



Hall County Regional Planning Commission

Wednesday, April 1, 2015
Regular Meeting

Item F3

Text Amendment

Staff Contact: Chad Nabity

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 \$800

(see reverse side)

plus Municipal Fee* \$50.00

*applicable only in Alda, Doniphan, Wood River

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

Applicant Name Freightcar Rail Services, L.L.C. Phone (h) _____ (w) 312-928-0045

Applicant Address 1209 South Alda Road, Grand Island, Nebraska 68803

Registered Property Owner (if different from applicant) Grand Island Area Economic Development Corporation

Address 123 N. Locust Street, Suite 201B, Grand Island, Nebraska 68802

Phone (h) _____ (w) 308-381-7500

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

Property Address See attached Exhibit "A"

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

Lot _____ Block _____ Subdivision Name _____, and/or

All/part _____ ¼ of Section _____ Twp _____ Rge _____ W6PM

C. Requested Zoning Change:

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

From _____ to _____

2. Amendment to Specific Section/Text of Zoning Ordinance (yes ☒) (no ☐)
(describe nature of requested change to text of Zoning Ordinance)

See attached Exhibit "A"

D. Reasons in Support of Requested Rezoning or Zoning Ordinance Change:

See attached Exhibit "A"

NOTE: This application shall not be deemed complete unless the following is provided:

- Evidence that proper filing fee has been submitted.
- ~~A properly scaled map of the property to be rezoned (if applicable), and copy of deed description. Not Rezoning~~
- ~~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). Not Rezoning~~
- 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 Brandon S. Connick
Brandon S. Connick, Attorney for Applicant

Date 3/10/15

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 4/30/07

EXHIBIT "A"

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

Applicant seeks amendment to text of zoning ordinance only, but the real estate subject to the zoning ordinance proposed to be amended is generally described as an eighty foot wide strip of land surrounding certain railroad track running through the Cornhusker Army Ammunition Plant upon real estate legally described on the attached Exhibit "B" and depicted on the attached Exhibit "C", both of which are incorporated herein and made a part hereof by this reference, together with all improvements situated thereon and appurtenances thereto (the "Subject Real Estate").

C. Requested Zoning Change:

2. Amendment to Specific Section/Text of Zoning Ordinance:

Amend Section 4.07.06 Area and Intensity Regulations as follows:

Section 4.07.06 in its current form is attached hereto as Exhibit "D"

Amend the table to add additional row for Railroad Uses reducing the minimum lot width to 80 feet:

| Uses | Minimum Setbacks | | | | | | Max. Ground Coverage | Max. Building Height (feet) |
|-----------------------|--------------------------|-----------------------|-------------------|------------------|------------------|-------------------------|----------------------|-----------------------------|
| | Min. Parcel Area (acres) | Min. Lot Width (feet) | Front Yard (feet) | Rear Yard (feet) | Side Yard (feet) | Street Side Yard (feet) | | |
| Agricultural Uses | 20 | 100 | 35 | - | - | - | 65% | - |
| Non Agricultural Uses | 1 | 100 | 35 | - | - | - | 65% | - |
| Railroad Uses | 1 | 80 | 35 | - | - | - | 65% | - |

D. Reasons in Support of Requesting Rezoning or Zoning Ordinance Change:

Freightcar Rail Services, L.L.C. ("Applicant") is purchasing the Subject Real Estate from the Grand Island Area Economic Development Corporation ("Owner") which is currently zoned as Special Agricultural / Industrial Zone ("AG-SI"). Section 4.07 of the Hall County Zoning Regulations applies to real estate zoned as AG-SI. Applicant also seeks approval of a proposed subdivision in order to sever the Subject Real Estate from the surrounding real estate. Applicant intends to use the Subject Real Estate and the railroad track located upon it to store railcars, repair railcars, and clean railcars. Applicant's intended uses of the Subject Real Estate fall within the Permitted Principal Uses for AG-SI zones under the Zoning Matrix. However, the Subject Real Estate will not satisfy the minimum lot width requirement of 100 feet for AG-SI zones, as the Subject Real Estate is 80 feet wide. Applicant is unable to purchase the Subject Real Estate at an increased width of 100 feet to satisfy the existing minimum lot width requirement. Accordingly, Applicant proposes the amendment to Section 4.07.06 to reduce the minimum lot width from 100 feet to 80 feet for Railroad Uses. The proposed amendment is limited in scope to railroad uses only and will leave all other permitted uses, both agricultural and nonagricultural, unchanged. Furthermore, the proposed amendment is necessary to permit Applicant to consummate the purchase of the Subject Real Estate and use the same as intended.

4415-2/512605

Section 4.07: AG-SI-Special Agriculture/Industrial Zone

4.07.01 Intent

This special use district is to allow for agricultural uses as well as manufacturing, processing, fabrication, research, warehousing, storage and wholesaling facilities in accordance with the Cornhusker Army Ammunition Plant (CAAP) Comprehensive Reuse Plan. Ranch and farm dwellings are not allowed due to the Environmental Protection Agency issues with the CAAP site.

4.07.02 Permitted Principal Uses

The following principal uses are permitted in the Secondary Agriculture AG-SI District.

1. Agricultural uses excluding feed lots and the commercial feeding of livestock.
2. Raising of field crop and horticulture.
3. Manufacturing, processing, fabrication, research, warehousing, storage, and wholesaling facilities.
4. Pedestrian and equestrian trails and associated low impact recreational uses, when consistent with the CAAP Comprehensive Land Use Plan.
5. Groundwater treatment facilities, contamination soil remediation facilities.
6. All other Permitted Principal Uses indicated as Permitted within the Zoning Matrix.

4.07.03 Conditional Uses

The following uses are subject to any conditions listed in this Resolution and are subject to conditions relating to the placement of said use on a specific tract of ground in the AG-SI District.

1. Industrial uses with more significant health and safety concerns: wrecking, scrap or garbage. disposal/recycling yard; explosives manufacture or storage; chemical, acid, or petroleum refining or storage; meat packing plants; milling and smelting of ores.
2. Utility substations, communication towers.
3. Flood control facilities/improvements.
4. Stock yards, feed yards and accessory uses provided the use can meet the separation distances found in Table 1 in the A-1 District.
5. All other Conditional Uses indicated as Conditional within the Zoning Matrix.

4.07.04 Permitted Accessory Uses

1. Other buildings or uses accessory to a permitted use or conditional use.

4.07.05 Prohibited Uses

1. Farm dwellings.
2. Any use not specifically listed as a permitted principal use, conditional or permitted accessory use.

4.07.06 Area and Intensity Regulations

In the AG-SI District, the height of buildings, the minimum dimensions of lots and yards permitted on any lot or tract, shall be as follows:

| Uses | Min. Parcel Area (acres) | Min. Lot Width (feet) | Minimum Setbacks | | | | Max. Ground Coverage | Max. Building Height (feet) |
|-----------------------|--------------------------|-----------------------|-------------------|------------------|------------------|-------------------------|----------------------|-----------------------------|
| | | | Front Yard (feet) | Rear Yard (feet) | Side Yard (feet) | Street Side Yard (feet) | | |
| Agricultural Uses | 20 | 100 | 35 | - | - | - | 65% | - |
| Non Agricultural Uses | 1 | 100 | 35 | - | - | - | 65% | - |
| Rail Road Uses | 1 | 80 | 35 | | | | 20% | |

4.07.07 Miscellaneous Provisions

1. Supplementary district regulations shall be complied with as required herein.