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# Hall County Regional Planning Commission

Wednesday, September 05, 2007  
Regular Meeting

## Item F2

### Public Hearing - C-26-2007GI

*Concerning amendments to the Zoning Ordinance for the City of Grand Island and its two mile extra-territorial jurisdiction. Amendments to be considered pertain to the 36-96 Off-Street Parking Requirements; to modify parking lot surfacing requirements and clean up language relative to changes in zoning districts that were made with the adoption of the Large Lot Residential Zone in 2004.*

Staff Contact: Chad Nabity

## Agenda Item #5

### PLANNING DIRECTOR RECOMMENDATION TO REGIONAL PLANNING COMMISSION:

August 23, 2007

### SUBJECT:

*Concerning amendments to the Zoning Ordinance for the City of Grand Island and its 2 mile extra-territorial jurisdiction. Amendments to be considered pertain to the §36-96 Off-Street Parking Requirements; to modify parking lot surfacing requirements and clean up language relative to changes in zoning districts that were made with the adoption of the Large Lot Residential Zone in 2004.. (C-26-2007GI)*

### PROPOSAL:

City staff is suggesting additions to the Grand Island Zoning regulations pertaining to Off-Street Parking Requirements that are shown in this manner ~~deletions~~ or additions. Mr. James Truell, on behalf of his client Jerold Ross of YAP Auction has asked the Grand Island City Council to consider changes as shown below as additions. The Grand Island City Council referred this issue for review and recommendation to the Hall County Regional Planning Commission at their meeting of August 14, 2007.

#### §36-96. Off-Street Parking Requirements

(G) Design Standards. All off-street parking and loading facilities shall be designed with appropriate means of vehicular access to a street or alley and contain adequate and safe maneuvering areas. No driveway or curb cuts shall exceed twenty-six feet in width in residential districts, or thirty-five feet in width in business or industrial/manufacturing districts, and detailed plans shall be submitted to the public works director for approval of all curb cuts or driveway openings before a permit may be obtained therefor. No signs shall be displayed except such signs as required for the orderly use of the facilities. All facilities shall be provided with a permanent type, dust-free surface ~~such as~~ meaning asphaltic cement concrete, Portland cement concrete, cold rolled asphalt millings with an oil overlay, or paving brick.

All parking lots containing five or more parking spaces, which are within 30 feet of property occupied by a residential use in a ~~Transitional Agricultural~~ Large Lot Residential Zoning District or of property within a Suburban Residential Zoning District, Low Density Residential Zoning District, Medium Density Residential Zoning District, High Density Residential Zoning District or Residential Development Zoning District, shall provide a sight-obscuring fence or screen not less than six feet nor more than eight feet in height along the boundary of the parking lot adjacent to such districts. No fence or screen shall be required between abutting parking lots or adjacent to an alley. The height of any fence or screen shall be subject to other restrictions provided by the City Code.

## **OVERVIEW:**

The current language suggests that other hard surface types would be permitted by including the words such as before the list of possible surfacing types. The building department has generally considered this a closed list and the Grand Island Board of Adjustment upheld that determination in considering an appeal of this interpretation in June of this year. The appeal was filed by Mr. Truell on behalf of YAP auction. To avoid confusion on this issue staff is proposing to change the words such as to meaning, thereby limiting the choices to those listed. New products could be added to this list as they become available and are shown to comparable similar benefits to those already on the list by amending these regulations. The addition of "cold rolled asphalt millings with an oil overlay" is the request of Mr. Truell. Consideration of this change is included based on the referral from the Grand Island City Council.

The change from Transitional Agriculture to Large Lot Residential is being proposed to make this consistent with the intent of the creation of the Large Lot Residential District in 2004. This change should have been made at that time but was missed.

The City has used cold rolled asphalt millings with an oil overlay for projects in recent years. These were used in an attempt to make improvements to an existing gravel street (Ada Street) and to build a connection for the hike/bike trail. In both of those cases this technique did not hold up and did not produce an acceptable dust free hard surface. A letter from Public Works Director Steven Riehle P.E. is included with this report detail the experience of the city with regard to this product.

## **RECOMMENDATION:**

That the Regional Planning Commission recommend that the Grand Island City Council **approve** the changes to the Grand Island Zoning Ordinance as shown except for the provision that would allow cold rolled asphalt millings with an oil overlay.

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

# INTEROFFICE MEMORANDUM

*From the*



**Public Works Department**

*Working Together for a  
Better Tomorrow, Today.*

**DATE:** August 27, 2007

**TO:** Chad Nabity, Regional Planning Director

**FROM:** Steven P. Riehle, P.E., City Engineer/Public Works Director

**RE:** Use of Asphalt Millings for Parking Lot Surfacing

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I have over 24 years of experience in the design and construction of civil infrastructure including construction and rehabilitation of asphalt millings base course, hot mix asphalt pavements, cold mix asphalt pavements, surface sealants, crack sealing and Portland cement concrete pavements.

Asphalt millings do not compact as well as hot or cold mix asphalt. There is not enough free asphalt in the millings to adequately bind the material into an acceptable pavement. The lack of temperature adds to the poor compaction of asphalt millings when compared to hot mix asphalt. While it doesn't make a good surface course, asphalt millings are a good base course for a hot mix asphalt overlay.

Asphalt millings coated with a spray on asphalt sealer does not create a satisfactory surface. The spray on sealer does not penetrate the surface, allows moisture to saturate the sub grade, tracks onto the street from vehicle tires, and is carried into adjacent properties on the soles of shoes. I strongly recommend against a surface sealant or oil spray.

The city of Grand Island has experimented with asphalt millings for streets, parking lots, trails and the snow dump site. It's been our experience that the surface is loose, allows the sub grade to become saturated, is rough, does not hold up well and is susceptible to pot holes. When we use asphalt millings, we cover it with at least 1" of hot mix asphalt to get an acceptable pavement. Hot or cold mix asphalt pavements result in a smooth surface that is safer to walk on, sheds water and is considered permanent.

The city has used asphalt millings as a base course topped with 2" to 4" of hot mix asphalt pavement to hard surface the bike trail along the St Joe railroad spur trail between US Hwy 34 and Stolley Park Road, Garland Street from US Hwy 34 to Blaine Street, the parking lot expansion for Fire Station # 4, South Street between Henry Street and Ada Street, the alley by the Blackstone Hotel, and the snow dump on East US Hwy 30.

A new parking lot constructed with asphalt millings can be compared to an old hot mix asphalt parking lot that is at the end of its life because the two surfaces are similar. Both surfaces have pot holes, do not drain well, are cracked, and are in need of a surface treatment such as asphalt overlay.

Asphalt millings as a surface for a parking may be better than gravel or crushed concrete, but makes a significantly lower quality surface than hot mix asphalt pavement or Portland cement concrete. Because of the lower quality, asphalt millings should only be used as a temporary surfacing, and not considered a permanent surfacing.

# TRUELL, MURRAY & MASER

## ATTORNEYS AT LAW

James H. Truell  
Glen A. Murray  
Charles R. Maser

220 Oxnard Ave.  
P.O. Box 452  
Grand Island, NE 68802  
Phone: (308) 384-0200 Fax: (308) 384-0206

Associates:  
Jan I. Reeves  
John A. Sellers

July 12, 2007

Mayor and Council of  
The City Of Grand Island  
P.O. Box 1968  
Grand Island, NE 68802



RE: Paving Requirements

Dear Mayor and Council:

Section 36-96 of the Municipal Code for the City of Grand Island addresses paving for parking within the community. A provision of that ordinance specifically states "all facilities shall be provided with a permanent type, dust free surface such as asphaltic cement concrete, Portland cement concrete or paving brick."

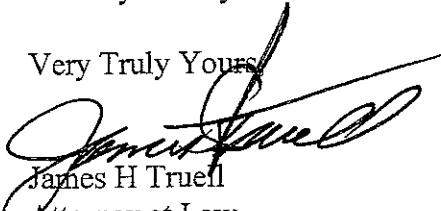
At a recent hearing of the Zoning Board of Adjustment we presented to that authority a request to pave a parking lot located at 801 West Anna Street with asphaltic millings that are ground, compressed and sealed with a oil sealing topcoat. This request had previously been denied by the Building Dept. which was the basis of the appeal. The Zoning Board of Adjustment has interpreted this ordinance to allow only the three types of paving allowed.

It is our belief that the milling process together with the oil seal complies with the intent of the ordinance to allow a permanent type dust free parking facility. However, since the Zoning Board of Adjustment has strictly interpreted the ordinance we come to you asking that you take the necessary steps to modify the ordinance to allow other forms of hard surface, dust free parking, besides the three identified.

This program is being used at least one paver in the community who has applied it to driveways and parking lots in other communities around Central Nebraska.

Thank you for your consideration.

Very Truly Yours,

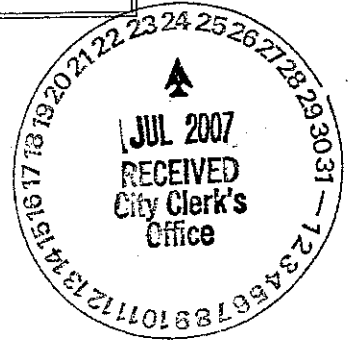
  
James H Truell  
Attorney at Law

cc: Craig Lewis, Building Dept.  
Wess Nespor, Assistant City Attorney  
Jerel Ross

cc: Mayor  
Council  
Legal  
Bldg.  
Planning



## REQUEST FOR FUTURE AGENDA ITEM



If you have a specific topic that you would like the City Council to discuss at a future meeting, please list your name, address, telephone number, and the specific topic. The item will be reviewed and possibly scheduled for a future meeting, or forwarded to City staff for appropriate action.

Name: Jerel Ross by James H. TRUETT, Attorney

Address: P.O. Box 452, Grand Island, NE

Telephone #: 384-0200

Date of Request: 7/12/07

Description of Requested Topic: Type of hard surface  
coating for Commercial Real Estate parking  
lots. See Attached



Working Together for a  
Better Tomorrow. Today.

August 8, 2007

**James H. Truell, Attorney**  
**PO Box 452**  
**Grand Island, NE 68802-0452**

RE: Request for Future Agenda Item

Dear Mr. Truell:

Your Request for a Future Agenda Item regarding hard surface coating on parking lots will be held before the Grand Island City Council at their meeting on **Tuesday, August 14, 2007 at 7:00 p.m.** The City Council meetings are held in the Council Chambers, City Hall, 100 East 1<sup>st</sup> Street, Grand Island, Nebraska.

I have enclosed a copy of the council memo prepared by Craig Lewis, Building Department Director which will be a part of the packet for the August 14<sup>th</sup> meeting.

Your presence is requested along with information you would like to present to Council supporting your request.

Sincerely yours,

**CITY OF GRAND ISLAND**

A handwritten signature in cursive script that reads "RaNae Edwards".

RaNae Edwards  
City Clerk

cc: Jerel Ross, 801 West Anna Street, Grand Island, NE 68801  
Dale Shotkoski, City Attorney  
Craig Lewis, Building Department Director  
Chad Nabity, Regional Planning Director



# **Council Agenda Memo**

**From:** Craig A. Lewis, Building Department Director

**Meeting:** August 14, 2007

**Subject:** Request from James Truell on behalf of Jerel Ross  
Regarding City Code Section 36-96 Relative to Parking  
Lot Surfaces.

**Item #'s:** H-2

**Presenter(s):** Craig Lewis

## **Background**

This is a request to allow for the use of asphalt millings and a top coating of oil to comply with the requirements of the City Code as an approved permanent type dust free parking lot surface, equivalent to asphaltic cement concrete, Portland cement concrete, or paving brick.

This request stems from a requirement for Mr. Ross to provide parking for his establishment recently renovated and required with the building permit for that renovation. Additionally Mr. Ross had requested of the Zoning Board of Adjustment at their July 10, 2007 meeting, a variance to allow the substitution of this alternative parking lot surfacing. That request was denied by the board, finding the request did not meet the criteria established in the City code nor was a hardship identified.

## **Discussion**

The City has the obligation to continue to look at new and recently developed construction methods and materials for adoptions and approvals. The adoption of current International Building Codes and the constant updating of the City code assure that new materials and methods of construction are approved. Additionally the developers of these new products have the responsibility to provide testing and documentation that the new proposed methods and materials perform as promoted. Typically when a new product is developed the manufacture enlists a third party testing agency to evaluate the product to assure that it meets expectations. A UL or Underwriters Laboratories Inc. label is a typical example of a product being tested for quality and safety.

This request contains no documentation as to the performance or suitability of this product.

### **Alternatives**

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

1. Refer to the Regional Planning Commission for review.
2. Disapprove or /Deny the request.
3. Modify the request to meet the wishes of the Council
4. Table the issue.

### **Recommendation**

City Administration recommends that the Council deny the request as no documentation has been presented that the request chance would be in the best interest of the Community.

### **Sample Motion**

Motion to deny the request to allow crushed asphalt with an oil top coat as an equivalent to concrete paving.