



# City of Grand Island

Tuesday, August 09, 2005

Council Session

## Item E4

**Public Hearing on Change to Development Agreement for Via  
Milano Subdivision Relative to Distance Between Buildings on  
Adjacent Lots and Infringements into the Easements and Outlots**

Staff Contact: Chad Nabity

# Council Agenda Memo

**From:** Regional Planning Commission  
**Meeting:** August 9, 2005  
**Subject:** Change to Development agreement for Via Milano  
**Item #'s:** E-4 & G-5  
**Presenter(s):** Chad Nabity AICP, Regional Planning Director

## Background

Amendment to the Subdivision Agreement for the Via Milano Residential Development zone located South of Capital Avenue, and West of Hancock Avenue.

## Discussion

As construction started in this subdivision the Grand Island Building Department brought up some issues with the conditions of development as they were approved. The attached amendments are designed to clarify the rights and responsibilities of all parties with respect to this development.

This will not allow any additional or different types of development on this property.

## Alternatives

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

1. Approve the amendment to the Subdivision Agreement as presented
2. Modify the amendment to the Subdivision Agreement to meet the wishes of the Council
3. Table the issue

## Recommendation

A motion was made by Ruge 2<sup>nd</sup> by Miller to approve and recommend that the City of Grand Island **approve** this modification to the Development Agreement and as presented.

A roll call vote was taken and the motion passed with 8 members present (Haskins, Reynolds, O'Neill, Miller, Eriksen, Ruge, Hayes, Wagoner) voting in favor, and 1 member abstaining (Amick).

## Sample Motion

Approve the amendment to the Subdivision Agreement as Submitted.

## Proposed Amendments to Via Milano Subdivision Agreement

9. **Design and Construction.** No building shall be constructed within the Subdivision except within the Building Envelope Areas as defined on the Development Plan (Exhibit "A"). The subdivider shall be granted a license agreement by the City of Grand Island to allow eaves from structures to cross into a utility easement up to 1 foot if such easement is on the same lot as the building. No buildings on adjoining lots shall be built closer than 10 feet from one another regardless of distance from the lot line. The buildings to be constructed (typical elevations shown on Exhibit "C" attached hereto and incorporated herein by this reference) shall be designed so that the exterior of such building shall be architecturally and aesthetically compatible in material and color. The design and construction shall be in conformity with sound architectural and engineering standards. No portion of any building constructed (including architectural features) shall exceed a height of 35 feet above the center of the intersection of Capital Avenue and Hancock Avenue.

10. **Outlot A.** Uses on Outlot A shall be limited to drainage, utilities, landscaping and paved driving surfaces, pedestrian walkways and patios as identified in the Development Plan. Patios shall be screened with a six (6) foot high privacy fence if they reduce the landscaped area of Outlot A to less than thirty (30) feet from an adjoining property line on the exterior of this subdivision. Eaves from adjoining buildings may extend no more than 2 feet into Outlot A.



Proposed  
Via Milano Sub.

Capital Ave W

Cottage St

St. James Pl

Via Trivoli

Forrest St

Sheridan Ave

Sherman Blvd

Rue De College

Chamilly St

Prospect St

College St

# LOCATION MAP

