



# City of Grand Island

Tuesday, November 22, 2022

Council Session

## Item G-15

**#2022-336 - Approving Preliminary, Final Plat and Subdivision Agreement for Conestoga Mall Ninth Subdivision**

Staff Contact: Chad Nabity

# Council Agenda Memo

**From:** Regional Planning Commission

**Meeting:** November 22, 2022

**Subject:** Conestoga Mall Ninth Subdivision –Preliminary and Final Plat

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

## Background

This property is located at 3404 W. 13<sup>th</sup> Street between Webb Road and U.S. Highway 281 north of 13<sup>th</sup> Street in the City of Grand Island. Preliminary Plat 14 Lots, 2 Outlots, 50.433 acres, Final Plat 13 lots, 1 Outlots, 50.433 acres) This property is under consideration for rezoning to CD Commercial Development Zone and RD Residential Development Zone.

## Discussion

The preliminary and final plat for Conestoga Mall Ninth Subdivision was considered at the Regional Planning Commission at the November 14, 2022 meeting on the consent agenda.

A motion was made by Hendricksen and second by Rainforth to approve all items on the consent agenda.

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

## Alternatives

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

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

## **Recommendation**

City Administration recommends that Council approve the preliminary and final plat as presented.

## **Sample Motion**

Move to approve as recommended.

**Developer/Owner**

Woodsonia Hwy. 281 LLC.  
20010 Manderson Street Ste. 101  
Elkhorn NE 68022

**To create**

**Size: Final Plat 13** lots, 50.433 Acres

**Zoning:** CD Commercial Development and RD Residential Development

**Road Access:** Webb Road and 13<sup>th</sup> Street are commercial concrete curb and gutter street.

16<sup>th</sup> Street and Overland Drive will be built as city streets in Outlot A. They could be dedicated in the future if a public street connection to State Street can be arranged with the property owners to the north.

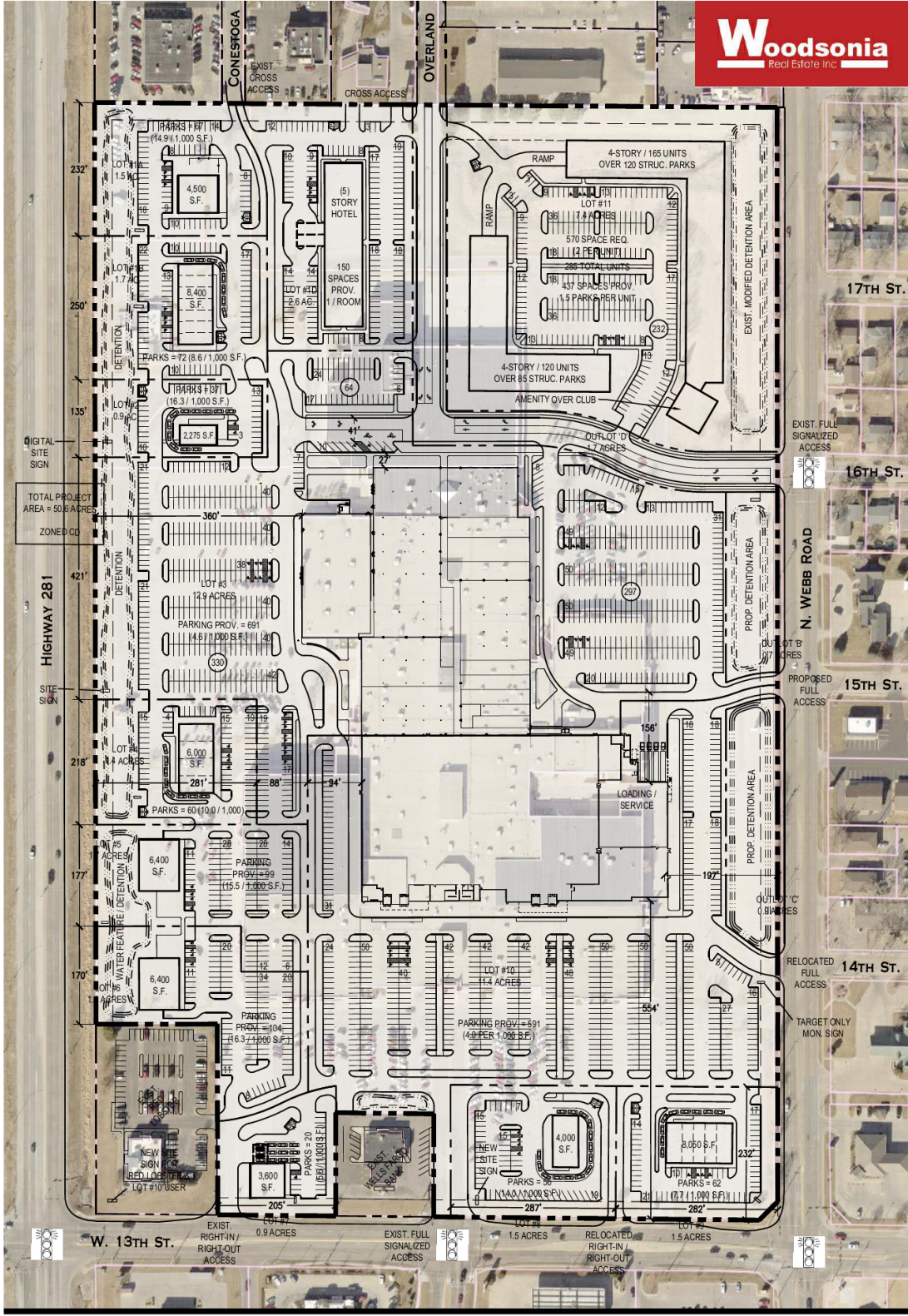
Private access easements will be permitted for lots fronting onto U.S. Highway 281 and are shown on the development plan.

**Water:** City water is available to the subdivision all existing private lines will be replaced with public infrastructure to serve all lots.

**Sewer:** City Sewer is available to the subdivision all existing private lines will be replaced with public infrastructure to serve all lots.

**Drainage:** The developer will be responsible for providing drainage and storage capacity to match the capacity that currently exists. The developer and/or future property owners will be responsible for maintenance of the detention cells on the property.

RD Zone: Development of the apartments planned on lot 13 shall be restricted until such time as the developer has a development plan for that lot approved by the Grand Island City Council.



This drawing has been prepared by the Architect, or under the Architect's direct supervision. This drawing is intended to be conceptual in nature only. Property boundaries, setbacks, easements, topography shown herein are based on the information available to the architect at the time of design. This document is not intended to constitute a contract. It is necessary to reflect all governing authority requirements, including green space calculations, bulk regulations, landscaping, storm water management, city reports, site plan grading, and other factors that may require this site design. This drawing shall not be used for construction or legal liability determination. © Conestoga 2022 by Simonson & Associates Architects, L.L.C.

**Conestoga Marketplace**  
Site Concept #28  
Grand Island, Nebraska  
November 10, 2022

**SIMONSON**  
PLANNING + ARCHITECTURE + INTERIORS  
Simonson + Associates Architects LLC  
1717 International Ave., Suite 113, Des Moines, Iowa 50309  
Ph: 515-440-5626  
www.simonsonassoc.com

# CONESTOGA MALL NINTH SUBDIVISION

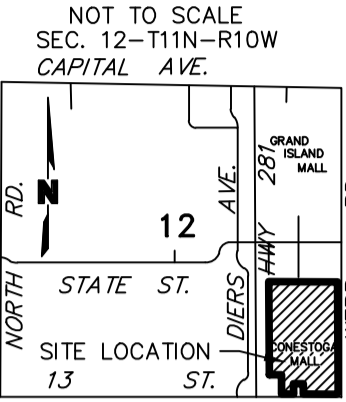
## CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA

### FINAL PLAT

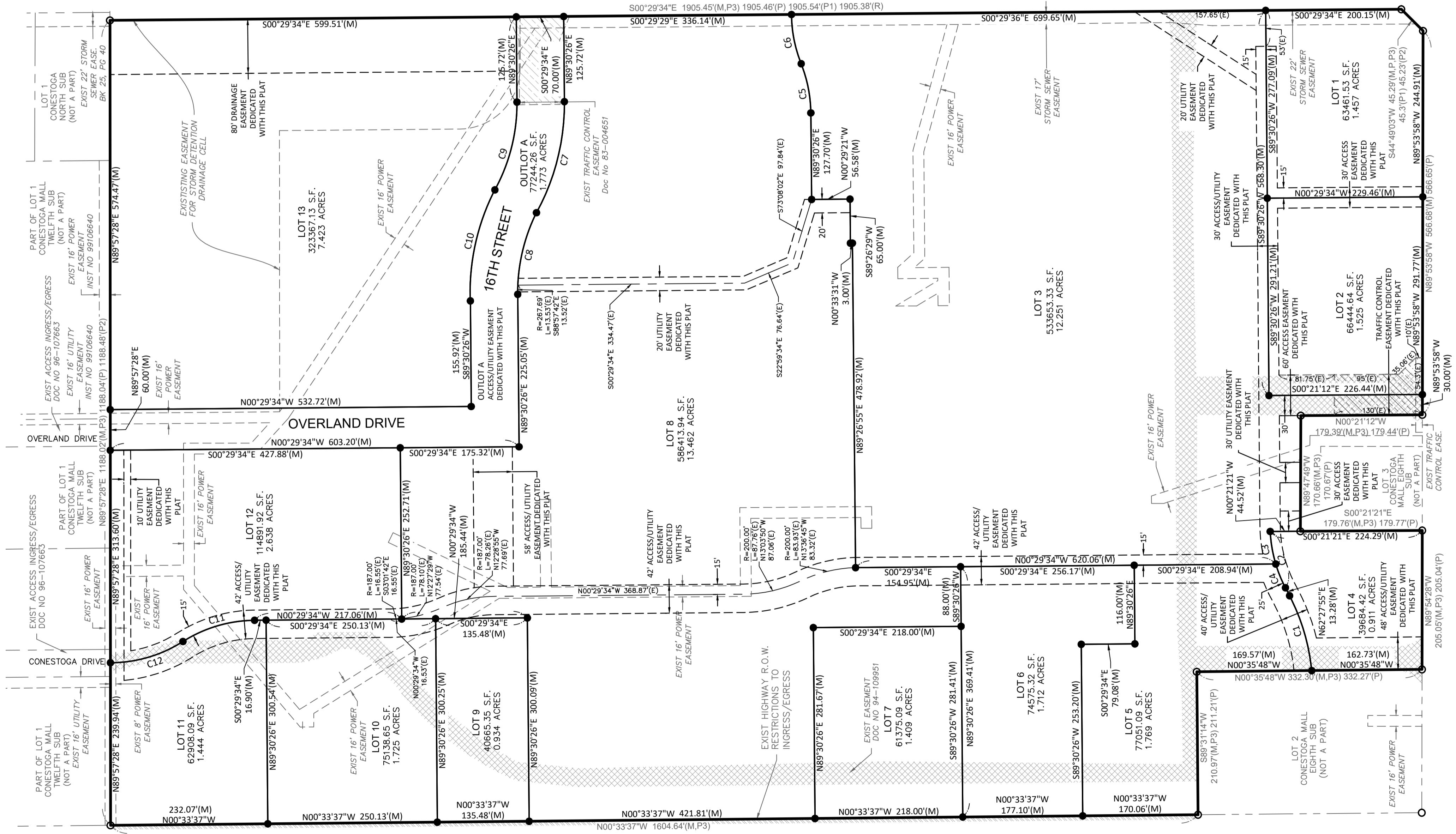
#### LEGEND

- FOUND CORNER (AS NOTED)
- SET CORNER (SURVEY SPIKE w/WASHER OR AS NOTED)
- PROPOSED PROPERTY LINE
- SUBDIVISION BOUNDARY LINE
- PROPERTY LINE
- - - EASEMENT LINE
- M MEASURED DISTANCE
- P PLATTED DISTANCE CONESTOGA MALL 8TH SUB
- P1 PLATTED DISTANCE CONESTOGA MALL 2ND SUB
- P2 PLATTED DISTANCE CONESTOGA MALL 7TH SUB
- P3 PLATTED DISTANCE CONESTOGA MALL 8TH SUB
- E EASEMENT DISTANCE
- ▨ TRAFFIC CONTROL EASE
- ▨ INGRESS/EGRESS EASE Doc No 94-109951
- ▨ CONTROLLED ACCESS

#### LOCATION MAP



WEBB ROAD



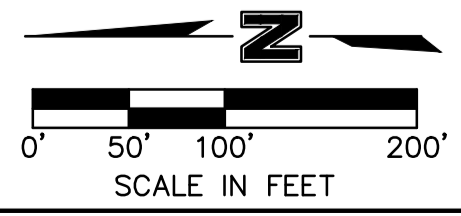
DWG: F:\2022\03000\022-03182-A\40-Design\Survey\SRVY\Sheets\V\_FPLAT\_A2203182.dwg USER: jjimenez  
 DATE: Nov 16, 2022 9:32am XREFS: V\_XTOPO\_LDP\_A2203182 C\_PBDY\_02203182 V\_XRWAY\_LDP\_A2203182



201 East 2nd Street  
Grand Island, NE 68801  
TEL 308.384.8750  
FAX 308.384.8752

PROJECT NO. 2022-03182 A
CONESTOGA SURVEY
FB

SHEET 1 OF 2





Return to:  
City Clerk  
City of Grand Island, Nebraska  
100 East First Street  
Grand Island, Nebraska 68801

\* This Space Reserved for Register of Deeds \*

## SUBDIVISION AGREEMENT

### **CONESTOGA MALL NINTH SUBDIVISION**

(Lots 1 through 13, inclusive and Outlot A)

In the City of Grand Island, Nebraska

As of the Effective Date (defined below) the undersigned, WOODSONIA HWY 281, LLC, a Nebraska limited liability company, and its successors, assigns, heirs, devisees, and/or legatees, hereinafter called the Subdivider, as owner of a tract of land in the City of Grand Island, Hall County, Nebraska, hereinafter called the City, more particularly described as follows (“Property”):

A REPLAT OF ALL OF LOTS 1, 4 AND 5, CONESTOGA MALL EIGHTH SUBDIVISION, CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA. SAID TRACT CONTAINS A CALCULATED AREA OF 2,196,875.88 SQUARE FEET OR 50.433 ACRES MORE OR LESS;

desires to have subdivided as a subdivision the foregoing tract of land located within the corporate limits of the City, and hereby submits to the City Council of the City for acceptance as provided by law an accurate map and plat of such proposed subdivision, to be known as



CONESTOGA MALL NINTH SUBDIVISION, designating explicitly the land to be laid out and particularly describing the lots, easements, and streets belonging to such subdivision, with the lots designated by number, easements by dimensions, and streets by name, and proposes to cause the plat of such subdivision when finally approved by the Regional Planning Commission and the City Council to be acknowledged by such owner, certified as to accuracy of survey by a registered land surveyor, and to contain a dedication of the easements to the use and benefit of public utilities, and of the street to the use of the public forever. In consideration of the acceptance of the plat of said CONESTOGA MALL NINTH SUBDIVISION, the Subdivider hereby consents and enters into this agreement with the City (the "Subdivision Agreement"), that it will comply with the following requirements and install or provide the following improvements:

1. **Ownership and Effective Date.** As of the dates written below and above the signature blocks of the Subdivider and the City, the owners of the Property are Conestoga Realty LLC and Conestoga Nassim LLC (collectively "Current Owner"). The Subdivider has entered into a written purchase agreement with the Current Owner to acquire the Property. This Subdivision Agreement shall be contingent upon the Subdivider acquiring and closing on the Property with the Current Owner and the "Effective Date" of this Subdivision Agreement shall be such date that the Subdivider becomes the new owner of the Property. The undersigned Subdivider represents and warrants that as of the Effective Date it shall be the owner in fee simple of the Property proposed to be known as CONESTOGA MALL NINTH SUBDIVISION. On or immediately after the Effective Date, this Subdivision Agreement, the plat of CONESTOGA MALL NINTH SUBDIVISION, and any other related entitlement documents shall be recorded by Subdivider with the Hall County Register of Deeds Office, and an abstract

of title or title insurance commitment will be submitted by Subdivider for examination, if necessary, upon request of the City of Grand Island.

2. **Paving.** The Subdivider agrees to waive the right to object to the creation of any future paving or repaving district for Webb Road, 13<sup>th</sup> Street or U.S. Highway 281 where they abut the subdivision, that are duly approved by the City Council.

3. **Outlot A.** Outlot A, shown on the plat as 16<sup>th</sup> Street and Overland Drive, shall be maintained as a public access easement with maintenance and snow removal provided by the Subdivider or an association created for that purpose. Outlot A may be dedicated to the city with ownership and maintenance of the streets becoming a public responsibility if said private streets conform to the standards of a public street as approved and confirmed by the Director of Public Works and upon such time as Overland Drive may be extended as public street to connect to State Street.

4. **Water.** The Subdivider agrees to abandon and remove the existing private water system. Public water is available to the subdivision and the Subdivider agrees to extend, connect and provide water service to all lots and structures in the subdivision in accordance with plans and specifications approved by the Director of Public Works, and subject to the City's inspection.

5. **Sanitary Sewer.** The Subdivider agrees to abandon and remove the existing private sanitary sewer system. Public sanitary sewer is available to the subdivision, and the Subdivider agrees to extend, connect and provide sanitary sewer service to all lots and structures in the subdivision in accordance with plans and specifications approved by the Director of Public Works, and subject to the City's inspection.

6. **Storm Drainage.** The Subdivider agrees to provide and maintain positive drainage from all lots, according to the drainage plan, so that storm drainage is conveyed to a public right-of-way or to other drainage systems so approved by the Director of Public Works. Detention cells on site are to be maintained by the Subdivider or an association created for that purpose and shall not be changed without the consent and approval of the Director of Public Works.

7. **Electric.** The Subdivider agrees to install all conduit, both primary and secondary, as well as all necessary transformer pads in the subdivision in accordance with plans and specifications approved by the Utilities Department, and subject to the City's inspection.

8. **Sidewalks.** The Subdivider shall install and maintain all public sidewalks required by the City of Grand Island when the lots are built upon, and such sidewalk shall be regulated and required with the building permit for each such lot.

9. **Landscaping.** The Subdivider agrees to comply with the requirements of the Landscaping Regulations of the City of Grand Island, and plans as submitted to and approved by the City's Building Department.

10. **Easements.** Any easements shall run with the land and shall be kept free of obstructions. The Subdivider shall indemnify the City for all costs associated with any removal or repair caused by any obstructions, inclusive of attorney fees and costs for enforcing City's rights under any easement. Each easement will include the Subdivider's duty to maintain the surface of any easement area and keep it clear of any worthless vegetation or nuisance. It is acknowledged by the parties that existing utility easements as noted on the attached Exhibit A, "Easements to be Vacated", will need to be vacated as utilities are replaced. Upon City Council's approval of this Subdivision Agreement, City consents to the vacation of such existing

utility easements and authorizes Subdivider to take all actions necessary to effect the vacation of any existing easements or utilities no longer needed.

11. **Commercial Development Zone.** Lots 1-12 of this Subdivision are within a Commercial Development zone (a planned district as defined in the Grand Island Zoning Ordinance) and subject to a development plan approved with this plat and attached as Exhibit B, "Approved Development Plan." A copy of Exhibit B is also available from the Hall County Planning Department and no development other than that approved in Exhibit B or a subsequent plan as approved in accordance with the then-current Grand Island Zoning Ordinance shall be permitted.

No building or building(s) on lots 1-12 shall be constructed outside of the building envelopes on Exhibit B, provided buildings do not have to encompass all of the building envelope. Required parking may be constructed in the building envelope or within the Property and as approved by the City.

The maximum height for commercial buildings on lots 1, 2 and 4 shall be not more than 40 feet above the center of 13<sup>th</sup> Street at the midpoint of the lot along 13<sup>th</sup> Street. The maximum height for commercial buildings on lots 5, 6, 7, 9, 10, and 11 not more than 80 feet above the center of U.S. Highway 281 at the midpoint of the lot along U.S. Highway 281. The maximum building height for the anticipated five story hotel on lot 12 shall be limited to 80 feet above the surface of the center of Outlot A at the midpoint of lot 12 along Outlot A.

12. **Residential Development Zone.** Lot 13 of this Subdivision is within a Residential Development zone (a planned district as defined in the Grand Island Zoning Ordinance). The maximum building height for the anticipated residential land use on lot 13 shall be limited to 80 feet above the surface of the center of Outlot A at the midpoint of lot 13 along

Outlot A. Development of this lot shall be limited to sitework, grading, and utilities until such time as the developer submits and receives approval for further development of this lot by amending the Residential Development zone.

13. **Controlled Access.** No access to this property shall be permitted from the frontage on U.S. Highway 281 unless otherwise approved by Nebraska Department Of Transportation (NDOT). Access on 13<sup>th</sup> Street and Webb Road shall only be permitted at the accesses approved with the development plan and shall be subject to final design approval by the Director of Public Works.

14. **Overland Drive.** In the event that the portion of Overland Drive north of Outlot A and connecting to State Street (“North Overland Drive”) is proposed to be redeveloped or replatted, the City of Grand Island will require the future Redeveloper to plat North Overland Drive as an outlot for public use in the same manner as Outlot A, and/or dedicate the necessary right of way for a future public street.

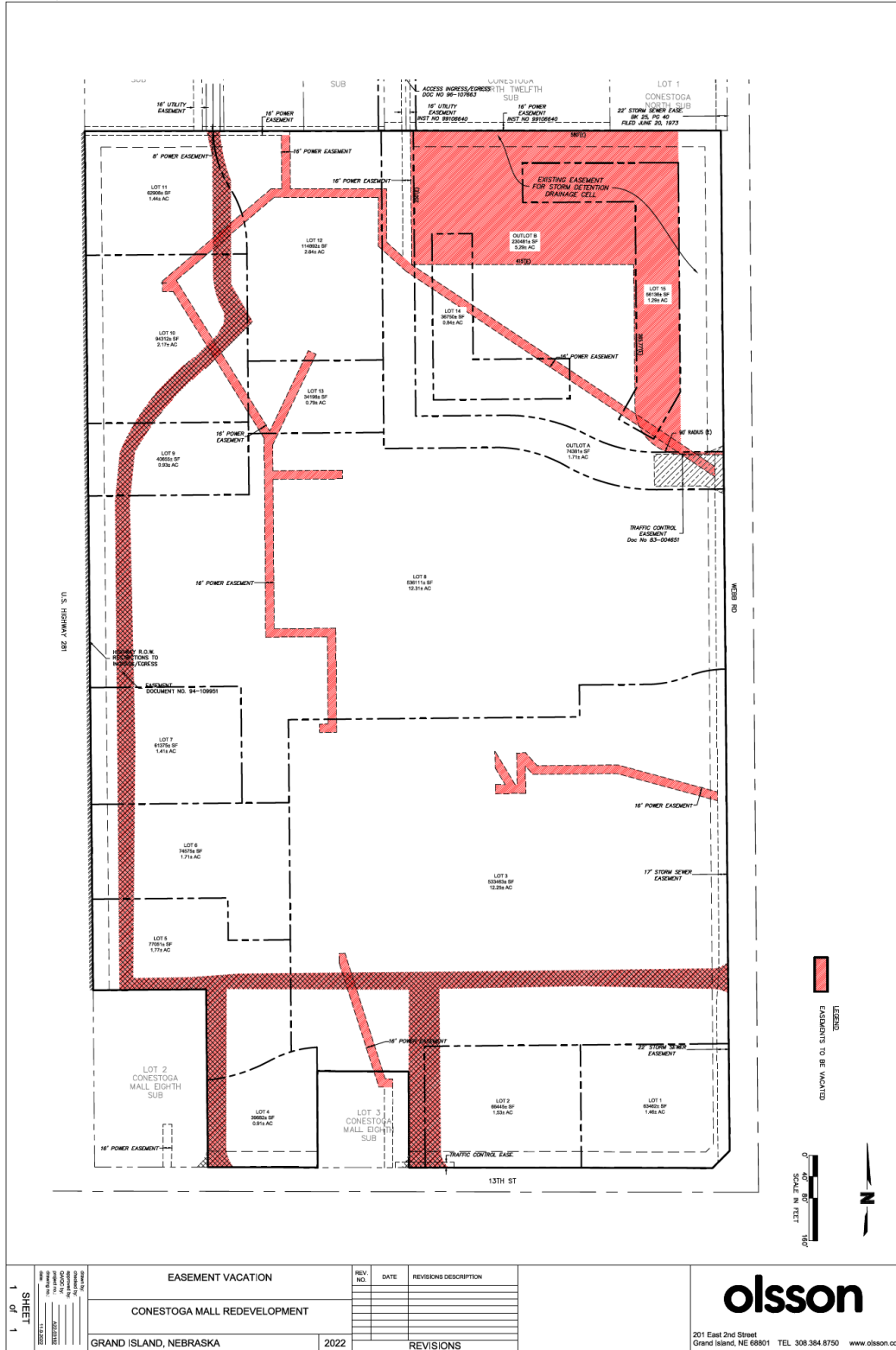
15. **Engineering Data.** All final engineering plans and specifications for public improvements shall bear the signature and seal of a professional engineer registered in the State of Nebraska and shall be furnished by the Subdivider to the Department of Public Works for approval prior to contracting for construction of any improvements. Inspections of improvements under construction shall be performed under the supervision of a professional engineer registered in the State of Nebraska, and upon completion shall be subject to inspection and approval by the Department of Public Works prior to acceptance by the City. An "as built" set of plans and specifications for all utilities, including required test results, bearing the seal and signature of a professional engineer registered in the State of Nebraska shall be filed with the





Exhibit A Easements to be Vacated






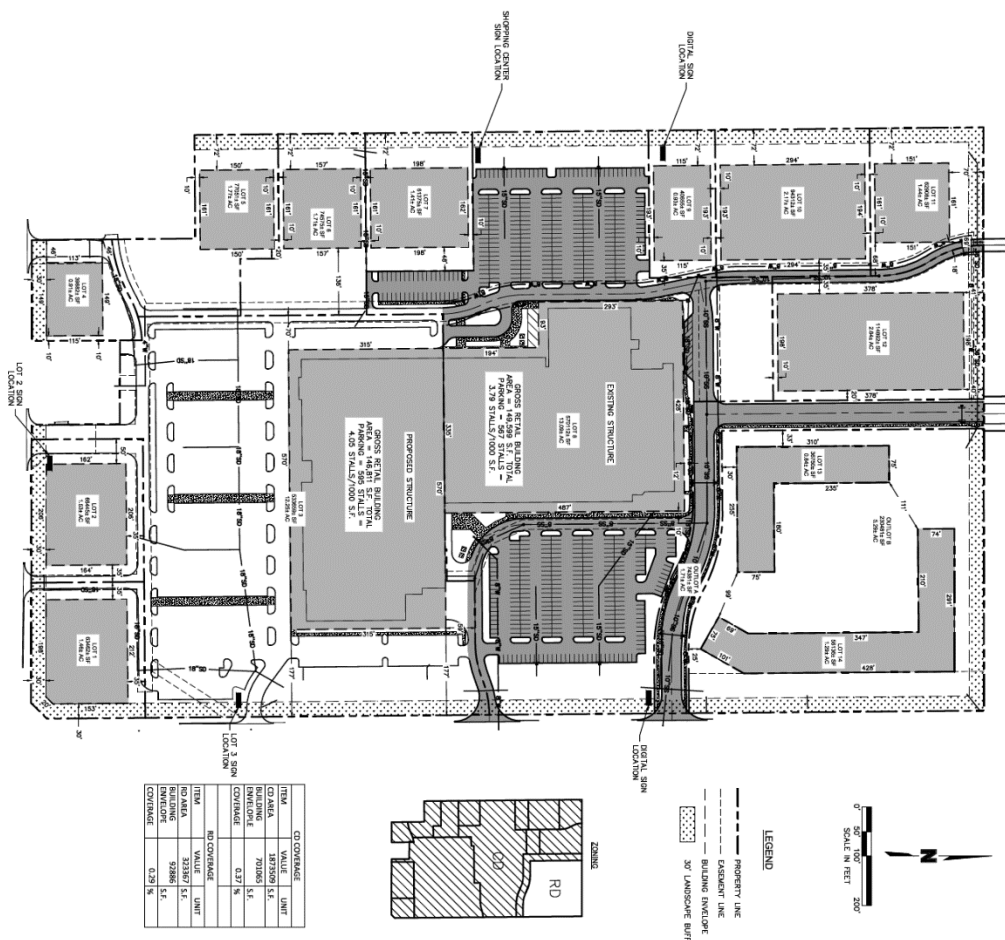
SHEET 1 OF 1	EASEMENT VACATION	REV. NO.	DATE	REVISION DESCRIPTION	 201 East 2nd Street Grand Island, NE 68801 TEL 308.364.8750 www.olsson.com
	CONESTOGA MALL REDEVELOPMENT				
	GRAND ISLAND, NEBRASKA	2022	REVISIONS		

Exhibit B Approved Development Plan

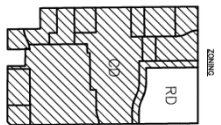
CONESTOGA MALL  
 NINTH SUBDIVISION  
 DEVELOPMENT PLAN  
 NOVEMBER 2022



CD COVERAGE		
ITEM	VALUE	UNIT
CD AREA	387508	S.F.
CD PERCENT	70.00	%
CD COVERAGE	0.27	%

RD COVERAGE		
ITEM	VALUE	UNIT
RD AREA	33387	S.F.
RD PERCENT	6.38	%
RD COVERAGE	0.29	%



**LEGEND**

- PROPERTY LINE
- EXISTING LINE
- BUILDING ENVELOPE
- 30' LANDSCAPE BUFFER

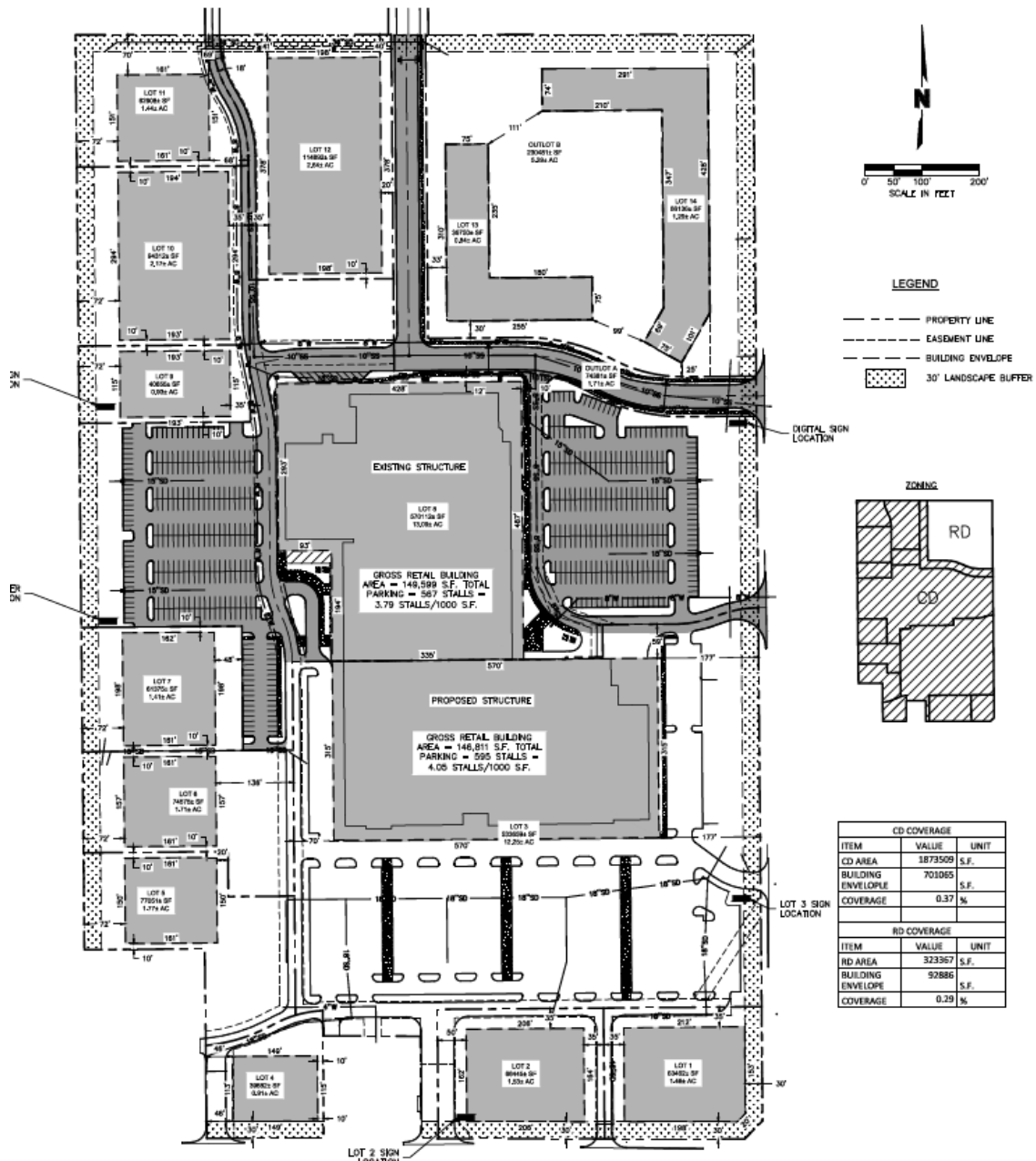
SCALE IN FEET  
 0' 50' 100' 200'

DEVELOPMENT PLANS		REV	DATE	REVISIONS DESCRIPTION
CONESTOGA MALL NINTH SUBDIVISION				
GRAND ISLAND, NEBRASKA			2022	

**olsson**

201 East 2nd Street  
 Grand Island, NE 68801 TEL 308.384.8750 www.olsson.com

Exhibit B Detail



CD COVERAGE		
ITEM	VALUE	UNIT
CD AREA	3873509	S.F.
BUILDING ENVELOPE	701065	S.F.
COVERAGE	0.37	%

RD COVERAGE		
ITEM	VALUE	UNIT
RD AREA	323367	S.F.
BUILDING ENVELOPE	92886	S.F.
COVERAGE	0.29	%

RESOLUTION 2022-336

WHEREAS know all men by these presents, that Woodsonia Hwy. 281, LLC holders of a contract interest to purchase the land described hereon, have caused same to be surveyed, subdivided, platted and designated as "CONESTOGA MALL NINTH SUBDIVISION", A replat of all of Lots 1, 4 and 5, Conestoga Mall Eighth Subdivision, City of Grand Island, Hall County, Nebraska; and

WHEREAS, a copy of the plat of such subdivision has been presented to the Boards of Education of the various school districts in Grand Island, Hall County, Nebraska, as required by Section 19-923, R.R.S. 1943; and

WHEREAS, a form of subdivision agreement has been agreed to between the owner of the property and the City of Grand Island; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the form of subdivision agreement herein before described is hereby approved, and the Mayor is hereby authorized to execute such agreement on behalf of the City of Grand Island.

BE IT FURTHER RESOLVED that the final plat of CONESTOGA MALL NINTH SUBDIVISION, as made out, acknowledged, and certified, is hereby approved by the City Council of the City of Grand Island, Nebraska, and the Mayor is hereby authorized to execute the approval and acceptance of such plat by the City of Grand Island, Nebraska at such time that Woodsonia Hwy. 281, LLC acquires fee simple title to the property described herein; provided title is acquired not later than one year after the date of this Resolution.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, November 22, 2022.

\_\_\_\_\_  
Roger G. Steele, Mayor

Attest:

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

Approved as to Form	☐ _____
November 18, 2022	☐ City Attorney