



City of Grand Island

Tuesday, April 12, 2005

Council Session

Item E4

**Public Hearing on Request of Richard Hartman for Conditional
Use Permit for Sand and Gravel Operation Located at 3812 South
Blaine Street**

Staff Contact: Craig Lewis

Council Agenda Memo

From : Craig A. Lewis, Building Department Director

Meeting: April 12, 2005

Subject: Public Hearing on Request of Richard & Patricia Hartman and Lyman-Richey Corp. dba as Central Sand and Gravel for a Conditional Use Permit to Operate a Sand and Gravel Pumping Facility at 3812 S. Blaine Street

Item #'s: E-4 & H-1

Presenter: Craig Lewis, Building Department Director

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 (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 is to begin the operation in 2006 and continue for approximately 22 years or until 2025.

There appears to be one correction needed in the application submitted, the plant location is referenced as 1,300 feet east of Blaine Street, this I believe was intended to state 1,300 feet west of Blaine Street.

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, stock 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. Neither of these operation have been requested in this application.

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 Central Platte Natural Resources District Wood River Diversion Channel Levee property 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 6:00a.m. to 7:00p.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. There is currently along the east edge of the property a 45' 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 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 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 conditions identified by the City Administration, published in the Council packet and presented at the Council meeting.

