



# City of Grand Island

Tuesday, October 25, 2022

Council Session

## Item F-1

**#9902 - Consideration of Approving Zoning Change to Property located at 3600 Husker Highway from R2 Low Density Residential to CD Commercial Development (Innate Development 2, LLC) (Second & Final Reading)**

Staff Contact: Chad Nabity

# Council Agenda Memo

**From:** Regional Planning Commission

**Meeting:** October 25, 2022

**Subject:** Change of Zoning from R2 Low Density Residential Zone to RD Residential Development Zone and CD Commercial Development Zone

**Presenter(s):** Chad Naby AICP, Regional Planning Director

## Background

Innate Development 2 LLC. The owners of 200 acres located north of Husker Highway and west of Prairieview Street are requesting that the zoning on property be changed on a portion of this property from R2 Low Density Residential to RD Residential Development Zone and Commercial Development Zone. The proposal is to build 150 units of three story apartments in 10 unit buildings along with 4 carriage house apartments the Residential Development portion of this property. In the Commercial Development Zone they have plans for a small commercial node to serve the neighborhood. Plans for the commercial node are not solid yet and will require additional approvals by the Planning Commission and Council but at this time include a sports bar, ice cream shop and coffee house. A preliminary plat for the whole development was approved in 2021. A final plat for this second phase (20.109 acres and 23 lots and 10 outlots )of the development is also included for approval.

## Discussion

At the regular meeting of the Regional Planning Commission, held September 7, 2022 the above item was considered following a public hearing.

O'Neill opened the public hearing for the rezoning. O'Neill also opened the item # 5 public hearing for Redevelopment Plan Area #33.

Naby stated this is the next phase of Legacy 34 subdivision and is consistent with the preliminary plat that was approved in October 2021. Developers are moving forward with the next phase which involves rezoning the property from R2 to CD. The developers are proposing 154 units of housing. The request is consistent with the plan that was presented last year. Innate Development has also requested Tax Increment Financing to aid in the redevelopment of the project. This project is consistent with the proposed zoning and the future land use

plan for the area within the City of Grand Island. The Planning Commission finds that the redevelopment plan is consistent with the Comprehensive Plan.

*Ron Dupue - 308 North Locust, Grand Island, NE* – Mr. Dupue representing Innate Development - was available for questions.

O'Neill closed the public hearing.

A motion was made by Hendricksen and second by Randone to approve the proposed rezoning and Final Plat of Legacy 34 Second Subdivision.

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

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
4. Deny the application

### **Recommendation**

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

### **Sample Motion**

Move to approve the ordinance as presented.

ORDINANCE NO. 9902

An ordinance rezoning certain tracts of land within the zoning jurisdiction of the City of Grand Island; changing the land use classification of a tract of land comprising part of the East ½ of the Southwest Quarter and the West half of the Southeast Quarter (E½ of the SW¼, and W½ of the SE¼ ) of Section Twenty-Five (25), Township Eleven (11) North, Range Ten (10) West of the 6th P.M., in Hall County, Nebraska. Located north of Husker Highway and west of Prairieview Street in Grand Island, Nebraska from R2 Low Density Residential Zone to RD Residential Development Zone and CD Commercial Development Zone in Grand Island, Hall County, Nebraska as more particularly described below, and directing that such zoning changes and classifications be shown on the Official Zoning Map of the City of Grand Island; amending the provisions of Section 36-44; and providing for publication and an effective date of this ordinance.

WHEREAS, the Regional Planning Commission on September 7, 2022, held a public hearing and made a recommendation on the proposed zoning of such area; and

WHEREAS, notice as required by Section 19-923, R.R.S. 1943, has been given to the Board of Education of School District No. 2 in Hall County, Nebraska; and

WHEREAS, on October 11, 2022, the City Council held a public hearing on the proposed zoning of such area and all persons who desired to speak were heard and any comments were made a part of the record. NOW THEREFORE,

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

SECTION 1. The City Council makes the following findings with regards to the proposed zoning changes:

Approved as to Form	☐ _____
October 20, 2022	☐ City Attorney

ORDINANCE NO. 9902 (Cont.)

A. The proposed changes to the zoning from R2 Low Density Residential Zone to RD Residential Development Zone and CD Commercial Development Zone are each consistent with the Future Land Use Map of the City of Grand Island.

B. The proposed changes to the zoning from R2 Low Density Residential Zone to RD Residential Development Zone and CD Commercial Development Zone are each consistent with the preliminary plat previously approved for the development of the area.

SECTION 2. The following tract of land is hereby rezoned and reclassified and changed from R2 Low Density Residential Zone to amended RD Residential Development Zone:

RD RESIDENTIAL DEVELOPMENT ZONE

A TRACT OF LAND LOCATED IN PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW1/4, SE1/4) OF SECTION TWENTY-FIVE (25), TOWNSHIP ELEVEN (11) NORTH, RANGE TEN (10) WEST OF THE 6TH P.M., IN THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT THE INTERSECTION OF NORTH RIGHT-OF-WAY LINE OF HUSKER HIGHWAY AND THE EAST RIGHT-OF-WAY LINE OF LEGACY DRIVE, SAID POINT BEING THE POINT OF BEGINNING; THENCE ON AN ASSUMED BEARING OF N00°37'05"W, ALONG SAID EAST RIGHT-OF-WAY LINE OF LEGACY DRIVE, A DISTANCE OF 166.00 FEET TO A POINT OF CURVATURE; THENCE AROUND A CURVE IN A COUNTER CLOCKWISE DIRECTION, WITH A DELTA ANGLE OF 35°19' 00", HAVING A RADIUS OF 595.00 FEET, AND CHORD BEARING N18°16'35"W A CHORD DISTANCE OF 360.97 FEET; THENCE N50°27'30"E A DISTANCE OF 206.12 FEET; THENCE N80°27'30"E A DISTANCE OF 43.50 FEET; THENCE N45°34'52"E A DISTANCE OF 70.18 FEET; THENCE S44°57'29"E A DISTANCE OF 156.74 FEET; THENCE N73°12'23"E A DISTANCE OF 53.01 FEET; THENCE S69°49'40"E A DISTANCE OF 29.93 FEET; THENCE S16°12'57"E A DISTANCE OF 224.65 FEET; THENCE S00°26'55"E A DISTANCE OF 150.46 FEET; THENCE N89°22'55"E A DISTANCE OF 402.33 FEET TO A POINT OF CURVATURE; THENCE AROUND A CURVE IN A COUNTER CLOCKWISE DIRECTION, WITH A DELTA ANGLE OF 31°59'20", HAVING A RADIUS OF 189.64 FEET, AND CHORD BEARING N737°11'59"E A CHORD DISTANCE OF 104.51 FEET; THENCE

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N57°01'04"E A DISTANCE OF 58.74 FEET TO A POINT OF CURVATURE; THENCE AROUND A CURVE IN A COUNTER CLOCKWISE DIRECTION, WITH A DELTA ANGLE OF 45°28'12", HAVING A RADIUS OF 181.00 FEET, AND CHORD BEARING S67°52'59"E A CHORD DISTANCE OF 139.90 FEET; THENCE N89°22'55"E A DISTANCE OF 39.05 FEET TO A POINT ON THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW1/4, SE1/4); THENCE S00°28'30"E, ALONG SAID EAST LINE OF THE SW1/4, SE1/4, A DISTANCE OF 133.27 FEET; THENCE S11°48'05"W A DISTANCE OF 40.92 FEET TO A POINT OF CURVATURE; THENCE AROUND A CURVE IN A CLOCKWISE DIRECTION, WITH A DELTA ANGLE OF 56°18'24", HAVING A RADIUS OF 60.00 FEET, AND CHORD BEARING S39°56'52"E A CHORD DISTANCE OF 56.62 FEET; THENCE S72°38'11"E A DISTANCE OF 35.59 FEET TO A POINT ON SAID NORTH RIGHT-OF-WAY LINE OF HUSKER HIGHWAY; THENCE S89°22'55"W, ALONG SAID NORTH RIGHT-OF-WAY LINE OF HUSKER HIGHWAY, A DISTANCE OF 1033.23 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 418467.63 SQUARE FEET OR 9.607 ACRES MORE OR LESS.

SECTION 3. The following tract of land is hereby rezoned and reclassified and changed from R2 Low Density Residential Zone to amended CD Commercial Development Zone:

CD COMMERCIAL DEVELOPMENT ZONE:

A TRACT OF LAND LOCATED IN PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW1/4, SE1/4) OF SECTION TWENTY-FIVE (25), TOWNSHIP ELEVEN (11) NORTH, RANGE TEN (10) WEST OF THE 6TH P.M., IN THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT THE INTERSECTION OF NORTH RIGHT-OF-WAY LINE OF HUSKER HIGHWAY AND THE EAST RIGHT-OF-WAY LINE OF LEGACY DRIVE; THENCE ON AN ASSUMED BEARING OF N00°37'05"W, ALONG SAID EAST RIGHT-OF-WAY LINE OF LEGACY DRIVE, A DISTANCE OF 166.00 FEET TO A POINT OF CURVATURE; THENCE AROUND A CURVE IN A COUNTER CLOCKWISE DIRECTION, WITH A DELTA ANGLE OF 35°19' 00", HAVING A RADIUS OF 595.00 FEET, AND CHORD BEARING N18°16'35"W A CHORD DISTANCE OF 360.97 FEET; THENCE N50°27'30"E A DISTANCE OF 206.12 FEET; THENCE N80°27'30"E A DISTANCE OF 43.50 FEET; THENCE N45°34'52"E A DISTANCE OF 70.18 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N45°34'52"E A DISTANCE OF 318.05 FEET; THENCE S42°52'32"E A DISTANCE OF 249.70 FEET TO A POINT OF CURVATURE; THENCE AROUND A CURVE IN A COUNTER CLOCKWISE DIRECTION, WITH A DELTA ANGLE OF 89°25'48", HAVING A RADIUS OF 70.00 FEET, AND CHORD BEARING S87°35'26"E A CHORD DISTANCE OF 98.50 FEET TO A CONTINUED POINT OF CURVATURE; THENCE AROUND A CURVE IN A CLOCKWISE DIRECTION, WITH A DELTA ANGLE OF 41°49'49", HAVING A RADIUS OF 285.00 FEET, AND CHORD BEARING N68°36'35"E A CHORD DISTANCE OF 203.48 FEET; THENCE N89°32'23"E A DISTANCE OF 284.12 FEET TO A POINT ON THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW1/4, SE1/4); THENCE S00°28'30"E, ALONG SAID EAST LINE OF THE SW1/4, SE1/4, A DISTANCE OF 569.80 FEET; THENCE S89°22'55"W A DISTANCE OF 39.05 FEET TO A POINT OF CURVATURE; THENCE AROUND A CURVE IN A CLOCKWISE DIRECTION, WITH A DELTA ANGLE OF 45°28'12", HAVING A

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RADIUS OF 181.00 FEET, AND CHORD BEARING N67°52'59"W A CHORD DISTANCE OF 139.90 FEET; THENCE S57°01'04"W A DISTANCE OF 58.74 FEET TO A POINT OF CURVATURE; THENCE AROUND A CURVE IN A CLOCKWISE DIRECTION, WITH A DELTA ANGLE OF 31°59'20", HAVING A RADIUS OF 189.64 FEET, AND CHORD BEARING S737°11'59"W A CHORD DISTANCE OF 104.51 FEET; THENCE S89°22'55"W A DISTANCE OF 402.33 FEET; THENCE N00°26'55"W A DISTANCE OF 150.46 FEET; THENCE N16°12'57"W A DISTANCE OF 224.65 FEET; THENCE N69°49'40"W A DISTANCE OF 29.93 FEET; THENCE S73°12'23"W A DISTANCE OF 53.01 FEET; THENCE N44°57'29"W A DISTANCE OF 156.74 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 455757.87 SQUARE FEET OR 10.463 ACRES MORE OR LESS.

SECTION 4. That the proposed development plan for the above described real estate, as shown on the plan submitted with the rezoning request is approved.

SECTION 5. That the Official Zoning Map of the City of Grand Island, Nebraska, as established by Section 36-44 of the Grand Island City Code be, and the same is, hereby ordered to be changed, amended, and completed in accordance with this ordinance and that the approved development plan be kept in the records of the Hall County Regional Planning Department.

SECTION 6. That this ordinance shall be in force and take effect from and after its passage and publication, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: October 25, 2022.

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Roger G. Steele, Mayor

Attest:

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RaNae Edwards, City Clerk