



Hall County Regional Planning Commission

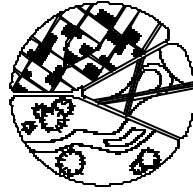
Wednesday, August 05, 2009
Regular Meeting

Item E2

July Meeting Minutes

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Staff Contact:



THE REGIONAL PLANNING COMMISSION OF HALL COUNTY, GRAND ISLAND,
WOOD RIVER AND THE VILLAGES OF ALDA, CAIRO, AND DONIPHAN, NEBRASKA

Minutes
for
July 1, 2009

The meeting of the Regional Planning Commission was held Wednesday, July 1, 2009, in the Community Meeting Room - City Hall – Grand Island, Nebraska. Notice of this meeting appeared in the "Grand Island Independent" June 20, 2009.

Present:	Pat O'Neill	Leslie Ruge
	Karen Bredthauer	Bill Hayes
	Deb Reynolds	Scott Eriksen
	Ray Aguilar	Mark Haskins
	Don Snodgrass	

Absent: Jaye Monter, John Amick, Lisa Heineman,

Other:

Staff: Chad Nabity, Rose Woods, Wes Nespor

Press: Tracy Overstreet, Independent

1. Call to order.

Chairman O'Neill called the meeting to order at 6:00 p.m. He stated that this was a public meeting subject to the open meetings laws of the State of Nebraska. He noted that the requirements for an open meeting were posted on the wall in the room and easily accessible to anyone who may be interested in reading them.

2. Minutes of June 3, 2009 meeting.

A motion was made by Bredthauer, and seconded by Hayes, to approve the Minutes of the June 3, 2009 meeting as presented.

The motion carried with 9 members present 7 voting in favor (Aguilar, O'Neill, Ruge, Hayes, Reynolds, Haskins, Bredthauer) and 2 members present abstaining (Eriksen, Snodgrass).

3. Request time to speak.

James Hatch 360 Midaro Dr., Bev Hatch 360 Midaro Dr. , Don Razey 520 Midaro Dr., Carol White 4315 Creming St., Omaha NE, Mel Kucera 3916 22nd St., Columbus NE, Gary Williams 610 Midaro Dr, Grand Island.

4. Public Hearing – Regarding proposed changes to the Future Land Use Map of the Grand Island Comprehensive Plan. The proposed changes would shift the boundaries of property planned for GC General Commercial and properties planned for LM Low to Medium Density Residential in an area east of South Locust and south of the Wood River. (Hearing, Discussion, Action)

5. Public Hearing - Rezoning request concerning a part of Lot 34 of Matthews Subdivision as more particularly described below (2819 South Locust), in Grand Island, in Hall County. Located east of South Locust, and north of Midaro Rd., rezone from R2 Low Density Residential Zone & LLR Large Lot Residential Zone to B2 General Business Zone. (C-20-2009GI) (Hearing, Discussion, Action)

O'Neill opened the Public Hearing addressing items number 4 and 5 together.

Nabity explained that this application includes approximately 12 acres of land north of Midaro Drive and east of Locust Street. This property is owned by Lyman Richey Corporation and was the business location for the sand and gravel pit that operated out of this location since the mid 1970's. The property is located within the Grand Island municipal limits.

The applicant is asking that the zoning on this property be changed from R2 Low Density Residential and LLR-Large Lot Residential to B2 General Business. The stated purpose of this rezoning is to allow the applicant to continue to store mining equipment and materials in the building.

Planning staff is including an amendment to the Grand Island Comprehensive Plan and Future Land Use map to change the proposed future use of this property from low to medium density residential use to general commercial use as part of this application. A portion of the property is already planned for commercial use but the entire piece is not included in the general commercial area.

O'Neill entered into record the petition signed by 12 surrounding property owners, June 15, 2009, given to Grand Island Planning Department supporting the zoning request.

Entered into record was the protest for Central Sand & Gravel, 2819 S Locust by James and Bev Hatch.

The Hatch's protest the rezoning of 2819 S Locust, a part of Lot 34, Matthews Subdivision from R2 Low Density Residential Zone and LLR Large Lot Residential Zone to B2 General Business Zone contending that the following:

- a. The covenants prohibit anything but residential lots.
- b. This is a lake property for homes and should remain residential.
- c. The business does not abut a dedicated road.
- d. License agreement states when mining finished property will be sold.
- e. When 211 Midaro was purchased in 2003 Carl Roberts assured the Hatch's Central Sand and Gravel would clean up and leave after the Conditional Use Permit expired.
- f. Central Sand and Gravel has a history of not playing by the rules.
- g. Central Sand and Gravel has a new location on Shady Bend Road in Grand Island, it is time they finished moving.

Another concern presented by the Hatch's is the equipment that is lying around the location site is not appealing, they have future plans to build a new home on their property and the current view is obstructed by mining equipment. The Hatch's also stated the City is not taking action to enforce the clean up of the property now that the conditional use permit has expired.

The Hatches presented their testimony and evidence to the commission. A copy of their written and printed material was entered into the record of the case.

Mr. Don Razey, 520 Midaro Dr., stated Lyman Richey has never been a bad neighbor; they have followed through on every request he has made to them, working with him to improve area conditions. He stated there are some misstatements made by the Hatch's. Razey also commented on the Commercial building located to the west of Lyman Richey.

Carol White, 4315 Creming St, Omaha NE, noted the scale house has been sold and removed as of July 1, 2009; all that remains is the metal building. Lyman Richey is currently mining in a separate location, they were hoping to keep the building on the property they own vs. moving to a new location that is just leased.

Snodgrass asked about all the excess unused equipment that is lying around, White stated they would like to move that equipment to their new location but at the time had not spoke to Mr. Williams.

Mr. Gary Williams, 610 Midaro Dr, stated there is not as much trash located around the area, he mowed the area last year and never had any issues. He stated this is a mining facility and you expect to find mining equipment on the site.

The Planning Commission asked if the city is responsible for enforcing or abiding by covenants. Nabyt stated that covenants on the property are a private civil matter and do not apply to actions taken by the City with regard to zoning. The

City can rezone the property as they feel appropriate regardless of what the private restrictions require.

There was further discussion regarding the roadway. A roadway easement has been dedicated when the property was platted. This easement appears to have been acquired to provide legal access to these properties from Midaro Drive. The City has enforced the easement and required that gates across the easement be removed to allow access.

Nabity stated the conditional use permit allowed the building to be used as a warehouse/shop for operation for as long as they were still operating or mining. Now they are no longer operating in the area, the building can stay, in LLR zone the building could be used as a house; this is a permitted use in the LLR zone. Lyman Richey would like to rezone the area to be used the building for commercial uses.

O'Neill closed the Public Hearing and asked for motions regarding the proposed changes.

A motion was made by Bredthauer and seconded by Reynolds, to recommend the approval of the changes to the Future Land Use Map of the Grand Island Comprehensive Plan finding that a portion of this property is already planned for General Commercial Use; the remainder of the property is adjacent to property planned for general commercial use and the future land use map is a general guideline not a strict.

A roll call vote was taken and the motion passed with 9 members present, 7 voting in favor (Aguilar, O'Neill, Ruge, Haskins, Eriksen, Bredthauer, Snodgrass) voting in favor and 2 members against (Hayes, Reynolds).

A motion was made by Ruge and seconded by Aguilar to recommend the approval of the zoning change for 2819 S Locust, a part of Lot 34, Matthews Subdivision as presented from R2 and LLR to B2 Zone findings that the City is not bound by covenants and deed restrictions CCR or any private license agreements; that the existing use is consistent with the rezoning and that the zoning changes is consistent with the Grand Island Comprehensive Plan.

A roll call vote was taken and the motion passed with 9 members present, 7 voting in favor (Aguilar, O'Neill, Ruge, Haskins, Eriksen, Bredthauer, Snodgrass) voting in favor and 2 members against (Hayes, Reynolds).

Consent Agenda

6. Final Plat – E & K Estates Subdivision, located north of White Cloud Rd. and west of McGuire Rd., in Hall County Nebraska consisting of 3.449 acres (1 Lot). This is a one time split from a parcel of 80 acres or more.

7. Final Plat – Journeys End Subdivision, located north of Wildwood Drive and

east of Stuhr Rd. in Hall County, consisting of 1.6920 acres (1 Lot). This is a one time split from a parcel of 80 acres or more.

- 8. Final Plat – DKS Subdivision**, located north of Chapman Rd., and west of State Highway 11, in Hall County, consisting of 3.0119 acres (1 Lot). This is a one time split from a parcel of 80 acres or more.

A motion was made by Eriksen and seconded by Hayes to approve the plats as presented.

A roll call vote was taken and the motion passed with 9 members present (Aguilar, O'Neill, Ruge, Hayes, Reynolds, Haskins, Eriksen, Bredthauer, Snodgrass) voting in favor and no member present abstaining.

9. Planning Director's Report

Budget changes were planned personnel expenses, projected increases for comparability and step increases. Operating cost has been cut by 10% going into next year. Budget has been forwarded to the Hall County Board.

A motion was made by Hayes and seconded by Haskins to approve the budget for the 09/10 fiscal year.

A roll call vote was taken and the motion passed with 9 members present (Aguilar, O'Neill, Ruge, Hayes, Reynolds, Haskins, Eriksen, Bredthauer, Snodgrass) voting in favor and no member present abstaining.

10. Next Meeting August 5, 2009

11. Adjourn

Chairman O'Neill adjourned the meeting at 7:00 p.m.

Leslie Ruge, Secretary

by Rose Woods