



# City of Grand Island

Tuesday, November 26, 2002

Joint Mtg/Council Session

## Item F2

### **#8783 - Consideration of Amendment to Chapter 36 of the Grand Island City Code Relative to Vehicle Sales and Rental Business**

*This item relates to the aforementioned Public Hearing. Consideration of changes to Grand Island City Code Chapter 36 relative to Vehicle Sales and Rental Business. This amendment would set performance standards for Automobile Sales and Rental Business. The Regional Planning Commission at their regular meeting on November 6, 2002 approved, and recommend the City Council approve the amendment to the Grand Island zoning ordinance as recommended by the Planning Director that would allow business in operation before March 9, 1999 to continue operating without a hard surface lot if they get a conditional use permit, with the suggestion that council waive the conditional use permit fee if they apply before December 31, 2003.*

Staff Contact: Chad Nabity

November 7, 2002

Honorable Ken Gnadt, Mayor  
And Members of the Council  
100 E. 1<sup>st</sup> Street  
Grand Island, NE 68801

Dear Members of the Council:

**RE: Changes to the Grand Island Zoning Ordinance Chapter 36-49 concerning vehicle sales and rental businesses.**

At the regular meeting of the Regional Planning Commission, held November 6, 2002, the above items were considered following a public hearing. This change to the zoning ordinance would set performance standards for Automobile Sales and Rental business.

No members of the public spoke in support of this item.

Carl Mettenbrink spoke against this item. He expressed concern with the paving requirements. He said he has looked into paving is lot and has been told that it would never stand up the weight of the delivery trucks that would have to drive on it. He feels this is more of a junk issue than a paving issue.

Mert Nietfeld spoke against this item. He expressed concern with the hard surface requirement. He feels that it is more of a junk issue, and that people will put junk on any surface if they want to. He does not feel that having a hard surface will clean up the junk.

Randy Rapien spoke against this item. He feels this issue was brought up because of the junk on some lots. He provided pictures for the commission members to look at, and had examples of well kept lots not paved, and some junky lots that would meet the requirements the city want to put in place. He feels that if the city is going to require car dealers to pave their lots, they need to make the implement dealers do the same.

Roger Roscoe spoke against this item. He said he has a repair shop in town and does not sell cars on a regular basis. He has to comply with all the environmental issues now because of his repair business. He does not see what difference a hard surface will make.

Following further consideration and discussion, a motion was made by Hayes, and 2<sup>nd</sup> by Hooker to **approve** and recommend the City of Grand Island **approve** the amendment to the Grand Island zoning ordinance as recommended by the Planning Director that would allow business in operation before March 9, 1999 to continue operating without a hard surface lot if they get a conditional use permit, with the

suggestion that council waive the conditional use permit fee if they apply before December 31, 2003.

A roll call vote was taken and the motion passed with 8 members present voting in favor (Haskins, Amick, Miller, Hooker, Wagoner, O'Neill, Obst and Lechner) and 1 member voting against (Eriksen).

Yours truly,

Chad Nabity AICP  
Planning Director

cc: City Clerk  
City Attorney  
Director Utilities  
Director Public Works  
Director Building Inspections

ORDINANCE NO. 8783

An ordinance to amend Chapter 36 of the Grand Island City Code; to amend Section 36-49 pertaining to minimum improvement requirements for vehicle sales and rental businesses in existence as of November 1, 2002; to add Section 36-49.1 pertaining to minimum improvement requirements for new, relocating, or expanding vehicle sales and rental businesses ; to repeal Section 36-49 as now existing, and any ordinance or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA:

SECTION 1. The Mayor and City Council do hereby find that the public interest will be served by the following amendments to the Grand Island City Code, that no business existing on the effective date of this ordinance shall have or retain rights of any nature to operate an automotive/truck/recreational vehicle sales and/or rental business based on the prior provisions of the code and that all such businesses within the City of Grand Island and its extra-territorial jurisdiction shall comply with this ordinance by April 1, 2004 or cease operation. It is further suggested that the Conditional Use Permit fee as referenced below be waived if such permit is applied for by such vehicle sales and rental businesses prior to December 31, 2003.

SECTION 2. Section 36-49 of the Grand Island City Code is hereby amended to read as follows:

**§36-49. Vehicle Sales and Rental Businesses In Existence as of December 15, 2002; Minimum Improvement Requirements**

All businesses engaged in automotive/truck/recreational vehicle sales and/or rentals on or after December 15, 2002 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. The Grand Island City Council may, upon application for and approval of a conditional use permit, waive this requirement for businesses that were operating at the same location prior to March 9, 1999.

Approved as to Form ? _____
November 21, 2002 ? City Attorney

ORDINANCE NO. 8783 (Cont.)

(B) Any business engaged in vehicles 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.

**§36-49. Storage and Display Requirements**

All storage and display areas associated with automotive/truck/recreational vehicle sales or rentals shall be hardsurfaced in accordance with the requirements of §36-48.

SECTION 3. Section 36-49.1 is hereby added to read as follows:

**§36-49.1 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.

SECTION 4. Section 36-49 as now existing, and any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 5. That this ordinance shall be in force and take effect from and after its passage and publication, within fifteen days in one issue of the Grand Island Independent as provided by law.

ORDINANCE NO. 8783 (Cont.)

Enacted: November 26, 2002.

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Ken Gnadt, Mayor

Attest:

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RaNae Edwards, City Clerk