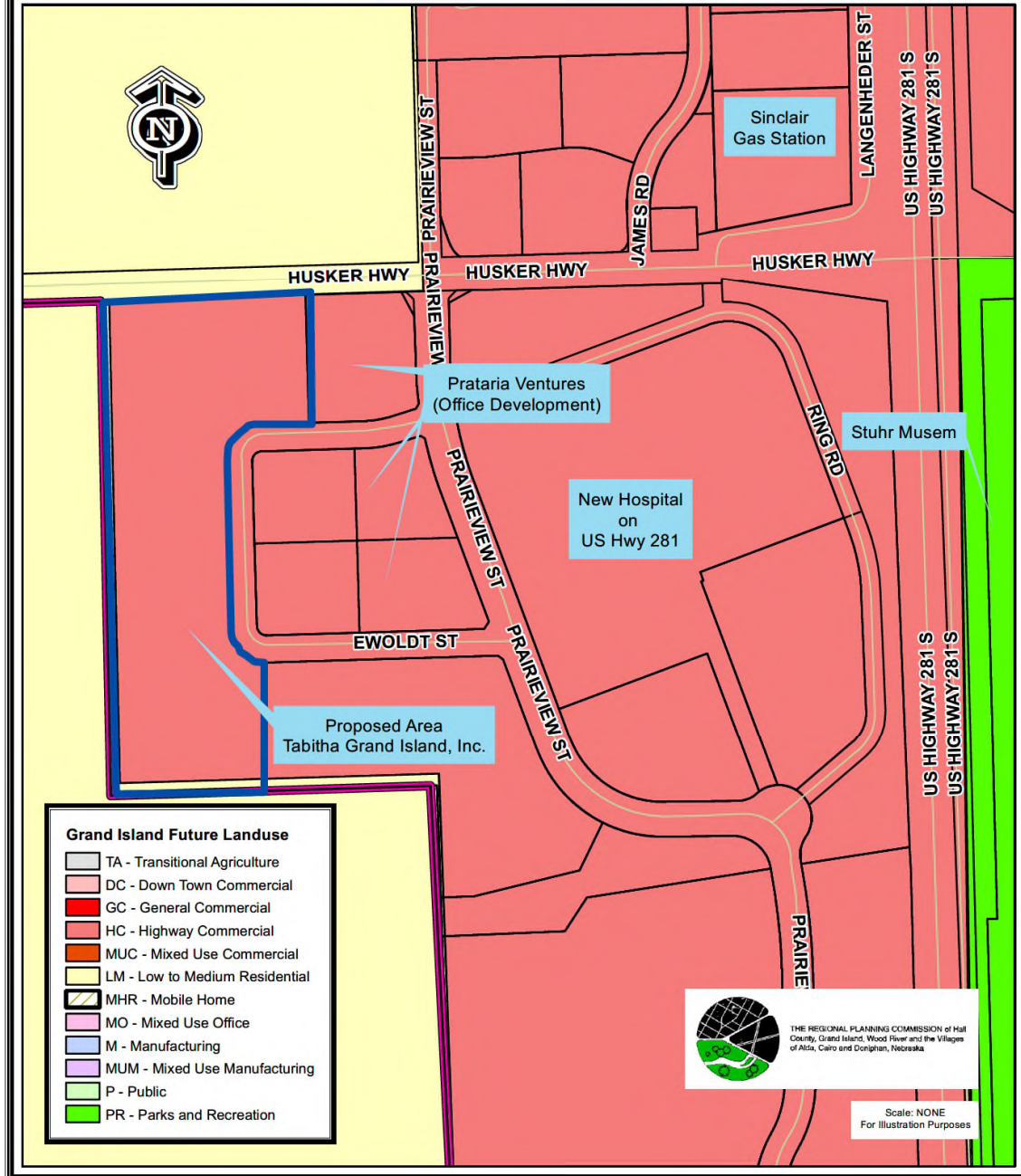
The project does not provide for the demolition or removal of any existing structures.

c. Future Land Use Plan

See the attached map from the 2004 Grand Island Comprehensive Plan. This property is in private ownership and is planned for commercial uses [§18-2103(b) and §18-2111]. A site plan of the area after the proposed redevelopment is also attached. [§18-2111(5)]

Proposed Tax Increment Financing Project Future Landuse Map

Lot 2, Prairie Commons Third Subdivision, In the City Of Grand Island, Nebraska.
Lot 1, Prairie Commons Fourth Subdivision, In the City Of Grand Island, Nebraska.



City of Grand Island Future Land Use Map

d. Changes to zoning, street layouts and grades or building codes or ordinances or other Planning changes.

The property is currently platted as Prairie Commons Third Subdivision and approved as Prairie Commons Fourth Subdivision. The property will be developed in substantial compliance with the existing plat. No changes in zoning are anticipated for the expected uses.

No other planning changes contemplated. [§18-2103(b) and §18-2111]

e. Site Coverage and Intensity of Use

The developer is proposing to build on the site within the constraints allowed by the current zoning districts. The RO zoning district would allow up to 75% coverage. [§18-2103(b) and §18-2111]

f. Additional Public Facilities or Utilities

Sewer and water are available to support this development. Sufficient capacity exists within these systems to support this development at completion. Sewer, water will be extended throughout the site. The developer will be responsible for engineering and installation of all required utilities. Said utilities are expected to become part of the city infrastructure and will be accepted into the city systems after construction and inspection. Electric infrastructure will be extended throughout the site according to typical commercial installation requirements. Natural gas and communications infrastructure will be installed according to the agreements formed with the private companies that provide those services. The City of Grand Island will secure all necessary easements for utility infrastructure with the platting and development processes. [§18-2103(b) and §18-2111]

4. The Act requires a Redevelopment Plan provide for relocation of individuals and families displaced as a result of plan implementation. No individuals or businesses will be relocated due to this development. [§18-2103.02]

5. No member of the Authority, nor any employee thereof holds any interest in any property in this Redevelopment Project Area. [§18-2106] No members of the authority or staff of the CRA has any ownership interest in this property at this time.

6. Section 18-2114 of the Act requires that the Authority consider:

a. Method and cost of acquisition and preparation for redevelopment and estimated proceeds from disposal to redevelopers.

The developer is showing a purchase price of this property of \$1,354,000. The cost of property acquisition is included as a TIF eligible expense. Costs for site preparation

including, grading and fill is estimated at \$356,861. Utility extensions, storm water, sewer electrical and water are estimated at \$638,260. Building plans and engineering and other planning expenditures are expected to cost \$1,436,827. The developer will be paying \$1,167,417 in additional costs to improve the façade of the buildings in a manner consistent with the rest of the Prairie Commons development. The cost of private streets and recreational trails is \$350,054. An additional \$20,000 of expenses for legal work, fees and financial tracking of this project are also included as eligible expenses for a total maximum TIF request of \$5,127,334 and potential eligible expenses of \$5,329,165. It is estimated based on the proposed increased valuation to \$15,383,121 will result in \$348,350 of increment generated annually. Based on a TIF Bond of \$5,127,334 this project should pay off prior to the end of the 15 year period.

No property will be transferred to redevelopers by the Authority. The developer will provide and secure all necessary financing.

b. Statement of proposed method of financing the redevelopment project.

The developer will provide all necessary financing for the project. The Authority will assist the project by granting the sum of \$5,127,334 from the proceeds of the TIF Indebtedness issued by the Authority. This indebtedness will be repaid from the Tax Increment Revenues generated from the project. TIF revenues shall be made available to repay the original debt and associated interest after January 1, 2021 through December 2034 or such term as identified within the approved contract with no portion to exceed a term of 15 years. The developer will use the TIF Note to secure debt financing in an amount not to exceed \$5,127,334 to be paid to the note holder during the term of the financing.

c. Statement of feasible method of relocating displaced families.

The property is vacant and no families will be dislocated.

7. Section 18-2113 of the Act requires:

Prior to recommending a redevelopment plan to the governing body for approval, an authority shall consider whether the proposed land uses and building requirements in the redevelopment project area are designed with the general purpose of accomplishing, in conformance with the general plan, a coordinated, adjusted, and harmonious development of the city and its environs which will, in accordance with present and future needs, promote health, safety, morals, order, convenience, prosperity, and the general welfare, as well as efficiency and economy in the process of development, including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire, panic, and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the provision of adequate transportation, water, sewerage, and other public utilities, schools, parks, recreational and community facilities, and other public requirements, the promotion of sound design and

arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of insanitary or unsafe dwelling accommodations or conditions of blight.

The Authority has considered these elements in proposing this Plan Amendment. This amendment, in and of itself will promote consistency with the Comprehensive Plan. This will have the intended result of preventing recurring elements of blighted and substandard conditions within the area.

8. Time Frame for Development

Development of this project is anticipated to be completed between April of 2020 and August of 2021. Excess valuation should be available for this project for 15 years beginning with the 2021 tax year. This is the third phase of development of this property and it is anticipated that additional projects will be brought forward for separate consideration on other lots within this and adjacent subdivisions.

9. Justification of Project

Extension of utilities, substantial site grading and installation of private streets are necessary to facilitate redevelopment of this site. The redevelopment of this property by Tabitha Grand Island Inc., will result in increased employment and housing opportunities. In addition to providing 157 units of housing this facility is anticipated to employ 100 individuals (66 FTE) with wages ranging between \$13 and \$50 per hour depending on the position and an average wage of \$20/hour. This development is a continuation of efforts to extend development south along U.S. Highway 281 toward U.S. Interstate 80. The Grand Island City Council has made in the past made it clear through previous decisions that they support development toward the I-80/281 interchange.

10. Cost Benefit Analysis Section 18-2113 of the Act, further requires the Authority conduct a cost benefit analysis of the plan amendment in the event that Tax Increment Financing will be used. This analysis must address specific statutory issues.

As authorized in the Nebraska Community Development Law, §18-2147, *Neb. Rev. Stat.* (2012), the City of Grand Island has analyzed the costs and benefits of the proposed project, including:

Project Sources and Uses. A maximum of \$5,127,334 in public funds from tax increment financing provided by the Grand Island Community Redevelopment Authority will be required to complete the project. This investment by the Authority will leverage \$40,059,001 in private sector financing and investment; a private investment of \$8.00 for every TIF dollar investment. It is estimated this will pay off in less than 15 years.

Use of Funds.	Source of Funds		
Description	TIF Funds	Private Funds	Total
Site Acquisition	\$ 1,354,665		\$ 1,354,665
Building Costs		\$ 26,360,974	\$ 26,360,974
Sewer	\$ 27,500		\$ 27,500
Storm Sewer	\$ 202,570		\$ 202,570
Water	\$ 8,190		\$ 8,190
Electric	\$ 400,000		\$ 400,000
Private Streets	\$ 264,990		\$ 264,990
Trails	\$ 85,145		\$ 85,145
Site preparation/Dirt Work	\$ 356,861		\$ 356,861
Façade Enhancement	\$ 1,167,417		\$ 1,167,417
Architecture/Engineering	\$ 1,336,827		\$ 1,336,827
Financing Fees		\$ 944,011	\$ 944,011
Legal	\$ 20,000		\$ 20,000
Developer Fees		\$ 1,485,774	\$ 1,485,774
Audit Fees		\$ 20,000	\$ 20,000
Contingency		\$ 1,373,274	\$ 1,373,274
Working Capital		\$ 2,067,409	\$ 2,067,409
Capitalized Interest		\$ 1,439,087	\$ 1,439,087
Govt. Fees and Expenses		\$ 240,000	\$ 240,000

Mkt Research, Feasibility & Planning	\$ 100,000		\$ 100,000
Marketing Expenses		\$ 785,000	\$ 785,000
Property Taxes during Const.		\$ 4,000	\$ 4,000
Debt Service Reserve		\$ 2,606,641	\$ 2,606,641
Pre-Open Salaries		\$ 19,000	\$ 19,000
Tax Study	\$ 5,000		\$ 5,000
Personal Property		\$ 2,512,000	\$ 2,512,000
			\$ -
TOTALS	\$ 5,329,165	\$ 39,857,170	\$ 45,186,335

Use of Funds. Description	Source of Funds		
	TIF Funds	Private Funds	Total
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Personal Property		\$ 2,512,000	\$ 2,512,000
			\$ -
TOTALS	\$ 5,329,165	\$ 39,857,170	\$ 45,186,335

Tax Revenue. The property to be redeveloped has a January 1, 2020 valuation of approximately \$80,599. Based on the 2019 levy this would result in a real property tax of approximately \$1,800. It is anticipated that the assessed value will increase by \$15,033,522 upon full completion, as a result of the site redevelopment. This development will result in an estimated tax increase of over \$341,823 annually resulting in approximately \$5,127,344 of increment over the 15 year period. The tax increment gained from this Redevelopment Project Area would not be available for use as city general tax revenues, for a period of 15 years, or such shorter time as may be required to amortize the TIF bond, but would be used for eligible private redevelopment costs to enable this project to be realized.

Estimated 2020 assessed value:	\$ 80,599
Estimated value after completion	\$ 15,383,121
Increment value	\$ 15,302,522
Annual TIF generated (estimated)	\$ 348,350
TIF bond issue	\$ 5,127,334

(a) Tax shifts resulting from the approval of the use of Tax Increment Financing;

The redevelopment project area currently has an estimated valuation of \$80,599. The proposed extension improvements at this location will result in at least an additional \$15,303,522 of taxable valuation based on the Hall County Assessor's office evaluation of the project. No tax shifts are anticipated from the project. The project creates additional valuation that will support taxing entities long after the project is paid off. The project will not add any tax burdens to taxing entities. Therefore no tax shifts will occur.

(b) Public infrastructure and community public service needs impacts and local tax impacts arising from the approval of the redevelopment project;

No additional public service needs have been identified. Existing water and waste water facilities will not be impacted by this development. The electric utility has sufficient capacity to support the development. It is not anticipated that this will impact schools. Fire and police protection are available and should not be impacted by this development.

(c) Impacts on employers and employees of firms locating or expanding within the boundaries of the area of the redevelopment project;

The proposed uses at this site would provide for expansion of nursing home jobs within the area and compete with similar facilities located in and locating in the City.

(d) Impacts on other employers and employees within the city or village and the immediate area that are located outside of the boundaries of the area of the redevelopment project; and

This project is may result in increased demand for nursing home employees and have impact on other similar employers and employees within the city.

(e) Impacts on the student population of school districts within the city or village; and

This project is unlikely to create any direct increase in cost for schools in the area. This development will be limited to serve seniors and those needing nursing/memory care.

(f) Any other impacts determined by the authority to be relevant to the consideration of costs and benefits arising from the redevelopment project.

This project will continue growth along the 281 corridor in the direction of I-80.

Time Frame for Development

Development of this project is anticipated to be completed between April of 2020 and August of 2021. The base tax year should be calculated on the value of the property as of January 1, 2020. Excess valuation should be available for this project for 15 years beginning in 2021 with taxes due in 2022. Excess valuation will be used to pay the TIF Indebtedness issued by the CRA per the contract between the CRA and the developer for a period not to exceed 15 years or an amount not to exceed \$5,127,334 the projected amount of increment based upon the anticipated value of the project and current tax rate and the eligible activities.

**COMMUNITY REDEVELOPMENT AUTHORITY
OF THE CITY OF GRAND ISLAND, NEBRASKA**

RESOLUTION NO. 326

**RESOLUTION OF THE COMMUNITY REDEVELOPMENT AUTHORITY OF THE CITY
OF GRAND ISLAND, NEBRASKA, SUBMITTING A PROPOSED
REDEVELOPMENT CONTRACT TO THE HALL COUNTY REGIONAL PLANNING
COMMISSION FOR ITS RECOMMENDATION**

WHEREAS, this Community Redevelopment Authority of the City of Grand Island, Nebraska ("Authority"), pursuant to the Nebraska Community Development Law (the "Act"), prepared a proposed redevelopment plan (the "Plan") a copy of which is attached hereto as Exhibit 1, for redevelopment of an area within the city limits of the City of Grand Island, Hall County, Nebraska; and

WHEREAS, the Authority is required by Section 18-2112 of the Act to submit said to the planning board having jurisdiction of the area proposed for redevelopment for review and recommendation as to its conformity with the general plan for the development of the City of Grand Island, Hall County, Nebraska;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

The Authority submits to the Hall County Regional Planning Commission the proposed Plan attached to this Resolution, for review and recommendation as to its conformity with the general plan for the development of the City of Grand Island, Hall County, Nebraska.

Passed and approved this 18th day of December, 2019

COMMUNITY REDEVELOPMENT
AUTHORITY OF THE CITY OF
GRAND ISLAND, NEBRASKA.

By



Chairperson

ATTEST:


Secretary

Prairie Commons Phase 3 Tabitha

Resolution Number 2020-04

HALL COUNTY REGIONAL PLANNING COMMISSION

**A RESOLUTION RECOMMENDING APPROVAL OF A SITE SPECIFIC
REDEVELOPMENT PLAN OF THE CITY OF GRAND ISLAND, NEBRASKA;
AND APPROVAL OF RELATED ACTIONS**

WHEREAS, the Chairman and Board of the Community Redevelopment Authority of the City of Grand Island, Nebraska (the “**Authority**”), referred **the Redevelopment Plan for Phase 3 of Prairie Commons for Tabitha Grand Island Inc.** to the Hall County Regional Planning Commission, (the “**Commission**”) for review and recommendation as to its conformity with the general plan for the development of the City of Grand Island, Hall County, Nebraska, pursuant to Section 18-2112 of the Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the “**Act**”); and

WHEREAS, the Commission has reviewed said Redevelopment Plan as to its conformity with the general plan for the development of the City of Grand Island, Hall County;

NOW, THEREFORE, BE IT RESOLVED BY THE HALL COUNTY REGIONAL PLANNING COMMISSION AS FOLLOWS:

Section 1. The Commission hereby recommends approval of the Redevelopment Plan.

Section 2. All prior resolutions of the Commission in conflict with the terms and provisions of this resolution are hereby expressly repealed to the extent of such conflicts.

Section 3. This resolution shall be in full force and effect from and after its passage as provided by law.

DATED: January 8, 2020

**HALL COUNTY REGIONAL PLANNING
COMMISSION**

ATTEST:

By: _____
Chair

By: _____
Secretary



Hall County Regional Planning Commission

Wednesday, January 8, 2020

Regular Meeting

Item F4

**Public Hearing - Zoning Change - Readoption of the Wood River
Zoning Map with Proposed Changes**

Staff Contact:

Agenda Item #8

PLANNING DIRECTOR RECOMMENDATION TO REGIONAL PLANNING December 27, 2019

SUBJECT: Concerning the re-adoption of the City of Wood River Zoning Map as produced using the Hall County Geographic Information System as the official zoning map for the City of Wood River. (C-09-2020WR)

PROPOSAL:

The effective date of the last Wood River Zoning Map was December 31, 2018. The Wood River City Council approved using a map produced from the Hall County GIS as the official zoning map for the City of Wood River. The City of Wood River occasionally re-adopts the zoning map incorporating all changes since the last re-adoption of the entire map along with other changes as recommended by staff and the Hall County Regional Planning Commission. This will allow a newly revised and adopted copy of the map to be printed for official use by Council, staff and the general public. The Wood River City Council has reviewed the map and is suggesting changes that are consistent with the comprehensive plan and the existing development within the City. Prior to considering such changes they are asking for a recommendation of the planning commission. This hearing is being held for those purposes. This map will also serve to give notice to all parties that the Wood River City limits and 1 mile extraterritorial jurisdiction is as shown on the map.

BACKGROUND:

No zoning changes have been approved since readoption of the zoning map in 2018

No property has been annexed since the readoption of the zoning map in 2018.

The Wood River City Council at the request of concerned citizens has reviewed the current zoning map and found that the zoning of certain areas north of downtown is inconsistent with the current and historic uses of those properties. The Wood River City Council is considering changes for properties located generally between Dodd and Marshall Streets and Eighth and Ninth Streets from BG General Business to R-6 Medium Density Residential and on both sides of Ninth Street between Marshall and West Street from BGC Central General Business Zone to R-6 Medium Density Residential in order to encourage the upkeep and resale of these residential units.

ANALYSIS

Staff is recommending approval of the proposed changes as they are consistent with the intent of the Comprehensive Plan and Future Landuse Map that show a mix of residential and commercial uses on these blocks. The Wood River Comprehensive plan was updated and adopted in December of 2015.

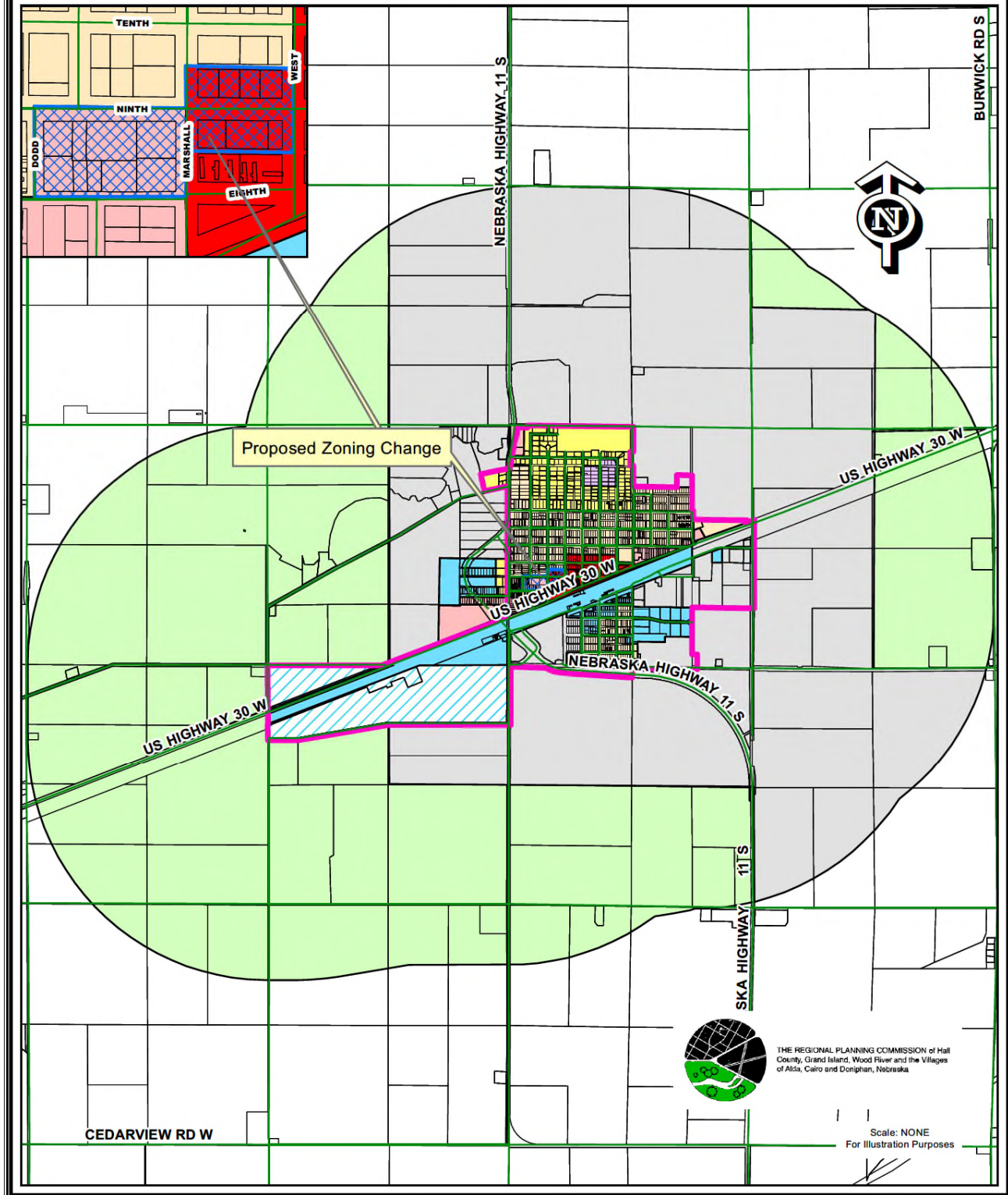
This revised zoning map serves to notify any and all interested parties of the current boundaries of the City of Wood River, the extents of the extraterritorial jurisdiction for the City of Wood River and the zoning of property within the jurisdiction of the City of Wood River.

RECOMMENDATION:

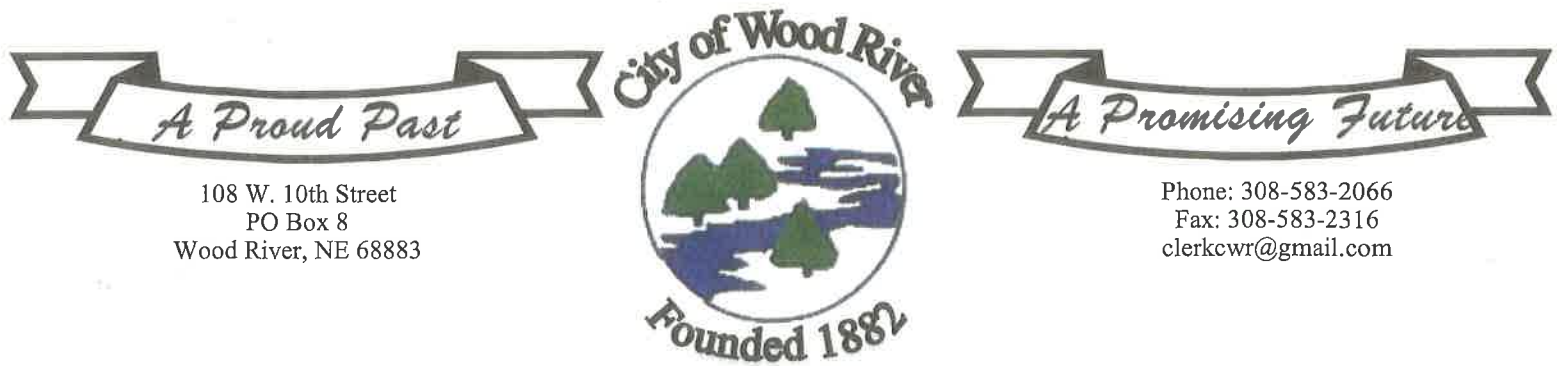
That the Regional Planning Commission recommends that the City Council of Wood River adopt this map as presented as the official Zoning Map for the City of Wood River.

Chad Nabity AICP, Planning Director

Proposed Zoning Change City of Wood River Zoning Map



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108 W. 10th Street
PO Box 8
Wood River, NE 68883

Phone: 308-583-2066
Fax: 308-583-2316
clerkcwr@gmail.com

December 11, 2019

Chad Nabity
Hall County Regional and Planning
100 East First Street
Grand Island, NE 68801

RE: Request for Regional Planning Commission Review

Dear Mr. Nabity and Board:

The City of Wood River is requesting that the Regional Planning Commission review, comment and make a recommendation on the proposed new zoning map for the City of Wood River.

The City has identified an area North of 8th Street and South of 10th Street between Dodd Street and West Street. The city would like the board to consider changing a block North of 8th Street and South of 9th Street and East of Dodd Street and West of Marshall Street from BG to R-6. Most of the area of this block has single family homes sitting with the exception of an old Railroad Depot that is used for storage of building materials.

The City has also identified an area North of 8th Street in the alley to the boarder North of 9th Street in the Alley and East of Marshall Street and West of West Street from BGC to R-6. Most of the area of this block has single family homes sitting with the exception of a Storage Shed at the corner of 9th and West Street. These areas would be congruent with the zoning to the West of them and the North of them.

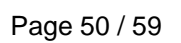
If additional information is necessary in order to make an eligibility determination, please contact the City of Wood River.

Sincerely,

Greg Cramer, Mayor
City of Wood River, NE

Enclosures – Map of Proposed Area







Hall County Regional Planning Commission

Wednesday, January 8, 2020

Regular Meeting

Item F5

**Public Hearing - Regulation Change- Chapter 36 of the Grand
Island City Code Article XI Wireless Communications Towers**

Staff Contact:

Agenda Item # 8

PLANNING DIRECTOR RECOMMENDATION TO REGIONAL PLANNING COMMISSION:

December 27, 2019

SUBJECT:

Concerning proposed amendments to Article XI Wireless Communication Towers Section 36-168 to 36-187 (C-10-2020GI)

PROPOSAL:

To amend and update the telecommunications section of the City of Grand Island Zoning Ordinance to reflect changes in technology and federal and state rules and laws.

OVERVIEW:

The Grand Island Legal Department and Hall County Regional Planning Department have been working with Bob Duchon an attorney with River Oaks Communications Corporation in Colorado Springs CO since the fall of 2018. We were aware that the FCC was making changes to rules regarding cell towers specifically those for micro-cell towers located on light poles and other utility poles within the street right-of-way. As part of that review Mr. Duchon has made suggestions for changes to the Grand Island Zoning Ordinance to update the rules for Macro Cell Towers located on private property.

The Grand Island Legal and Planning Departments along with representatives from Grand Island Utilities, Public Works and Building departments have reviewed and modified the proposed changes to fit Grand Island for macro cell towers located on private property.

A companion ordinance regulating and authorizing the use of public right-of-way by wireless telecommunications companies will be presented to Council along with these proposed changes to Chapter 36.

All of the proposed regulations changes are compliant with the current FCC Rules and Nebraska State Statutes.

A red line copy of the changes to Chapter 36 is attached.

RECOMMENDATION:

That the Regional Planning Commission recommend that the Grand Island City Council **approve** the changes to the Grand Island Zoning Ordinance as presented.

_____ Chad Nabity AICP, Planning Director

Article XI. Macro Cell Towers

§36-168. Purpose

The Communications Act of 1934 as amended by the Telecommunications Act of 1996 (the Act) grants the Federal Communications Commission (FCC) jurisdiction over certain aspects of telecommunications services. This Article is intended to regulate macro cell towers, telecommunications facilities and antennas in the City in conformance with the Act without prohibiting or intending to prohibit any person from providing wireless communications services. Telecommunications facilities, towers and antennas in the City shall be constructed in a way to protect residential areas and land uses from potential adverse impact through careful design, siting, and camouflaging, to promote and encourage shared use/collocation of towers and other antenna support structures rather than the construction of additional single use towers, to avoid potential damage to property caused by towers, telecommunications facilities and antennas by ensuring such structures are soundly and carefully designed, constructed, modified, maintained, repaired and removed when no longer used or are determined to be structurally unsound and to ensure that towers and antennas are compatible with surrounding land uses.

§36-169. Definitions

As used in this Article, the following terms shall have the following meanings:

Antenna means communications equipment that transmits or receives electromagnetic radio frequency signals used in providing wireless services.

Antenna Support Structure means any building or structure other than a tower which can be used for the location of telecommunications facilities.

Applicant means any person that applies for a Tower Development Permit.

Application means a process by which the owner of a tract of land within the zoning jurisdiction of the City submits a request to develop, construct, modify, or operate a tower upon such tract of land. The term application includes all written documentation, verbal statements, and representations, in whatever form or forum, made by an applicant to the City concerning such request.

Engineer means any engineer qualified and licensed by the State of Nebraska.

Owner means any person owning personal property, or real property with fee simple title or a leasehold exceeding (ten) 10 years in duration to any tract of land within the zoning jurisdiction of the City who desires to develop, construct, modify, or operate a tower upon such tract of land.

Person means an individual, a corporation, a limited liability company, a partnership, an association, a trust, or any other entity or organization.

Stealth means any telecommunications facility, tower, or antenna which is designed to enhance compatibility with adjacent land uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and towers designed to look other than like a tower such as light poles, power poles and trees.

Telecommunications Facilities means any cables, wires, lines, antennas, or any other equipment or facilities associated with the transmission or reception of communications signals which a person seeks to locate or has installed upon or near a tower or antenna support structure. However, telecommunications facilities shall not include:

(1) Any satellite dish two (2) meters in diameter or less which is located on real estate zoned AG, TA, RO, B1, B2, B3, M1, M2, M3 and ME.

(2) Any satellite dish of one (1) meter or less in diameter, regardless of the zoning applicable to the location of the satellite dish.

Tower means a self-supporting lattice, guyed, or monopole structure which supports Telecommunications Facilities. The term Tower shall not include non-commercial amateur radio operators equipment as licensed by the FCC or a structure supporting an antenna serving residential premises or dwelling units exclusively.

Tower Development Permit means a permit issued by the City upon approval by the Mayor and City Council of an application to develop a tower within the zoning jurisdiction of the City; which permit shall continue in full force and effect for so long as the tower to which it applies conforms to this Article. Upon issuance, a Tower Development Permit shall be deemed to run with the land during the permit's duration and may be transferred, conveyed and assigned by the applicant to assignees and successors-in-interest.

Tower Owner means any person with an ownership interest of any nature in a proposed or existing tower following the issuance of a Tower Development Permit.

All terms in this Article which are not specifically defined herein shall be construed in accordance with the Communications Act of 1934, the Telecommunications Act of 1996 and the Orders, Rules and Regulations of the Federal Communications Commission (FCC).

§36-170. Location Of Towers, Construction Standards and Collocation

(A) Towers shall be permitted conditional uses of land in only those zoning districts where specifically listed and authorized in this code.

(B) No person shall develop, construct, modify or operate a tower upon any tract of land within the zoning jurisdiction of the City prior to approval of its application for a Tower Development Permit by the Mayor and City Council and issuance of the permit by the City. Applicants shall submit their application for a Tower Development Permit to the Building Department in triplicate and shall pay a filing fee in accordance with the City of Grand Island Fee Schedule.

(C) All towers, telecommunications facilities and antennas on which construction is commenced within the zoning jurisdiction of the City after _____, 2020, shall conform to the Building Code and all other construction standards set forth in the City Code, federal and state law, and applicable Industry standards. Upon completion of construction of a tower and prior to the commencement of use, an engineer's certification that the tower is structurally sound and in conformance with all of the aforementioned applicable regulatory standards shall be filed with the Building Department.

(D) It is the policy of the City to minimize the number of towers and to encourage the collocation of antennas of more than one wireless services provider on a single tower.

§36-171. Application To Develop A Tower

Prior to commencement of development or construction of a tower, an application shall be submitted in triplicate to the Building Department for a Tower Development Permit and shall include the following:

(A) The name, address and telephone number of the owner and if applicable, the lessee of the tract of land upon which the tower is to be located. Applicants shall include the owner of the tract of land and all persons having an ownership interest in the proposed tower. The application shall be executed by all applicants.

(B) The legal description and address of the tract of land on which the tower is to be located.

(C) The names, addresses and telephone numbers of all owners of other towers or useable antenna support structures within a one (1) mile radius of the location of the proposed tower, including publicly and privately owned towers or structures.

(D) An affidavit attesting to the fact that the applicant has made diligent but unsuccessful efforts to obtain permission to install or collocate the applicant's telecommunications facilities on a tower or useable antenna support structure within a one (1) mile radius of the proposed tower location or written technical evidence from an engineer that the applicant's telecommunications facilities cannot be installed or collocated on another tower or useable antenna support structure within a one (1) mile radius of the proposed tower location.

(E) Written evidence from an engineer that the proposed tower will meet the Building Code, all other construction standards set forth by the City Code and federal and state law and applicable Industry standards.

(F) Color photo simulations showing the proposed location of the tower with a photo-realistic representation of the proposed tower as it would appear viewed from the nearest residential zoned property and nearest roadway, street or highway.

(G) A scaled site plan clearly indicating the location, type, height and width of the proposed tower, on-site land uses and zoning district, adjacent land uses and zoning districts (including when adjacent to other municipalities or the County), adjacent roadways, a depiction of all proposed transmission equipment, proposed means of access, setbacks from property lines, elevation drawings or renderings of the proposed tower and any other structures, topography, landscaping, fencing, and finished color, method of camouflage and illumination, parking, utility runs and other information deemed necessary to assess compliance with this Article.

(H) A clear and complete written statement of purpose which shall minimally include: (a) a description of the objective to be achieved; (b) a to-scale map that identifies the proposed site location and the targeted service area to be benefited by the proposed project; and (c) full-color signal propagation maps with

objective units of signal strength measurement that show the applicant's current service coverage levels from all adjacent sites without the proposed site, predicted service coverage levels from all adjacent sites with the proposed site, and predicted service coverage levels from the proposed site without all adjacent sites. These materials shall be reviewed and signed by a Nebraska-licensed professional engineer.

(I) Descriptions and diagrams of the proposed tower, telecommunications facilities and antennas, manufacturer's literature, appurtenances such as buildings, driveway, parking area and fences or other security enclosures with sufficient detail to allow persons reviewing the application to understand the kind and nature of the proposed facility.

(J) An application for a building permit pursuant to Chapter 8 of the City Code.

§36-172. Tower Development Permit, Procedure and Factors

After receipt of an application for a Tower Development Permit, the City Clerk shall schedule a public hearing before the City Council to consider such application. Notice of such application shall be placed in a newspaper of general circulation in the City at least one (1) time ten (10) days prior to such hearing. In addition to the publication, the City Clerk shall cause a notice to be posted in a conspicuous place on the property on which action is pending. Such notice shall be not less than eighteen (18) inches in height and twenty four (24) inches in width with a white or yellow background and black letters not less than one and one-half (1½) inches in height. Such posted notice shall be so placed upon the premises so that it is easily visible from the street nearest the same and shall be so posted at least ten (10) days prior to the date of such hearing. It shall be unlawful for anyone to remove, mutilate, destroy, or change such posted notice prior to such hearing. Any person so doing shall be deemed guilty of a misdemeanor. The public hearing shall be held at which all interested parties shall be heard. The City Council may approve a Tower Development Permit as requested in the pending application with any conditions or safeguards it deems reasonable and appropriate based upon the application and input received at the public hearing or deny the application. In all zoning districts in which towers are a permitted conditional use of land, the Tower Development Permit shall be deemed a conditional use permit for said tract of land.

§36-173. Preferred Tower Locations

(A) All new towers are permitted only after application of the following siting priorities, ordered from most-preferred (1) to least-preferred (5):

- (1) manufacturing zones;
- (2) commercial zones;
- (3) other non-residential zoning districts;
- (4) parcels of land in residential zoning districts;
- (5) designated historic districts.

(B) The applicant for a tower shall address these preferences in an alternative sites analysis prepared pursuant to §36-174 below.

§36-174. Alternative Sites Analysis

(A) For a tower, the applicant must address the City's preferred tower locations with a detailed explanation justifying why a site of higher priority was not selected. The City's tower location preferences must be addressed in a clear and complete written alternative sites analysis that shows at least three (3) higher ranked, alternative sites considered that are in the geographic range of the service coverage objectives of the applicant, together with a factually detailed and meaningful comparative analysis between each alternative candidate and the proposed site that explains the substantive reasons why the applicant rejected the alternative candidate.

(B) A complete alternative sites analysis provided under this subsection may include less than three (3) alternative sites so long as the applicant provides a factually detailed written rationale for why it could not identify at least three (3) potentially available, higher ranked, alternative sites.

(C) For purposes of disqualifying potential collocations or alternative sites for the failure to meet the applicant's service coverage or capacity objectives the applicant will provide (a) a description of its objective, whether it be to address a deficiency in coverage or capacity; (b) detailed maps or other exhibits with clear and concise Radio Frequency ("RF") data to illustrate that the objective is not met using the alternative (whether it be collocation or a more preferred location); and (c) a description of why the alternative (collocation or a more preferred location) does not meet the objective.

§36-175. Setbacks and Separation or Buffer Requirements

(A) All towers up to fifty (50) feet in height shall be set back on all sides a distance equal to the underlying setback requirement in the applicable zoning district. Towers in excess of fifty (50) feet in height shall be set back one additional foot for each foot of tower height in excess of fifty (50) feet, except where such setback is from property owned, controlled and/or maintained by the City of Grand Island and the City Council finds in granting the permit that reducing such additional setback will not cause harm to the intended use of the public property. The height of a tower shall be measured from the grade at the foot of the base pad to the top of any telecommunications facilities or antennas attached thereto. Setback requirements shall be measured from the base of the tower to the property line of the tract of land on which it is located.

(B) Towers exceeding one hundred (100) feet in height may not be located in any residential zoned district and must be separated from all residential zoned land and occupied structures other than those utilized by the tower owner, by a minimum of two hundred (200) feet or one hundred percent (100%) of the height of the proposed tower, whichever is greater.

(C) Towers of one hundred (100) feet or less in height may be located in residential zoned districts provided said tower is separated from any residential structure, school, church, and/or occupied structures other than those utilized by the tower owner, by a minimum of one hundred percent (100%) of the height of the proposed tower.

(D) Towers must meet the following minimum separation requirements from other towers:

(1) Monopole tower structures shall be separated from all other towers, whether monopole, self-supporting lattice, or guyed, by a minimum of seven hundred fifty (750) feet.

(2) Self-supporting lattice or guyed towers shall be separated from all other self-supporting or guyed towers by a minimum of one thousand five hundred (1,500) feet.

6. §36-17. Illumination and Security Fences

(A) Towers shall not be artificially lighted except as required by the Federal Aviation Administration (FAA). In cases where there are residential zoned properties located within a distance of 300% of the height of the tower, any tower subject to this Article shall be equipped with lighting that minimizes its effect on residential zoned properties.

(B) All self-supporting lattice or guyed towers shall be enclosed within a security fence or other structure designed to preclude unauthorized access. Monopole towers shall be designed and constructed in a manner which will preclude to the extent practical, unauthorized climbing of said structure.

§36-177. Exterior Finish, Notice, Signs and Visual Impact

Exterior Finish. Towers shall have an exterior finish which enhances compatibility with adjacent land uses, subject to review and approval by the City Council as part of the application approval process.

(B) Notice. For purposes of this Article, any Tower Development Permit shall require notice to surrounding property owners located within two hundred (200) feet of the legal boundary of the real property where the tower is to be located. An applicant or its designee shall provide this list to the City.

(C) Signs. No tower may bear any signage or advertisement(s) other than signage required by law or expressly permitted or required by the City.

(D) Visual Impact. All towers are encouraged to be sited and designed to minimize adverse visual impacts on surrounding properties and the traveling public to the greatest extent reasonably possible, consistent with the proper functioning of the tower.

§36-178. Landscaping

All tracts of land on which towers, antenna support structures, telecommunications facilities and/or antennas are located shall be subject to the landscaping requirements of the City Code.

§36-179. Maintenance, Repair or Modification of Existing Towers

All towers constructed or under construction on February 1, 1998 may continue in existence as a non-conforming structure and may be maintained or repaired without complying with any of the requirements of this Article. Nonconforming structures or uses may not be enlarged or the degree of nonconformance increased without complying with this Article, including applying for and obtaining a Tower Development Permit. Any modification or reconstruction of a tower constructed or under construction after February 1, 1998, shall require compliance with the requirements of this Article

including applying for and obtaining a Tower Development Permit. Said application shall describe and specify all items which do not comply with this Article and may request, subject to approval by the Mayor and City Council, an exemption from compliance as a condition of the Tower Development Permit.

§36-180. Inspections

(A) The City reserves the right to conduct an inspection of towers, antenna support structures, telecommunications facilities and antennas upon reasonable notice to the tower owner or operator to determine compliance with this Article and to prevent structural and equipment failures and accidents which may cause damage, injuries or nuisances to the public. Inspections may be made to determine compliance with the Building Code and any other construction standards set forth in the City Code, federal and state law or applicable Industry standards.

(B) If, upon inspection, the City concludes that a tower, antenna support structure, telecommunications facilities or antennas fail to comply with codes or standards and constitute a danger to persons or property, then upon written notice being provided to the owner, the owner shall have sixty (60) days to bring such into compliance with the codes and standards. Failure to bring such into compliance within said sixty (60) days shall constitute grounds for removal at the owner's expense.

§36-181. Maintenance

The towers, antenna support structures, telecommunications facilities and antennas shall at all times be kept and maintained in good condition, order and repair so that the same do not constitute a nuisance to or a danger to the life or property of any person or the public.

§36-182. Abandonment

If any tower shall cease to be used for a period of three hundred sixty-five (365) days, the Building Department shall notify the tower owner that the site will be subject to a determination by the Building Department Director that the site has been abandoned. Upon issuance of a Notice to Show Cause by the Building Department Director, the tower owner shall have thirty (30) days to show by a preponderance of the evidence that the tower has been in use or under repair during the period of apparent abandonment. In the event the tower owner fails to show that the tower has been in use or under repair during the relevant period, the Building Department Director shall issue a final determination of abandonment of the site and the tower owner shall have seventy five (75) days thereafter to dismantle and move the tower. In the event the tower is not dismantled and removed, the tower shall be declared a public nuisance by the Building Department Director, or his/her designee and a written request shall be directed to the City Attorney to proceed to abate said public nuisance pursuant to §20-15 of the Grand Island City Code, and charge the costs thereof against the real estate on which the tower is located or the owner of record of the said real estate.

§36-183. Certificate of Completion, Compliance and Appearance

(A) A certificate of completion will only be granted upon satisfactory evidence that the tower was installed in substantial compliance with the approved plans and photo simulations.

(B) If it is found that the tower does not substantially comply with the approved plans and photo simulations, the applicant shall make any and all such changes required to bring the tower into compliance promptly.

(C) The site and tower, including all landscaping, fencing and related transmission equipment must be maintained at all times in a neat and clean manner and in accordance with all approved plans.

(D) All graffiti at a tower site must be removed at the sole expense of the permittee after notification by the City to the owner or operator of the tower.

(E) If any FCC, State or other governmental license or any other governmental approval to provide communication services is ever revoked as to any tower site permitted or authorized by the City, the permittee must inform the City of the revocation within thirty (30) days of receiving notice of such revocation.

§36-184. Satellite Dish Regulations

After February 1, 1998, installation of satellite dish antennas shall be permitted within the zoning jurisdiction of the City of Grand Island only upon compliance with the following criteria:

(B)

(A) Single family residences may not have more than one (1) satellite dish.

(B) Multiple family residences with ten or less dwelling units may have no more than one (1) satellite dish. Multiple family residences with more than ten (10) dwelling units may have no more than two (2) satellite dishes.

(C) In residential zoning districts, a satellite dish shall not be installed in the required front yard setback area or side yard setback area.

(D) All satellite dishes installed within the zoning jurisdiction of the City after February 1, 1998, shall be of a neutral color such as black, gray, brown, or such other color as will blend with the surrounding dominant color in order to camouflage the dish.

§36-185. Severability

If any clause, section, or any other part of this Article shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Article shall not be affected thereby, but shall remain in full force and effect.

186. Conflicts

These Macro Cell Towers regulations are in addition to other regulations in the City Code. In case of a conflict between regulations, the more restrictive shall apply.