



# City of Grand Island

Tuesday, March 28, 2017

Council Session

## Item E-4

**Public Hearing on Request from Brian and Cathryn Sack for a  
Conditional Use Permit to Allow for a Use Automobile Sales  
Business located at 703 & 709 West 3rd Street**

*Council action will take place under Requests and Referrals item H-3.*

Staff Contact: Craig Lewis

# **Council Agenda Memo**

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

**Meeting:** March 28, 2017

**Subject:** Request of Brain & Cathryn Sack for Approval of a Conditional Use Permit to Allow for the Operation of an Outdoor Used Automobile Sales Facility at 703 West 3<sup>rd</sup> Street

**Presenter(s):** Craig Lewis – Building Department Director

## **Background**

This request is for approval of a conditional use permit to allow for the operation of an outdoor used automobile sales facility at the above referenced location.

The property is currently zoned B-3 Heavy Business Zone, that zoning classification requires the approval of the City Council in the form of a conditional use permit.

City Code;

Section 36-70 (B-3) Heavy Business Zone.

(B) Conditional Uses:

(2). Outdoor sales and rental lots for new or used automobiles, boats, motor vehicles, trailers, manufactured homes, farm and construction machinery.

The B-3 zoning classification is generally within the Downtown Business area and as such requires City Council approval of automobile sales lots.

## **Discussion**

This request is for approval of a used automobile sale lot on a location within the defined Downtown Business Area. The Conditional use approval process allows for a public hearing and conditions to be placed upon the facility if City Council deems appropriate.

City code section 36-105 also identifies requirements on all vehicle sales locations which would be applicable to this site.

(A) All areas on which vehicles are displayed and offered for sale and/or rental shall be provided with a permanent type, dust-free surface such as asphaltic cement concrete, Portland cement concrete, or paving brick.

(B) Any business engaged in vehicle sales and/or rentals shall have a principal building which complies with the Grand Island City Code and all applicable building, electrical, plumbing and fire codes.

(C) Any business engaged in vehicle sales and/or rentals shall have space within the principal building or an accessory building for storage of all vehicle parts, new or used. All such parts must be stored within said space.

(D) All hazardous materials, regulated waste and used vehicle fluids shall be stored and disposed of in accordance with state and federal laws and the rules and regulations of the U.S. Environmental Protection Agency and the Nebraska Department of Environmental Quality. Tank storage of fluids and wastes must be situated within a suitable overflow enclosure.

(E) Any business engaged in vehicle sales and /or rentals shall comply with the Grand Island City Code landscaping and screening regulations and minimum off-street parking and loading space requirements prior to commencing operations.

The location of this proposal is such that it would not appear that this request will have any negative impact on the neighboring properties.

## **Alternatives**

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

1. Approve the request for the conditional Use Permit finding that the proposed application is and will continue to be in conformance with the purpose of the zoning regulations.
2. Disapprove or /Deny the request, finding that the proposed application does not conform to the purpose of the zoning regulations.
3. Approve the request with additional or revised conditions and a finding of fact.
4. Refer the matter to a special committee for a determination of a finding of fact.
5. Table the issue.

## **Recommendation**

Approve the conditional use permit, finding that the request does promote 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 request for a conditional use permit including the staff recommendations, finding that the application conforms with the purpose of the zoning regulations.

## Conditional Use Permit Application

pc: Building, Legal, Utilities  
Planning, Public Works

1. The specific use/construction requested is: Used Automobile Sales
2. The owner(s) of the described property is/are: Richard and Marilyn Fox
3. The legal description of the property is: Railroad Add Lots 1 & 2 Blk 106
4. The address of the property is: 103 W 3rd Street, 109 W 3rd Street
5. The zoning classification of the property is: B-3
6. Existing improvements on the property is: Interior renovation, exterior signage, exterior facade improvement
7. The duration of the proposed use is: perpetual
8. Plans for construction of permanent facility is: SEE ATTACHED
9. The character of the immediate neighborhood is: Commercial
10. There is hereby attached a list of the names and addresses of all property owners within 200' of the property upon which the Conditional Use Permit is requested.
11. Explanation of request: To expand a business into the Grand Island area. To have a reputable, sound business that will give back to the community of Grand Island. To be a part of the continual downtown improvement plan and positive growth for Grand Island overall.

I/We do hereby certify that the above statements are true and correct and this application is signed as an acknowledgement of that fact.

3-10-17

Date

308-754-2200

402-309-9935

Phone Number

Brian Sack Cathy Sack  
Owners(s)

1022 Deep Meadow Drive

Address

St Paul

City

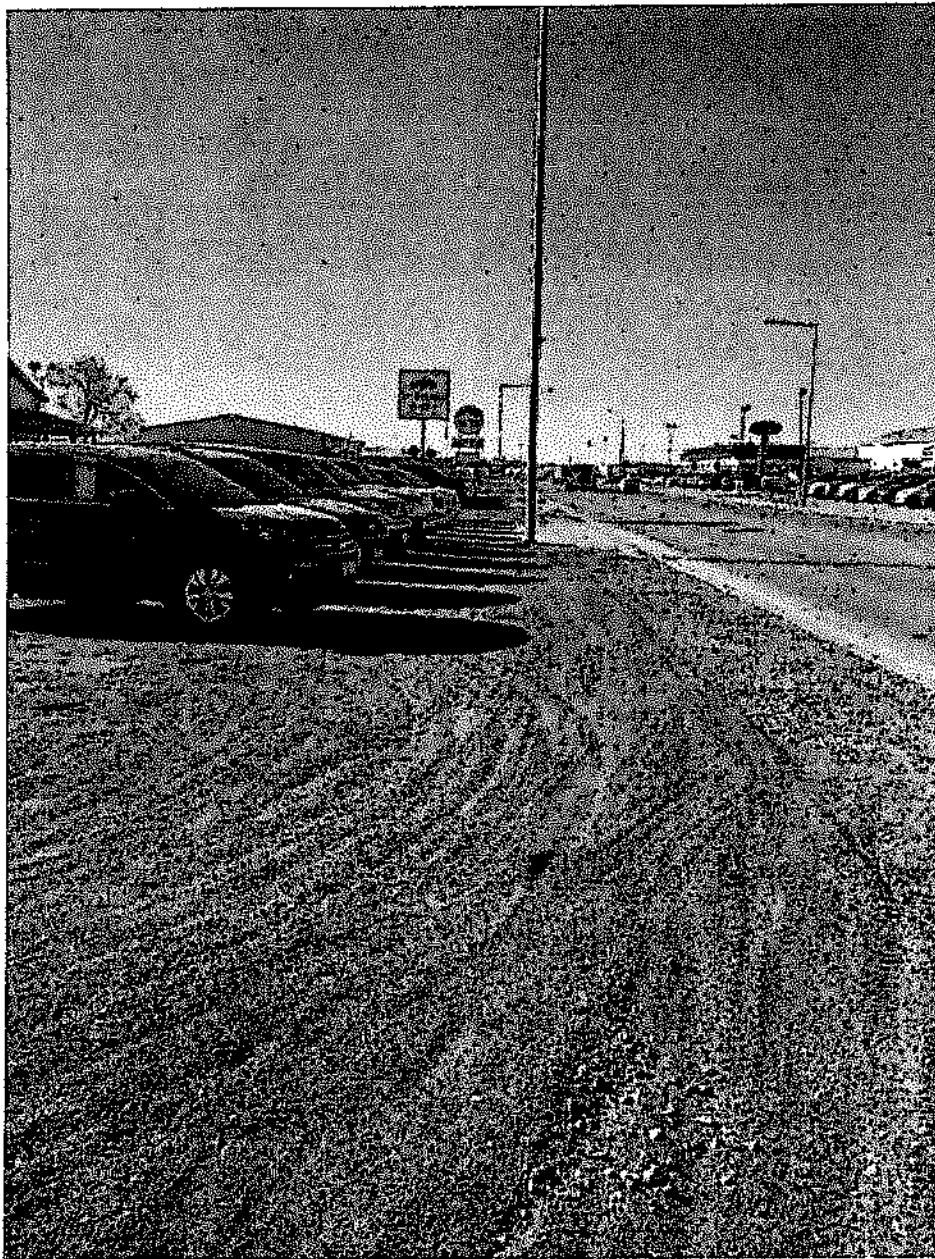
NE

State

68873

Zip

**Please Note: Delays May Occur if Application is Incomplete or Inaccurate.**



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