



# City of Grand Island

Tuesday, June 08, 2004

Council Session

## Item E2

**Public Hearing on Request of Hooker Bros. Sand & Gravel for  
Conditional Use Permit for 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:** June 8, 2004

**Subject:** Public Hearing on Request of Hooker Bros. Sand & Gravel Inc. for a Conditional Use Permit to Continue to Operate a Sand and Gravel Pumping Facility at 3860 S. Locust Street

**Item #'s:** E-2 & G-7

**Presenter:** Craig Lewis

## Background

This request is for council approval to allow for the continued 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 original request was presented to and approved by the City Council on May 23, 1994, and was granted for a ten year period, expiring in 2004.

## 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 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, and a setback of 250 feet from the base of the Central Platte Natural Resources District Wood River Diversion Channel Levee shall be maintained between the pumping operations.

(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. Two exceptions to this condition shall be in the months of March, April, October, and November, activities may operate from 6:00 a.m. to 10:00 p.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. There is currently along the west edge of the property electrical easement and an existing 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 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 begin the mining operation within a period of 18 months from the issuance of this permit or if the applicant fails to begin operations within the 18 months

the permit shall be considered null and void and subject to reapplication and rehearing. Additionally, if at any time 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.
2. Deny the request.
3. Approve the request with additional or revised conditions.

## **RECOMMENDATION**

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

## **SAMPLE MOTION**

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

June 2, 2004

City of Grand Island  
City Hall  
101 East First Street  
Grand Island, NE 68802

Attn: Craig Lewis  
Building Department Director

Re: Your correspondence dtd May 24, 2004

Dear Mr. Lewis:

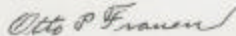
I have been having drainage problems for years on my land on the side of Hookers Sand and Gravel and Asphalt Mix operation. They have plugged the creek and/or slough with sand and dirt where the water originally drained on their property. They moved the drain further west so it drains into the sandpit near our property line and this eroded my land. After several attempts to contact them they finally repaired it, but if a big rain should come I would lose much valuable soil and it can't be replaced as it originally was.

I would be satisfied if Hooker Sand & Gravel would go north from the Northwest corner of my property, make a ditch along the west side of their property and connect it to the drain that NRD provided for the drainage of their property. Then the water would drain satisfactorily for all concerned.

Sorry I will be unable to attend the meeting on Tuesday, June 8th, but I would like to have my problem made known and hope a correction can be made soon that would benefit all concerned in a satisfactory manner.

Thank you.

Sincerely,



Otto P. Frauen  
394 J Road  
Chapman, NE 68827

-----Original Message-----

**From:** Marlan Ferguson [mailto:mferguson@grandisland.org]

**Sent:** Friday, June 04, 2004 12:26 PM

**To:** Gary Greer; Craig Lewis

**Subject:** Conditional Use Permit

The GIAEDC would like to support the request to renew the Conditional Use Permit for Hooker Bros. Sand and Gravel Operation located at 3860 South Locust Street. One of their customers is CXT which manufacture concrete railroad ties here in Grand Island. They obtain their aggregate from Hooker Brothers. CXT is currently in a competitive bid process for a contract with Union Pacific railroad. They currently employ about 45 employees and that may increase with the new contract. Obviously the availability of the aggregate is critical to the company as they submit their bid.

Marlan Ferguson

Grand Island Area Economic Dev. Corp.

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