



# City of Grand Island

Tuesday, December 07, 2010

Council Session

## Item E3

**Public Hearing on Request from Geotechnical Services, Inc. for a  
Conditional Use Permit for a Soil Vapor Extrication Trailer  
Installation Located at 417 North Sycamore Street**

Staff Contact: Craig Lewis

# **Council Agenda Memo**

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

**Meeting:** December 7, 2010

**Subject:** Request of Geotechnical Services on behalf of R, D & D Inc. for a Conditional Use Permit for a Temporary Trailer Located at 417 N. Sycamore Street

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

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

## **Background**

This request is for approval of a conditional use permit to allow for the continued placement of a vapor extraction trailer to facilitate the removal of free phase petroleum from groundwater at the site. The site is currently zoned (B-2) General Business. Trailers and temporary buildings are only allowed within this zoning classification if approved by the City Council in the form of a conditional use permit.

A permit was granted by the City Council on November 14, 2006 for a two year period with the condition that any displaced landscaping was to be replaced within the next six months. An additional two year conditional use permit was requested and approved on October 28, 2008 again with the condition that the required landscaping be installed within 60 days of the approval.

On January 7, 2009 the Building Department sent a letter to the owners of record of the property requesting that the required landscaping be completed within the next 30 days or by February 17, 2009 as the property was in violation of the City Code and the conditions established by the city council for approval of the conditional use permit.

On January 26, 2009 the property was inspected and there appeared to be planting in conformance with the city code.

## **Discussion**

This proposal is to allow for the continued use of the trailer at the site to aid in the clean up of groundwater. The proposed length of time is for three to five additional years, however the City code provides a two year approval. The site location is such that it

would not appear that this request will have any negative impact on the neighboring properties, and no concerns have been presented in the last two years of operation.

In 1995 as a building addition was constructed landscaping regulations were applicable and the proposed location for the trailer conflicts with the location of that required landscaping and the approval in 2006 and again in 2008 required any landscaping displaced was to be replaced. It appears that again the required landscaping has not been maintained or attended, it is difficult to tell if this area is intended to be landscaping or unattended volunteer trees and weeds. Any additional approvals of this request should only be allowed if the landscaping is replaced and brought into compliance with landscaping regulations.

### **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 proposed use is a listed conditional use in the zoning code and that it will not be detrimental to public health, safety, and the general welfare of the community.
2. Disapprove or /Deny the request finding that the proposal does not conform to the purpose of the zoning regulations.
3. Modify the request 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 issue.

### **Recommendation**

City Staff recommends that the Council deny the request until such time as the property has demonstrated a willingness to comply with the city code and maintain the landscaping required by the City code and zoning regulations, finding that the proposal does not promote the health, safety, and general welfare of the community, does not protect the property against blight and depreciation, and is generally not harmonious with the surrounding neighborhood.

### **Sample Motion**

Move to deny the request for a conditional use permit to allow for the continued use of a temporary vapor extraction facility for a two year period, finding that the applications does not conform with the provisions of the zoning regulations.





