



# **City of Grand Island**

**Tuesday, May 27, 2014**

**Council Session**

## **Item E-1**

**Public Hearing on Request from Hooker Bros. Sand & Gravel, Inc.  
for a Conditional Use Permit for a Sand and Gravel Operation  
located at 3860 South Locust Street**

**Staff Contact: Craig Lewis**

## Council Agenda Memo

**From :** Craig A. Lewis, Building Department Director

**Meeting:** May 27, 2014

**Subject:** Public Hearing on Request of Hooker Bros. Sand & Gravel Inc. for a Conditional Use Permit at 3860 S. Locust

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

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

### Background:

This request is for council approval to allow for the continued operation of maintenance equipment, storage and stock piling of product and aggregate accessory to the operation of a sand and gravel facility at 3947 S. Locust Street. The current site at 3860 S. Locust was approved by the City council for a sand and gravel mining operation in May of 1994 and 2004, each for a ten year period. Mining and pumping of the sand and gravel pit has ceased but the operation of storage of product and equipment and a maintenance facility has remained. Finish grading and closing of the site has begun. 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 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.

### Discussion:

City administration has developed the following restrictions, or conditions which appear appropriate to impose upon sand and gravel operations. These conditions appear appropriate to continue to regulate the use of this property.

**1). USE:** The proposed uses are limited to those listed in the application, accessory uses to the sand and gravel permit approved for 3947 S. Locust street, sand and gravel 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. Equipment storage and maintenance for the sand and gravel operation.

**2). CLOSURE:** Closure of the mining operation has begun with leveling of the stock piles and distribution of top soil around the lake.

- 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. 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 from the lake edge.
- (c). 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 processing activities shall be permitted on Sundays or from fifteen minutes after sunset to fifteen minutes before sunrise. Two exceptions to this condition shall be in the months of March, April, October, and November activities may operate from 6:00a.m. to 10:00p.m. to allow for winter condition. The second exception shall be that trucking of the product shall be allowed on Sundays from 7:00 a.m. to 12:00 noon to allow for contracted sales.
- (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 any 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 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 any 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 accessory operations. If at any time during the life of the permit issued the operations shall cease for a period of a continuous 18 months the permit shall become 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 if all conditions are met as presented by City Administration and if 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 condition 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.

## Conditional Use Permit Application

pc: Building, Legal, Utilities  
Planning, Public Works

1. The specific use/construction requested is: Sand + Gravel Operation
2. The owner(s) of the described property is/are: Hooker Bros. Sand + Gravel Inc
3. The legal description of the property is: Wash. Top PT NE 1/4 SE 1/4 33-11-9 19.85 AC.  
Wash Top PT NW 1/4 SE 1/4 33-11-9 32.87 AC.
4. The address of the property is: 3860 S. Locust
5. The zoning classification of the property is: Transitional Ag.
6. Existing improvements on the property is: \_\_\_\_\_
7. The duration of the proposed use is: 10 Years
8. Plans for construction of permanent facility is: \_\_\_\_\_
9. The character of the immediate neighborhood is: Rural Farmland
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: Extend existing permit

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

5/1/14

Date

Jeff Hooker

Owners(s)

308-384-2106

Phone Number

P.O. Box 5134 3935 So. Locust

Address

Grand Island

City

NE

State

68802

Zip

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