



Hall County Regional Planning Commission

**Wednesday, May 4, 2016
Regular Meeting**

Item F3

Public Hearing - Text Amendment

Staff Contact: Chad Nabity

Agenda Item 6

PLANNING DIRECTOR RECOMMENDATION TO REGIONAL PLANNING COMMISSION:

April 18, 2016

SUBJECT:

Concerning amendments to the Zoning Resolution for Hall County. Amendments to be considered are a request to add Livestock Trailer Wash Services to the Zoning Matrix as a permitted use in these Districts (HC, RC, GI) and a conditional use in these Districts (A-1, A-2, LI, AG-SC, AG-SE and AG-SI). (C-16-2016HC)

PROPOSAL:

The changes proposed were requested by attorneys from Cline Williams Wright, Johnson & Oldfather L.L.P., on behalf of a consortium of clients that are property owners in Hall County and listed on the Petition to Amend the Hall County Land Use Zoning Matrix as attached.

The applicant has requested that Hall County consider adding the use Livestock Trailer Wash Services to the Zoning Matrix as a listed land use category. Following discussions with the attorneys that made the application the Planning Director has suggested that the classification to be listed should be Trailer Wash Services-Livestock. This would place this use in the same part of the matrix as Truck Wash Services. An email exchange between the attorney and the Planning director is included to show that this change is acceptable.

The application to amend the regulations was received by the planning department along with the appropriate fees prior to April 14, 2016 deadline for the May Planning Commission meeting. The petition as attached identifies 13 reasons for amending the regulations. Planning staff would agree that the addition of Trailer Wash Services-Livestock would add clarity to the regulation and does recommend that such a change while not necessary would be beneficial to future planning directors, zoning administrators, applicants and the citizens of Hall County.

Paragraphs 6, 7 and 8 quoted below and section T of the Hall County Land Use Matrix with the requested changes are shown below:

6. The absence of a compatible and specifically identified use category in the Zoning Matrix causes property and business owners to attempt to fit proposed uses into incompatible, existing use categories, thereby jeopardizing the intentional allocation of use categories amongst the various zoning districts.
7. The Zoning Matrix in its current form fails to include a use category that reasonably encompasses livestock trailer wash facilities.

8. Amending the Zoning Matrix is necessary and justified in order to provide a specific use category for livestock trailer wash facilities so that those facilities may be located amongst compatible uses and in suitable zoning districts throughout Hall County.

HALL COUNTY LAND USE MATRIX

LAND USE CATEGORY	ZONING DISTRICT															
	A-1	A-2	A-3	AG-SC	AG-SE	AG-SI	SRC	R-1	R-M	HC	RC	LC	LI	GI	AGV	AG-R
T																
Tailoring (custom)										P						
Taverns																
Taxicab dispatch																
Taxicab garaging & maintenance																
Telegraph communications																
Telephone business office																
Telephone exchange stations	P	P	P	P	P	P	P	P						P	P	P
Telephone maintenance yard	P	P	P	P	P	P	P	P						P	P	P
Telephone relay towers (microwave)	C	C	C	C	C	C	C			C	C	C	C	C	C	C
Television broadcasting studios										P			P			
Television, radios, phonographs, recorders & tape players - manufacturing						P								P		
Television, radios, phonographs, recorders & tape players - repair services																
Television, radios, phonographs, recorders, & tape players - retail																
Television transmitting stations & relay towers	C	C	C	C	C	C	C			C	C	C	C	C	C	C
Temples, churches, & synagogues	C	C	C	C				P		P	P	P			C	C
Tennis clubs							P			P						
Textile bags - manufacturing						P								P		
Testing, research, & development services						P							P	P		
Theaters, legitimate										P						
Theaters, motion picture, indoor										P						
Theaters, motion picture, outdoor																
Threads & yarns - manufacturing						P								P		
Tile setting, masonry, plastering & stone work services																
Tire cord & fabric - manufacturing						P								P		
Tire & inner tubes - manufacturing						C								C		
Tires & inner tubes - wholesale						P								P		
Title abstracting services																
Tobacco & tobacco products - wholesale																
Tobacco & snuff - manufacturing						P								P		
Tobacco leaf - wholesale						P								P		
Tobacco stemming & redrying						C								C		
Tot lot or play lot							P			P	P	P				
Tourist courts, hotels, & motels										P	P	P				
Toys, amusement, sporting & athletic goods - manufacturing						P								P	P	
Trailer Wash Services-Livestock	C	C		C	C	C				P	P		C	P		
Transportation equipment and supplies (except motor vehicles)																
Trap & skeet shooting ranges	C	C	C	C			P								C	C
Travel arranging services										P						
Truck & automobile rental services										P		P	P			
Truck wash services	C	C	C			P				P	P	P	P	P	C	C
Turbines & engines - manufacturing						P								P		

P = Permitted Use C = Conditional Use

1

Figure a Changes as proposed with the petition

OVERVIEW:

A number of Hall County Zoning Districts are potentially impacted by the proposed changes these districts will be referred to by their abbreviations. An appendix of these zoning districts and along with the intent of each district is attached at the end of this memo. A copy of the current Hall County Zoning Map is also attached to provide reference regarding the location of various districts.

Paragraph 6 of the petition contends that existing use categories are incompatible with the use as of Trailer Wash Services-Livestock. Paragraph 7 specifically makes the claim that Trailer Wash Services-Livestock is not compatible with any of the existing categories.

Hall County Planning and Zoning staff, as per their charge, have determined that this use (Trailer Wash Facilities-Livestock) is reasonably classified within the category Truck Wash Services as listed in the zoning matrix. More specificity is not a bad thing but not all uses can be listed, so must categories of uses are necessary. Paragraph 8 makes the request to specifically add Trailer Wash Services-Livestock as a use to the zoning matrix. The request of which zones Trailer Wash Services-Livestock could be permitted is listed following paragraph 13 and includes: HC, RC, GI as a permitted use and A-1, A-2, LI, AG-SC, AG-SE and AG-SI as a conditional use.

It is my position as Planning Director that the use Truck Wash Services as currently listed includes Trailer Wash Services in general and including livestock trailers specifically, as the trailers cannot get to the washout facility without the truck. The trailer while separate from the truck cannot move without the truck.

The chart below is a direct comparison of where Truck Wash Services are currently permitted and where the applicants have suggested that Trailer Wash Services-Livestock would be appropriate.

LAND USE CATEGORY	ZONING DISTRICT															
	A-1	A-2	A-3	AG-SC	AG-SE	AG-SI	SRC	R-1	R-M	HC	RC	LC	LI	GI	AGV	AG-R
Trailer Wash Services-Livestock	C	C	C	C	C	C				P	P	P	C	P		
Truck wash services	C	C	C			P				P	P	P	P	P	C	C

Figure b Comparison of proposed Trailer Wash Services- Livestock and existing Truck Wash Services

Trailer Wash Services-Livestock is suggested as conditional use in the A-1 and A-2 zoning districts. Truck Wash Services are allowed by conditional use in all five agricultural zoning districts including the A-1, A-2, A-3, AGV and AG-R. These agricultural districts make up the majority of the property within the zoning jurisdiction of Hall County. Depending on the site conditions, adjacent road conditions and surrounding uses a Truck Wash Facility could be appropriate in any of these agricultural zoning districts. Conditions such a minimum maintenance roads, paving condition of roads, size of the property considered for the use would all impact the decision on whether grant a permit or not. In general more urbanized uses are encouraged closer to the communities, in the A-2 and A-3 zoning districts and more intense agricultural uses such as confined feeding operations are encouraged in the A-1 district. If the change is made to add Trailer Wash Services-Livestock it should be encouraged in the more urban districts closer to the communities but potentially allowed in the primary agricultural district.

Based on the application Trailer Wash Services-Livestock could be allowed by conditional use permit in both the AG-SC, AG-SE and AG-SI districts at the Cornhusker Army Ammunition Plant. Truck Wash Services are permitted in the AG-SI but are not allowed even with a conditional use permit in the AG-SC and AG-SE districts. The AG-SC district includes the Nebraska Game and Parks lands on the east boundary of the ammunition plant and the former burning grounds site in the northwest corner of the

ammunition plant. The AG-SE district includes the Husker Harvest Days site at the southwest corner of the ammunition plant and additional property to the north and east. Other than being located on the former ammunition plant these districts are not substantially different than the AG-1 and AG-2 county districts that surround the ammunition plant on all sides except the east. The additional districts could be added for Trailer Wash Services-Livestock. If that change is made a similar change should be made for Truck Wash Services.

Trailer Wash Services-Livestock is suggested as a permitted use in the HC, RC and GI districts and as a conditional use in the LI District. Truck Wash Services are a permitted use in the HC, RC, LC, LI and GI districts throughout the County. There are very few areas zoned HC, RC, LC, LI and GI in Hall County. Most of the RC and GI areas are located along U.S. Highway 281 or at the interchanges of Interstate 80. All of these zoning districts would be appropriate for a Truck Wash Services or Trailer Wash Services-Livestock

The Planning Commission can choose:

- to recommend the proposed changes as submitted
- to recommend that no changes be made
- to recommend that Trailer Wash Services-Livestock be added as category to the zoning matrix and to change the zones where they would be permitted or conditional uses possibly to match those where Truck Wash Services are permitted.

RECOMMENDATION:

That the Regional Planning Commission recommend either that no changes are necessary to the Hall County Zoning regulations and finding that Truck Wash Services is a sufficiently broad category that includes Trailer Wash Services (including livestock trailers), or that the category Trailer Wash Services-Livestock would add clarity to the regulations and that such use should be a permitted or conditional use in the same districts that Truck Wash Services are allowed.

_____ Chad Nabity AICP, Planning Director

Appendix A: A description of zoning districts referenced in this memo and their intent as adopted

Section 4.02: A-1 Agricultural – Primary District

4.02.01 Intent

The A-1 Agricultural District regulations are intended to provide for the preservation of lands best suited for agricultural uses of all types including feed lots and the commercial feeding of livestock and accessory uses; to prevent encroachment of uses of land that could be mutually incompatible and continue to provide for agricultural uses as a major uses to the economy of the area for the use and conservation of agricultural land, to protect the value of such land, and to protect it from indiscriminate residential and urban development and other incompatible and conflicting land uses. The A-1 Agricultural District is also intended to conserve and protect the value of open space, wooded areas, streams, mineral deposits and other natural resources and to protect them from incompatible land uses and to provide for their timely utilization. The district intends to provide for the location and to govern the establishment and operation of land uses that are compatible with agriculture and are of such nature that their location away from residential, commercial and industrial areas is most desirable. In addition, to provide for the location and to govern the establishment of residential uses which are accessory to and necessary for the conduct of agriculture and to provide for the location and to govern the establishment and use of limited non-agricultural residential uses. Such non-agricultural residential uses shall not be so located as to be detrimental to or conflict with other uses that are named as permitted or conditional uses in this district and are appropriate to other property in the area.

The nature of the A-1 Agricultural District and the uses allowed outright or by conditional use permit precludes the provision of services, amenities and protection from other land uses which are afforded to residential uses by the regulations of other districts, and it is not intended that the A-1 Agricultural District regulations afford such services, amenities and protection to residential uses located therein.

Section 4.03: A-2 – Secondary Agricultural District

4.03.01 Intent

The intent of this district is to recognize the agricultural uses of land and communities; to encourage the continued use of that land which is suitable for agriculture, but limit the land uses that may be a detriment to the efficient pursuit of agricultural production.

Section 4.04: A-3 Agricultural - Transitional District

4.04.01 Intent

The intent of this district is to recognize the transition between agricultural uses of land and communities; to encourage the continued use of that land which is suitable for agriculture, but limit the land uses that may be a detriment to the efficient pursuit of agricultural production.

Section 4.05: AG-SC Special Agriculture/Conservation Zone

4.05.01 Intent

This special use district is to maintain lands in a predominately agricultural use, yet allow for limited, low impact recreational uses associated with pedestrian and equestrian trails, in accordance with the Cornhusker Army Ammunition Plant (CAAP) Comprehensive Reuse Plan. Ranch and farm dwellings are not allowed due to Environmental Protection Agency issues with the CAAP site.

Section 4.06: AG-SE-Special Agriculture/Events Zone

1.06.01 Intent

This special use district is to allow for agricultural uses as well as special agricultural demonstration event, expositions and trade shows that require large land areas, in accordance with the Cornhusker Army Ammunition Plant (CAAP) Comprehensive Reuse Plan. Ranch and farm dwellings are not allowed due to Environmental Protection Agency issues with the CAAP site. Adult Establishments are permitted uses in this Zoning District, but are regulated to control the negative secondary effects of these uses, as set forth in Article 3, Section 3.29.

Section 4.07: AG-SI-Special Agriculture/Industrial Zone

4.07.01 Intent

This special use district is to allow for agricultural uses as well as manufacturing, processing, fabrication, research, warehousing, storage and wholesaling facilities in accordance with the Cornhusker Army Ammunition Plant (CAAP) Comprehensive Reuse Plan. Ranch and farm dwellings are not allowed due to the Environmental Protection Agency issues with the CAAP site. Adult Establishments are permitted uses in this Zoning District, but are regulated to control the negative secondary effects of these uses, as set forth in Article 3, Section 3.29.

Section 4.11: HC Highway Commercial District

4.11.01 Intent

The intent of this district is to provide for those trade services, cultural and recreational uses that are appropriate to be developed in conjunction with a highway or major street, thereby offering a desired convenience in location and accessibility to the motoring public.

Section 4.12: RC Restricted Commercial District

4.12.01 Intent

The intent of this district is to provide for only those trade and service uses in conjunction with the federal interstate highway interchanges as are needed and considered appropriate to the location.

Section 4.13: LC Local Commercial District

4.13.01 Intent

The intent of this district is to provide for the retail trade, service, and cultural and recreational needs of local neighborhood areas.

Section 4.14: LI Light Industrial District

4.14.01 Intent

The intent of this district is to provide a wide range of industrial and commercial uses that shall be able to meet the rigid specifications as to nuisance free performance. Certain uses that are incompatible or would interfere with industrial development are excluded. Adult Establishments are permitted uses in this Zoning District, but are regulated to control the negative secondary effects of these uses, as set forth in Article 3, Section 3.29.

Section 4.17: AGV Valentine Soil Overlay District

Section 4.17.01 Intent

The intent of this overlay district is to protect environmentally sensitive soils, especially those designated as the Valentine Soil Association. The primary location for this soil overlay in Hall County is in the North-Central region of the county.

Section 4.18: AG-R River Corridor Agricultural District

4.18.01 Intent

The intent of this district is to protect the environmentally sensitive lands along the Platte River corridor within Hall County. The corridor is designed to preserve the scenic quality of the Platte River by restricting agricultural and other uses which can be occurring in the corridor, and to allow the development of non-agricultural land uses which are compatible with maintaining the water quality and scenic quality of the river corridor and which are compatible with the agricultural uses permitted in the corridor areas.

HALL COUNTY LAND USE MATRIX

LAND USE CATEGORY	ZONING DISTRICT																			
	A-1	A-2	A-3	AG - SC	AG - SE	AG - SI	SRC	R-1	R-M	HC	RC	LC	LI	GI	AGV	AG-R				
T																				
Trailer Wash Services-Livestock	C	C		C	C	C				P	P		C	P						
Truck wash services	C	C	C			P				P	P	P	P	P	C	C				

P = Permitted Use

C = Conditional Use

1