



City of Grand Island

Tuesday, December 15, 2009

Council Session

Item E6

**Public Hearing on Amending the Commercial Development Zone
for Land Located at 2210 North Webb Road**

Staff Contact: Chad Nabity

Council Agenda Memo

From: Regional Planning Commission

Meeting: December 15, 2009

Subject: Rezoning – Development Plan Amendment 2210 N Webb Rd., Grand Island

Item #'s: E-6 & F-1

Presenter(s): Chad Nabity, Regional Planning Director

Background

This property is located west of Webb Road and north of College Street, the owners of Lot One (1) Grand Island Mall 15th Subdivision is requesting an amendment to the development plan approved on June 24, 2008, by the Grand Island City Council. The proposed changes include allowing property access from Webb Road and relocating the proposed building on the site.

Discussion

The proposed amendment to the development plan for Grand Island Mall and property located at 2210 N Webb Road was considered by the Regional Planning Commission at the December 2, 2009 meeting. Nabity stated this plan was approved in June of 2008 along with the Grand Island Mall Fifteenth Subdivision. The developers are requesting changes to the development agreement to allow access to this lot from Webb Road. The plan approved in June of 2008 prohibited access to this property from Webb Road as the intent was to enter the property from the Shopko driveway (College Street extended). It was discovered as they began to prepare to build on the lot that there are covenants between the Grand Island Mall and Shopko prohibiting such a cut in the private owned drive. The new cut on Webb Road would be approximately 160 feet from the College Street intersection.

Steve Riehle, director of Public Works noted there is a semi raised median, this would mean north bound Webb Rd. and traffic would have to cross over this semi-raised median to enter into the drive of this property. Riehle stated this curb cut would have little impact on Webb Road traffic.

Kelly Rafferty briefly spoke for the rezone amendment, he stated they are currently land locked, this would be a drive that would allow through stacking and not cause a lot of congestion for Webb Road, he also stated people are creatures of habit and drivers would chose the easiest route into the parking lot. There was more discussion about raising the median to force north bound traffic to use a different drive and if the current curb cut would be needed with two other access routes.

A motion was made by Haskins and seconded by Amick to approve development plan amendment as presented. A roll call vote was taken and the motion passed with 8 members present (Amick, Ruge, Hayes, Reynolds, Monter, Haskins, Bredthauer, and Snodgrass) voting in favor and 2 members voting against (O'Neill and Eriksen).

Alternatives

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

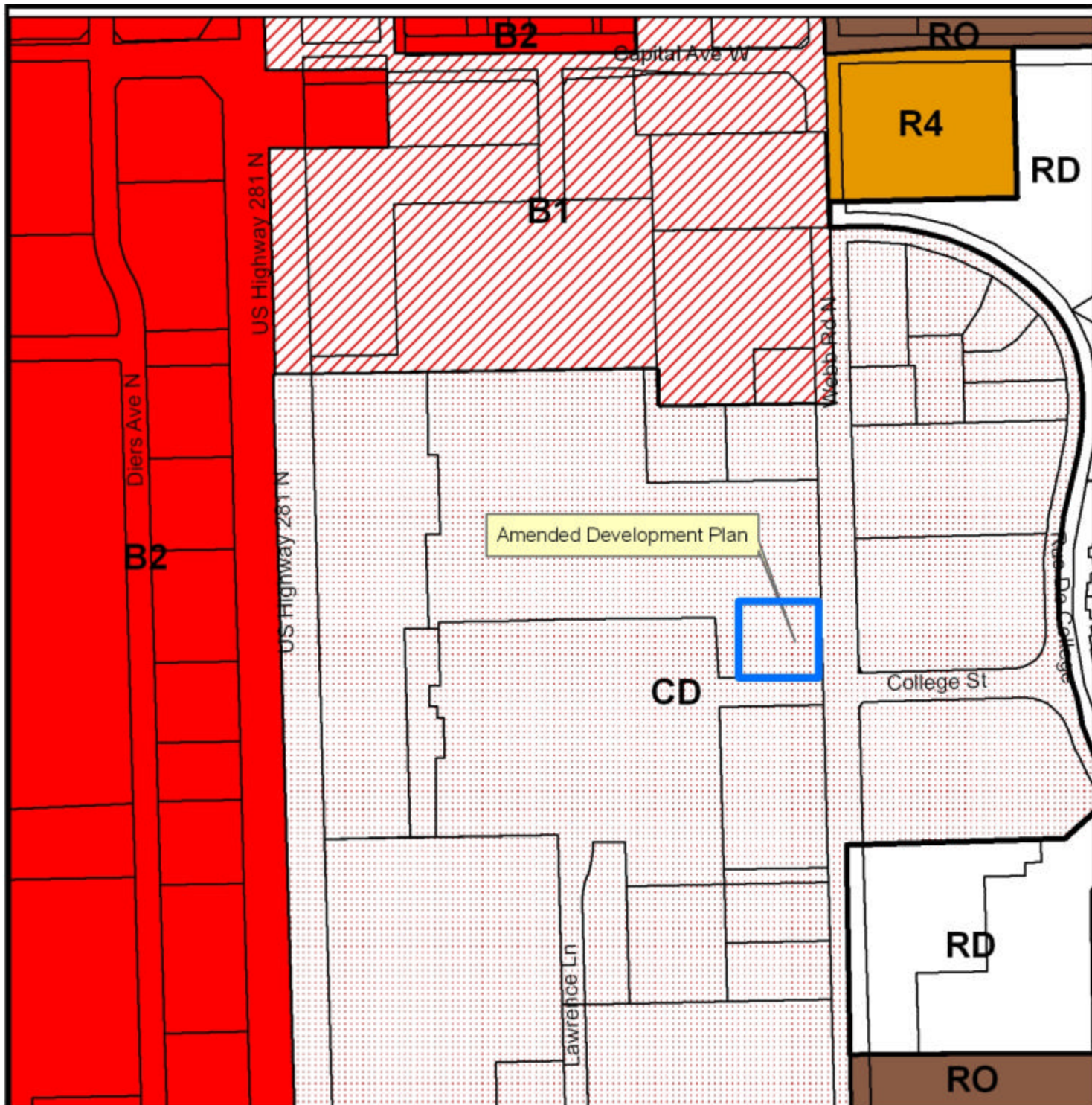
1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

City Administration recommends that the Council approve the amended rezone as presented.

Sample Motion

Move to approve as recommended.



Requested Zoning

The owners of Lot 1 of Grand Island Mall 15th Subdivision are requesting an amendment to the development plan approved on June 24, 2008 by the Grand Island City Council. The proposed changes include allowing property access from Webb Road and relocating the proposed building on the site.

Scale : NONE
C-02-2010GI



The Verticality Institute, a division of the
County, State, and Federal Governments of the
United States, Canada, and the United Kingdom.

Agenda Item #4

PLANNING DIRECTOR RECOMMENDATION TO REGIONAL PLANNING COMMISSION:

November 17, 2009

SUBJECT: *A proposed amendment to the approved development plan for Lot 1 of the Grand Island Mall Fifteenth Subdivision, located South of Capital Avenue, and West of Webb Road, (Hearing, Discussion, Action) (C-02-2010GI)*

PROPOSAL: This proposed development would amend the plan for Lot 1 of Grand Island Mall 15th Subdivision. No new lots will be created. The proposed building will be realigned to an east west configuration and a new driveway from Webb Road is being considered. A copy of the requested changes is attached.

OVERVIEW:

Site Analysis

Current zoning designation:

CD-Commercial Development Zone no building envelope defined for this site.

Permitted and conditional uses:

Commercial office and retail uses

Comprehensive Plan Designation:

Commercial development

Existing land uses.

Vacant

Adjacent Properties Analysis

Current zoning designations:

North, South, East and West, CD Commercial Development Zone

Permitted and conditional uses:

CD – Commercial office and retail uses.

Comprehensive Plan Designation:

North, South, East and West: Designated for commercial development and uses.

Existing land uses:

North: Burger King

East: Strip Commercial

West: Shopko

South: Strip Commercial

EVALUATION:

Positive Implications:

- *Consistent with the City's Comprehensive Land Use Plan:* The subject property is designated for commercial development.
- *Is infill development.* This development is using property that is within the existing functional and legal boundaries of the City of Grand Island.
- *Accessible to Existing Municipal Infrastructure:* Water and sewer services are available to service the area. Water is available either in Webb Road from the public main or from the private main supplying the Grand Island Mall either source is acceptable to the city. Sewer is adjacent to the property.
- *Monetary Benefit to Applicant:* Would allow the applicant to develop and sell this property.

Negative Implications:

- *None foreseen*

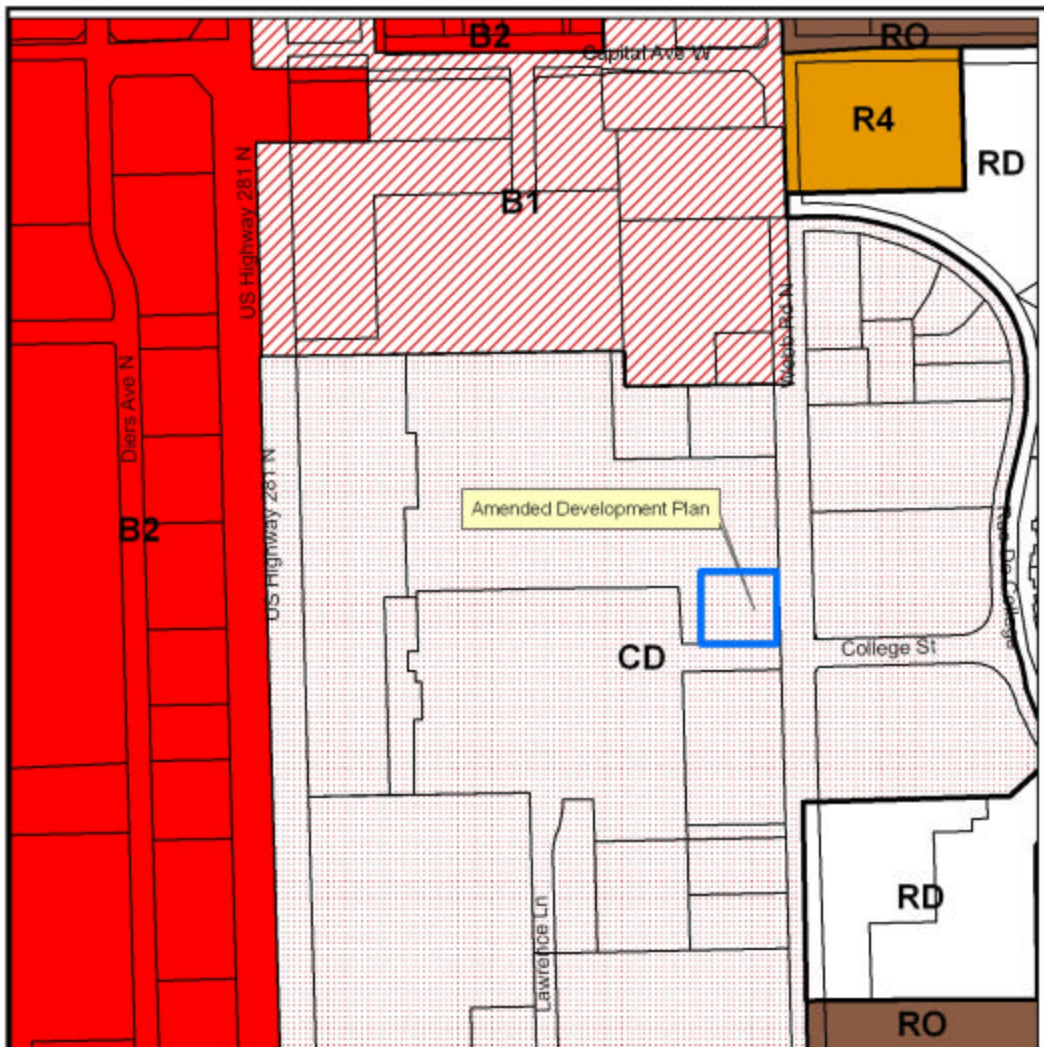
Other Considerations

Commercial development zones allow up to 30% of the property within the CD zone to be covered with buildings. This will not exceed the coverage limitations. The Grand Island Public Works Department has reviewed and approved the driveway plans as proposed.

RECOMMENDATION:

That the Regional Planning Commission recommend that the Grand Island City Council approve the amended CD zone and development plan for Lot 1 of Grand Island Mall 15th Subdivision.

_____ Chad Nabity AICP, Planning Director



Requested Zoning

The owners of Lot 1 of Grand Island Mall 15th Subdivision are requesting an amendment to the development plan approved on June 24, 2008 by the Grand Island City Council. The proposed changes include allowing property access from Webb Road and relocating the proposed building on the site.

Scale : NONE
C-02-2010GI



THE GRAND ISLAND CITY COUNCIL
2008-2010
2008-2010

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
(see reverse side)

500.00

plus Municipal Fee*

\$50.00

*applies only in Alda, Doniphan, Wood River

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

Applicant Name Ed Wilgen Phone (h) 304-440-1618 (w)

Applicant Address ~~2210 Webb Rd. N.~~ 530 E 47th St. Kearney, Mo 68847

Registered Property Owner (if different from applicant) James J & Barbara A Wilgen

Address PO Box 1835 Kearney, Mo 68847 Phone (h) _____ (w) _____

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

Property Address 2210 Webb Rd. N.

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

Lot 1 Block _____ Subdivision Name Grand Island Mall Fiftteenth and/or

Allpart _____ 1/4 of Section _____ Two _____ 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)

Change Subdivision Agreement

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

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.
- 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).
- Acknowledgement that the undersigned is/are the owner(s), or person authorized by the owner(s) of record file of any property which is requested to be rezoned.

*A public hearing will be held for this request

Signature of Owner or Authorized Person [Signature] Date 11/2/2009

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 City Clerk's Office).

Application Deemed Complete by RPC: mo. _____ day _____ yr. _____ initial _____

RPC form revised 4/30/07

ENTERED AS INSTRUMENT NO.

0200806553

STATE OF NEBRASKA)
COUNTY OF HALL) SS

2008 JUL 31 AM 8 38

Kathy Howard
REG. OF DEEDS

CASH 31.00
CHECK _____

REFUNDS:
CASH _____
CHECK _____

Return to:
Randy Edwards
City Clerk
100 First Street
Grand Island NE 68801

* This Space Reserved for Register of Deeds *

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SUBDIVISION AGREEMENT

GRAND ISLAND MALL FIFTEENTH SUBDIVISION

(Lots 1 and 2)

In the City of Grand Island, Nebraska

James & Barbara Wilgren

The undersigned, ~~Grand Island Mall, LTD, a Nebraska Limited Partnership,~~
hereinafter called the Subdivider, as owner of a tract of land comprising all of Lot One (1) Grand
Island Mall Eighth Subdivision, in the City of Grand Island, Hall County, Nebraska, desires to have
subdivided as a subdivision the foregoing tract of land located within the corporate limits of the City
of Grand Island, Nebraska, and hereby submits to the City Council of such City for acceptance as
provided by law an accurate map and plat of such proposed subdivision, to be known as GRAND
ISLAND MALL FIFTEENTH 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

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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 GRAND ISLAND MALL FIFTEENTH SUBDIVISION, the Subdivider hereby consents and agrees with the City of Grand Island, Nebraska, that it will install or provide at its expense the following improvements:

1. **Water.** Public water is available to the subdivision and the Subdivider agrees to extend, connect and provide water service to all lots in the subdivision in accordance with plans and specifications approved by the Director of Public Works, and subject to the City's inspection. This lot may tap into the water line on Webb Road provided a public easement is provided to the City for the connection. As an alternative, the Subdivider may tap into the Grand Island Mall private water system through agreements with the Grand Island Mall.

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

3. **Storm Drainage.** The Subdivider agrees to grade all lots in the subdivision in conjunction with the development proposed thereon 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.

4. **Sidewalks.** The Subdivider shall install all public sidewalks as 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.

5. **Flood Plain.** Since the subdivision is within a delineated flood plain, all structures constructed shall have the lowest floor elevation to a minimum of one foot above the elevation of the 100-year flood as determined by the building permit received by the Subdivider or successors from the Building Department under the provisions of Section 2-1506.06, R.R.S. 1943. No basement shall be constructed in connection with any structure in the flood plain unless such basement is floodproofed and certified as such by a qualified engineer or architect.

6. **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.

7. **Engineering Data.** All final engineering plans and specifications for public improvements shall bear the signature and seal of a registered professional engineer 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 registered engineer and upon completion shall be subject to inspection and approval by the Department of Public Works prior to acceptance by the City of Grand Island. An "as built" set of plans and specifications including required test results bearing the seal and signature of a registered professional engineer shall be filed with the Director of Public Works by the Subdivider prior to acceptance of these improvements by the City.

8. **Warranty.** The undersigned owner, as Subdivider, warrants that it is the owner in fee simple of the land described and proposed to be known as GRAND ISLAND FIFTEENTH SUBDIVISION, and that an abstract of title will be submitted for examination, if necessary, upon request of the City of Grand Island.

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9. **Commercial Development Zone.** This subdivision is within a designated Commercial Development Zone and shall be regulated in accordance with Chapter 36 of the Grand Island City Code. A Development Plan as shown on the final plat and incorporated herein by reference is hereby approved for such Subdivision. Any amendments to such Development Plan shall be approved by the City of Grand Island in accordance with the Grand Island City Code. The official Development Plan shall be on file with the City's Planning Department.

10. **Design and Construction.** No building shall be constructed within the Subdivision except as shown on the ~~Final Plat~~ ^{Attached Site Plan}. 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 35 feet above the center of the intersection of College Street and Webb Road.

11. **Buildings Permitted.** Lot 1: One 45 by 95 foot building to be located as shown on the ~~final plat~~ ^{Attached Site Plan}. ~~Lot 2: Grand Island Mail Building as shown on the final plat as previously approved.~~

12. **Access.** ~~No new access shall be granted from lots 1 or 2 on Webb Road.~~ ^{lot 1 to be accessed from Webb Rd}
No driveway to lot 1 shall be permitted closer than 75' from the intersection of College Street and Webb Road.

13. **Successors and Assigns.** This agreement shall run with the land and shall be binding upon and inure to the benefit of the parties hereto, their successors, assigns, heirs, devisees, and legatees. Where the term "Subdivider" is used in this agreement, the subsequent owners of any

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lots in the subdivision shall be responsible to perform any of the conditions of this agreement if the Subdivider has not performed such conditions.

Dated Aug. 23, 2008

November 2, 2009 James Wiltgen/Barbara Wiltgen
GRAND ISLAND MALL, LTD, A Nebraska
LIMITED PARTNERSHIP, Subdivider

By:

Dawn Amoska
General Partner Vice President
Greg Ruffity
Authorized Representative

STATE OF NEBRASKA)
COUNTY OF Lancaster)

On Aug. 23, 2008, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Dawn Amoska Vice President, ~~general partner~~ of GRAND ISLAND MALL, LTD, A Nebraska LIMITED PARTNERSHIP, known personally to me to be the identical person and such officer who signed the foregoing Subdivision Agreement and acknowledged the execution thereof to be his voluntary act and deed for the purpose therein expressed on behalf of the corporation.

WITNESS my hand and notarial seal the date above written.



Jane Wohling
Notary Public

CITY OF GRAND ISLAND, NEBRASKA
A Municipal Corporation

By: Margaret Hornady
Margaret Hornady, Mayor

Attest: RaNa Edwards
RaNa Edwards, City Clerk



STATE OF NEBRASKA)
) ss
COUNTY OF HALL)

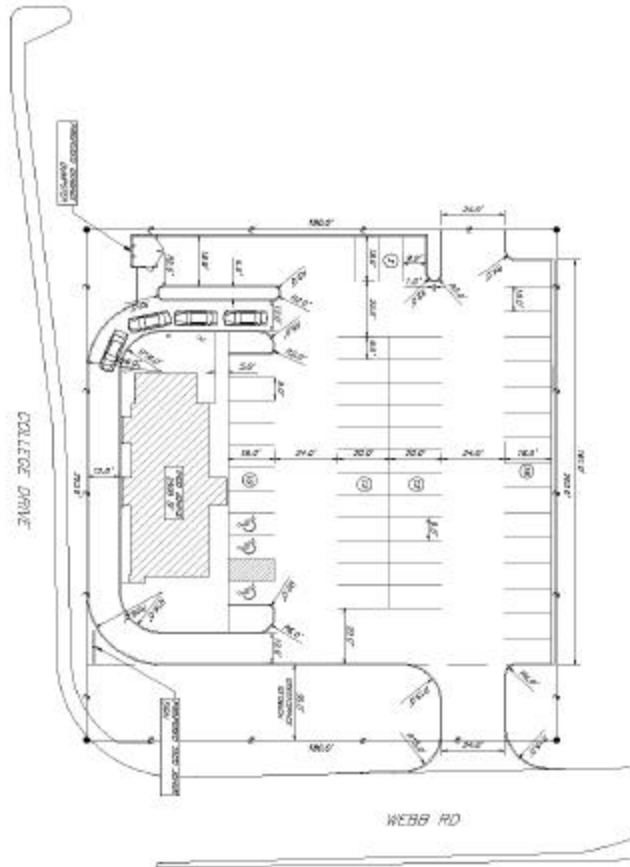
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Before me, a notary public, qualified in said County personally came Margaret Homady, Mayor of the City of Grand Island, Nebraska, a municipal corporation, known to me to be such officer and the identical person who signed the foregoing Subdivision Agreement and acknowledged that the foregoing signature was his voluntary act and deed pursuant to Resolution 2005-162, and that the City's corporate seal was thereto affixed by proper authority.

WITNESS my hand and notarial seal on July 28, 2008.



Carla L. England
Notary Public



CIVIL SITE PLAN
SHEET 1 OF 2