



City of Grand Island

Tuesday, November 27, 2012

Council Session

Item E1

Public Hearing on Request from Douglas & Mikaela Westerby on behalf of William Gulzow for a Conditional Use Permit for a Car Dealership Located at 223 East 2nd Street

Staff Contact: Craig Lewis

Council Agenda Memo

From: Craig Lewis, Building Department Director

Meeting: November 27, 2012

Subject: Request of Douglas & Mikaela Westerby for Approval of a Conditional Use Permit to Allow for the Operation of an Outdoor Sales Lot for New and Used Motor Vehicles at 223 East 2nd Street

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

Presenter(s): Craig Lewis, Building Department Director

Background

This request is for the approval of a Conditional Use Permit to allow for the operation of an outdoor sales lot for new and used motor vehicles at 223 E. 2nd Street.

The property is currently zoned B-3 Heavy Business and as such outdoor sales of new or used vehicles is listed in the zoning code as a permitted conditional use requiring approval of the City Council.

The proposal is to utilize an existing building and parking lot which have in the past been a used car facility but recently vacant. The area is a mix of residential and commercial uses and on the fringe of the downtown area.

Discussion

The proposal is to utilize a facility which in the past has been the location of an automotive service station and a used car sales lot.

The zoning classification of B-3 provides that any outdoor sales of rental lots for new or used automobiles, boats, motor vehicles, trailers, manufactured homes, farm and construction machinery, require a conditional use and the approval of the City Council.

Additionally Section 36-105, would be applicable;

Vehicle Sales and Rental Businesses; New Businesses and Businesses Relocating or Expanding; Minimum Improvement Requirements

Beginning December 15, 2002, all new, relocating or expanding businesses engaged in

automotive/truck/recreational vehicle sales and/or rentals shall have the following minimum improvements and equipment:

(A) All areas on which vehicles are displayed and offered for sale and/or rental shall be provided with a permanent type, dust-free surface such as asphaltic cement concrete, Portland cement concrete, or paving brick.

(B) Any business engaged in vehicle sales and/or rentals shall have a principal building which complies with the Grand Island City Code and all applicable building, electrical, plumbing and fire codes.

(C) Any business engaged in vehicle sales and/or rentals shall have space within the principal building or an accessory building for storage of all vehicle parts, new or used. All such parts must be stored within said space.

(D) All hazardous materials, regulated waste and used vehicle fluids shall be stored and disposed of in accordance with state and federal laws and the rules and regulations of the U.S. Environmental Protection Agency and the Nebraska Department of Environmental Quality. Tank storage of fluids and wastes must be situated within a suitable overflow enclosure.

(E) Any business engaged in vehicle sales and/or rentals shall comply with the Grand Island City Code landscaping and screening regulations and minimum off-street parking and loading space requirements prior to commencing operations.

In 1985 the City at the request of the Nebraska Highway Department requested that the free standing pole sign on the north east corner of the property which was overhanging the public right of way be removed or altered such that it no longer encroached over the right of way. As that sign still exists and does still overhang the public right of way, I would suggest that a condition of approval of the conditional use permit be that the encroachment shall be removed prior to any occupancy of the property as an outdoor sales lot.

Alternatives

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

1. Approve the request for the Conditional Use Permit finding that the proposed application is and will continue to be in conformance with the purpose of the zoning regulations.
2. Disapprove or /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 a finding of fact.
4. Refer the matter to special committee for a determination of a finding of fact.

Recommendation

Approve the request with the conditions identified in the staff memorandum, 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 request for a conditional use permit including the staff recommendations, 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: conditional use permit for a car dealership
2. The owner(s) of the described property is/are: William L. Gutzow → proposed buyers Douglas M. Westoby
Mikaela N. Westoby
3. The legal description of the property is: Grand Island Original town Lot 1 Block 77
4. The address of the property is: 203 E. 2nd St.
5. The zoning classification of the property is: B3
6. Existing improvements on the property is: older brick building, needing many improvements
7. The duration of the proposed use is: Auto Sales
8. Plans for construction of permanent facility is: Immediately, many updates & cleaning
9. The character of the immediate neighborhood is: car dealership on opposite corner, city parking lot behind
rental properties to front & side & machine shop N.E. side.
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: I would like to turn this property back into a nice car dealership.
The property has been run-down for many years. We will make it aesthetically pleasing
to the eyes for the neighborhood and provide a positive business for the city of Grand Island.
I have lived here all my life and had a couple businesses in town. I have taken
great strides to improve the looks and area of my properties. I feel we have a clear plan
to improve our city especially this area.

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

<u>11-8-12</u>	Date	<u>73.4 → 2312 Viking Court</u>	Owners(s)
<u>308-379-1144 - Doug</u>		<u>Doug → 3600 Cutfish Ave.</u>	<u>G.F. Ave. 68803</u>
<u>308-380-7717 - Bill</u>	Phone Number		Address
		<u>Grand Island</u>	<u>Nebraska</u>
		City	State
			<u>68801</u>
			Zip

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



<http://taxsifter.hallcountyne.gov/aphotos/400/006/588-01.jpg>

11/8/2012