



# City of Grand Island

Tuesday, August 23, 2022

Council Session

## Item E-4

**Public Hearing on Request from Leslie Meyer (Probasco) for a Conditional Use Permit for a Greenhouse and Raising of Trees and Nursery Stock located at 3648 South Blaine 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:** August 23, 2022

**Subject:** Public Hearing on Request of Leslie Meyer (Probasco) for a Conditional Use Permit to allow for the Operation of a Greenhouse and the Raising of Trees and Nursery Stock at 3648 S. Blaine St. Grand Island NE.  
PT SE1/4 of NE 1/4, 32-11-9 10.16 Acres

**Presenter:** Craig Lewis, Building Department Director

## Background

This request is for Council approval to allow for the operation of a greenhouse and the raising of trees and nursery stock at the above referenced location.

A conditional use permit is required as the current zoning classification, LLR or Large Lot Residential does not allow for this type of use as a permitted principal use.

The zoning classification does list as a conditional use, Greenhouses and the raising of trees and nursery stock.

Conditional uses as listed in the zoning code must be approved by the City Council. There is currently a single family dwelling on the property that would be the defined principal use. This request for a greenhouse and raising of trees and nursery stock would be an accessory use to that permitted principal use.

## Discussion

As the large lot zoning classification is intended to provide a transition from rural to urban uses it appears advantageous to place some restrictions on the allowable conditional uses. City administration has developed the following restrictions, or conditions which appear appropriate to impose upon Greenhouses and the raising of trees and nursery stock operations:

**1). USE:** The proposed uses are limited to those listed in the application, wholesale nursery business, no storefront, no retail buildings and the business will not be open to the general public.

The definition of a nursery in the city code, **Nursery** shall mean the use of a premises for the propagation, cultivation, and growth of trees, shrubs, plants, vines, and the like from seed or stock, and the sale thereof, and including the sale of trees, shrubs, plants, vines, and the like purchased elsewhere and transplanted into the soil of the premises. In connection with the sale of plants, such fungicides, insecticides, chemicals, peat moss, humus, mulches, and fertilizers as are intended to be used in preserving the life and health of the plants may be sold.

As no retail sales has been proposed in the application the additional items listed in the definition are not included in this approval.

Signage for the nursery shall be limited to the City sign code for residential properties, identification signs not to exceed 32 square feet.

**2). PRIMARY CONDITIONS:** (a). The permit shall be granted as a condition of the current ownership, if the property is sold or changes ownership the conditional use shall expire.

(b). Activities (including lighting) at the site shall be limited to 6:00am to 10:00pm Monday through Saturday, no Sunday operation. A total of 3 employees not living at the site may be utilized to facilitate the nursery operations.

(c). Materials and equipment shall not be stored on the property within any easements. 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.

(d). Any greenhouse structures on the site must comply with building codes and be located as an accessory building to the residential use and structure. The real estate must, at all times, be kept in a clean and neat condition.

(e). 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.

(f). 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.

(g). Applicant shall maintain any and all drainage ditches that may be located upon the real property.

(h). All water accumulated upon the premises by virtue of such nursery 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.

(i). Applicant shall begin the nursery operation within a period of 18 months from the issuance of this permit or if the applicant fail to begin operations within the 18 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 18 months the permit shall become void and a renewal shall be obtained before becoming once again operational.

## **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 finding all conditions are applicable as presented by City Administration and the City Council finds that the proposed use and application continues to promote 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 with the condition identified by the City Administration, published in the Council packet and presented at the Council meeting and finding that the application continues to conform 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: Conditional use permit pursuant to Section 36-4(B)(1) "raising of trees and nursery stock"
2. The owner(s) of the described property is/are: Leslie Meyer (Probasco)
3. The legal description of the property is: APN # 400495555
4. The address of the property is: 3648 S. Blaine St. Grand Island
5. The zoning classification of the property is: LLR
6. Existing improvements on the property is: primary residence and outbuildings
7. The duration of the proposed use is: until Leslie Meyer (Probasco) is no longer the property owner
8. Plans for construction of permanent facility is: None
9. The character of the immediate neighborhood is: large lots, big mature trees to the west and north, mix of new construction and existing homes with business to the south.
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 attachment

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

8-9-22  
Date

Leslie Meyer (Probasco)   
Owners(s)

(303) 850-1007  
Phone Number

3648 S. Blaine St.  
Address

Grand Island      NE      68801  
City                      State                      Zip

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

## **Explanation of Request:**

I am requesting a conditional use permit pursuant to Article V Section 36-61(B)(1):

*Greenhouses and the raising of trees and nursery stock.*

I plan to start a small minority-owned wholesale nursery business. Future customers will be a handful of landscape companies in the area. There will be no storefront, no retail buildings and the business will not be open to the general public.

The attached photo indicates the locations on the property where I plan to grow our products. The location to the east of the primary building is currently an orchard, and some of the new trees and stock will be grown in this area. The remaining stock will be grown on the west side of the primary building as indicated on the map.

We have discussed our intentions with every neighbor that is within 200 feet of the property as well as others neighbors who are further away but have a direct line of site to the property. Every one of those neighbors is in support of the issuance of the conditional use permit for growing trees and nursery stock. I have collected the written support from each household\* on the attached form as indicated by their signatures.

\*the one exception is the Stephensons who are in the process of building and are not physically located at the neighboring property, so I was unable to get their written support. However, I spoke to Mrs. Stephenson via phone and she confirmed that she has no concerns and is in support of the conditional use permit.

Trees benefit communities by improving air quality, enhancing aesthetic beauty and providing wildlife habitat. Local landscaping businesses will also benefit as they will no longer need to travel to Lincoln or Omaha to purchase trees, which reduces their cost and labor to acquire products that are in turn sold to local consumers.

Please support development of our business community by issuing the conditional use permit as requested.

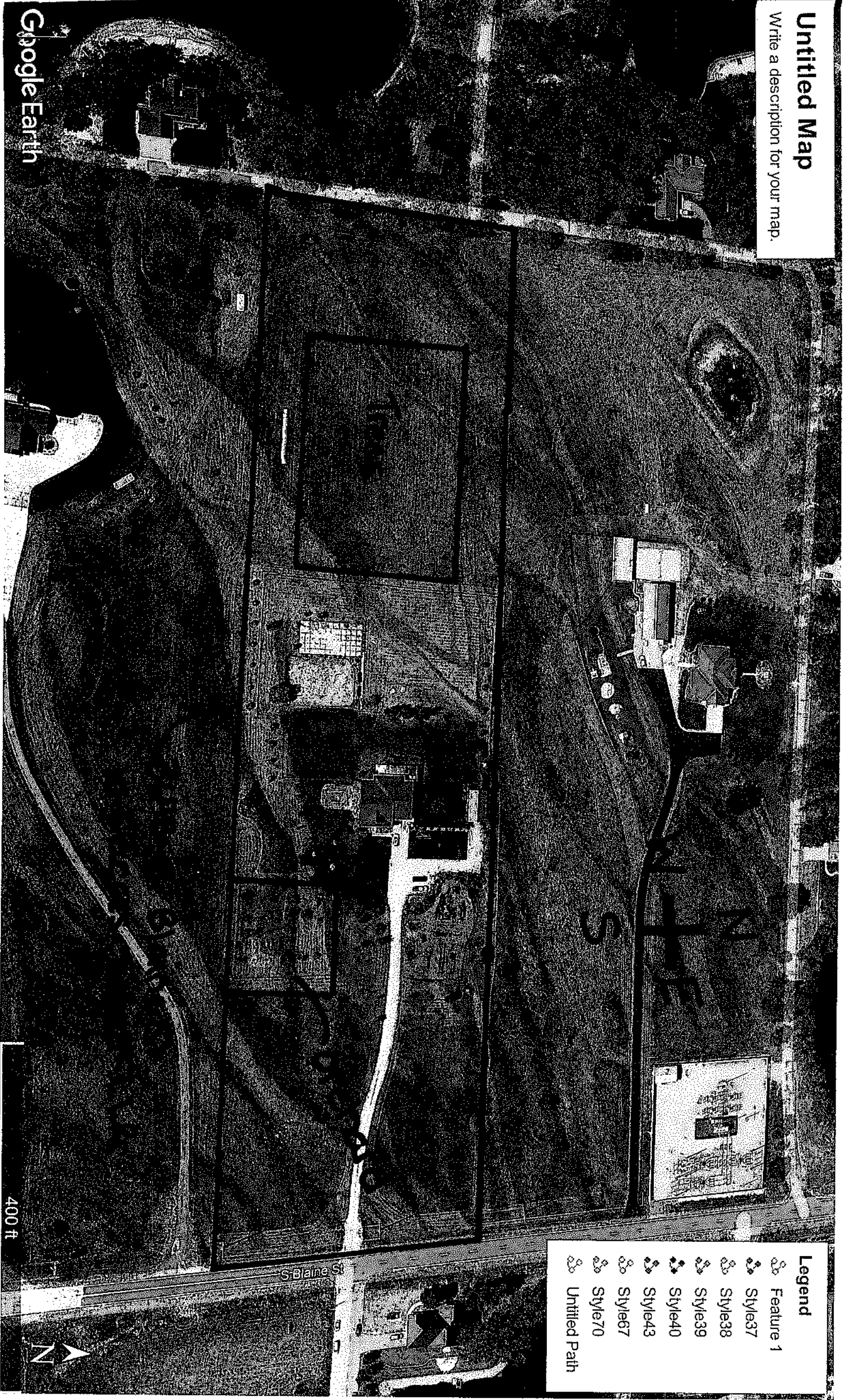
Thank you.

Curtis and/or Leslie Probasco have discussed with me their intentions for growing trees and other nursery stock on their property at 3648 South Blaine St. I have been afforded the opportunity to ask questions and discuss the matter with them. I am in support of the City of Grand Island issuing the special use permit for growing trees and nursey stock.

Name	Address	Signature	Date
LISA Arends	2119 Rainbow Rd	Lisa Arends	8/3/22
Chris Seip	3630 S Blaine St	Chris Seip	8/3/22
Scott Jones	3520 S. Blaine St	Scott Jones	8/3/22
Levi Arends	2203 Rainbow rd	Levi Arends	8/3/22
TIM MADISON	3542 S. BLAINE ST	TIM MADISON	8/4/22
Leroy Schwitzer	3546 S BLAINE	Leroy Schwitzer	8/4/22
Nita Hafner	3623 So. Blaine	N.I.	8/7/22
Gary Reis	2219 Bass Rd	G.I.	8-7-22
Deborah Reis	2219 Bass Rd.	D.R.	8-7-22
Mike Jacobowski	3601 S. BLAINE ST	Mike Jacobowski	8-7-22
Eriscy Iverson	3604 S. Blaine St #11	Eriscy Iverson	8-7-22
John Price	3604 S. Blaine St #11	John Price	8/7/22
Dan Sprüger	3662 S. BLAINE ST	Dan Sprüger	8/7/22
Sue Sprüger	3662 S Blaine St	Sue Sprüger	8/7/22
DICK KNUTH	3604 S BLAINE #3	Dick Knuth	8-8/22

# Untitled Map

Write a description for your map.



- Legend**
- Feature 1
  - Style37
  - Style38
  - Style39
  - Style40
  - Style43
  - Style67
  - Style70
  - Untitled Path