



City of Grand Island

Tuesday, March 11, 2014

Council Session

Item E-2

**Public Hearing on Request from Garry & Jeanne Williams and
Midland Ag Service, Inc. for a Conditional Use Permit for a Sand
and Gravel Mining Operation located at 1672 South Shady Bend
Road and 3116 Stolley Park Road**

Staff Contact: Craig Lewis

Council Agenda Memo

From : Craig A. Lewis, Building Department Director

Meeting: March 11, 2014

Subject: Public Hearing on Request of Lyman-Richey Corp. dba Central Sand and Gravel for a Conditional Use Permit to Continue to Operate a Sand and Gravel Mining Operation at 1672 S. Shady Bend Road
Garry and Jeanne Williams are the Owners of Tract "A" 56 acres located within the North One-Half of the Southeast Quarter Section of 23-11-9
Midland Ag. Services, Inc. Roger Luebbe President is the Owner of Tract "B" 72 acres located within the South One-Half of the Southwest and Southeast Quarter of Section 23-11-9 in Hall County

Item #'s: E-2 & H-1

Presenter: Craig Lewis, Building Department Director

Background

This request is for council approval for the continued operation of a sand and gravel mining operation at the above referenced address. A conditional use permit is required as the current zoning classification, TA or Transitional Agriculture, does not allow for this type of use as a permitted principal use. The zoning classification does list as a permitted conditional use, commercial mines, quarries, sand and gravel pits and accessory uses. Conditional uses as listed in the zoning code must be approved by the City Council.

The original request was presented to and approved by the City Council on March 27, 2007 for a 7 year period.

Discussion

Sand and gravel operations have been a part of Grand Island and the surrounding areas for a long time. As residential development continues to expand and the two uses become closer neighbors more conditions need to be implemented to assure a compatible existence for both uses.

City administration has developed the following restrictions, or conditions which appear appropriate to impose upon sand and gravel operations, these conditions were imposed on the original approval and appear appropriate for the continued use.

1). USE: The proposed uses are limited to those listed in the application, sand and gravel pumping processing, storage, stocking piling, distribution, and sales, both wholesale and retail. Retail sale may also include the sale of black dirt, river rock, and similar landscaping materials. The storage, recycling, or processing of other aggregate materials, such as asphalt or concrete is not allowable unless specifically listed, nor are the operation of concrete or asphalt batch plants.

2). CLOSURE: A drawing of the proposed development of the property after the closing of the sand and gravel operation was provided with the original application. The finished width of the developable property at the time the operation of mining is terminated shall be 300' adjacent to any public right of way and 200' adjacent to neighboring property lines.

3). PRIMARY CONDITIONS: (a). The permit shall be granted for a period not to exceed 10 years with the possibility of renewal for an additional time at the end of the 10 year period.

(b). Pumping of product shall not be allowed within 150 feet of any public road right of way and protected by a 6 foot earthen berm during pumping. The finished width of developable property adjacent to the public right of way shall be 300 feet at the time of termination of the operation. A setback of 100 feet from any adjacent property line shall be maintained.

(c). Pumping 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 Fridays. No pumping or other processing activities shall be permitted on Sundays or from fifteen minutes after sunset to fifteen minutes before sunrise. Applicant shall cease pumping operations at noon on Saturdays and no pumping or hauling will be allowed on Sundays. One exception to this condition shall be in the months of March, April, October, and November where activities may operate from 6:00 a.m. to 10:00 p.m. to allow for winter conditions.

(d). Any internal combustion pump 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 an easement or in such a manor that it would violate any safety provisions of the National Electric Safety Code.

(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 sand and gravel from the premises and over and across any public highway or road unless said sand and gravel is completely 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 mining and pumping 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 continue the mining operation but 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.

An additional request is to incorporate a small fishing pond on Midland Ag's property to the north with the proposed lake development. This request would allow access from the existing pond to the developed lake. The proposal would be to maintain 150' of land along the east and west property lines adjacent to the pond and provide approximately 300' of common lake along the common property line.

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 regulation.
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.

RECOMMENDATION

Approve the request with conditions as stated above assuming the City Council finds 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 with the conditions identified by the City Administration, published in the Council packet and presented at the Council meeting, and finding that the application conforms with the purpose of the zoning regulations.



Non-Refundable Fee: \$1,000.00
Return by: _____
Council Action on: _____

Conditional Use Permit Application

pc: Building, Legal, Utilities
Planning, Public Works

1. The specific use/construction requested is: To allow sand and gravel mining on the described property.
2. The owner(s) of the described property is/are: Midland Ag Service, Inc.
3. The legal description of the property is: within the South One-Half of the Southeast Quarter and part of the East one-Half of the Southeast Quarter of Section 23, Township 11 North, Range 9 East of the 6th P.M. Hall County, NE
4. The address of the property is: 3116 Stolley Park Road
5. The zoning classification of the property is: Transitional Agriculture
6. Existing improvements on the property is: None
7. The duration of the proposed use is: 2014- 2034
8. Plans for construction of permanent facility is: To mine the property for gravel removal
9. The character of the immediate neighborhood is: Rural with the described land presently being farmed.
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.

2-13-14
Date

Midland Ag Service, Inc.
Owners(s)

308-382-8185
Phone Number

1012 South Shady Bend Road
Address

Grand Island
City

NE
State

68801
Zip

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

Conditional Use Permit Application

pc: Building, Legal, Utilities
Planning, Public Works

1. The specific use/construction requested is: To allow sand and gravel mining on the described property.
2. The owner(s) of the described property is/are: Garry and Jeanne Williams
3. The legal description of the property is: An approximate 56 acre parcel of land located within the North One-Half of the Southeast Quarter of Section 23, Township 11 North, Range 9 East of the 6th P.M., Hall County, NE
4. The address of the property is: 1672 Shady Bend Road South
5. The zoning classification of the property is: Transitional Agriculture
6. Existing improvements on the property is: None
7. The duration of the proposed use is: 2014 to 2034
8. Plans for construction of permanent facility is: To mine the property for gravel removal.
9. The character of the immediate neighborhood is: Rural with the described land presently being farmed.
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.

2-13-2014
Date

Garry Williams Jeanne Williams
Owners(s)

308-381-0794
Phone Number

610 Midaro Drive
Address

Grand Island NE 68801
City State Zip

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

Pumping Restrictions-
150' R.O.W.
100' Property Line

100'

100'

200'

300'

TRACT " A "

150'

200'

200'

TRACT " B "

300'

100'

150'


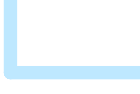

STOLLEY PARK RD E

SHADY BEND RD S

LOCATION MAP



Legend

-  150' Boundary
-  200' Boundary
-  300' Boundary