



City of Grand Island

Tuesday, October 27, 2015

Council Session

Item E-1

Public Hearing on Request from Hooker Brothers Construction Company for a Renewal of Conditional Use Permit for a Sand and Gravel Operation located at 501 Gunbarrel Road

Council action will take place under Request and Referrals item H-1.

Staff Contact: Craig Lewis

Council Agenda Memo

From : Craig A. Lewis, Building Department Director

Meeting: October 27, 2015

Subject: Public Hearing on Request of Hooker Bros. Sand & Gravel Inc. for a Conditional Use Permit to Allow for the Continued Operation of a Sand and Gravel Pumping Facility at 501 South Gunbarrel Road. N1/2 of the SW1/4 and NW1/4 of the SE1/4 of section 18-11-8 Merrick County.

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 location. A conditional use permit is required as the current zoning classification. TA or transitional agriculture and AG-2 or Secondary Agricultural does not allow for this type of use as a permitted principal use. The zoning classification does list as a 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 permit was granted on December 6, 2005 for a ten year period.

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 drawing of the proposed development of the property after the closing of the sand and gravel operation has been provided along with the initial 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 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 10:00p.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. 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, 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, finding that the proposed application is and will continue to be in conformance with the purpose of the zoning regulations.
2. Deny the request, finding that the proposed application does not conform to the purpose of the zoning regulations.
3. Approve the request with additional or revised conditions and findings of fact.
4. Refer the matter to a special committee for a determination of a finding of fact.

RECOMMENDATION:

Approve the request if all conditions continue to be applicable as presented by City Administration and if the City Council finds that the proposed use and application continues to promote 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 conditional use with the condition identified by the City Administration, 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: Sand & gravel pumping, process, storage, stockpiling, distribution and sales, both wholesale and retail. Retail sale may also include the sale of black dirt, river rock and similar landscaping materials
2. The owner(s) of the described property is/are: Hooker Brothers Construction Company
N 1/2 of SW 1/4 & NW 1/4 of SE 1/4
3. The legal description of the property is: Section 18, T-11-N, R-8-W, Merrick County, NE
4. The address of the property is: S. Gunbarrel Rd., Grand Island, NE
5. The zoning classification of the property is: Transitional Ag / AG-2
6. Existing improvements on the property is: None
7. The duration of the proposed use is: 25 Years
8. Plans for construction of permanent facility is: Finish pumping sand/gravel, Future lake development
9. The character of the immediate neighborhood is: Mixed Agricultural, Residential
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: Currently about 1/2 of property has been pumped. We want to continue to pump remainder of the sand & gravel and eventually develop a lake for future development

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

10/5/2015

Date

Kerry W. McGrath

Kerry W. McGrath - President

Owners(s)

(308) 384-2030

Phone Number

PO Box 5288, 2510 S. North Road

Address

Grand Island

City

NE

State

68802

Zip

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

