



# City of Grand Island

Tuesday, September 25, 2018

Council Session

## Item E-2

**Public Hearing on Request from Steadfast Builders, LLC for a Conditional Use Permit for Parking a Temporary Food Truck on the South Side of the Building located at 1504 N. Eddy Street**

*Council action will take place under Requests and Referrals item H-1.*

Staff Contact: Craig Lewis

# **Council Agenda Memo**

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

**Meeting:** September 25, 2018

**Subject:** Request of Steadfast Builders LLC for Approval of a Conditional Use Permit to allow for the Continued Placement of a Temporary Food Trailer at 1504 N. Eddy Street

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

## **Background**

This request is for approval of a conditional use permit to allow for the continued placement of a temporary food trailer at the above referenced site. The proposal is to provide cooking facilities in the trailer and utilize the existing building for dining, waiting, and restrooms.

The property is currently zoned R-2 Low Density Residential, that zoning classification would not typically allow the proposed use but the property has legal nonconforming use rights as a commercial use existed prior to the current zoning classification.

The use is allowed to continue as long as the nonconforming use is not increased or discontinued for a 12 month period.

Trailers or temporary building are not allowed in the zoning classification without the approval of the City Council.

Approvals may be granted from the City Council as zoning regulations do not provide for temporary buildings or expansion of the nonconforming use unless approved by the City Council.

Approval was granted by Council on September 13, 2016 for a one year period, and again on September 12, 2017 for one year.

Section 36-35 of the Grand Island City code provides for Council approval of nonconforming uses, and section 36-89 provides for temporary buildings and uses not to exceed two years in undeveloped areas and six months in developed areas of the City.

I believe the intent of section 36-89 is to allow for temporary buildings and uses while permanent facilities are under construction, or studied to determine feasibility.

### **Discussion**

This request is for approval to continue to place a mobile food trailer on the site for three additional years to facilitate the terms of an existing lease.

Mobile food vendors are typically allowed as an accessory use on commercial properties and typically are on site for a specific event or a short time. This request is for an extended time and the trailer facilitating food preparation becomes the principal use for the property.

The site location is such that it would not appear that this request will have any negative impact on the neighboring properties, however a total of five years appears to be an overly permissive time frame.

### **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 request for a one year period, as a temporary use to determine the feasibility of permanent facilities, 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: parking for temporary food truck
2. The owner(s) of the described property is/are: Steadfast Builders LLC
3. The legal description of the property is: Gilberts second add E 12' x N 40' LT9 + All 10 block #5
4. The address of the property is: 1504 N. Eddy St.
5. The zoning classification of the property is: Residential -01
6. Existing improvements on the property is: Building completely renovated 2016
7. The duration of the proposed use is: 3 yrs - remaining lease
8. Plans for construction of permanent facility is: N/A
9. The character of the immediate neighborhood is: Business & Residential
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: would like to keep food trailer on south side of building. Building seating is waiting area while food is prepared. Minimal dining if any, food is served to-go for take out.

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

8-29-18  
Date

Steadfast Builders LLC by Thomas  
Owners(s)  
Abby Thomas  
Officiating.

308-389-2354  
Phone Number

1512 N. Eddy Street  
Address

Grand Island  
City

NE  
State

68801  
Zip

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