



City of Grand Island

Tuesday, December 21, 2010

Council Session

Item E1

**Public Hearing on Request from Gordon Glade and Island
Landhandlers, Inc. for a Conditional Use Permit for a Sand and
Gravel Operation Located at 3812 South Blaine Street**

Staff Contact: Craig Lewis

Council Agenda Memo

From: Craig A. Lewis, Building Department Director

Meeting: December 21, 2010

Subject: Public Hearing on Request of Gordon & Cara Glade & Gerald Williams of Island Landhandlers Inc. for a Conditional Use Permit to Operate a Sand and Gravel Pumping Facility at 3812 S. Blaine Street

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

Presenter: Craig A. Lewis, Building Department Director

Background

This request is for Council approval to allow for the operation of a sand and gravel facility at the above referenced address. A conditional use permit is required as the current zoning classification TA (transitional agricultural) does not allow for this type of use as a permitted principal use. The zoning classification does list as a permitted conditional use, commercial mines, quarries, sand and gravel pits and accessory uses. Conditional uses as listed in the zoning code must be approved or denied by the City Council in the form of a conditional use after a finding that the proposed use will or will not comply with the purposes as identified in the Code.

Section 36-2 of the Grand Island Zoning code, Purposes: This chapter has been made in accordance with a comprehensive plan and to promote the health, safety, and general welfare of the community; to lessen congestion in streets; to secure safety from fire and other dangers; to provide adequate light and air; to promote the distribution of population, land classifications and land development to support provisions for adequate transportation, water flows, water supply, drainage, sanitation, recreation, and other public requirements; to protect property against blight and depreciation; and to secure economy in government expenditures.

Three previous requests were reviewed and denied by the City Council for this property in April and October of 2005 and as recent as September 14, 2010.

Two of the previous request were for a 22 and 25 year duration as opposed to the request in September and this request for a 10 year period.

Discussion:

Sand and gravel operations have been a part of the Grand Island and surrounding areas for a long time, as residential development continues to expand and the uses become closer neighbors, more conditions need to be implemented to assure compatible and harmonious 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, stock 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. Neither of these operations has been requested in this application.

2). CLOSURE: A statement on the application identifies the proposed use of the property after the closing of the sand and gravel operation as a single family dwelling.

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 a minimum 300 feet at the time of termination of the operation. A setback of 100 feet from any adjacent property line, and a setback of 250 feet from the Central Platte Natural Resources District Wood River Diversion Channel Levee property 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. One exception to this condition shall be in the months of March, April, October, and November; activities may operate from 6:00a.m. to 7:00p.m. to allow for winter condition.

(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. There is currently along the east edge of the property a 45' electrical easement and an existing transmission line, no product, material or equipment shall be stored within that easement or in such a manor that it would violate any safety provisions of the National Electric Safety Code, nor shall the existing grade elevations be altered.

(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 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 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 fails 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.

It appears that this application and proposal will meet or exceed the established conditions as the proposed setbacks exceed those minimum required and provides for earthen berms and plantings to buffer adjacent properties.

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:

City Administration recommends that the Council approve the request with the identified setbacks, screening berms, and plantings and conditions, finding that the proposed use and 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 conditional use as proposed in the application and including the conditions 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.



Non-Refundable Fee: \$200.00
Return by: _____
Council Action on: _____

Conditional Use Permit Application

pc: Building, Legal, Utilities
Planning, Public Works

1. The specific use/construction requested is: Sand and Gravel Operation
2. The owner(s) of the described property is/are: Gordon & Cara Glade / Permit - Island Landhandlers Inc Contingent on Conditional Use
3. The legal description of the property is: SE 1/4 Sec 32 T aa N - R 9 W
4. The address of the property is: XXX Schimmer Rd / 3812 S. Blaine
5. The zoning classification of the property is: Transitional Agricultural
6. Existing improvements on the property is: None
7. The duration of the proposed use is: 10 years
8. Plans for construction of permanent facility is: 1 single family residence in a few years
9. The character of the immediate neighborhood is: Industrial/Residential/Agricultural
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: Approximately 86 acres of this property is owned by Gordon & Cara Glade. The southeast acres at the corner of Schimmer & Blaine is owned by Island Landhandlers. Hours of operation typically run 7am-5pm Monday-Friday, but as work load dictates, it may be 7am-7pm Monday-Saturday. No activity on Sundays. Traffic routed on Schimmer for access to 281 & S. Locust. Blaine Street only used for direct delivers on Blaine Street

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

11/09/10
Date

308-381-2757
Phone Number

Gordon Glade Island Landhandlers Inc
Cara J Glade Gerald T. Williams
Owners(s)

112 S. Gunbarrel Rd 2419 S. North Rd
Address

Grand Island, NE 68801 Grand Island Ne. 68801
City State Zip

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

Dec 2nd, 2010

Mr. Craig A. Lewis
Building Department Director
City of Grand Island, NE

Re: Gordon and Cara Glade's Request for Personal Use Sand & Gravel Permit

Dear Mr. Lewis,

After the initial request to the City Council for this permit, it was brought to our attention that some of the attendants of the last meeting were confused or misinformed as it related to our permit application. Since then, in further discussion with some of the neighbors and others who were in attendance, they now have a better understanding and therefore we are resubmitting the application for the permit.

The reasons for the miscommunication were:

- Hours of operation -- (see permit application)
- Use of local roads by Island Landhandlers
- Single family home site vs. development project
- Maintaining the natural appeal of the property
- 8-10 year personal use permit vs the typical 20-25 year pumping permit
- Pumping to be done in two Phases (see attached map). Phase I in the location of where our home will be built; Phase II will be started about the same time the home construction will start, therefore, we will be living on site for the balance of the permit timeline.

We understand there was a permit application by the prior land owner a few years ago, however, the intention of the land use and for the reasons mentioned above are significantly different. We ask that the City Council separate the previous perceptions from our request.

In follow up to previously identified concerns:

1) Unsafe conditions to Blaine Street –

The access road will be on to Schimmer Road to Locust Street and Hwy 281. Schimmer Road is already a route being used by Island Landhandlers less than 3/4 of a mile west and has been for 20 years. There will be no change in the amount of truck traffic as Island Landhandlers will be abandoning that site and relocating here. It is also a route being utilized by two other sand and gravel pumping sites and by businesses located in the industrial park located across the street. The only time Blaine Street will be used is for a direct delivery request by a customer.

2) Affect area property values –

There are over 20 existing lakes within a 2 mile radius of the proposed site, most of which have homes built or are under construction. As evidenced by the historical property tax valuations, lakefront properties have added significant

value to the surrounding area and have increased the amount of property tax revenue collected. The proposed site and home would have the same affect in increasing the property value and tax revenue.

3) Not Harmonious to the Area –

This area has had sand and gravel operations for over 60 years creating jobs and revenue as well as esthetically pleasing lakefront neighborhoods.

There will be an approximate 20 acre lake with an approximate 300 ft buffer between the lake and hike and bike trail (see attached map). Several berms and numerous native trees will be added around the perimeter. This smaller personal use lake will leave approximately 60 acres of natural prairie to maintain the integrity of the existing and surrounding property.

4) Road Deterioration –

As mentioned in item #1, Island Landhandlers has been utilizing the roads in question for 20 years. Their current sand and gravel operation is completed and this new operation will not add any new significant truck traffic, simply replace the existing.

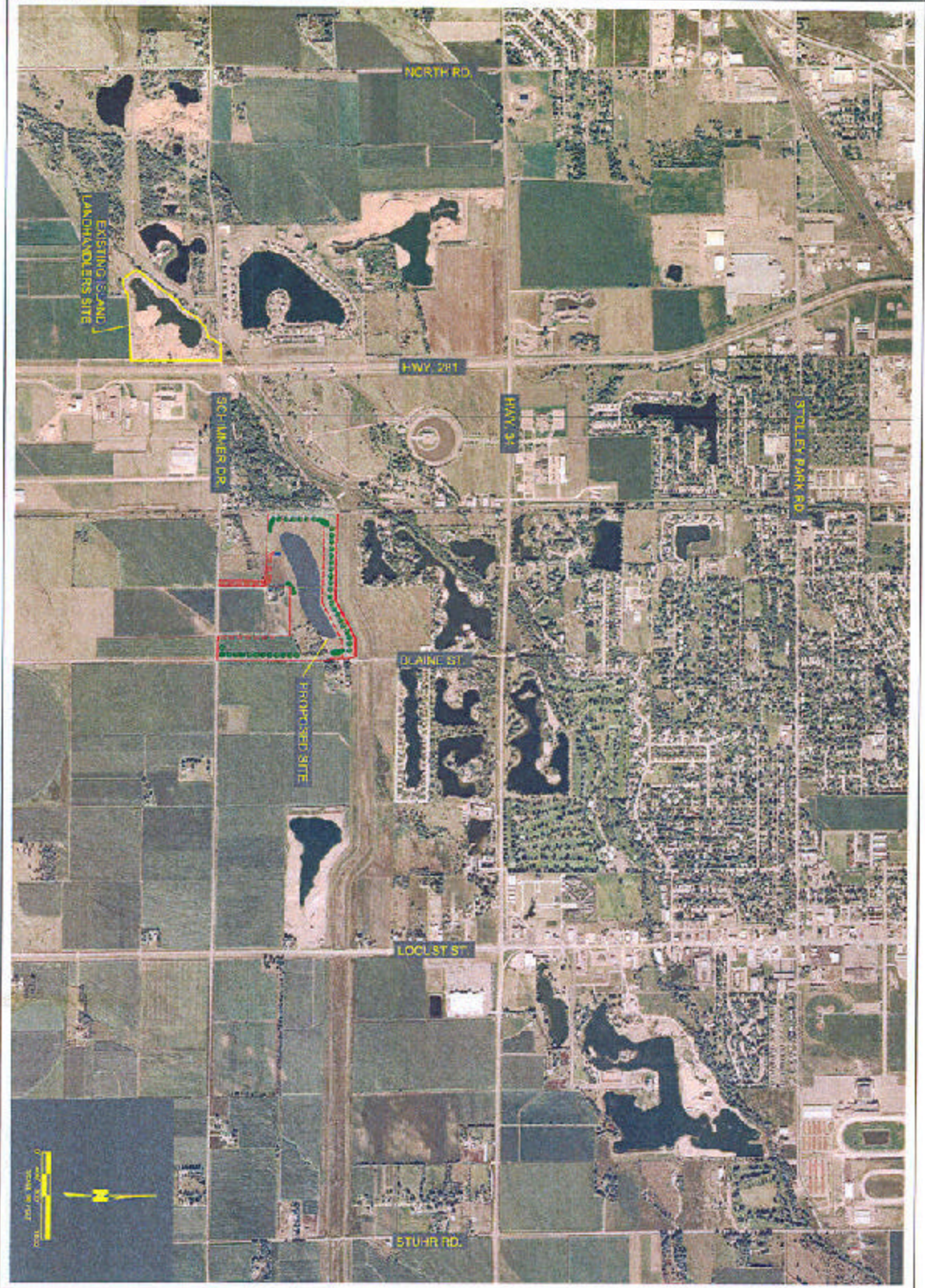
The end result will be a single family dwelling on a private 20 acre lake with extensive planting of trees, adding large boulders/natural stone and other decorative water features ultimately making this property esthetically pleasing, harmonious to the area, and will greatly benefit surrounding property values.

If you have any questions please call us at 308-398-4150 or email to discuss.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gordon & Cara Glade".

Gordon and Cara Glade



SHEET 1 OF 1	VICINITY MAP		REVISIONS <table border="1"> <tr><th>NO.</th><th>DATE</th><th>DESCRIPTION</th></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </table>	NO.	DATE	DESCRIPTION									
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ISLAND LAND AND/OR CONDITIONAL USE PERMIT															
GRAND ISLAND, NEBRASKA															
2016															

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