



City of Grand Island

Tuesday, July 12, 2022

Council Session

Item E-3

Public Hearing on Request from MidAmerica Washout, LLC for a Conditional Use Permit for a Livestock Trailer Washout facility located at 4009 W. Wood River Road in the NE 1/4, Sec. 23-10-10 - Southwest Corner of the Intersection of Wood River Road and North Road

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

Staff Contact: Chad Nabity

Council Agenda Memo

From: Chad Nability AICP, Regional Planning Director

Meeting: July 12, 2022

Subject: Public Hearing on Request of MidAmerica Washout, LLC for a Conditional Use Permit to allow for a livestock trailer washout facility as permitted by the AG-2 zoning district regulations. The proposed site would be the northeast 2.5 acres of a 63 acre tract in the NE ¼ of Section 23 Township 10 north, Range 10 west of the 6th PM at 4009 W. Wood River Road. This 2.5 acres is within zoning jurisdiction of the City of Grand Island.

Presenter Chad Nability AICP, Regional Planning Director

Background

This request is for Council approval to allow for this property to be used as a livestock trailer washout facility at the above referenced address (the southwest corner of the intersection of North Road and Wood River Road). The waste water lagoons that provided sewer treatment for Bosselville Subdivision along U.S. Highway 281 including the truck center, hotel and restaurants, until last year, are also on this site but outside of the 2 mile extraterritorial jurisdiction of the City of Grand Island. These lagoons are no longer in use as the Bosselville development is connected to Grand Island municipal sewer. The County initially issued conditional use permits for those lagoons in 1996 and renewed them every five years with last dated October 2016.

A conditional use permit is required as the current zoning classification AG-2 (secondary agricultural) does not allow for this type of use as a permitted principal use. The zoning classification sections 36-55 does list as a permitted conditional use, livestock trailer washout. This change was approved in May of 2022. 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:

A livestock trailer washout facility may be permitted in the AG-2 zoning district by conditional use permit. This location is just past the paved portion of Wood River Road and about 3/4 of a mile from the Bosselman Travel Center. It is located on the same property as the wastewater lagoons that were previously used to treat the sewage from the travel center and surrounding development from 1996 to 2021. The travel center and surrounding development are currently hooked up to city sewer along U.S. Highway 281 and these lagoons are surplus.

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 livestock trailer washout facilities.

2). PRIMARY CONDITIONS:

(a). Construction of the trailer washout shall begin within 18 months approval of this permit.

(b) The permit shall be granted for an indefinite period and shall run with the land; in the event that the use is discontinued for a continuous period of 12 months the permit shall be considered void and a new permit shall be required to continue operation.

(c). Prior to issuance of building permits for the facility the applicant shall receive all necessary approvals from both the Nebraska Department of Environment and Energy (NDEE) and Hall County for the operation of the waste water treatment lagoons and solids storage associated with the treatment located on the southern side of this property or shall make provisions for connecting to municipal sewer.

(d). The applicant shall maintain permits required by NDEE and Hall County or connect to municipal sewer for the life of this operation.

(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 storm 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 not under common ownership. Only surface waters that have historically flowed from the premises shall be permitted to leave the same through historical natural drainage ways.

(l). All waste water generated by virtue of such operations shall be treated in the lagoons on the property and treated water shall be released in a manner approved by and consistent with regulations enforced by NDEE.

(m). Applicant shall begin the operation within a period of 12 months from the issuance of the building permit or if the applicant fails to begin operations within the 12 months of such issuance the permit shall be considered null and void and subject to reapplication and rehearing.

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.

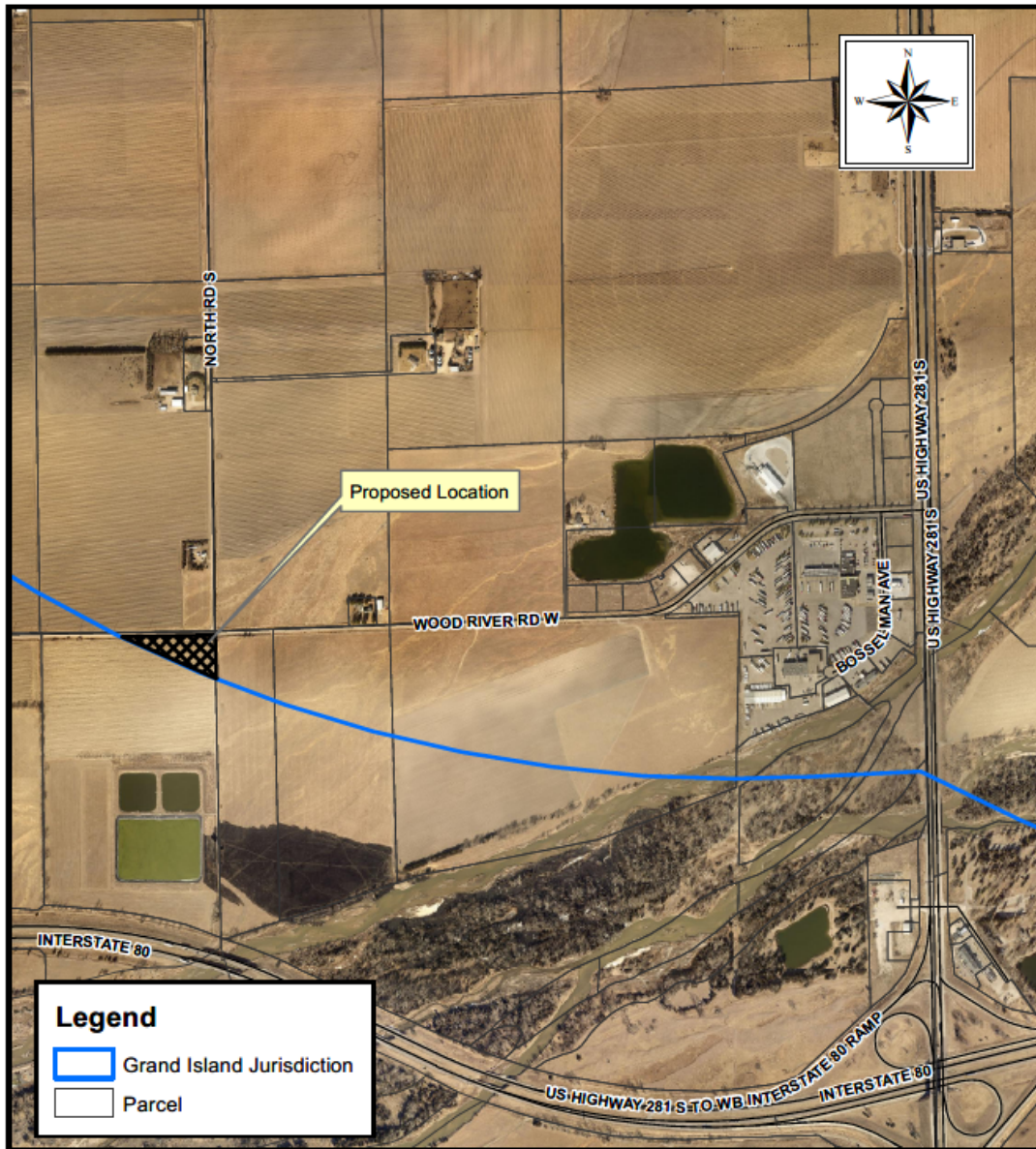
Recommendation

Approve the request with the identified 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.

PROPOSED LOCATION



THE REGIONAL PLANNING COMMISSION of Hall County, Grand Island, Wood River and the Villages of Aida, Cairo and Doniphan, Nebraska

Scale: NONE
For Illustration Purposes

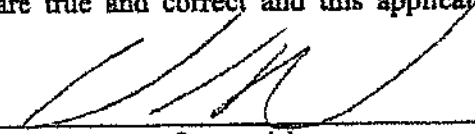
Amended S.D.U. - 6.27.2022
Conditional Use Permit Application

pc: Building, Legal, Utilities
 Planning, Public Works

1. The specific use/construction requested is: Livestock trailer washout facility, to be constructed by Mid America Truck Wash, LLC *Mid America Washout, - LLC*
2. The owner(s) of the described property is/are: Bosselman Pump and Pantry, Inc.
3. The legal description of the property is: A tract located in the NE1/4, Sec. ²³ 43, T10, R10W, Hall Co. *S.D.U. 6.27.2022*
4. The address of the property is: No situs
5. The zoning classification of the property is: AG-2
6. Existing improvements on the property is: None
7. The duration of the proposed use is: Perpetual
8. Plans for construction of permanent facility is: as soon as permitted by City and NDEE
9. The character of the immediate neighborhood is: agricultural with commercial immediately east
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: Trailer washouts are vital to Hall County/Grand Island economy and are compatible with other AG-2 uses.

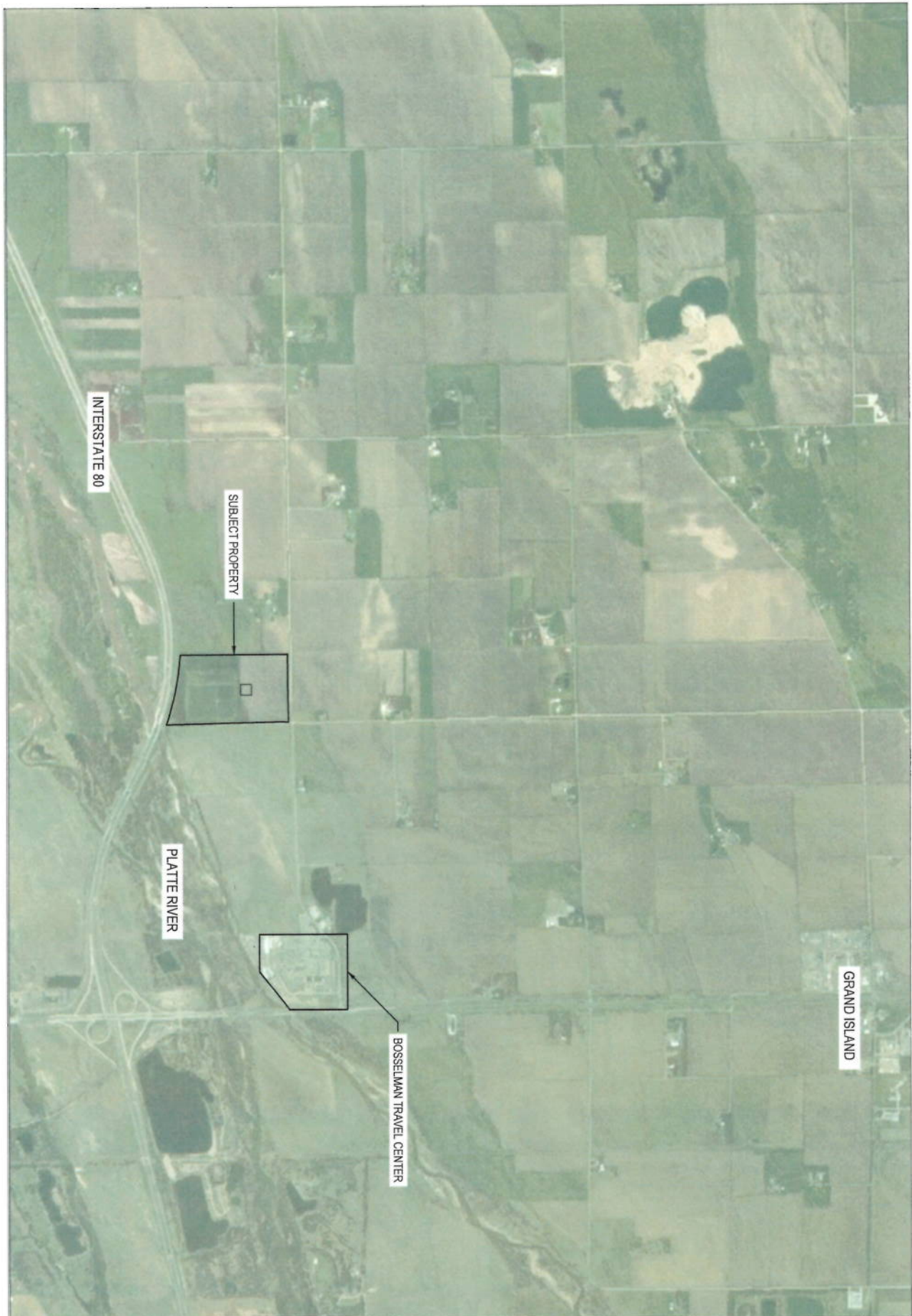
I/We do hereby certify that the above statements are true and correct and this application is signed as an acknowledgement of that fact.

June 17, 2022
 Date
402.475.8433
 Phone Number

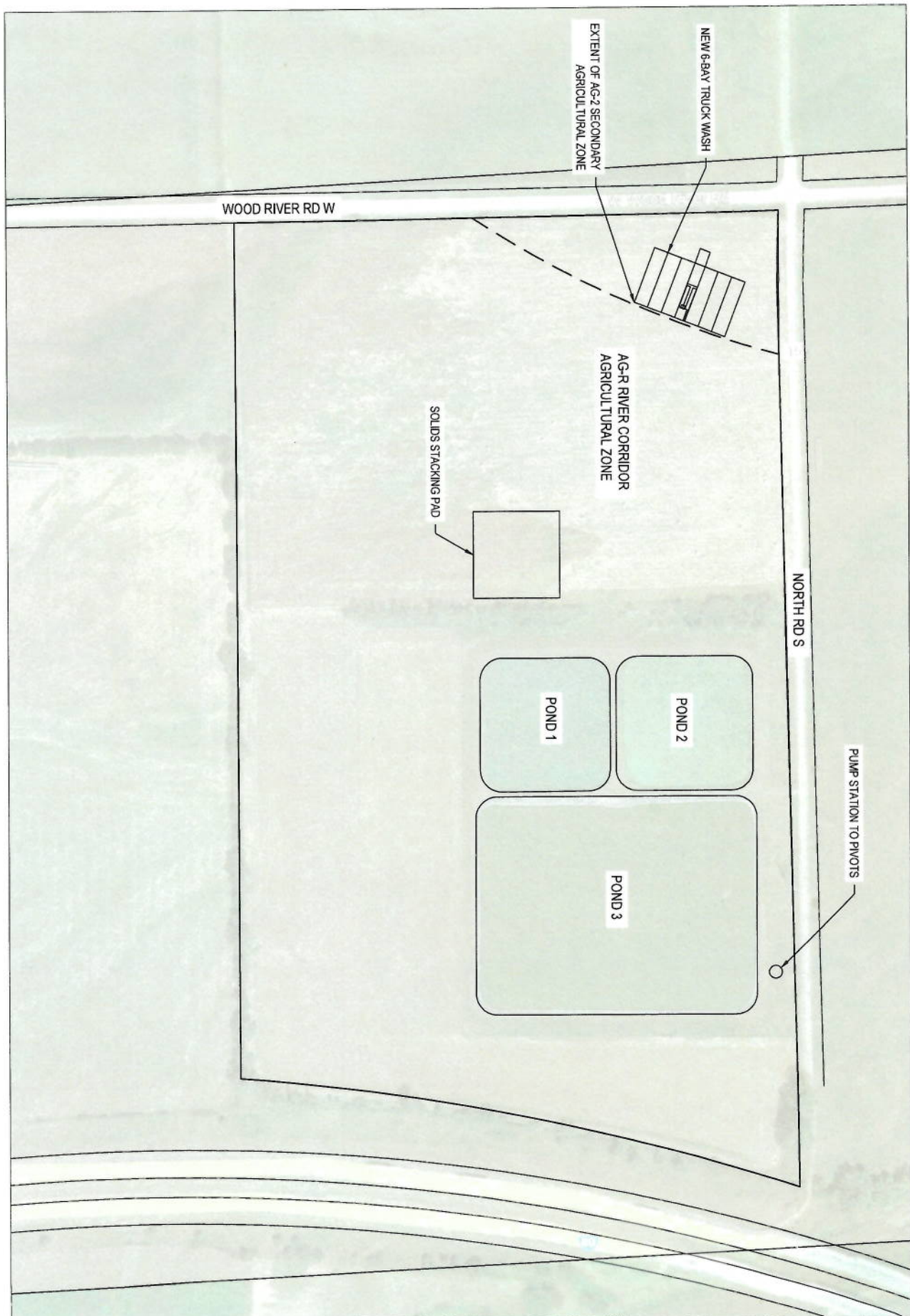

 Owners(s)
 c/o Stephen Mossman,
 attorney for Mid America Truck Wash, LLC
 134 S 13th Street, Suite 1200
 Address

Lincoln NE 68508
 City State Zip

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



C1.0		15460 NW 48th St. Raymond, NE 68428 Office: (402) 783-2100 Fax: (402) 783-2104 Web Site: www.settje.com	GRAND ISLAND TRUCK WASH HALL COUNTY GRAND ISLAND, NE	SITE LOCATION	Date Printed 6/23/22
				0 2000 4000 Feet	Drawn By Draher Reviewed By Engineer



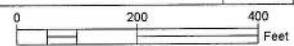
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15460 NW 48th St.
 Raymond, NE 68428
 Office: (402) 783-2100
 Fax: (402) 783-2104
 Web Site: www.settje.com

GRAND ISLAND TRUCK WASH
 HALL COUNTY
 GRAND ISLAND, NE

SITE PLAN WITH AERIAL



Date Printed	6/29/22
Drawn By	Drafter
Reviewed By	Engineer





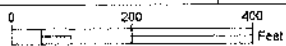
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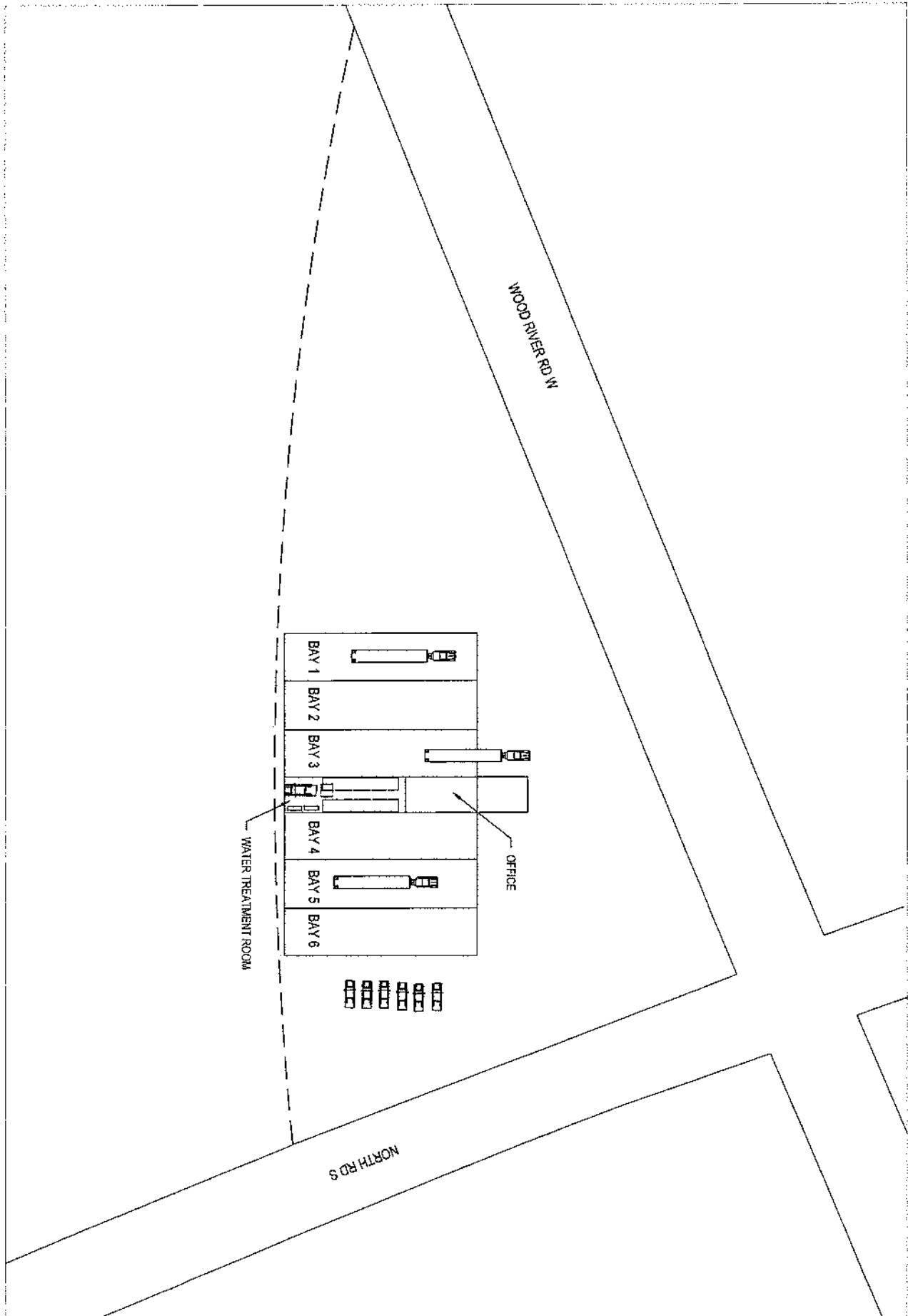
GRAND ISLAND TRUCK WASH
 HALL COUNTY
 GRAND ISLAND, NE

SITE PLAN



Date Printed	4/29/22
Drawn By	Craber
Reviewed By	Engel





C1.3	 Agri-Services & Engineering, Inc.	15460 NW 48th St. Raymond, NE 68426 Office: (402) 783-2100 Fax: (402) 783-2104 Web Site: www.settle.com	GRAND ISLAND TRUCK WASH HALL COUNTY GRAND ISLAND, NE	SITE PLAN	Date Printed: 6/28/22	
		Drawn By: [Blank]	Checked By: [Blank]	Reviewed By: [Blank]	Engineer: [Blank]	
						