



# City of Grand Island

Tuesday, February 9, 2021

Council Session

## Item E-1

**Public Hearing on Zoning Change for Property located South of Nebraska Highway 2 and West of Independence Avenue from RO Residential Office to R3 Medium Density Residential, R3-SL Medium Density Residential-Small Lot and B2 General Business. (A & H Holdings, LLC)**

*Council action will take place under Ordinances item F-3.*

Staff Contact: Chad Nabity

# **Council Agenda Memo**

**From:** Chad Nabity, AICP Director

**Meeting:** February 9, 2021

**Subject:** Rezone from RO Residential Office to R3 Medium Density Residential, R3-SL Medium Density Residential Small Lot and B2 General Business Zone property located south of NE Highway 2 and west of Independence Avenue to be platted as Highland North Subdivision

**Presenter(s):** Chad Nabity, AICP Director

## **Background**

An application has been made to rezone a tract of land consisting from RO Residential Office to R3 Medium Density Residential, R3-SL Medium Density Residential Small Lot and B2 General Business Zone. This property is south of NE Highway 2 and west of Independence Avenue to be platted as Highland North Subdivision.

## **Discussion**

This property is zoned RO Residential Office. The RO zone allows for a variety of residential uses with no maximum density and some commercial uses. The proposed rezoning would limit the commercial uses on this property to the northeast corner of the property at the intersection of Nebraska Highway 2 and Independence Avenue. The proposed R3 medium density residential reduce the density of residential uses to 1 dwelling per 3000 square feet of lot area. The R3-SL zone would allow smaller lot sizes and 1 detached dwelling per 3000 square feet of lot area and 1 attached dwelling (townhome or row house) per 2100 square feet of lot area.

At the regular meeting of the Regional Planning Commission, held January 6, 2021 the above item was considered following a public hearing.

O'Neill opened the public hearing.

Nabity stated the property is currently zoned as RO-Residential Office and was planned for mixed-use commercial developments due to the proximity to a major highway. Nabity went on to explain that as the property sits today a variety of

commercial uses is allowed and retail is limited to medial uses. He also noted that the current zoning would allow for residential uses with no limits on density. Nabity stated, the request is to rezone the property with some limited commercial B2 General Business located in northeast corner near Highway 2, R3-SL Medium Density Residential Small Lot, located in the middle of the property and R3-Medium Density Residential, located at the south of the property backing onto the existing residential houses. Nabity noted that the changes will change the density from allowing the developer to build as many units with the only limitation being parking stalls to allowing for only 1 dwelling per 3000 sq ft. (lot size). He stated that the developer intends on developing these the lots that back onto existing houses with 1400-1500 sq ft homes and there will be roughly 3 lots developed for every 2 lots located on Utah Ave. Nabity mentions that this would allow for a lower density of housed compared to what can be built with today's zoning and that the change from RO to R3 would protect the existing houses and provide a buffer from the more intense and dense development to the north. He also express the importance of more density allow the highway as it can buffer noise from traffic and the railroad track.

*Brad Dobesh – 4209 Utah* – Mr. Dobesh explained his issues with the project are water issues, drainage issues and increased traffic. Mr. Dobesh also opposes the convenience store.

*Brenda Piper – 4258 Utah Ave* - Mrs. Piper explained her concerns. Mrs. Piper said that the increase of traffic could cause issues.

*Coree Sattley – 4234 Utah Ave* – Mrs. Sattley stated she agrees with drainage issues but has seen the proposed plan and talked to the developer. Mrs. Sattley says she feels that the developer has plans for the drainage issues and is confident that the issues will be addressed. Mrs. Sattley is in support of the zoning change.

*Michael Lingeman – 4264 Nevada* – Mr. Lingman asked where the drainage would be put in. Chairman O'Neill explained that the water would have to drain out to Hwy 2 to drain out to the west. Mr. Lingman showed the Planning Commission members a picture taken April 4<sup>th</sup> of all the water on the field. Mr. Lingman asked if all the water would drain to the north. Mr. Lingman felt that the water would not go anywhere but to the south and believes that it is going to cause problems.

*Amos Anson – 4234 Arizona Ave.* – Mr. Anson mentioned he invited everyone in the area to attend an informational meeting he held at the Chocolate Bar. Mr. Anson went on to explain his plans for the project.

O'Neill closed the public hearing.

A motion was made by Randone and second by Rainforth to approve the change of zoning from RO Residential Office to R3- Medium Density Residential, R3-SL

Medium Density Residential Small Lot and B2 General Business for property located west of Independence Ave and south of Nebraska Highway 2.

The motion was carried with ten members voting in favor (O'Neill, Ruge, Nelson, Monter, Robb, Rubio, Randone, Allan, Hendricksen and Rainforth) with no members voting no.

The memo sent to the planning commission with staff recommendation is attached for review by Council.

### **Alternatives**

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Approve the rezoning request as presented
2. Modify the rezoning request to meet the wishes of the Council
3. Postpone the issue

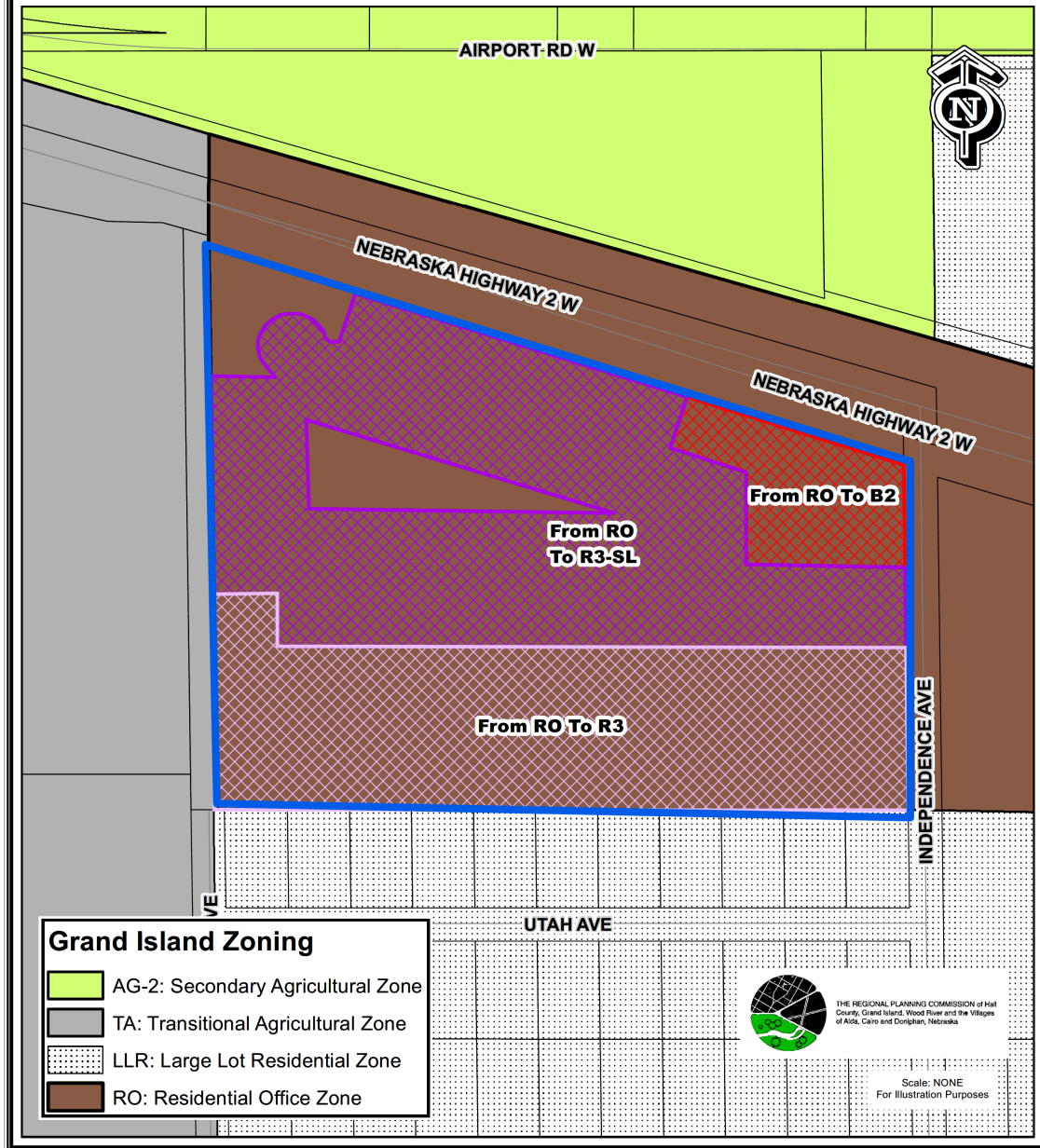
### **Recommendation**

City Administration recommends that the Council approve the proposed changes as recommended.

### **Sample Motion**

Move to approve the ordinance as presented.

# Proposed Zoning Change Location Map



## Agenda Item # 5

### PLANNING DIRECTOR RECOMMENDATION TO REGIONAL PLANNING COMMISSION:

December 28 2020

**SUBJECT:** *Zoning Change (C-09-2021GI)*

**PROPOSAL:** This application is requesting a rezoning of approximately 22 acres of land located south of Nebraska Highway 2 and west of Independence Avenue. The property is located within the Grand Island City limits and a request has been made by the owners for rezoning.

#### OVERVIEW:

##### Site Analysis

<i>Current zoning designation:</i>	<b>RO:</b> Residential Office Zone
<i>Intent of zoning district</i>	<b>RO:</b> To provide the highest density of residential uses as well as for various office, personal services and professional uses. This zoning district is also used as a transitional zone between lower density residential zones and business or manufacturing zones..
<i>Permitted and conditional uses:</i>	<b>RO:</b> Residential uses with no limit on the density except available parking spaces, office uses, personal services, assisted living facilities, day cares, and prescription related retail.
<i>Existing land uses.</i>	Undeveloped property
<i>Proposed Zoning Designation</i>	<b>B2:</b> General Business Zone <b>R3:</b> Medium Density Residential Zone <b>R3-SL:</b> Medium Density-Small Lot Residential Zone
<i>Intent of zoning district:</i>	<b>B2:</b> The intent of this zoning district is to provide for the service, retail and wholesale needs of the general community. This zoning district will contain uses that have users and traffic from all areas of the community and trade areas, and therefore will have close proximity to the major traffic corridors of the City. Residential uses are permitted at the density of the (R-4) High Density Residential Zoning District.  <b>R3:</b> To provide for residential uses at a maximum density of fourteen to fifteen dwelling units per acre with supporting

community facilities. This zoning district is sometimes used as a transitional zone between lower density residential zones and higher density residential, office, business, or manufacturing zones.

**R3-SL:** To provide for residential uses at a maximum density of fourteen to fifteen dwelling units per acre with supporting community facilities. This zoning district is sometimes used as a transitional zone between lower density residential zones and higher density residential, office, business, or manufacturing zones. Specifically this zone is intended to provide market flexibility regarding lot size and housing configuration.

*Permitted and conditional uses:*

**B2:** Residential uses at a density of up to 43 units per acre, a variety of commercial, retail, office and service uses.

**R-3:** Residential uses with a density of 1 unit per 3,000 square feet of property. Minimum lot size of 6,000 square feet. Churches, schools, parks and some limited non-profit operations and day care facilities are also allowed as permitted or conditional uses in this district.

**R3-SL:** Residential uses with a density of 1 unit per 3,000 square feet of property. Minimum lot size of 3,000 square feet. Attached Single Family with a density of 1 unit per 2,100 square feet. Churches, schools, parks and some limited non-profit operations and day care facilities are also allowed as permitted or conditional uses in this district.

**Adjacent Properties Analysis**

*Current zoning designations:*

**North: AG-2:** Secondary Agricultural Zoning District,  
**South: LLR:** Large Lot Residential Zone,  
**East: RO:** Residential Office Zone,  
**West: TA:** Transitional Agriculture Zone

*Intent of zoning district:*

**AG-2:** The (AG-2) Secondary Agricultural Zoning District regulations are intended to provide for the preservation of lands best suited for agricultural uses of all types including feed lots and the commercial feeding of livestock to specific limits and accessory uses; to prevent encroachment of uses of land that could be mutually incompatible and continue to provide for agricultural uses as a major asset to the economy of the area of the use and conservation of agricultural land, to protect the value of such land, and to protect it from indiscriminate residential and urban development and other incompatible and conflicting land uses.

**LLR:** 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 residential dwellings at a maximum density of two dwelling units per acre, as well as other open space and recreational activities.

**RO:** The intent of this zoning district is to provide the highest density of residential uses as well as for various office, personal services and professional uses. This zoning district is also used as a transitional zone between lower density residential zones and business or manufacturing zones.

**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 as well as other open space and recreational activities. The intent of the zoning district also would allow the limited raising livestock within certain density requirements.

*Permitted and conditional uses:*

**AG-2:** Agricultural operations, residential uses such as ranch and farm dwellings, recreational camp grounds, parks, churches, schools, public owned buildings/facilities and a variety of utility uses.

**LLR:** Residential uses at a density of 2 dwelling units per acre, churches, schools, and parks.

**RO:** Residential uses with no limit on the density except available parking spaces, office uses, personal services, assisted living facilities, day cares, and prescription related retail.

**TA:** Agricultural uses, recreational uses and residential uses at a density at a density of 1 unit per 20 acres.  
Limited animal agriculture

*Existing land uses:*

**North:** Residential, Suburban Agriculture, Nebraska Hwy 2, BNSF Railway

**South:** Residential

**East:** Vacant Land

**West:** Vacant Land

**EVALUATION:**

**Positive Implications:**

- *Consistent with the City's Comprehensive Land Use Plan: The property is designated for mixed use commercial development generally including medium to high density residential*



*and general business uses. This piece does back onto existing residential so residential uses are most appropriate along the southern property line.*

- *Accessible to Existing Municipal Infrastructure: City water and sewer services is available to serve the rezoning area.*
- *Would provide additional housing: This would provide modernized housing allowing for more housing choices throughout the community.*
- *Commercial Zoning at the intersection of Independence Avenue and Nebraska Highway 2 would provide for a local commercial node near these neighborhoods allowing for limited neighborhood commercial services. This intersection is an appropriate place for some commercial development and this is supported by the future land use map.*
- **Negative Implications:**
- *None foreseen:*

### **Other Considerations**

The majority of this property is planned for mixed use commercial development on the Future Land Use Map for the City of Grand Island. These changes would allow for residential uses to back onto the existing residential property located to the south of the proposed development area, protecting current owners from the possibility of commercial uses being developed near their property.

### **RECOMMENDATION:**

That the Regional Planning Commission recommend that the Grand Island City Council change the zoning on this site from **RO:** Residential Office Zone to **B2:** General Business Zone, **R3:** Medium Density Residential Zone & **R3-SL:** Medium Density-Small Lot Residential Zone

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

## Proposed Zoning Change Location Map

