



# **Hall County Regional Planning Commission**

**Wednesday, March 2, 2022  
Regular Meeting**

## **Item F3**

**Public Hearing - Proposed Rezoning - Doniphan - rezoning of  
portion of E1/2 of Section 1, Township 9 North, Range 10 West of  
the 6th P.m.**

**Staff Contact:**

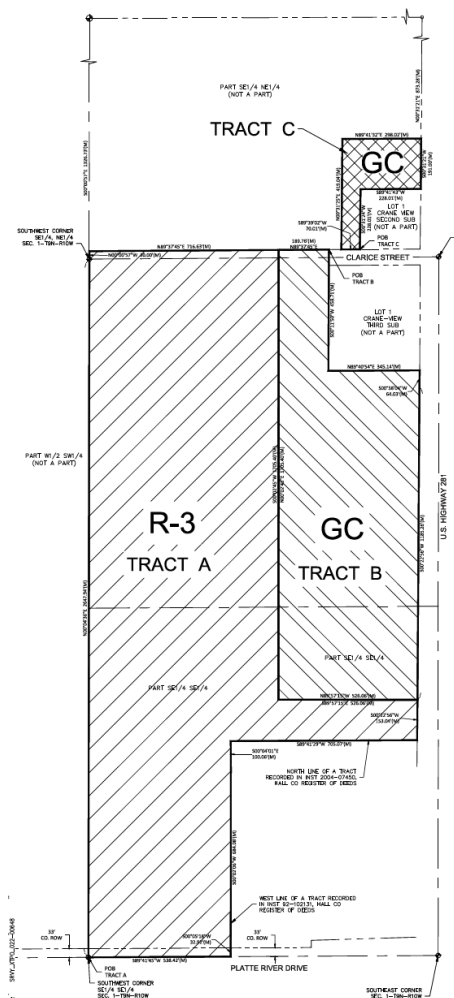
## Agenda Item #6

### PLANNING DIRECTOR RECOMMENDATION TO REGIONAL PLANNING COMMISSION:

February 21, 2022

**SUBJECT:** Concerning change of zoning for property located in part of the Section 1, Township 9, Range 10, North of Clarice Street, and West of U.S. Highway 281, in Doniphan NE The proposed changes include changing property from TA Transitional Agriculture and GC General Commercial to R-3 Multiple Family Residential Zone and from TA Transitional Agriculture and HC Highway Commercial to GC General Commercial. (C-21-22D)

**PROPOSAL:** This change would allow this property mostly south of Clarice Street to be developed for commercial and residential purposes in conjunction with the expansion of the Doniphan waste water treatment system. The owner of the property intends to connect all of the proposed lots to municipal sewer and water. This parcel has been considered for development multiple times over the past 20+ years but the lack of municipal infrastructure, specifically waste water, has been a deterrent.



## OVERVIEW OF PROPERTY WITH REQUEST TO CHANGE TO R3 MULTIPLE FAMILY RESIDENTIAL TRACT A:

### Site Analysis

<i>Current zoning designation:</i>	TA-Transitional Agriculture District GC-General Commercial HC-Highway Commercial
<i>Permitted and conditional uses:</i>	TA - Agricultural uses, recreational uses and very limited residential uses. GC-Retail trade, business, cultural and social activities marketed to the entire community.
<i>Comprehensive Plan Designation:</i>	Designated for light industrial uses with commercial uses immediately to the south.
<i>Existing land uses.</i>	Farm ground
<i>Requested Zoning District</i>	R3- Multiple Family Residential
<i>Permitted and Conditional Uses</i>	R3 – Residential development including duplex and multifamily development as well as other compatible uses including professional offices and banking.

### Adjacent Properties Analysis

<i>Current zoning designations:</i>	<b>North</b> TA Transitional Agriculture <b>South</b> TA Transitional Agriculture <b>West:</b> TA Transitional Agriculture <b>East</b> GC General Commercial and HC Highway Commercial
<i>Permitted and conditional uses:</i>	TA - Agricultural uses, recreational uses and very limited residential uses. HC – Commercial uses that will benefit the community and enhance the highway corridor without negatively impacting the downtown commercial district. GC-Retail trade, business, cultural and social activities marketed to the entire community.
<i>Comprehensive Plan Designation:</i>	<b>North:</b> Designated for Residential and Commercial Development <b>South:</b> Designated for Residential Development. <b>West:</b> Designated for Recreational Uses <b>East:</b> Designated for Commercial Uses
<i>Existing land uses:</i>	<b>North:</b> Farm Ground <b>East:</b> vacant property and U.S. Highway 281, NPPD Offices <b>South:</b> Platte River Drive and Farm Ground <b>West:</b> Farm Ground

## EVALUATION:

### Positive Implications:

- *Consistent with the Village's Comprehensive Land Use Plan:* This change of zone is generally consistent with the comprehensive plan. The future land use map indicates residential development along this section of property and the R3 provides a buffer between the commercial on the east and lower density residential to the west.
- *Village infrastructure Will Be Available:* This property will be capable of being served by the Village of Doniphan as they complete their sewer lagoon expansion. Village water can be extended and streets will be designed and built as directed by the Village and their engineer.
- *Increased opportunity to for residential construction:* Doniphan has been limited in growth for many years by their ability to treat additional sewage. The current expansion project will provide the ability to serve additional residents if the housing is constructed.

### Negative Implications:

- *None foreseen:*

## OVERVIEW OF PROPERTY WITH REQUEST TO CHANGE TO GC GENERAL COMMERCIAL TRACT B:

### Site Analysis

<i>Current zoning designation:</i>	GC General Commercial and HC Highway Commercial
<i>Permitted and conditional uses:</i>	GC-Retail trade, business, cultural and social activities marketed to the entire community. HC – Commercial uses that will benefit the community and enhance the highway corridor without negatively impacting the downtown commercial district.
<i>Comprehensive Plan Designation:</i>	Designated commercial
<i>Existing land uses.</i>	Farm ground
<i>Requested Zoning District</i>	GC General Commercial
<i>Permitted and Conditional Uses</i>	GC-Retail trade, business, cultural and social activities marketed to the entire community.

### Adjacent Properties Analysis

*Current zoning designations:*  
**North** HC-Highway Commercial  
**South** HC-Highway Commercial  
**West:** General Commercial Proposed R3-Multiple Family Residential  
**East** R3-Multiple Family Residential and HC-Highway Commercial



*Permitted and conditional uses:* TA - Agricultural uses, recreational uses and very limited residential uses.  
 GC-Retail trade, business, cultural and social activities marketed to the entire community.  
 R3 – Residential development including duplex and multifamily development as well as other compatible uses including professional offices and banking  
 HC – Commercial uses that will benefit the community and enhance the highway corridor without negatively impacting the downtown commercial district.

*Comprehensive Plan Designation:* **North:** Designated for Commercial uses  
**South:** Designated for Commercial Development.  
**West:** Designated for Residential Development  
**East:** Designated for Commercial Uses

*Existing land uses:* **North:** Ummel's and Dollar General  
**East:** U.S. Highway 281  
**South:** NPPD Offices.  
**West:** Farm Ground

## **EVALUATION:**

### **Positive Implications:**

- *Largely Consistent with the Village's Comprehensive Land Use Plan:* This change of zone is generally consistent with the comprehensive plan.
- *Adjacent to U.S. Highway 281:* This property has good visibility and almost all traffic impacts will occur with the jurisdiction of the State of Nebraska.
- *Existing infrastructure:* This property will be served with extended village infrastructure including street and sewer and water.
- *Increased opportunity to collect sales tax:* The proposed development will increase the availability of commercial space in Doniphan.
- *One Commercial Zoning District for New Development:* this will result in one zoning district with identical uses permitted and regulations for all new lots created with this development making it easier for administer and enforce the zoning regulations.

### **Negative Implications:**

- *None foreseen:*

## **OVERVIEW OF PROPERTY WITH REQUEST TO CHANGE TO GC GENERAL COMMERCIAL TRACT C:**

### **Site Analysis**

*Current zoning designation:* TA-Transitional Agriculture District  
*Permitted and conditional uses:* TA - Agricultural uses, recreational uses and very limited residential uses.  
*Comprehensive Plan Designation:* Designated for light industrial uses with commercial uses immediately to the south.

<i>Existing land uses.</i>	Farm ground
<i>Requested Zoning District</i>	GC General Commercial
<i>Permitted and Conditional Uses</i>	GC-Retail trade, business, cultural and social activities marketed to the entire community.

**Adjacent Properties Analysis**

*Current zoning designations:*

<b>North</b>	TA Transitional Agriculture
<b>South</b>	GC-General Commercial
<b>West:</b>	TA Transitional Agriculture
<b>East</b>	I-1 Light Industrial

*Permitted and conditional uses:*

TA - Agricultural uses, recreational uses and very limited residential uses.  
 GC-Retail trade, business, cultural and social activities marketed to the entire community.  
 I-1 Light Industrial – Limited industrial, wholesale and storage activities.

*Comprehensive Plan Designation:*

**North:** Designated for Industrial uses  
**South:** Designated for Commercial Development.  
**West:** Multifamily Residential Development  
**East:** Designated for Industrial Uses

*Existing land uses:*

**North:** Farm Ground  
**East:** U.S. Highway 28, Doniphan Gun Club  
**South:** Dollar General.  
**West:** Farm Ground

**EVALUATION:**

**Positive Implications:**

- *Consistent with the Village's Comprehensive Land Use Plan:* This change of zone is generally consistent with the comprehensive plan. The future land use map indicates commercial development all around this property.
- *Adjacent to U.S. Highway 281:* This property has good visibility and almost all traffic impacts will occur with the jurisdiction of the State of Nebraska.
- *Existing infrastructure:* This property will be served with extended village infrastructure including street and sewer and water.
- *Increased opportunity to collect sales tax:* The proposed development will increase the availability of commercial space in Doniphan.

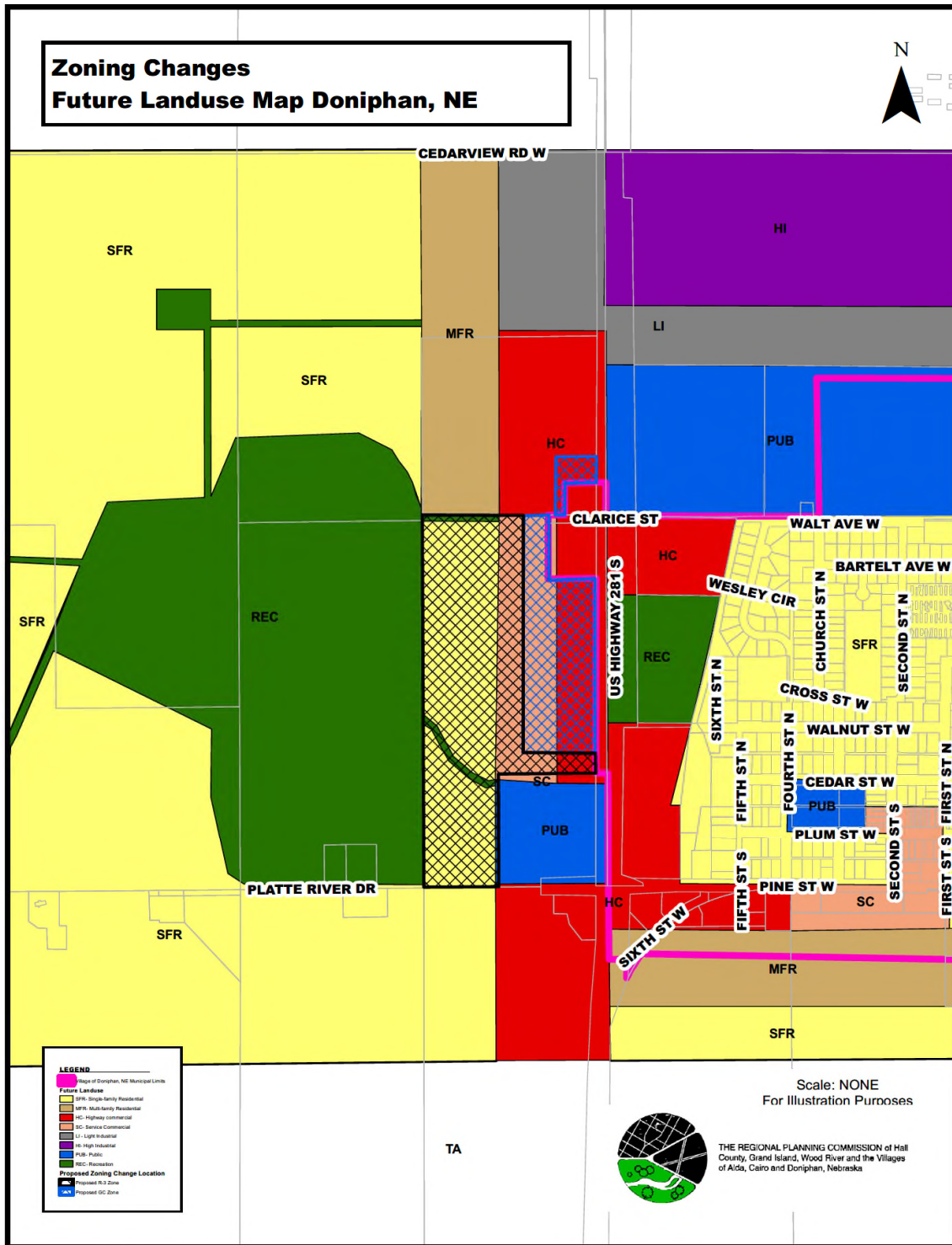
**Negative Implications:**

- *None foreseen:*

**RECOMMENDATION:**

That the Regional Planning Commission recommend that the Village of Doniphan amend the zoning on the subject property parcels A, B and C as requested and pass an ordinance to show these changes on the Official Zoning Map for the Village of Doniphan.

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



DWG: F:\2022\00501-01000\022-00648\40-Design\Survey\SRV\Draw\RZN\_02200648.dwg  
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USER: jimeniez  
SRV\_XTP0\_022-00648  
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PROJECT NO: 2022-00648  
DRAWN BY: JMJ  
Grand Island  
DATE: 2022.02.17

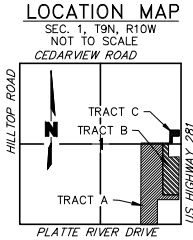
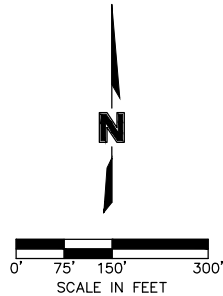
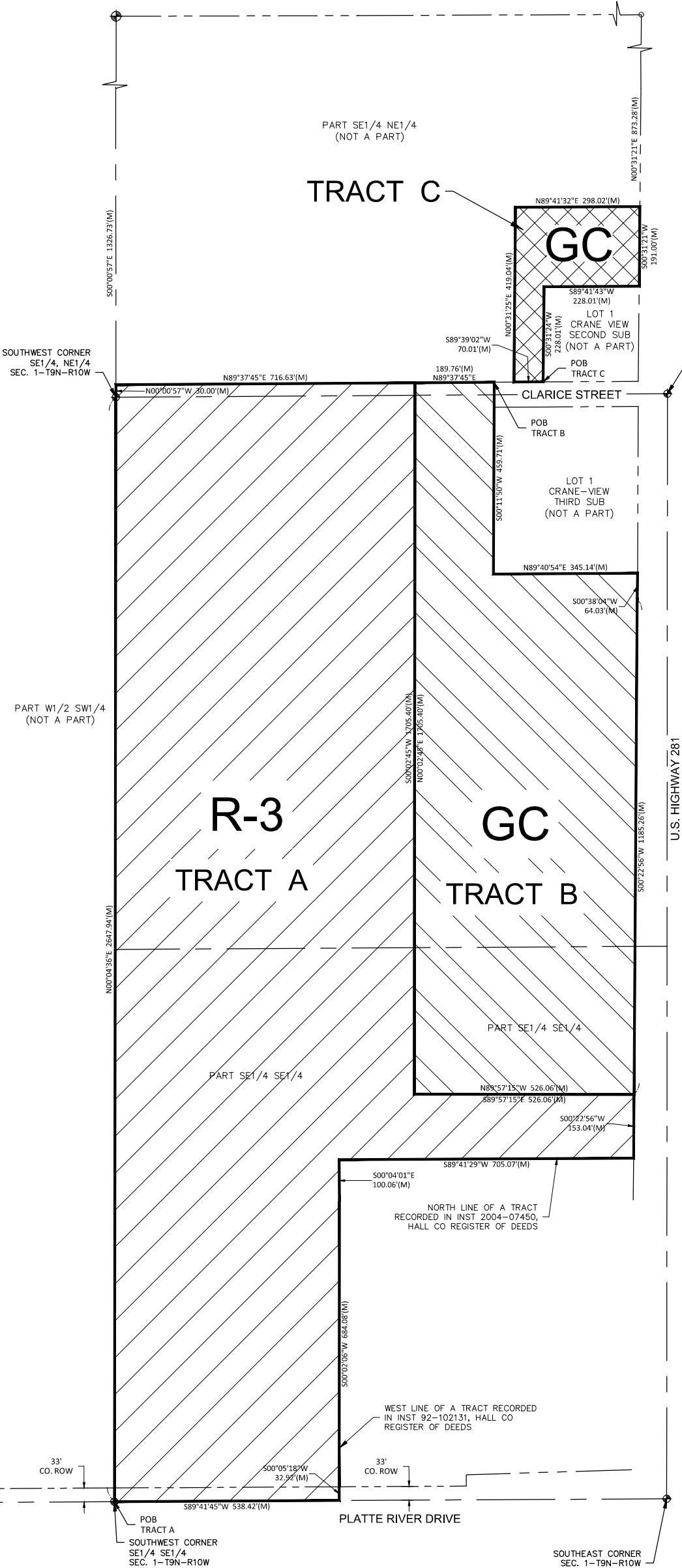
REZONING Regular Meeting - 3/2/2022

oisson

Grand Island, NE 68801  
TEL 308.384.8750

EXHIBIT

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LEGEND

- SECTION CORNER
- FOUND CORNER (3/4" IRON PIPE)
- EXISTING PROPERTY LINE
- ROW LINE
- SECTION LINE
- MEASURED DISTANCE

DESCRIPTION - TRACT A

A TRACT OF LAND CONSISTING OF PART OF THE EAST HALF OF THE SOUTHEAST QUARTER (E1/2,SE1/4) AND PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (SE1/4, NE1/4) OF SECTION ONE (1), TOWNSHIP NINE (9) NORTH, RANGE TEN (10) WEST OF THE 6TH P.M., HALL COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE1/4 SE1/4) OF SECTION 1-T9N-R10W, SAID POINT BEING THE POINT OF BEGINNING; THENCE N00°04'36"E, ALONG THE WEST LINE OF THE E1/2, SE1/4, A DISTANCE OF 2647.94 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (SE1/4 NE1/4) OF SECTION 1-T9N-R10W; THENCE N00°00'57"W, ALONG THE WEST LINE OF SAID SE1/4, NE1/4, A DISTANCE OF 30.00 FEET; THENCE N89°37'45"E A DISTANCE OF 716.63 FEET; THENCE S00°02'45"W A DISTANCE OF 1705.40 FEET; THENCE S89°57'15"E A DISTANCE OF 526.06 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF US HIGHWAY 281; THENCE S00°22'56"W, ALONG SAID WEST RIGHT-OF-WAY LINE OF US HIGHWAY 281, A DISTANCE OF 153.04 FEET TO THE NORTHEAST CORNER OF A TRACT RECORDED IN INST. NO. 2004-07450, HALL CO REGISTER OF DEEDS; THENCE S89°41'29"W, ALONG THE NORTH LINE OF SAID INST. NO. 2004-07450, A DISTANCE OF 705.07 FEET; THENCE S00°04'01"E, ALONG THE WEST LINE OF SAID INST. NO. 2004-07450, A DISTANCE OF 100.06 FEET TO THE NORTHWEST CORNER OF A TRACT RECORDED IN INST. NO. 92-102131, HALL CO REGISTER OF DEEDS; THENCE S00°02'06"W, ALONG THE WEST LINE OF SAID INST. NO. 92-102131, A DISTANCE OF 684.08 FEET; THENCE S00°05'18"W A DISTANCE OF 32.92 FEET TO A POINT ON THE SOUTH LINE OF SAID SE1/4, SE1/4; THENCE S89°41'46"W A DISTANCE OF 538.42 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 1855629.73 SQUARE FEET OR 42.599 ACRES MORE OR LESS.

DESCRIPTION - TRACT B

A TRACT OF LAND CONSISTING OF PART OF THE EAST HALF OF THE SOUTHEAST QUARTER (E1/2,SE1/4) AND PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (SE1/4, NE1/4) OF SECTION ONE (1), TOWNSHIP NINE (9) NORTH, RANGE TEN (10) WEST OF THE 6TH P.M., HALL COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF CRANE-VIEW THIRD SUBDIVISION AND ON THE NORTH RIGHT-OF-WAY LINE OF CLARICE STREET, AND ALSO BEING THE POINT OF BEGINNING; THENCE ON AN ASSUMED BEARING OF S00°11'50"W, ALONG THE WEST LINE OF SAID CRANE-VIEW THIRD SUBDIVISION, A DISTANCE OF 459.71 FEET TO THE SOUTHWEST CORNER OF LOT 1, CRANE-VIEW THIRD SUBDIVISION; THENCE N89°40'54"E, ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 345.14 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF US HIGHWAY 281; THENCE S00°38'04"W, ALONG SAID WEST RIGHT-OF-WAY LINE OF US HIGHWAY 281, A DISTANCE OF 64.03 FEET; THENCE S00°22'56"W, ALONG SAID WEST RIGHT-OF-WAY LINE OF US HIGHWAY 281, A DISTANCE OF 1185.26 FEET; THENCE N89°57'15"W A DISTANCE OF 526.06 FEET; THENCE N00°02'45"E A DISTANCE OF 1705.40 FEET; THENCE N89°37'45"E A DISTANCE OF 189.76 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 747812.84 SQUARE FEET OR 17.167 ACRES MORE OR LESS.

DESCRIPTION - TRACT C

A TRACT OF LAND CONSISTING OF PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (SE1/4, NE1/4) OF SECTION ONE (1), TOWNSHIP NINE (9) NORTH, RANGE TEN (10) WEST OF THE 6TH P.M., HALL COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 1, CRANE VIEW SECOND SUBDIVISION, SAID POINT BEING THE POINT OF BEGINNING; THENCE S89°41'46"W, ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 228.00 FEET; THENCE S00°31'25"W, ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 227.99 FEET TO A POINT OF THE NORTH RIGHT-OF-WAY LINE OF CLARICE STREET AND ALSO BEING THE SOUTHWEST CORNER OF SAID LOT 1; THENCE S89°39'02"W, ALONG SAID NORTH RIGHT-OF-WAY LINE. A DISTANCE OF 70.00 FEET; THENCE N00°31'23"E A DISTANCE OF 419.04 FEET; THENCE N89°41'32"E A DISTANCE OF 298.01 FEET TO THE WEST RIGHT-OF-WAY LINE OF US HIGHWAY 281; THENCE S00°31'21"W, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 191.00 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 72874.31 SQUARE FEET OR 1.673 ACRES MORE OR LESS.

# 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

900.00

(see reverse side)

plus Municipal Fee\*

\$50.00

\*applicable only in Alda, Doniphan, Wood River

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

Applicant Name Elsbury Construction LLC Phone (h) \_\_\_\_\_ (w) 308-390-3282

Applicant Address 2920 W Old Hwy 30, Grand Island NE 68801

Registered Property Owner (if different from applicant) Greg W Robb

Address 327 Amick Ave, Doniphan NE 68832 Phone (h) \_\_\_\_\_ (w) \_\_\_\_\_

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

Property Address none

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

Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision Name \_\_\_\_\_, and/or

All/Part SE  $\frac{1}{4}$  of Section 1 TWP 9 RGE 10 W6PM

## C. Requested Zoning Change:

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

From TA TRANSITIONAL AGRICULTURE ZONE & GC General Commercial Zone to R3 - Multiple-Family Residential Zone

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:

New 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 \_\_\_\_\_ Date \_\_\_\_\_

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 10/23/19

# APPLICATION FOR REZONING OR ZONING ORDINANCE CHANGE

Regional Planning Commission

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☒ Alda, Cairo, Doniphan, Wood River and 1 mile zoning jurisdiction  
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RPC Filing Fee

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plus Municipal Fee\*

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

Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision Name \_\_\_\_\_, and/or

All/Part SE ¼ of Section 1 TWP 9 RGE 10 W6PM

## C. Requested Zoning Change:

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

From TA TRANSITIONAL AGRICULTURE ZONE to GC General Commercial Zone

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:

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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 \_\_\_\_\_ Date \_\_\_\_\_

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Application Deemed Complete by RPC: mo. \_\_\_\_\_ day. \_\_\_\_\_ yr. \_\_\_\_\_ Initial \_\_\_\_\_

RPC form revised 10/23/19