



City of Grand Island

Tuesday, February 22, 2022

Council Session

Item E-2

Public Hearing on Request from Mid Nebraska Land Developers, LLC for a Conditional Use Permit to Stock Pile Concrete/Asphalt for Crushing Purposes located East of S. Blaine Street and North of W. Schimmer Drive

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: February 22, 2022

Subject: Public Hearing on Request of Mid Nebraska Land Developers LLC for a Conditional Use Permit to allow for a temporary use to stockpile concrete, asphalt, and dirt, and crush the product for use in road projects. The proposed site would be the south east 4 acres of the 40 acre tract at 1922 W. Schimmer Drive

Presenter Craig Lewis, Building Department Director

Background

This request is for Council approval to allow for a two year temporary use at the above referenced address. A conditional use permit is required as the current zoning classification TA (transitional agricultural) does not allow for this type of use as a permitted principal use. The zoning classification sections 36-60 does list as a permitted conditional use, commercial mines, quarries, sand and gravel pits and accessory uses. Section 36-89 also authorizes temporary uses for periods not to exceed two years in undeveloped areas. Conditional uses in the zoning code must be approved or denied by the City Council in the form of a conditional use permit after a finding that the proposed use will or will not comply with the purposes as identified in the Code.

Section 36-2 of the Grand Island Zoning Code, Purposes: This chapter has been made in accordance with a comprehensive plan and to promote the health, safety, and general welfare of the community; to lessen congestion in streets; to secure safety from fire and other dangers; to provide adequate light and air; to promote the distribution of population, land classifications and land development to support provisions for adequate transportation, water flows, water supply, drainage, sanitation, recreation, and other public requirements; to protect property against blight and depreciation; and to secure economy in government expenditures.

Discussion:

This request and the proposed operation appears similar to sand and gravel operations. As residential development continues to expand and the uses become closer neighbors, conditions need to be implemented to assure compatible and harmonious existence for both uses.

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

- 1). USE:** The proposed uses are limited to those listed in the application, storage, stocking piling, crushing, distribution, and sales, both wholesale and retail of crushed concrete and asphalt. Retail sale may also include the sale of black dirt, and similar landscaping materials. The storage, recycling, or processing of other aggregate materials, is not allowable unless specifically listed, nor are the operation of concrete or asphalt batch plants. Neither of these operations have been requested in this application.
- 2). CLOSURE:** The applicant proposes use of the property after the closing of the storage and crushing operation as sand and gravel pumping for approximately 5 years to create a lake which will require additional approvals and then residential development.
- 3). PRIMARY CONDITIONS:**
 - (a).** The permit shall be granted for a period not to exceed 2 years with the possibility of renewal for an additional time at the end of the 2 year period.
 - (b).** Storage of product shall not be allowed within 20 feet of any public road right of way.
 - (c).** Crushing 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 crushing or other processing activities shall be permitted on Sundays or from fifteen minutes after sunset to fifteen minutes before sunrise.
 - (d).** Any internal combustion crushing 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, nor shall the existing grade elevations be altered.
 - (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 material from the premises and over and across any public highway or road unless said material 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 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 operation within a period of 6 months from the issuance of this permit or if the applicant fail to begin operations within the 6 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 6 months the permit shall become void and a renewal shall be obtained before becoming once again operational.

It appears that this application and proposal will meet or exceed the established conditions as the proposed.

ALTERNATIVES:

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

1. Approve the request with 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 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 findings of fact.
4. Refer the matter to a special committee for a determination of a finding of fact.

RECOMMENDATION:

Approve the request with the identified setbacks, and conditions presented by City Administration, finding that the proposed use and application promotes 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 conditional use as proposed in the application and including the conditions identified by the City Administration, published in the Council packet and presented at the Council meeting and finding that the applications 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: Stock Pile Concrete/Asphalt for Crushing Purposes.
2. The owner(s) of the described property is/are: Mid Nebraska Land Developers, LLC
3. The legal description of the property is: Township Eleven N North Range Nine West of the 6th PM, Hall County Nebraska Section 33 SW 1/4 S W 1/4
4. The address of the property is: _____
5. The zoning classification of the property is: T/A Transitional Ag
6. Existing improvements on the property is: None
7. The duration of the proposed use is: 2 years
8. Plans for construction of permanent facility is: No Plans For Permanent Facility
9. The character of the immediate neighborhood is: Ag/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: We would like to be able to stock pile concrete asphalt and dirt from the North Road, Capital Ave and Husker Hwy street projects and then bring in a crusher and crush the product for future use on the road project.

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

02/09/2022
Date

Mid Nebraska Land Developers, LLC
Owners(s)

402-694-2318
Phone Number

1600 E 11th Road
Address

Aurora NE 68818
City State Zip
Attn. Dan Most

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

Untitled Map

Write a description for your map.

own, Nebr

Grand Island Mini Storage

Spilage St

Hendrix Genetics

Cobat Dr

W Schimmer Dr

EXISTING
DIVIDE
Cluster
SPT
SPT
SPT

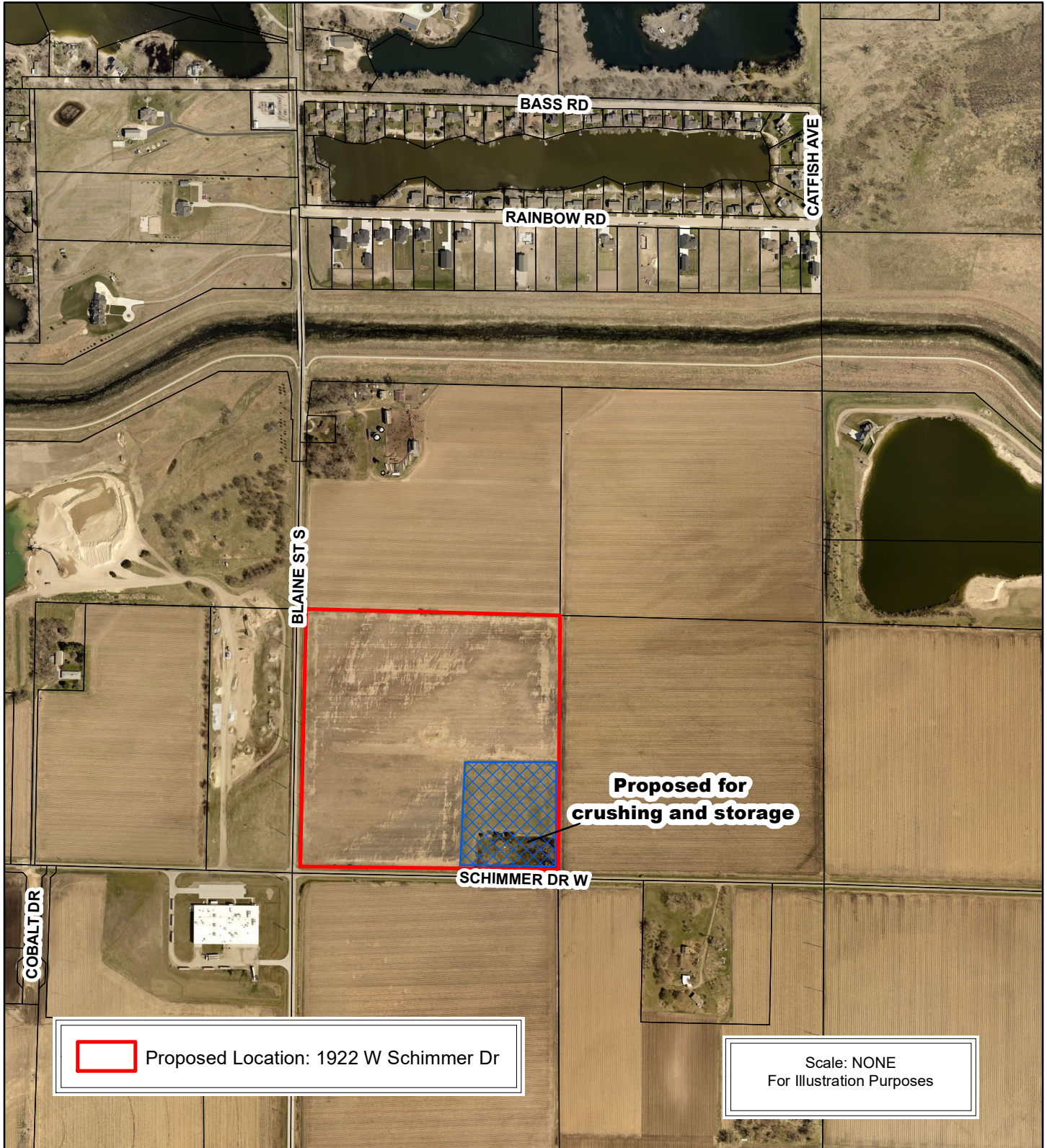
Legend

- Feature 1
- Railroad Town, Nebr

1000 ft

Google Earth

Conditional Use Permit Application: 1922 W Schimmer Dr Conditions to allow for Sand & Gravel Operation



Conditional Use Permit Applicant: Mid Nebraska Land Developers LLC
Presenter: Craig Lewis, Building Department Director
Grand Island City Council: February 22, 2022