



City of Grand Island

Tuesday, April 13, 2021

Council Session

Item E-2

**Public Hearing on Request from Scott and Mary Sahling for a
Conditional Use Permit to Allow for Private Recreational Use on
Property located at 531 Midaro Drive**

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

Staff Contact: Craig Lewis

Council Agenda Memo

From: Craig A. Lewis, Building Department Director

Meeting: April 13, 2021

Subject: Request of Scott & Mary Sahling for approval of a Conditional Use Permit for the property at 531 Midaro Dr. PT. W1/2 SE ¼ of Sec. 27-11-9
This request is to allow for a private recreational area on a property zoned Large Lot Residential, in excess of 5 acres, and in conformance with section 36-61 of the Grand Island Zoning Code.

Presenter(s): Craig A. Lewis, Building Department Director

Background

This request is to utilize the newly amended zoning code which allows as a conditional use a private recreational area on property zoned Large Lot Residential subject to the following minimum conditions;

- Size of property is at least 5 acres.
- All buildings requiring a building permit are identified on the application.
- All services such as water, sewer, natural gas and electric are identified on the application whether provided privately or publicly.
- Additions of services or buildings accessory to this approved use will require an additional hearing for a conditional use permit to review the proposed additions.

The applicant owns a tract of land of 14.04 acres on Madero drive and wishes to improve the site to provide the ability to utilize the property for a private recreational use in conformance with City codes.

Discussion

Because the residential lot does not at this time have a permitted principal use, the newly constructed accessory structure violates City codes without the requested conditional use permit. The tract of land is part of a past sand and gravel mining operation providing 14.04 acres with 7 acres of land and 7 acres water.

A conditional use approved by the City Council would allow the use and provides the ability to place additional conditions on the property if applicable, and allows for neighboring properties to express any concerns.

As this location is fairly isolated and adjacent to other parcels of the same past mining operation it appears the proposed application may have a limited impact on the area.

Alternatives

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

1. Approve the request for a conditional use permit finding that the proposed use is a listed conditional use in the zoning code and that it will not be detrimental to the public health, safety, and welfare of the community.
2. Disapprove or / Deny the request finding that the proposed use does not conform to the purpose of the zoning regulations.
3. Modify the request to meet the wishes of the Council.
4. Refer the matter to a special committee for a determination of a finding of fact.
5. Table the issue.

Recommendation

City Administration recommends that the Council approve this request finding that the request does promote the health, safety, and general welfare of the community, does protect the 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 to allow a private recreational area with the listed improvements, and in conformance with the provisions of the adopted City Code.

Conditional Use Permit Application

pc: Building, Legal, Utilities
Planning, Public Works

1. The specific use/construction requested is: Structure to provide sun shade for private recreational area
2. The owner(s) of the described property is/are: Scott Sahling & Mary Sahling
3. The legal description of the property is: See attached
4. The address of the property is: 531 Midaro Drive
5. The zoning classification of the property is: Large Lot Residential
6. Existing improvements on the property is: Sun shade structure
7. The duration of the proposed use is: Perpetual
8. Plans for construction of permanent facility is: Structure has been constructed
9. The character of the immediate neighborhood is: Semi-rural, residential; adjacent to pasture and agricultural
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: See attached

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

3-24-2021
Date

Mary Sahling
Owners(s)

308-380-0422
Phone Number

1711 S. Stuhr Road
Address

Grand Island NE 68801
City State Zip

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

Applicant has constructed a free-standing sun shade/sun blocking structure on the referenced property. This structure is for the Applicant's private recreational use on the property. Subsequent to the Applicant's construction of said structure, the City of Grand Island amended the zoning regulations affecting the property to allow for conditional uses for private recreational areas. Applicant desires to be in compliance with City zoning regulations.

Applicant has engaged the structural engineering services of Olsson to evaluate the structure and confirm its size/shape otherwise conform to City code.