



City of Grand Island

Tuesday, March 22, 2016

Council Session

Item H-1

Consideration of Review of Conditions for Hooker Bros. Sand & Gravel, Inc. Operating a Sand and Gravel Pumping Facility at 501 South Gunbarrel Road

Staff Contact: Craig Lewis

Council Agenda Memo

From : Craig A. Lewis, Building Department Director

Meeting: March 22, 2016

Subject: Review of Conditions for Hooker Bros. Sand & Gravel Inc. Operating a Sand and Gravel Pumping Facility at 501 South Gunbarrel Road. N1/2 of the SW1/4 and NW1/4 of the SE1/4 of Section 18-11-8 Merrick County.

Presenter: Craig Lewis, Building Department Director

Background

The council approved the continued operation of the sand and gravel facility at the above referenced location on October 27, 2015 with a request to review the established conditions and bring back modifications as necessary.

Staff met with representatives from Hooker Brothers and Randy Stueven to discuss additional items presented in a letter signed by several neighboring property owners.

The following discussion identifies the items and the discussion held.

Discussion

City administration has developed the following restrictions, or conditions which appear appropriate to impose upon sand and gravel operations.

- 1). USE:** The proposed uses are limited to those listed in the application, sand and gravel pumping processing, storage, stocking piling, distribution, and sales, both wholesale and retail. Retail sale may also include the sale of black dirt, river rock, and similar landscaping materials. The storage, recycling, or processing of other aggregate materials, such as asphalt or concrete is not allowable unless specifically listed, nor are the operation of concrete or asphalt batch plants.
- 2). CLOSURE:** A drawing of the proposed development of the property after the closing of the sand and gravel operation has been provided along with the initial application.
- 3). PRIMARY CONDITIONS: (a).** The permit shall be granted for a period not to exceed 10 years with the possibility of renewal for an additional time at the end of the 10 year period.

(b). Pumping of product shall not be allowed within 150 feet of any public road right of way and protected by a 6 foot earthen berm during pumping. The finished width of developable property adjacent to the public right of way shall be 300 feet at the time of termination of the operation. A setback of 100 feet from any adjacent property line shall be maintained between the pumping operations.

(c). Pumping and other activities (including lighting) at the site shall be limited to daylight hours (15) minutes before sunrise and (15) minutes after sunset Mondays through Saturdays. No pumping or other processing activities shall be permitted on Sundays or from fifteen minutes after sunset to fifteen minutes before sunrise. Two exceptions to this condition shall be in the months of March, April, October, and November activities may operate from 6:00a.m. to 10:00p.m. to allow for winter condition. The second exception shall be that trucking of the product shall be allowed on Sundays from 7:00 a.m. to 12:00 noon to allow for contracted sales.

(d). Any internal combustion pump motors utilized shall be equipped with a functioning “hospital grade muffler” designed to reduce exhaust noise by 32 to 40 decibels.

(e). Materials and equipment shall not be stored on the property within any easements or the regulated floodway as determined by the Federal Emergency Management Agency or its successor and the entity with jurisdiction and authority to enforce floodplain regulations. No product, material or equipment shall be stored within any easement or in such a manor that it would violate any safety provisions of the National Electric Safety Code.

Pumped material stored in piles shall be limited to a setback from the property line equal to the height of the product pile. The setback distance shall be measured from the base of the material pile to the adjacent property line.

(f). All dead trees, rubbish, and debris, if any must be cleared from the real estate as soon as practical and such real estate must, at all times, be kept in a clean and neat condition.

(g). No trash, rubbish, debris, dead trees, lumber, bricks, refuse or junk material of any nature whatsoever shall be dumped, placed or located upon such real estate.

(h). Applicant shall not use the real estate in any way so as to create or result in an unreasonable hazard or nuisance to adjacent land owners or to the general public.

(i). Applicant shall maintain any and all drainage ditches that may be located upon the real property.

(j). Applicant shall not permit the hauling of sand and gravel from the premises and over and across any public highway or road unless said sand and gravel is complete dry and free from water or is hauled in trucks which are designed and equipped so as to prevent water from leaking onto the traveled portion of the roadbed.

(k). All water accumulated upon the premises by virtue of such mining and pumping operations shall be retained upon the premises and shall not flow upon or encroach upon any adjacent land. Only surface waters that have historically flowed from the premises shall be permitted to leave the same through historical natural drainage ways.

(l). Applicant shall begin the mining operation within a period of 18 months from the issuance of this permit or if the applicant fail to begin operations within the 18 months the permit shall be considered null and void and subject to reapplication and rehearing. Additionally if at anytime during the life of the permit issued the operation shall cease for a period of a continuous 18 months the permit shall become void and a renewal shall be obtained before becoming once again operational.

The one additional item included is underlined, it relates to the height of stored product and provides for a prescribed setback.

Additional items discussed that may be included in future conditional use permit request were; 1. A bond, certificate of deposit or other financial surety to guarantee faithful performance of the owner or developer to adequately close the operation and prepare the land for future development.

2. Performance standards for phases and operation.
3. Environmentally sensitive area review, including core samples at site.
4. Annual Inspections of the operations and conditions.

These last items were not determined to be feasible for existing operations but may be worthy of consideration in future request.

ALTERNATIVES

It appears the Council has the following alternatives concerning the issue.

1. Approve the proposed conditions, finding that the proposed application is and will continue to be in conformance with the purpose of the zoning regulations.
2. Deny the proposal, finding that the proposed conditions do not conform to the purpose of the zoning regulations.
3. Approve the proposal with additional or revised conditions and findings of fact.
4. Refer the matter to a special committee for a determination of a finding of fact.

RECOMMENDATION

Approve the proposal if all conditions continue to be applicable as presented by City Administration and if the City Council finds that the proposed conditions continue to promote the health, safety, and general welfare of the community, protects property against blight and depreciation, and is generally harmonious with the surrounding neighborhood.

SAMPLE MOTION

Move to approve the conditions identified by the City Administration, published in the Council packet and presented at the Council meeting and finding that the application conforms with the purpose of the zoning regulations.