



# **City of Grand Island**

**Tuesday, August 26, 2008**

**Council Session**

## **Item E1**

**Public Hearing on Request from Hooker Brothers Construction Co. for a Conditional Use Permit to Stockpile Recyclable Concrete and Asphalt Located at 3016 North Webb Road**

**Staff Contact: Craig Lewis**

# **Council Agenda Memo**

**From:** Craig Lewis, Building Department Director

**Meeting:** August 26, 2008

**Subject:** Request from Rod Hooker of Hooker Brothers Construction Co. for Approval of a Conditional Use Permit to Allow for the Stockpiling of Concrete and Asphalt Materials, and the Surface Mining of Earth, Sand and Gravel, and the Reshaping of the Existing Lake Area at 3016 N. Webb Road

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

**Presenter(s):** Craig Lewis, Building Department Director

## **Background**

This request is to allow for the continued and expanded use of the property as a storage and recycling area and to allow for minor commercial operations as development of the approximately 40 acre tract is divided into 4 separate 10 acre residential properties.

The site was previously utilized as a tree farm and most recently subdivided into residential lots along Webb Road with several of the properties fully developed into residential single family dwellings.

## **Discussion**

The property currently is zoned LLR or Large Lot Residential and as such any commercial mines, quarries, sand and gravel pits and accessory uses are only allowed if approved by the City Council in the form of a conditional use.

The intent of the current property owner is to continue to develop the property into four ten acre residential lots. As part of that development the owner has begun to stockpile material for development of driveways and improvements. The stockpiling of material is permissible if used for the onsite development, but any commercial resale, processing, or mining of the property is not permitted without the approval of the City Council. Because of the size and scope of this development, City staff believes there will be a minor

amount of product either removed from the site or offered for resale and as such a conditional use permit would be required.

There does not appear to be an intent to operate a commercial mining or processing operation at this site, however the owners do anticipate some business activity and express a desire to be in compliance with City regulations. Approval of a conditional use permit will minimize the need for continual monitoring of this property.

City Staff has developed the following conditions which appear appropriate to impose upon this operation and were modeled after previous sand and gravel operations:

**1). Use:** the proposed uses are limited to those listed on the application, stockpiling of recycleable concrete and asphalt for use on the property, and excavation and reshaping of the existing lake. Excess material may be sold or removed from the property.

**2).Closure :** At the closure of the development a subdivision platt shall be submitted to the Regional Planning Commission for review and approval of the proposed subdivision.

**3).Primary Conditions :**

(a). The permit shall be granted for a two year period with the possibility of a renewal at the end of the initial period.

(b). Pumping of material for sale shall not be allowed. Pumping and dredging to reshape and create an adequate depth of the proposed lake is permissible.

(c). The finished width of developable property adjacent to the public right of way shall be 300 feet at the time of completion. A setback of 100 feet from any adjacent property line shall be maintained between any reshaping of the lake or any recycling operation.

(d). Development activities ( including lighting) at the site shall be limited to daylight hours (15) minutes before sunrise and (15) minutes after sunset Mondays through Saturday. No development activities shall be permitted on Sundays or from fifteen minutes after sunset or fifteen minutes before sunrise.

(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 it's successor and the entity with jurisdiction and authority to enforce floodplain regulations. No product, material or equipment shall be stored within any 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, place, 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 estate.

(j). Applicant shall not permit the hauling of any material from the premises over and across any public highway or road unless said material 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 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 historical natural drainage ways.

(l). If at any time during the life of the permit the operation shall cease for a continuous 12 months the permit shall become void and a renewal shall be obtained before becoming once again operational.

### **Alternatives**

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

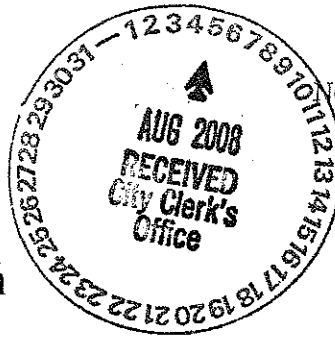
1. Approve the request for a Conditional Use Permit finding that the application is and will be in conformance with the zoning regulations. .
2. Disapprove or /Deny the Request finding the proposal does not conform to the purpose of the zoning regulations.
3. Modify the Conditional Use Permit to meet the wishes of the Council.
4. Refer the matter to a special committee for a determination of a finding of fact.
5. Table the request.

### **Recommendation**

City Staff recommends that the Council approve the conditional use permit if all conditions as presented are met and if the City Council finds that the proposed application promotes the health, safety, and general welfare of the community, protects property against blight and depreciation, and is generally harmonious with the surrounding neighborhood.

### **Sample Motion**

Move to approve the requested conditional use permit as specified in the staff recommendation published in the Council packet and presented at the Council meeting and finding that the application conforms with the purpose of the zoning regulations.



## Conditional Use Permit Application

pc: Building, Legal, Utilities  
Planning, Public Works

1. The specific use/construction requested is: Stockpile recycleable concrete & asphalt that will be used for the development of this property
2. The owner(s) of the described property is/are: HBCC Timberline L.L.C.
3. The legal description of the property is: Lot 6 Timberline Second Subdivision
4. The address of the property is: 3016 North Webb Road
5. The zoning classification of the property is: Large Lot Residential
6. Existing improvements on the property is: none
7. The duration of the proposed use is: 2 years
8. Plans for construction of permanent facility is: Rezone property into (4) 10 acre lots adjoining a constructed 25-30 acre lake
9. The character of the immediate neighborhood is: residential on the east side only
10. There is hereby attached a list of the names and addresses of all property owners within 200' of the property upon which the Conditional Use Permit is requested.
11. Explanation of request: the property will have (4) individual private accesses which have been allotted for when the houses adjoining to the east were constructed. The material being recycled will be used in the construction of each private drive.

I/We do hereby certify that the above statements are true and correct and this application is signed as an acknowledgement of that fact.

8-4-08

Date

Hooker Brothers Construction Co by Paul Hooker  
Owners(s)

384-2030

Phone Number

2510 South North Road

Address

Grand Island Nebraska 68803  
City State Zip

**Please Note: Delays May Occur if Application is Incomplete or Inaccurate.**



US Highway 281 N



BNSF Railroad Main Line

BNSF Railroad Main Line

Webb Rd N