



City of Grand Island

Tuesday, March 14, 2023

Council Session

Item F-1

#9919 - Consideration of Approving Zoning Change for Legacy 34 Third Sub. located W. of Prairie View St and N. of Husker Hwy from CD Commercial Dev & RD Residential Dev to Amended CD Commercial Dev & RD Residential Dev & B2 General Business

This item relates to the aforementioned Public Hearing item E-1.

Staff Contact: Chad Nabity

ORDINANCE NO. 9919

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 RD Residential Development Zone and CD Commercial Development Zone to an amended RD Residential Development Zone, amended CD Commerical Development Zone and B2 General Business 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 March 1, 2023, 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 March 14, 2023, 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:

Approved as to Form	☐ _____
March 10, 2023	☐ City Attorney

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

- A. The proposed changes to the zoning from RD Residential Development Zone and CD Commercial Development Zone to an amended RD Residential Development Zone, amended CD Commercial Development Zone and B2 General Business Zone are each consistent with the Future Land Use Map of the City of Grand Island.
- B. The proposed changes to the zoning from RD Residential Development Zone and CD Commercial Development Zone to an amended RD Residential Development Zone, amended CD Commercial Development Zone and B2 General Business 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 RD Residential Development Zone and/or CD Commercial Development Zone to amended RD Residential Development Zone:

RD RESIDENTIAL DEVELOPMENT ZONE

A TRACT OF LAND LOCATED IN PART OF LEGACY 34 THIRD SUBDIVISION, 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 AND ALSO BEING THE SOUTHWEST CORNER OF LEGACY 34 THIRD SUBDIVISION AND THE POINT OF BEGINNING; THENCE ON AN ASSUMED BEARING OF N00°37'23"W ALONG SAID EAST RIGHT OF WAY LINE OF LEGACY DRIVE, A DISTANCE OF 60.10 FEET; THENCE N89°22'55"E A DISTANCE OF 242.28 FEET; THENCE N00°37'05"W A DISTANCE OF 77.49 FEET; THENCE N30°15'01"E A DISTANCE OF 68.84 FEET; THENCE N00°37'05"W A DISTANCE OF 23.31 FEET; THENCE N89°22'55"E A DISTANCE OF 163.56 FEET; THENCE S00°37'05"E A DISTANCE OF 94.25 FEET; THENCE N89°22'55"E A DISTANCE OF

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116.00 FEET; THENCE N00°37'05"W A DISTANCE OF 94.25 FEET; THENCE N00°37'05"W A DISTANCE OF 80.00 FEET; THENCE S89°23'09"W A DISTANCE OF 163.85 FEET; THENCE N00°37'05"W A DISTANCE OF 70.46 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; THENCE N45°34'52"E A DISTANCE OF 317.00 FEET; THENCE S43°06'57"E A DISTANCE OF 249.68 FEET TO A POINT OF CURVATURE; THENCE AROUND A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF THROUGH 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 POINT OF CURVATURE; THENCE AROUND A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF AN 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 SW1/4, SE1/4, A DISTANCE OF 507.80 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF NYLA STREET; THENCE S89°22'55"W, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 39.20 FEET TO A POINT OF CURVATURE; THENCE AROUND A CURVE IN A CLOCKWISE DIRECTION, ALONG SAID NORTHERLY RIGHT OF WAY LINE, HAVING A DELTA ANGLE OF AN ANGLE OF 38°56'26", HAVING A RADIUS OF 119.00 FEET, AND CHORD BEARING N71°08'52"W A CHORD DISTANCE OF 79.33 FEET; THENCE S57°01'03"W A DISTANCE OF 122.95 FEET TO A POINT OF CURVATURE; THENCE AROUND A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 13°58'09", HAVING A RADIUS OF 195.12 FEET, AND CHORD BEARING S64°17'16"W A CHORD DISTANCE OF 47.46 FEET; THENCE S89°22'55"W A DISTANCE OF 242.39 FEET; THENCE S00°37'05"E A DISTANCE OF 229.00 FEET; THENCE S89°22'55"W A DISTANCE OF 610.20 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 513794.82 SQUARE FEET OR 11.795 ACRES MORE OR LESS.

SECTION 3. The following tract of land is hereby rezoned and reclassified and changed from RD Residential Development Zone and/or CD Commercial Development Zone to amended CD Commercial Development Zone:

CD COMMERCIAL DEVELOPMENT ZONE:

A TRACT OF LAND LOCATED IN PART OF LEGACY 34 THIRD SUBDIVISION, 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 AND ALSO BEING THE SOUTHWEST CORNER OF LEGACY 34 THIRD SUBDIVISION; THENCE ON AN ASSUMED BEARING OF N00°37'23"W ALONG SAID EAST RIGHT OF WAY LINE OF LEGACY DRIVE, A DISTANCE OF 60.10 FEET TO THE POINT OF BEGINNING; THENCE N00°37'05"W ALONG SAID EAST RIGHT OF WAY

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LINE, A DISTANCE OF 105.90 FEET TO A POINT OF CURVATURE; THENCE AROUND A CURVE IN A COUNTER CLOCKWISE DIRECTION, ALONG SAID EAST RIGHT OF WAY LINE OF LEGACY DRIVE, HAVING A DELTA ANGLE OF 35°19'00", HAVING A RADIUS OF 595.00 FEET, AND CHORD BEARING N18°16'35"W A DISTANCE OF 360.98 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°37'05"E A DISTANCE OF 70.46 FEET; THENCE N 89°22'55" E A DISTANCE OF 163.85 FEET; THENCE S00°37'04.6"E A DISTANCE OF 174.25 FEET; THENCE S89°22'55.4"W A DISTANCE OF 116.00 FEET; THENCE N00°37'04.6"W A DISTANCE OF 94.25 FEET; THENCE S89°22'55.4"W A DISTANCE OF 163.56 FEET; THENCE S00°37'04.6"E A DISTANCE OF 23.31 FEET; THENCE S30°15'01.2"W A DISTANCE OF 68.84 FEET; THENCE S00°37'04.6"E A DISTANCE OF 77.49 FEET; THENCE S89°22'55.4"W A DISTANCE OF 242.28 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 233568.99 SQUARE FEET OR 5.362 ACRES MORE OR LESS.

SECTION 4. The following tract of land is hereby rezoned and reclassified and changed from RD Residential Development Zone and/or CD Commercial Development Zone to B2 General Business Zone:

A TRACT OF LAND LOCATED IN PART OF LEGACY 34 THIRD SUBDIVISION, 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 AND ALSO BEING THE SOUTHWEST CORNER OF LEGACY 34 THIRD SUBDIVISION; THENCE S89°22'55"W, ALONG SAID NORTH RIGHT OF WAY LINE OF HUSKER HIGHWAY A DISTANCE OF 610.20 FEET TO THE POINT OF BEGINNING; THENCE N00°37'05"W A DISTANCE OF 229.00 FEET; THENCE N89°22'55"E A DISTANCE OF 242.39 FEET TO A POINT OF CURVATURE; THENCE AROUND A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 14°32'25", HAVING A RADIUS OF 187.50 FEET, AND CHORD BEARING N64°17'16"E A CHORD DISTANCE OF 47.4551 FEET; THENCE N57°01'03"E A DISTANCE OF 122.95 FEET TO A POINT OF CURVATURE; THENCE AROUND A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 38°56'25", HAVING A RADIUS OF 119.0000 FEET, AND CHORD BEARING S71°08'52"E A CHORD DISTANCE OF 79.33 FEET; THENCE N89°22'55"E A DISTANCE OF 39.20 FEET; THENCE S00°28'30"E A DISTANCE OF 195.27 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, HAVING A DELTA ANGLE OF 56°18'24", HAVING A RADIUS OF 60.00 FEET, AND CHORD BEARING S39°56'52"W A CHORD DISTANCE OF 56.62 FEET TO A POINT OF CURVATURE; THENCE AROUND A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 09°04'21", HAVING A RADIUS OF 225.00 FEET, AND CHORD BEARING S72°38'11"W A CHORD DISTANCE OF 35.59 FEET; THENCE S89°22'55"W A

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DISTANCE OF 423.03 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 126746.66 SQUARE FEET OR 2.910 ACRES MORE OR LESS.

SECTION 5. That the proposed development plan for the above described real estate, as shown on the plan submitted with the rezoning request is approved.

SECTION 6. 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 7. 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: March 14, 2023.

Roger G. Steele, Mayor

Attest:

Jill Granere, Deputy City Clerk