



City of Grand Island

Tuesday, February 08, 2005

Council Session

Item E1

Public Hearing on Request of Amy Anderson, Personal Representative of the Estate of Thomas Anderson for Conditional Use Permit for Sand and Gravel Operation Located at 2819 South Locust Street

Staff Contact: Craig Lewis

Council Agenda Memo

From : Craig A. Lewis, Building Department Director

Meeting: February 8, 2005

Subject: Public Hearing on Request of Lyman-Richey Corp. & Amy Anderson of A & L Farms, Inc for conditional use permit to continue to operate a sand and gravel pumping facility at 2819 S. Locust St.

Item #'s: E-1 & G-5

Presenter: Craig Lewis, Building Department Director

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, 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 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 in 1972, and has received subsequent approvals for the past 33 years.

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 3 years with the possibility of renewal for an additional time at the end of the 3 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 Saturdays. No pumping or other processing activities shall be permitted on Sundays or from fifteen minutes after sunset to fifteen minutes before sunrise. One exception 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.

(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 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 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.

ALTERNATIVES

It appears the Council has the following alternatives concerning the issue.

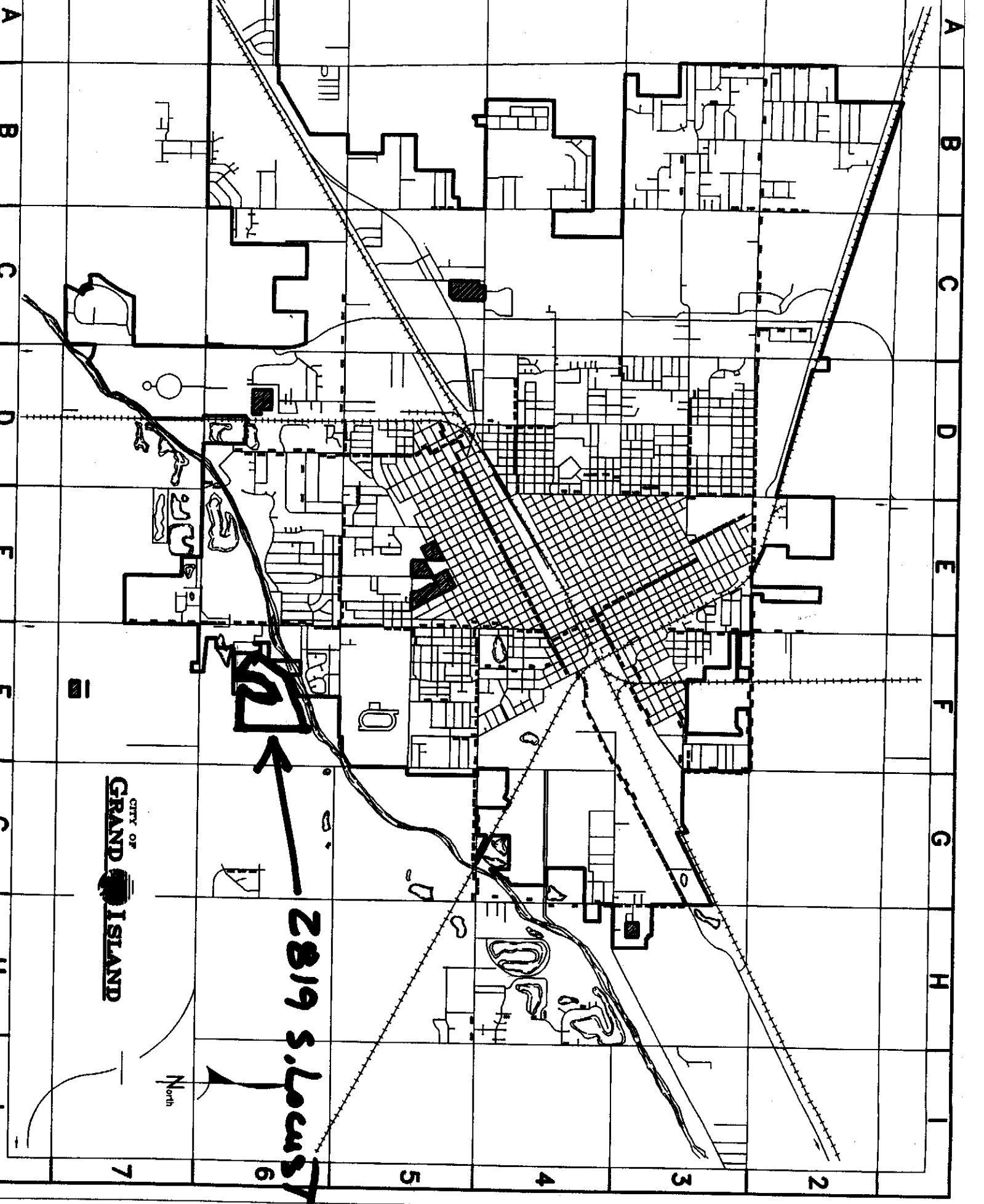
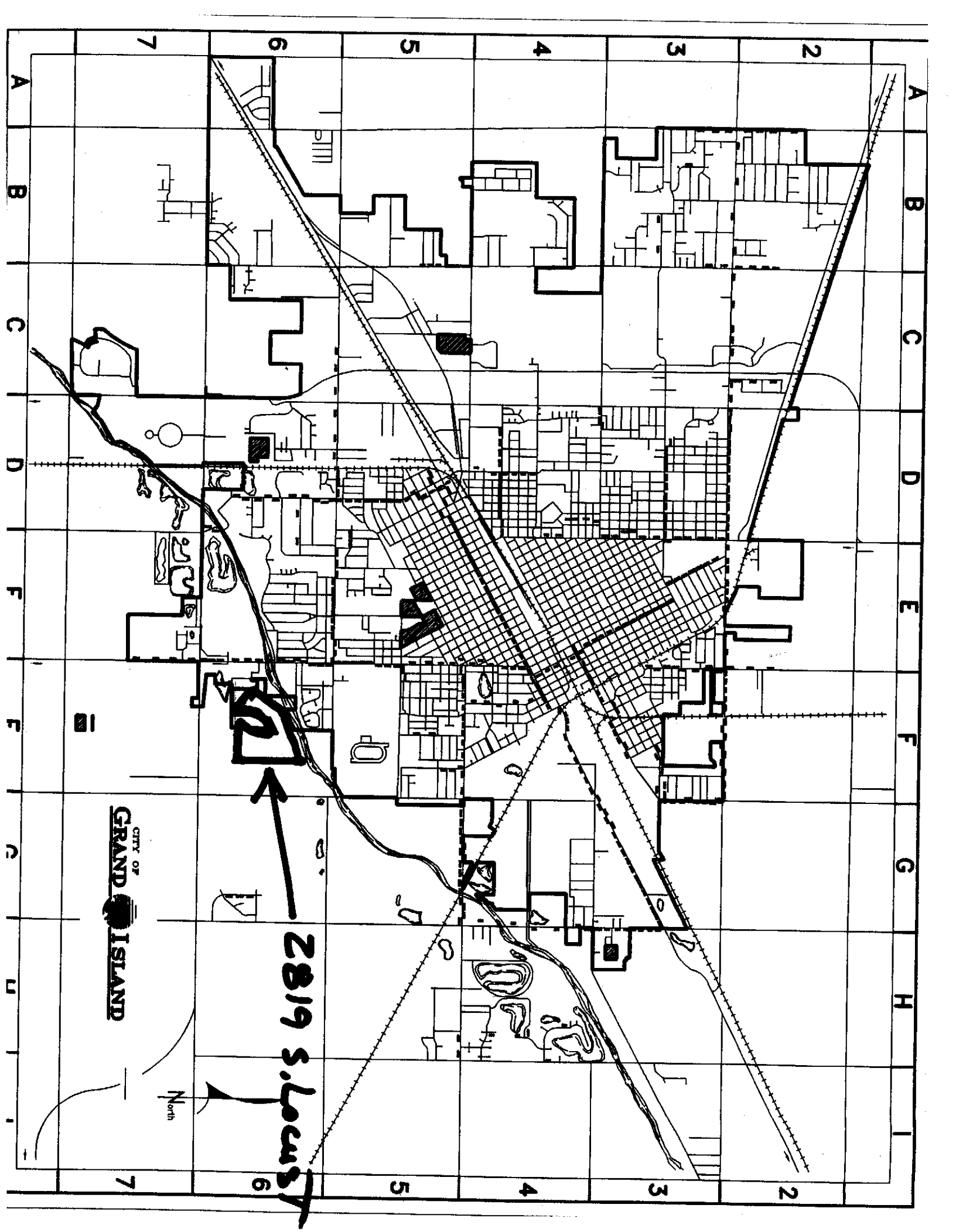
1. Approve the request with the proposed conditions.
2. Deny the request.
3. Approve the request with additional or revised conditions.

RECOMMENDATION

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

SAMPLE MOTION

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



2819 S. LOUIS

CITY OF GRAND ISLAND

North



Grand Island Pit

1. **Time for completing mining-** We anticipate mining to be completed on the property during the year of 2005. The only remaining virgin land to be mined is located in the northeast corner of the property. There is approximately five acres yet to be mined.
2. **Permit time-** We are asking for three years on the extension of the permit to be sure and have enough time to complete mining and time to remove the equipment and replace dirt over placed sand. We also need some time to remove stockpiles of mined material from the property.
3. **Adjoining Lyman-Richey property-** Lyman-Richey Corporation does own property adjacent to the property being mined under the conditional use permit. In 2004 we cleaned accumulated material from the property, disk and seeded the area to grass to give a pleasing appearance to the property.
4. **Anderson property reclamation-** At the completion of mining we will accomplish the following items:
 - A. Remove mining equipment
 - B. Remove stockpiles of screened products
 - C. Smooth waste sand areas to a pleasing appearance.
 - D. Cover the waste sand with available topsoil.
 - E. Remove electrical service from the mine area.
 - F. Remove scale and scale house from the permitted property.
5. **Environmental Issues**

At all times the mining operation will be conducted in accordance with the State of Nebraska Department of Environmental Quality permits dealing with air and water quality.

The mining operation will follow all Federal Department of Environmental Quality required permits for diesel fuel, oil and gasoline storage. All fuel storage must and will have secondary containment previous to allowing any fuel or oil on the property.

There is minimal haul road length due to the proximity to Blaine Street, therefore there will little or no dust caused by truck traffic.

All of Lyman-Richey mining operations operate under the rules and regulations as written and enforced by the Mining Health and Safety Act, MSHA, a set of Federal mandated regulations for all mining operations. The regulations of this Act mandate the maximum noise level of the operation within the bounds of the mining operation at 85 decibels. We strictly abide by these Federal regulations. Special mufflers are fitted to the engines on the dredge. The processing plant is entirely electric and has minimal noise.