



City of Grand Island

Tuesday, May 25, 2004

Council Session

Item E4

**Public Hearing on Request of Richard & Patricia Hartman and
Lyman-Richey Corporation for Two Conditional Use Permits for
Sand and Gravel Operations Located at 3812 and 3630 South
Blaine Street**

Staff Contact: Craig Lewis

Council Agenda Memo

From: Craig A. Lewis, Building Department Director

Meeting: May 25, 2004

Subject: Public Hearing on Request of Richard and Patricia Harman and Lyman – Richey Corporation for a Conditional Use Permit to Operate a Sand and Gravel Pumping Facility at 3630 and 3812 South Blaine Street

Item #'s: E-4 & G-6

Presenter(s): Craig Lewis

Background

This request is for council approval to allow for the operation of a sand and gravel facility 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 request for the property at 3630 S. Blaine is planned to begin mining in 2005 and continue until approximately 2015. The request for the southern property at 3812 S. Blaine would be to begin operation in the year 2015 and continue until approximately 2037. In recent discussion with Lyman-Richey Corporation the request for the southern property is to be withdrawn until the projected date of mining is in the near future, possibly in the year 2012, but they wish to express their future desire to mine at that location.

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.

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 statement of the proposed use of the property after the closing of the sand and gravel operation has been provided along with the application.

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 300 feet of any public road right of way nor within 100 feet from any adjacent property line, nor within 250 feet of the Central Platte Natural Resources District Wood River Diversion Channel Levee property.

(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 Saturdays. No pumping or other processing activities shall be permitted on Sundays or from fifteen minutes after sunset to fifteen minutes before sunrise.

(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. There is currently along the east edge of the property a 65 foot electrical easement and an existing 115 thousand volt transmission line, no product, material or equipment shall be stored within that 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 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 begin the mining 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 that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Approve the request with the proposed conditions.
2. Disapprove or /Deny the request.
3. Modify the request with additional or revised conditions to meet the wishes of the Council.
4. Table the issue

Recommendation

Approve the request with the identified conditions presented by City Administration.

Sample Motion

Motion to approve the conditional use with the condition identified by the City Administration, published in the Council packet and presented at the Council meeting.

HALL COUNTY BOARD of SUPERVISORS
Hall County Administration Building
121 South Pine Street, Grand Island, NE 68801-6099
Telephone: (308)385-5093 Fax: (308)385-5094 TDD: (800)833-7352

Supervisors

Scott Arnold 384-3905
Robert Humiston Jr. 382-4343

Chair: Pamela E. Lancaster 381-2754
Jim Eriksen 381-0952
William (Bud) Jeffries 382-8154

Richard Hartman 384-6442
Robert Rye 389-4781

Board Assistant: Stacey Ruzicka 385-5093

May 19, 2004

City of Grand Island
City Council Members
PO Box 1968
Grand Island, NE 68802



RE: Conditional Use Permits for 3812 and 3630 S Blaine Street

Dear Council Members:

The Hall County Board of Supervisors discussed at their meeting on May 18, a response to your letter to property owners regarding the proposed conditional use permits for sand and gravel operations located at 3812 and 3630 South Blaine Street.

Attached you will find a number of conditions we would like considered as requirements to obtain the permits. Our recent experience with a sandpit located in a similar proximity to homeowners resulted in these stipulations. Considering that campers, visitors to our community, as well as residents enjoy Hall County Park, we feel that these requirements are not excessive.

Thank you for your consideration of our request.

Sincerely,

Hall County Board of Supervisors
Pamela Lancaster, Chair

Enclosure

Hall County Board of Supervisors
May 19, 2004
Conditional Use Permits for 3812 and 3630 S Blaine Street
Requested Conditions

- Pumping of sand and gravel and storage of recyclable road construction materials shall not be allowed within 300 feet of a public road right of way, easement, or railroad.
- Pumping and other activities including, but not limited to, lighting, hauling, loading, unloading, sorting, and processing, is permitted from fifteen minutes after sunrise to fifteen minutes after sunset Mondays through Saturdays. No pumping or other activities are permitted on Sundays or from fifteen minutes after sunset to fifteen minutes after sunrise.
- 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.
- Materials and equipment shall not be stored on the property within the regulated floodways as determined by the Federal Emergency Management Agency or its successor and the entity having jurisdiction and authority to enforce floodplain regulations.
- All dead trees, rubbish and debris, if any, must be cleared from the above described real estate as soon as practical and said real estate must, at all times, be kept in a clean and neat condition.
- No trash, rubbish, debris, broken concrete, dead trees, lumber, bricks, refuse or junk material of any nature whatsoever shall be dumped, placed or located upon said real estate.
- Crushing or grinding of aggregates other than those mined on site shall not be permitted.
- Manufacturing uses including, but not limited to, asphalt or Portland cement based concrete production, shall not be permitted.
- Applicant shall not use said real estate in such a way so as to create or result in an unreasonable hazard or nuisance to adjacent landowners or to the general public.
- Applicant shall maintain any and all drainage ditches that may be located upon the real property.
- 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 of 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.
- 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.

We the undersigned are in opposition to the approval of the granting of Conditional Use Permits for a sand and gravel operation located at 3812 and 3630 South Blaine Street.

The increase in truck traffic will cause deterioration of Blaine Street. The noise of the pumping operation plus lights used to work at night will further aggravate the situation.

We feel the home owners in this area should not be subject to this long term disruptive operation. Our additional concern is that it might affect our water supply as we are all on wells.

NAME and ADDRESS

1. Grace B. Neuman 2703 Bass Rd - G.I. 68801
2. Robert Falldorf 2211 Bass Rd., G.I. 68801
3. Margaret A. Lind 2111 Bass Rd - G.I. NE 68801
4. George Whitford 2019 Bass Rd. G.I. NE 68801
5. David Whitford 2019 Bass Rd. G.I. NE 68801
6. George D. Wheat 2011 Bass Rd., Grand Island 68801
7. Frances R. Wheat 2011 Bass Rd., Grand Island, NE 68801
8. Shirley Meier 2003 Bass Rd., Grand Island, Ne. 68801
9. Evelyn Meier 2003 Bass Rd. Grand Island Ne 68801
10. Ortel Mabe 1919 Bass Rd G.I. 68801
11. Kenn Stueker 1919 Bass Rd G.I.
12. Jane Falk 1809 Bass Rd G.I.
13. Indy Felisch 1703 Bass Rd G.I.
14. Ken Speed 1615 Bass Rd G.I.
15. Dianna Riedy 1615 Bass Rd. G.I.
16. Dan Hinkel 2111 Bass Rd G.I.

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NAME and ADDRESS

1. Juanita Leisinger 2119 Bass Rd. Hl. 76 68801
2. Scott O Leisinger 2119 BASS RD GI NE 68801
3. Deborah L Reiss 2219 Bass Rd. Hl. 76 68801
4. Gary H Reiss 2219 BASS RD GI 68801
5. Jane Feldman 2211 Bass Rd GI 68801
6. Leroy Bell 2103 Bass Rd GI 68801
7. Martha Berryman 1903 Bass Rd. GI 68801
8. Dane Bell 2103 Bass Rd. Hl. 68801
9. K. & R. Craig Hale 1909 Bass Rd GI 68801
10. Jim Berryman 1903 Bass Rd Hl 68801
11. _____
12. _____
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16. _____

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NAME and ADDRESS

1. Julie Hornik 1616 Rainbow GI 68801
2. Jane K. Thongum 1716 Rainbow GI 68801
3. Phil Yumny 1716 Rainbow G.I 68801
4. Jessie Needham 1515 W Hwy 34 68801
5. Arden Kiedper 1515 W Hwy 34 68801
6. Marie C. Miner 3527 So. Blaine 68801
7. Richard D. Miner 3527 So. Blaine 68801
8. Mary Wellhoft 1511 Bass Rd 68801
9. Joy Wellhoft 1511 Bass Rd 68801
10. William H. Wellhoft 3612 Catfish Ave 68801
11. Billy Strano 1604 Rainbow Rd
12. Alice Stevens 1604 Rainbow Rd
13. Susan A. Devorak 1610 Rainbow Rd 68801
14. David J. Devorak 1610 Rainbow Rd.
15. Harry G. Best 1616 Rainbow Rd
16. R. Best 1721 Bass Rd G.I 68801

40. Vic Gard 1721 Bass Rd.
41. Hoacker Lemmenman 1704 Rainbow Rd
42. Rod Surgenor 1704 Rainbow Rd
43. Joe Luthenhaus 1710 Rainbow Rd.
44. Douglas L. Kline 1710 Rainbow Rd.
45. ~~Robert H. Hays~~ 1810 Rainbow Rd.
46. Laura S. Hays 1916 Rainbow Rd.
47. Scott Fox 1916 Rainbow Rd.
48. ~~John J. Thompson~~ 2010 Rainbow Rd.
49. John H. Thompson 2010 Rainbow Rd.
50. Betsy Grunwell 2016 Rainbow Rd.
51. Gloria Grunwell 2016 Rainbow Rd.
52. Pamela Gallagher 1910 Rainbow Rd.
53. Dean Scott 1910 Rainbow Rd.
54. V. S. Kline 3623 S. Blaine
55. Marilyn McArthur 1904 Rainbow Rd.
56. Mr. Mrs. James Berggren 4004 School Rd
57. _____
58. _____
59. _____
60. _____
61. _____
62. _____

May 19, 2004

Mayor Vavricek
100 East First Street
Grand Island, NE 68801



Dear Mayor Vavricek:

My name is Kathy Miller and we live on Scheel Road, bordering one of the addresses for the sand and gravel operation that Dick Hartman is proposing. I would like to state my concerns on the matter. The final result of a sandpit with surrounding homes is a lovely thought, but it will be a long time until that happens. My family is concerned about the 10-20+ years between now and then.

Following is a list of our concerns, in no particular order, as we feel they are all equally important.

Monday-Saturday pumping only, NO Sunday, and dawn to dusk is what I understand the norm is. I feel these hours are even too long, the sun comes up before 6:00 in the morning and stays light until late in the evening, there wouldn't be many quiet moments. Any lesser time of operation would be appreciated.

NO concrete plant or hot mix plant can be added at a later date. Only product that will come out of the ground, no incoming. Not natural state. Cannot bring in rock or asphalt to be ground down. This would help keep the site cleaner, no concrete or asphalt piles, and less noise from grinding machines. Also less traffic from trucks hauling product back in.

The height of the piles of sand: The piles we see around the county in sandpits are mountainous. Looking out at a solid mountain of sand is not the view we were excited about when we purchased our home 17 years ago.

Where will the piles of sand be placed? We request at least a 300' (or more if possible) setback on the sand and the pumping. We are worried that the sand will be put right up to our backyards and result in much blowing, and also the noise from loading trucks and lights from those trucks. We are worried about the blowing sand even pitting the siding of our houses, as we've heard reported from homes around current sandpits.

Concerned that the lights will be too bright and shine on our homes, the lights on the sand pile on South Locust are as bright as day and shine at all times.

Request that all mufflers that can be used, will be used. And any back-up alarms that could be muffled, also be.

If there is a buffer wall of dirt, it needs to be maintained or sprayed. Weeds and tumbleweeds are a huge eyesore also. Many times the outer boundaries of a property are where the piles of eyesore are stored, which happens to be up against my back yard.

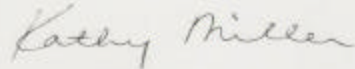
Site must stay clean, no scrap, wood or pipes.

The traffic on Schimmer is also a worry. With Hall County Park's entrance on Schimmer, there are many bike riders and joggers every day. With the additional truck traffic all day long, it would be even more dangerous for them to get to the park. The traffic from the Industrial Park is heavier now, but usually is done by the end of the work day when people use the park most. The only other road to get to the park is off of Highway 281, very unsafe, and now we would be making Schimmer equally unsafe. There is talk of a hike/bike trail to Mormon Island. I don't know where this would be located, but with the additional traffic from a sandpit, there would be more danger to the walkers and bikers.

I was keeping an open mind about Dick Hartman and his cooperating with the neighbors until I read the paper this morning. It is obvious from his comments that he does not want to work with the neighbors to his property and I feel we need to clarify in writing as much detail as we can at this time.

Thank you for your time. I appreciate all the help you can give us in this matter. There have been many changes to our little neighborhood the last year or so. We were annexed into the city and are hopeful that our representatives will help us with our concerns. I have had to fight to keep my children in their neighboring school and now we need to fight to keep a mess out of our backyards. Please help us.

Sincerely,

A handwritten signature in cursive script that reads "Kathy Miller".

Byron and Kathy Miller
4015 Scheel Road
Grand Island, NE 68803
381-7060 (home)
389-7222 (work)

