



# **City of Grand Island**

**Tuesday, December 18, 2007**

**Council Session**

## **Item E3**

**Public Hearing on Proposed Amendments to the Grand Island City  
Code Section 36.71 Section A(2) of the ME Zoning District  
Regarding Propane Storage Tanks**

**Staff Contact: Chad Nabity**

# **Council Agenda Memo**

**From:** Chad Nabity AICP, CRA Director

**Meeting:** December 18, 2007

**Subject:** Zoning Ordinance Amendment

**Item #'s:** E-3 & F-1

**Presenter(s):** Chad Nabity AICP, CRA Director

## **Background**

Concerning amendments to the Zoning Ordinance for the City of Grand Island and its 2 mile extra-territorial jurisdiction. Amendments to be considered pertain to the §36-71(A) 2 ME-Manufacturing Estates Zone Permitted Principal Uses including the wholesale distribution as an allowed use in buildings heated with propane and with a propane tank or tank of 70,000 gallons or smaller total capacity. (C-6-2008GI)

## **Discussion**

A request by Bosselman Energy Inc. to place a single tank of up to 40,000 gallons on the site, and use it as shown above, was approved in April of 2006. Bosselman Energy Inc. is asking that the language be amended again to allow more than one tank and a maximum capacity of up to 70,000 gallons. The additional capacity would allow them to vacate the site at 3<sup>rd</sup> and Blaine/Custer. The requested change is as follows:

The changes proposed here were requested by Bosselman Energy Inc. of Grand Island, Nebraska. All areas with changes are **highlighted**. Additions are ***Italicized and underlined*** and deletions are in **~~strike-out~~**.

### **§36-71. (ME) Industrial Estates Zone**

*Intent:* The intent of this zoning district is to provide for a variety of manufacturing, truck, trailer, and truck/trailer parts retailing, truck, trailer, and truck/trailer parts wholesaling, warehousing, administrative and research uses within an area of comparatively high visibility and having quality standards to promote an industrial park atmosphere.

(A) **Permitted Principal Uses:** The following principal uses are permitted in the (ME) Industrial Estates Zoning District.

(1) Any industrial/manufacturing use found in the Zoning Matrix [Attachment A hereto] shall be permitted within this zoning district, provided, such use is in

compliance with miscellaneous provisions and performance standards listed in this section, or unless specifically excluded, or a conditional use as listed below.

(2) Administrative offices for the wholesale distribution of propane when bottles are filled from a bulk propane tanks not to exceed ~~40,000~~ 70,000 gallons and when such tanks ~~is~~ are installed primarily to provide a source of heat for a building on the lot.

Planning Commission members asked how many tanks this change would allow. Nabity suggest that it would allow up to 70,000 one gallon tanks but that that would not be very efficient. From discussions with Ken Caldwell, it appears that there will be 2 tanks.

Ken Caldwell, Bosselman Energy, spoke at the public hearing. He said that Bosselman's would not store additional tanks at this facility. They would store the small tanks that they refill and deliver for use on fork lifts but those would be inside the building.

Planning Commission Chairman O'Neill questioned the word primarily in the current language. His concern was not with the use; but, rather that if they wholesale more propane than they use in heating the building, what is the primary use of the tanks. After discussion, it was decided that the word primarily could also be removed along with the changes requested by Bosselman Energy Inc.

The Planning Commission approved, and recommended approval of this amendment to the Zoning Ordinance for the City of Grand Island and its 2 mile extra-territorial jurisdiction unanimously.

The changes recommended for approval are as follows:

All areas with changes are highlighted. Additions are *Italicized and underlined* and deletions are in ~~strike out~~.

### **§36-71. (ME) Industrial Estates Zone**

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(1) Any industrial/manufacturing use found in the Zoning Matrix [Attachment A hereto] shall be permitted within this zoning district, provided, such use is in compliance with miscellaneous provisions and performance standards listed in this section, or unless specifically excluded, or a conditional use as listed below.

(2) Administrative offices for the wholesale distribution of propane when bottles are filled from a bulk propane tanks not to exceed ~~40,000~~ 70,000 gallons and when such tanks ~~is~~ are installed ~~primarily~~ to provide a source of heat for a building on the lot.

## **Alternatives**

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Approve the amendment to Zoning Ordinance in Code 36-71 as presented
2. Modify the amendment to the Zoning Ordinance to meet the wishes of the Council
3. Table the issue

## **Recommendation**

A motion was made by Amick, 2<sup>nd</sup> by Snodgrass, to approve the amendment to the Zoning Ordinance in Code 36-71 as presented, with exception of striking the word “primarily” in 36-71 (A) 2 ME-Manufacturing Estates Zone Permitted Principal Uses.

A roll call vote was taken and the motion passed with 10 members present (Miller, Amick, O’Neill, Ruge, Hayes, Reynolds, Monter, Haskins, Bredthauer, Snodgrass) voting in favor.

## **Sample Motion**

Approve the zoning code amendments as presented.

## Agenda Item #6

### PLANNING DIRECTOR RECOMMENDATION TO REGIONAL PLANNING COMMISSION:

November 19, 2007

### SUBJECT:

*Concerning amendments to the Zoning Ordinance for the City of Grand Island and its 2 mile extra-territorial jurisdiction. Amendments to be considered pertain to the §36-71(A) 2 ME-Manufacturing Estates Zone Permitted Principal Uses including the wholesale distribution as an allowed use in building heated with propane and with a propane tank or tank of 70,000 gallons or smaller total capacity. (C-6-2008GI)*

### PROPOSAL:

The changes proposed here were requested by Bosselman Energy Inc. of Grand Island, Nebraska. All areas with changes are highlighted. Additions are italicized and underlined and deletions are in ~~strike-out~~.

#### §36-71. (ME) Industrial Estates Zone

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(2) Administrative offices for the wholesale distribution of propane when bottles are filled from a bulk propane tanks not to exceed ~~40,000~~ 70,000 gallons and when such tanks ~~is~~ are installed primarily to provide a source of heat for a building on the lot.

### OVERVIEW:

The ME zone specifically prohibits the storage tanks for fuel and chemicals but that does not prohibit the installation of a tank for heating purposes. The intent of the prohibition is to limit the likelihood of the ME Zone becoming a tank farm atmosphere versus a campus atmosphere. That intent and the prohibitions on

storage of fuel limit the ability of owners to heat their building with propane and to store propane on the property for that purpose. A propane tank up to, or larger than, 70,000 gallons, would be permitted as a source of fuel for heating a building.

A request to place a single tank of up to 40,000 gallons on the site, and use it as shown above, was approved in April of 2006. Bosselman Energy Inc. is asking that the language be amended again to allow more than one tank and a maximum capacity of up to 70,000 gallons. The additional capacity would allow them to vacate the site at 3<sup>rd</sup> and Blaine/Custer.

It would appear that these proposed changes fall within the intent of the ME District as it has been applied at the Platte Valley Industrial Park. Any further change to this regulation in regard to storage tanks should be accompanied by a reflection on the intent of the district.

**RECOMMENDATION:**

That the Regional Planning Commission recommend that the Grand Island City Council **approve** the changes to the Grand Island Zoning Ordinance as requested.

\_\_\_\_\_ Chad Nabity AICP, Planning Director

# APPLICATION FOR REZONING OR ZONING ORDINANCE CHANGE

Regional Planning Commission

Check Appropriate Location:

- ☒ City of Grand Island and 2 mile zoning jurisdiction  
☐ Alda, Cairo, Doniphan, Wood River and 1 mile zoning jurisdiction  
☐ Hall County

RPC Filing Fee

(see reverse side)

plus Municipal Fee\* \$50.00

\*applicable only in Alda, Doniphan, Wood River

## A. Applicant/Registered Owner Information (please print):

Applicant Name FRED BOSSELMAN Phone (h) \_\_\_\_\_ (w) 308-381-6900

Applicant Address 3123 W. STOLLEY PARK RD

Registered Property Owner (if different from applicant) BOSSELMAN TANK+TRAILER

Address 4501 TUERGEN RD Phone (h) 808-888 (w) 308-381-6900

## B. Description of Land Subject of a Requested Zoning Change:

Property Address \_\_\_\_\_

Legal Description: (provide copy of deed description of property)

Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision Name \_\_\_\_\_ and/or  
All/part \_\_\_\_\_ 1/4 of Section \_\_\_\_\_ Twp \_\_\_\_\_ Rge \_\_\_\_\_ WSPM

## C. Requested Zoning Change:

1. Property Rezoning (yes ☐ (no ☐)  
(provide a properly scaled map of property to be rezoned)

From \_\_\_\_\_ to \_\_\_\_\_

2. Amendment to Specific Section/Text of Zoning Ordinance (yes ☒ (no ☐)  
(describe nature of requested change to text of Zoning Ordinance)

(ATTACHED FULL DETAIL)

AMENDMENT TO ZONING ORDINANCE IN CODE 36-71 Section A(2)

## D. Reasons in Support of Requested Rezoning or Zoning Ordinance Change:

Attached for full detail

NOTE: This application shall not be deemed complete unless the following is provided:

1. Evidence that proper filing fee has been submitted.
2. A properly scaled map of the property to be rezoned (if applicable), and copy of deed description.
3. The names, addresses and locations of all property owners immediately adjacent to, or within, 300 feet of the perimeter of the property to be rezoned (if the property is bounded by a street, the 300 feet shall begin across the street from the property to be rezoned).
4. Acknowledgement that the undersigned is/are the owner(s), or person authorized by the owner(s) of record title of any property which is requested to be rezoned:

☒ A public hearing will be held for this request\*

Signature of Owner or Authorized Person [Signature]

Date 11-1-07

Note: Please submit a copy of this application, all attachments plus any applicable municipal filing fee to the appropriate Municipal Clerk's Office. RPC filing fee must be submitted separately to the Hall County Treasurer's Office (unless application is in Grand Island or its 2 mile zoning jurisdiction, then the RPC filing fee must be submitted to the G.I. City Clerk's Office).

Application Deemed Complete by RPC: mo. \_\_\_\_\_ day. \_\_\_\_\_ yr. \_\_\_\_\_ Initial \_\_\_\_\_

RPC form revised 4/30/07



**BOSSELMAN**  
Family of Companies



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10-02-2007

Mr. Chad Nabity  
Hall County Regional Planning Director  
PO BOX 1968  
Grand Island NE 68802

RE: requested amendments to zoning ordinance

Chad,

Bosselman Energy is requesting a minor amendment to the Zoning Ordinance in Code 36-71 Section A (2). The change we request is a minor wording change and volume increase allowed for propane storage. Bosselmans would like to amend the language from tank to tank(s) to allow an additional propane storage tank to be added and the volume increased from the existing limit of 40,000 gallons to 70,000 gallons. This volume is required to accept the additional tank. Bosselman Energy, currently constructing a building in the Industrial Park on Juergens Road, requested and received an amendment change to allow one bulk propane tank not to exceed 40,000 gallons on the site.

Now with regards to safety, security and economies of scale, we are specifically requesting an adjustment so the tank now located at 3<sup>rd</sup> and Blaine can be moved to the Juergens Road location. This will greatly improve safety and security for storage and reduce the number of sites of storage within the city limits. Original plans for usage at the site are not changing. The property footprint for the additional tank is very minimal and will not be likened to a "tank farm".

Bosselman respectfully requests these changes at the earliest convenience due to construction now under way and the time of the season for making the necessary improvements.

Sincerely,

Fred Bosselman  
President  
Bosselman Energy  
308-381-6900