City Council Introduction: Monday, July 9, 2012
Joint Public Hearing of the Lancaster County Board of Commissioners and the Lincoln City Council: Tuesday, July 17, 2012, 1:00 p.m.

Bill No. 12R-150

FACTSHEET

TITLE: **COUNTY SPECIAL PERMIT NO. 12015 and CITY SPECIAL PERMIT NO. 12016,** requested by Radix, Inc., to expand a special permit to operate a recreational facility in the AG Agricultural District, on property generally located at S.W. 29th Street and W. Wittstruck Road.

STAFF RECOMMENDATION: Conditional Approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 05/02/12, 05/16/12 and 06/13/12
Administrative Action: 06/13/12

RECOMMENDATION: Conditional Approval (5-0: Gaylor Baird, Sunderman, Butcher, Weber and Cornelius voting 'yes'; Lust, Esseks and Francis absent; Hove declared a conflict of interest).

FINDINGS OF FACT:

1. This a request for a Recreational Facility under the provisions of Articles 4.007(b) and 13.001.21 of the Lancaster County Zoning Resolution and §§ 27.07.040(b) and 27.63.130 of the Lincoln Municipal Code (Zoning Ordinance), on 71.43 acres, more or less, in split jurisdiction, located on Lot 1 and a portion of Outlot A of Bentzinger's Pleasant Acres Community Unit Plan, generally located at S.W. 29th Street and W. Wittstruck Road. The Recreational Facility would be used for camps, physical challenge course training, corporation retreats and special event challenge/adventure races.

2. The property upon which the proposed special permit is located is in split jurisdiction between Lancaster County and the City of Lincoln 3-mile extraterritorial jurisdiction, thus requiring separate action by the County Board on that portion of the property located in Lancaster County jurisdiction and by the City Council on that portion of the property located in the City of Lincoln jurisdiction.

3. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.14-16, concluding that the proposal meets the goals of the Comprehensive Plan to provide active recreation, allow for emerging recreational activities, preserve open space and floodplain, and maintain appropriate levels of traffic on County section line roads. The buffers to current and future neighbors minimize any impact on adjacent residential uses. The staff presentation is found on p.19-23.

4. The revised site plan notes submitted by the applicant on May 31, 2012, representing modifications made to the proposed uses on the facility based on neighborhood feedback, are found on p.42-45. The modifications include, among other things: a) a revision to the legal description so that the limits of the special permit are a minimum of 600' from the existing residential structures to the east and northeast; and b) a mandatory radial setback of 250' between occupied residential dwelling structures and the accessory uses if a future residential structure is built on the north, west or south boundaries of the special permit.

5. The presentation by the applicant is found on p.23-24. Testimony in support is found on p.24-26. Additional information submitted by the applicant and 37 letters in support are set forth in Exhibit A, which is made a part hereof by this reference. The majority of the letters received in support are testimonials about positive experiences at Camp Gargano and its mission.

6. Testimony in opposition is found on p.26-30, and the record consists of a petition in opposition signed by 37 property owners, and 45 letters in opposition (33 individuals representing 26 households), all of which are set forth in Exhibit B, which is made a part hereof by this reference. The primary concerns of the opposition include, but are not limited to, the expansion of the area and activities of the existing facility; noise; traffic, road conditions and safety; lighting; and the impact upon the property values and rural lifestyle of the surrounding area. The applicant's response to the opposition is found on p.33-34.

7. On June 13, 2012, the Planning Commission agreed with the staff recommendation, which incorporated the revised site plan notes, and voted 5-0 to adopt Resolution No. PC-01292 (p.3-6) approving County Special Permit No. 12015 on that portion located in the Lancaster County jurisdiction, and voted 5-0 to adopt Resolution No. PC-01293 (p.7-11) approving City Special Permit No. 12016 on that portion located in the City of Lincoln jurisdiction (Gaylor Baird, Sunderman, Butcher, Weber and Cornelius voting 'yes'; Lust, Esseks and Francis were absent and Hove declared a conflict of interest).

8. On June 22, 2012, letters of appeal were filed by William K. Adams, 13939 S.W. 14th Street, Roca, NE (p.46-47), which perfected an appeal of these special permits to the Lancaster County Board and the Lincoln City Council. Between June 22 and June 27, 2012, nine additional letters of appeal were filed (p.48-65).

FACTSHEET PREPARED BY: Jean L. Preister **DATE**: July 2, 2012

REVIEWED BY: Marvin Krout, Director of Planning **DATE**: July 2, 2012

REFERENCE NUMBER: FS\CC\2012\SP12015 and SP12016 Appeal

RESOLUTION NO. PC- 01292

SPECIAL PERMIT NO. 12015

WHEREAS, Radix Inc. requests approval of County Special Permit No. 12015, to provide the authority to convert County Special Permit No. 07032 for a club, to a special permit for a recreational facility and expand the number of participants on property generally located at S.W. 29th Street and W. Wittstruck Road, Lancaster County, Nebraska, legally described as follows:

Lot 1 and a portion of Outlot A, Bentzinger Pleasant Acres First Addition, located in the South ½ of Section 9, Township 8 North, Range 6 East of the 6th principal meridian, Lancaster County, Nebraska; and

WHEREAS, the Lincoln-Lancaster County Planning Department recommends conditional approval of said Special Permit, concluding that the application meets the goals of the Comprehensive Plan for providing active recreation, allowing for emerging recreational activities, preserving open space and floodplain, and maintaining appropriate levels of traffic on County section line roads. The buffers to current and future neighbors minimize any impact on adjacent residential uses. The application for Special Permit 12015 is in conformance with the County Zoning Resolution and the Comprehensive Plan; and

WHEREAS, on June 13, 2012, the Lincoln-Lancaster County Planning Commission conducted a public hearing on County Special Permit No. 12015 and voted 5-0 to recommend conditional approval; and

WHEREAS, all requirements of the Lancaster County Zoning Regulations have been

met.

NOW, THEREFORE, BE IT RESOLVED, by the Lincoln-Lancaster County Planning Commission, that County Special Permit No. 12015, to provide the authority to convert County Special Permit No. 07032 for a club, to a special permit for a recreational facility for:

a. a maximum occupancy of 50 persons that shall not exceed five consecutive days in a given calendar week; and

b. a maximum occupancy of 150 persons that shall not exceed five events in a thirty day period and no more than two events in a calendar week; and

c. special events of up to 500 persons not to exceed six events per year that shall be permitted through the Amusement License process of Lancaster County,

on property generally located at S.W. 29th Street and W. Wittstruck Road, Lancaster County, Nebraska, is hereby approved subject to the following conditions:

Site Specific Conditions:

1. Before receiving building permits the developer shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including **5** copies with all required revisions and documents as listed below:

   1.1 Within the City jurisdiction, according to the comments of the Department of Public Works and Utilities, Watershed Management Division, make the following corrections:

      a. Update Note 7 to show correct map reference

      b. Show preliminary 2012 FEMA floodplain, preliminary 2012 FEMA floodplain is wider than the current floodplain

c. Either:

i. Add a note stating: Any construction (e.g. buildings, parking lots, etc...) within the floodplain area needs to comply with new growth area floodplain standards and have a floodplain permit. No buildings or structures are allowed in the minimum corridor (show minimum corridor on plan)

-Or-

ii. Add a note stating that no construction (e.g. buildings, parking lots, etc...) is allowed in the floodplain.

1.2 Correct the legal description of the property.

1.3 Add a Note that commits the applicant to promoting a route to the facility that uses Highway 33 to SW 29th Street to W. Wittstruck Road to minimize travel on un-paved roads.

1.4 Add a Note that indicates events as described in Note 3.c. shall conclude by 10:00 p.m.

1.5 Revise Note 4 to read "All exterior lighting shall comply with the design standards for parking lot lighting as adopted by the City of Lincoln. Parking lot lighting shall be shielded from adjacent properties and be turned off by 10:00 p.m. except for security lighting." The athletic course itself shall not be lighted.

1.6 Revise Note 6 to read, "Signs need not be shown on this site plan, but need to be in compliance with chapter 27.69 of the Lincoln Zoning Ordinance, and must be approved by Building & Safety Department prior to installation".

1.7 Revise all notes to remove the legal format and renumber.

1.8 Obtain an administrative amendment of Special Permit #174CO to redefine the purpose of Outlot A and identify areas which will remain in agricultural use or open space use.

2. Before receiving building permits provide the following documents to the Planning Department:

2.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

3. Prior to the issuance of a building permit:

3.1 The construction plans must substantially comply with the approved plans.

Standard Conditions:

4. The following conditions are applicable to all requests:

4.1 Before occupying buildings or starting the operation all development and construction shall substantially comply with the approved plans.

4.2 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.

4.3 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.

4.4 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.

4.5 The applicant shall sign and return the letter of acceptance to the County Clerk. This step should be completed within 60 days following the approval of the special permit. The Permittee shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds. Building permits will not be issued unless the letter of acceptance has been filed.

4.6 The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all prior resolutions approving this permit remain in full force and effect as specifically amended by this resolution.

DATED this 13 day of June, 2012, by the Lincoln-Lancaster County Planning Commission.

By: _____

Title: CHAIR

RESOLUTION NO. PC-01293

SPECIAL PERMIT NO. 12016

WHEREAS, Radix Inc. has submitted an application designated as Special Permit No. 12016 to expand a special permit to operate a recreational facility in the AG Agricultural District on property generally located at SW 29th Street and W. Wittstruck Road and legally described as:

Lot 1 and a portion of Outlot A, Bentzinger Pleasant Acres First Addition, located in the South Half of Section 9, Township 8 North, Range 6 East of the 6th P.M. Lancaster County, Nebraska;

WHEREAS, the Lincoln City-Lancaster County Planning Commission has held a public hearing on said application; and

WHEREAS, the community as a whole, the surrounding neighborhood, and the real property adjacent to the area included within the site plan for this recreational facility will not be adversely affected by granting such a permit; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the Comprehensive Plan of the City of Lincoln and with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster County Planning Commission of Lincoln, Nebraska:

That the application of Radix Inc., hereinafter referred to as "Permittee", for a special permit to operate a recreational facility on the property described above be and the same is hereby granted under the provisions of Section 27.63.130 the Lincoln Municipal Code upon condition that the Lincoln City-Lancaster County Planning Commission approves County Special Permit No. 12015 and that the construction and occupancy of said recreational facility be in substantial compliance with said application, the site plan, the requirements of Section 27.63.130 and the following additional express terms, conditions, and requirements:

1. This approval permits a recreation facility for:

   a. A maximum occupancy of 50 persons that shall not exceed five consecutive days in a given calendar week;

   b. A maximum occupancy of 150 persons that shall not exceed five events in a 30 day period and no more than two events in a calendar week; and

   c. Special events of up to a maximum occupancy of 500 persons not to exceed six events per year that shall be permitted through the Amusement License process with Lancaster County.

2. Before receiving building permits the Permittee shall

   a. Cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including five copies with all required revisions as listed below:

      i. Update Note 7 to show correct floodplain map reference.

      ii. Show preliminary 2012 FEMA floodplain, preliminary 2012 FEMA floodplain is wider than the current floodplain.

iii. Add a Note stating, "Any construction (e.g. buildings, parking lots, etc.) within the floodplain area needs to comply with new growth area floodplain standards and have a flooplain permit. No buildings or structures are allowed in the minimum corridor (show minimum corridor on plan).

iv. Correct the legal description of the property.

v. Add a Note that commits the Permittee to promoting a route to the facility that uses Highway 33 to SW 29th Street to W. Wittstruck Road to minimize travel on un-paved roads.

vi. Add a Note that indicates events as described in Note 3.c. shall conclude by 10:00 p.m.

vii. Revise Note 4 to read "All exterior lighting shall comply with the design standards for parking lot lighting as adopted by the City of Lincoln. Parking lot lighting shall be shielded from adjacent properties and be turned off by 10:00 p.m. except for security lighting." The athletic course itself shall not be lighted.

viii. Revise Note 6 to read, "Signs need not be shown on this site plan, but need to be in compliance with chapter 27.69 of the Lincoln Zoning Ordinance, and must be approved by Building & Safety Department prior to installation".

ix. Revise all notes to remove the legal format and renumber.

b. Obtain an administrative amendment of Special Permit #174CO to redefine the purpose of Outlot A and identify areas which will remain in agricultural use or open space use.

3. Before receiving building permits the Permittee shall provide to the Planning Department verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

4. Prior to the issuance of a building permit the construction plans must substantially comply with the approved plans.

5. Before occupying buildings or starting the operation all development and construction shall substantially comply with the approved plans.

6. The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.

7. Before occupying this recreation facility the City-County Health Department is to approve the water and wastewater systems.

8. The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.

9. The Permittee shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefore to be paid in advance by the Permittee. Building permits will not be issued unless the letter of acceptance has been filed.

10. The Permittee shall sign and return the letter of acceptance to the County Clerk. This step should be completed within 60 days following the approval of the special permit. The Permittee shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds. Building permits will not be issued unless the letter of acceptance has been filed.

The foregoing Resolution was approved by the Lincoln City-Lancaster County Planning Commission on this 13 day of June, 2012.

ATTEST:

Chair

Approved as to Form & Legality:

Chief Assistant City Attorney

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for June 13th, 2012, PLANNING COMMISSION MEETING

This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

PROJECT #: County Special Permit No. 12015 and City Special Permit No. 12016

PROPOSAL: A request per County Article 13.001(12) and City Section 27.63.130 to convert a special permit for a club to a special permit for a Recreational Facility and expand the number of participants.

LOCATION: SW 29th Street and W. Wittstruck Rd

LAND AREA: 71.43 acres, more or less

EXISTING ZONING: Agricultural - AG

WAIVER /MODIFICATION REQUEST: None

CONCLUSION: In conformance with the Comprehensive Plan

RECOMMENDATION:	Conditional Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 1 and a portion of Outlot A, Bentzinger Pleasant Acres First Addition, located in the South ½ of Section 9, Township 8 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska, more specifically described on the attached document.

EXISTING LAND USE: Agricultural with a Special Permit for a Club

SURROUNDING LAND USE AND ZONING:

North: AG - Agricultural: Farming
South: AG - Agricultural: Farming
East: AG - Agricultural with a special permit for Community Unit plan (CUP): and seven dwelling units
West: AG - Agricultural: Farming

HISTORY:

1979 Changed from AA Rural and Public Use to AG - Agricultural in the 1979 zoning update.

March 2000	A special permit for a Community Unit Plan (CUP) (SP174CO) and Preliminary Plat (PP99025) approved for Bentzingers Pleasant Acres for 8 lots.
September 2007	County Special Permit 07032 for a Club approved for up to 50 members of a Christian youth athletic club,
September 2007	Administrative Amendment 07075 (City) and Administrative Amendment 07076 (County) to remove the area of Lot 1 Bentzinger Pleasant Acres from the area of the CUP and to reduce the number of residential lots in the CUP from 8 to 7 (SP174CO)
February 2008	Final Plat of Bentzingers Pleasant Acres First Addition approved

COMPREHENSIVE PLAN SPECIFICATIONS:
This area is shown as future Agricultural use with Agricultural Stream Corridor along the floodplain and Environmental Resources along the stream corridor.

Parks, Recreation and Open Space: Other Public, Semipublic, and Private Facilities
It is anticipated that fitness and wellness facilities will continue to be developed and managed by private organizations in the future. Therefore, development of new City-owned and managed recreation centers with an emphasis on fitness and wellness is not anticipated.(p. 9.11)

Parks, Recreation and Open Space: Emerging Recreation Activities
It is likely that there will be a generational shift in recreation interests and activities due to increasing experience with technology as a recreational activity…Current examples of emerging recreation activities include: Skate Parks, BMX Cycling, Cyclo-Cross, Mountain Biking, Geocaching, and Adventure Racing. (p. 9.12 - 9.13)

Parks, Recreation and Open Space: Additional County Recreation Amenities
Lancaster County accommodates many other outdoor activities including hunting, nature viewing, fishing, boating, swimming, picnicking, camping, and hiking. (p. 9.13)

UTILITIES: Private well and wastewater disposal

TOPOGRAPHY: Gently rolling hills, falling off to south and west with a drainageway running north and south through the length of the property.

TRAFFIC ANALYSIS: S. W. 14th Street is a gravel county road, W. Wittstruck is gravel from SW 29th to the driveway of the current camp (approximately ½ mile) and unimproved east to SW 14th Street. SW 29th is paved from U.S. Highway 33, one mile to the south, to Killdeer Lake, approximately ½ mile north of W. Wittstruck Rd. The Comprehensive Plan shows S.W. 14th as Potential Paving, but paving only reaches to W. Bennet Road, one mile to the north of Wittstruck. The applicant recommends participants access the facility from Highway 33 to SW 29th Street (paved) then to Wittstruck Road (gravel).

PUBLIC SERVICE: This is in the Southwest Rural Fire District, a Basic Life Support district, with the Martell station located approximately 2 miles to the south, Norris School District #160, and Norris Public Power District.

ENVIRONMENTAL CONCERNS: There are no identified Historic resources. The soil rating is approximately 5.0. This is not prime agriculture soil. There is flood plain along the creek in the eastern portion of this site.

ALTERNATIVE USES: Continued use as a camp, but with fewer participants.

ANALYSIS:

1. This is a request for a Recreational Facility under the provisions of Section 27.07.040(b) and 27.63.130 of the City code and Articles 4.007(b) and 13.001.21 of the County code. The application is for 71.43 acres on Lot 1 and a portion of Outlot A of Bentzinger's Pleasant Acres. The Recreational Facility would be used for camps, physical challenge course training, corporate retreats and special event challenge/adventure races.

2. There is currently a County special permit for a Club that allows up to 50 members of a church youth athletic club per day, not to exceed 5 consecutive days nor 5 total days in a calendar week. The current boundary of the special permit is limited to the 23.51 acres of Lot 1, Bentzinger's Pleasant Acres.

3. The area of the requested special permit is expanded from the current special permit and so is included in both the City and County jurisdictions. Both City and County Special Permits are required for this use.

4. The existing Club special permit (SP07032CO) will be rescinded through this process, if this special permit is approved.

1. The original application to operate a camp under the "Club" special permit may not be the most appropriate. Camps, such as Camp Sonshine to the east, are permitted as "Recreational Facilities", not as "Clubs". A special permit for a club is more appropriate for organizations with membership requirements like the American Legion, VFW or YMCA. Summer camps typically don't require membership. A Recreational Facility special permit would more closely reflect the current and desired use of this property. Regardless of any changes made in the special permit notes, a change from "Club" to "Recreational Facility" is appropriate and recommended.

2. Outlot A of Bentzingers Pleasant Acres is noted in SP174CO as "Reserved for Agriculture". While the proposed recreational uses do not preclude continued agricultural uses, the inclusion of Outlot A in this special permit area will require an administrative amendment to SP174CO to show the area of continued agricultural use, and areas for open space which may be used for overflow parking during large events.

3. In the special permit, Note 3 (see attached Notes), proposes three tiers of uses:

    3a. A maximum occupancy of 50 persons per day that shall not exceed 5 consecutive days in a given calendar week

    3b. A maximum occupancy of 150 persons that shall not exceed 5 events in a 30 day period and no more than 2 events in a calendar week

3c. One day occupancy of up to 500 persons that shall be permitted 6 times in a calendar year, if a separate Amusement License is granted by the County Board.

Note: The General Notes as originally applied were modified on May 31st based on input from neighboring landowners.

4. In order to hold the events as described in Note 3.c., the applicant will need to apply for a Amusement License with the County Clerk, and for renewals each year thereafter. The Amusement License shall identify the dates of large events, with "rain dates" if desired, and the specific information required for the license. The applicant would need to follow all of the conditions, rules and regulations of the Amusement License and notify the County Clerk in writing three weeks prior to each event.

5. The Special Permit provides the zoning basis for the events described in Note 3.c., but does not permit those events. The events described are allowed through the Amusement License. These uses could be allowed simply through the special permit, however, during early discussions with County staff it was determined that an Amusement License would allow an annual review of the use and how events are being managed. The applicant has voluntarily added this condition to the special permit in order to provide for annual review.

6. Access to the site is proposed to be taken from SW 29th along the graveled segment of W. Wittstruck Road. The applicant proposes using a watering truck during the large events as described in Note 3.c. In addition, the applicant proposes closing W. Wittstruck Road from just east of the entrance of the permit area to SW 14th Street for the large events. This closure of public right-of-way will be a requirement of the Amusement License application, described in 8 above.

7. The permittee should work to promote in all advertising a route to this facility that uses Highway 33 to SW 29th Street to W. Wittstruck Road in order to reduce as much as possible the distance over which gravel roads must be traveled.

8. The application states, in Note 4, that lighting will meet the standards of Lancaster County. Since no standards have been adopted in Lancaster County this note should be revised to meet City standards for lighting. No lighting is proposed for the athletic course itself.

9. The nearest residential units are to the east. The applicant has proposed the special permit area 600 feet away from the adjacent dwelling units. An additional 250 foot radial setback from any current <u>or future</u> dwelling unit is proposed for the west and north boundaries. Note 4 indicates all outdoor lighting shall be shielded and extinguished by 10:00 pm, with the exception of security lighting. Major events such as those described in Note 3.c. shall be concluded by 10:00 pm as well. In addition the majority of activity areas are separated from existing houses by the treed drainageway.

10. The legal description refers to "...the Northeast Quarter of Section 3, Township 8 North, Range 6 East..." The description should read "...the South half of Section 9, Township 8 North, Range 6 East..."

11. Watershed Management notes the floodplain information is out of date. Preliminary 2012 floodplain information is available and should be used. No structures or permanent paved parking lots will be allowed in the minimum flood corridor and any construction in the floodplain must comply with new growth area floodplain standards and have flood plain permits. *This applies to the area of the permit that is in the City jurisdiction only.*

12. The Lincoln Lancaster County Health Department notes any food preparation areas must meet all County and State Health requirements. They also note developers are responsible for mosquito control, dust control, wind and water erosion during construction.

13. The use of the land would maintain the floodplain in open space, maintain the existing tree masses, and provide fitness and wellness activities that are not planned to be increased in City Parks and Recreation programs.

14. Activities as described in Notes 3.a. and 3.b. would not cause an increase in traffic to a level that would require road improvement. Events as proposed in 5.c. would need to make application to the County Board through the Amusement License process and be reviewed by various County agencies on an annual basis, allowing for adjustments in what is allowed according to how events are managed.

15. This application meets the goals of the Comprehensive Plan for providing active recreation, allowing for emerging recreational activities, preserving open space and floodplain, and maintaining appropriate levels of traffic on County section line roads. The buffers to current and future neighbors minimize any impact on adjacent residential uses.

Per Section 27.63.130 of the City code and Article 13.001.21 of the County code this approval permits a Recreation Facility for:

a. a maximum occupancy of 50 persons that shall not exceed five consecutive days in a given calendar week,

b. a maximum occupancy of 150 persons that shall not exceed 5 events in a 30 day period and no more than two events in a calendar week and,

c. special events of up to 500 persons not to exceed six events per year that shall be permitted through the Amusement License process with Lancaster County.

CONDITIONS OF APPROVAL:

Site Specific Conditions:

1. Before receiving building permits the developer shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including **5** copies with all required revisions and documents as listed below:

   1.1 Within the City jurisdiction, according to the comments of the Department of Public Works and Utilities, Watershed Management Division, make the following corrections:

a. Update Note 7 to show correct map reference

b. Show preliminary 2012 FEMA floodplain, preliminary 2012 FEMA floodplain is wider than the current floodplain

c. Either:

i. Add a note stating: Any construction (e.g. buildings, parking lots, etc...) within the floodplain area needs to comply with new growth area floodplain standards and have a floodplain permit. No buildings or structures are allowed in the minimum corridor (show minimum corridor on plan)

-Or-

ii. Add a note stating that no construction (e.g. buildings, parking lots, etc...) is allowed in the floodplain.

1.2 Correct the legal description of the property.

1.3 Add a Note that commits the applicant to promoting a route to the facility that uses Highway 33 to SW 29th Street to W. Wittstruck Road to minimize travel on un-paved roads.

1.4 Add a Note that indicates events as described in Note 3.c. shall conclude by 10:00 p.m.

1.5 Revise Note 4 to read “All exterior lighting shall comply with the design standards for parking lot lighting as adopted by the City of Lincoln. Parking lot lighting shall be shielded from adjacent properties and be turned off by 10:00 p.m. except for security lighting.” The athletic course itself shall not be lighted.

1.6 Revise Note 6 to read, "Signs need not be shown on this site plan, but need to be in compliance with chapter 27.69 of the Lincoln Zoning Ordinance, and must be approved by Building & Safety Department prior to installation".

1.7 Revise all notes to remove the legal format and renumber.

1.8 Obtain an administrative amendment of Special Permit #174CO to redefine the purpose of Outlot A and identify areas which will remain in agricultural use or open space use.

2. Before receiving building permits provide the following documents to the Planning Department:

2.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

3. Prior to the issuance of a building permit:

3.1 The construction plans must substantially comply with the approved plans.

Standard Conditions:

4. The following conditions are applicable to all requests:

4.1 Before occupying buildings or starting the operation all development and construction shall substantially comply with the approved plans.

4.2 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.

4.3 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.

4.4 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.

4.5 The applicant shall sign and return the letter of acceptance to the County Clerk. This step should be completed within 60 days following the approval of the special permit. The Permittee shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds. Building permits will not be issued unless the letter of acceptance has been filed.

4.6 The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all prior resolutions approving this permit remain in full force and effect as specifically amended by this resolution.

Prepared by
Sara S. Hartzell, Planner

DATE: June 4, 2012

APPLICANT: Radix Inc.
PO Box 22483
Lincoln, NE 68542

OWNER: Radix Inc.
PO Box 22483
Lincoln, NE 68542

CONTACT: Civil Design Group, Inc
8535 Executive Woods Drive, Suite 200
Lincoln, NE 68512

COUNTY SPECIAL PERMIT NO. 12015
and
CITY SPECIAL PERMIT NO. 12016

REQUEST FOR DEFERRAL: May 2, 2012

Members present: Esseks, Hove, Lust, Sunderman, Butcher, Gaylor Baird and Francis; Cornelius and Weber absent.

The Clerk announced that the applicant has requested a deferral of the public hearing until Wednesday, May 16, 2012.

Esseks moved to defer, with continued public hearing and action scheduled for Wednesday, May 16, 2012, seconded by Butcher and carried 7-0: Esseks, Hove, Lust, Sunderman, Butcher, Gaylor Baird and Francis voting 'yes'; Cornelius and Weber absent.

There was no public testimony.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION: May 16, 2012

Members present: Weber, Esseks, Hove, Cornelius, Sunderman, Butcher, Gaylor Baird and Francis; Lust absent.

Sara Hartzell of Planning staff advised that the applicant is requesting a deferral of the public hearing until Wednesday, June 13, 2012 (as opposed to May 30, 2012).

Francis moved to defer, with continued public hearing and action scheduled for June 13, 2012, seconded by Esseks and carried 8-0: Weber, Esseks, Hove, Cornelius, Sunderman, Butcher, Gaylor Baird and Francis voting 'yes'; Lust absent.

There was no other public testimony.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION: June 13, 2012

Members present: Gaylor Baird, Sunderman, Francis, Butcher, Weber and Cornelius; Lust and Esseks absent; Hove declared a conflict of interest.

Staff recommendation: Conditional Approval.

There were no ex parte communications disclosed.

Staff presentation: Sara Hartzell of Planning staff presented the proposal which includes two applications for special permit in split jurisdiction – one county and one city – for a recreational facility on property described as a portion of Outlot A and all of Lot 1 of Bentzinger Pleasant Acres near SW 29th & W. Wittstruck Road.

The current zoning is AG with a special permit for a youth athletic club on Lot 1 and Outlot A is part of the Bentzinger Pleasant Acres CUP. The surrounding zoning is AG with farming to the north, west and south with one dwelling to the west and one to the north. There are 7 dwelling units on the Bentzinger Pleasant Acres CUP acreage lots to the east.

The Club special permit was granted in September 2007 to allow a 20,000 square foot structure on Lot 1 with a maximum of 50 persons. Activities are allowed up to 5 consecutive days per week. The Club was limited to activities as a youth athletic club.

Typically, Club special permits in the City and County are held by national organizations like the VFW, Boy Scouts, Girls Scouts, American Legion, etc. These clubs generally have memberships and regular meetings as well as other events including fund raisers such as pancake feeds and swap meets and accessory uses such as weddings and graduation parties. In the case of fund raisers and accessory events, although members of the club may be present, others may also be allowed to attend. The key is that these events are accessory to the main use which continues to be the club.

Events at Camp Gargano are focused on physical activity as well as spiritual growth. Although the majority of activities involve youth, there have also been groups of adults that have attended events. There is no membership requirement and these events are for a limited time, rather than regular meetings throughout the year. Camp Gargano functions as a camp that some may attend only once and others may attend multiple events over the year. Similar camps that have a focus on physical activity and events of a limited duration, such as Camp Sonshine, which was recently before the Planning Commission, are permitted as recreational facilities.

The Planning Department recommends that, regardless of any increase in numbers, this Club special permit be changed to a recreational facility special permit which more accurately reflects the existing uses.

Recreational facilities are defined as facilities primarily for participation by the public in athletic activities such as tennis, handball, racquetball, basketball and other court games; jogging, track and field, baseball, football, soccer, and other field games; skating, swimming or golf. Recreational facilities shall include country clubs and athletic clubs; recreational facilities shall not include facilities accessory to a private residence used only by the owner and guests, nor shall the recreational facility include arenas or stadia used primarily for spectators to watch athletic events.

Thus, the primary purpose of a recreational facility is for active recreation. There are recreational facilities that also hold fund raisers on a limited basis and allow accessory uses such as meetings or training events and receptions. These uses can be allowed as long as they are accessory and not primary uses of the facility. The primary use must remain recreational.

The boundary of the current special permit is limited to Lot 1. Although buildings, lagoons, and the majority of challenge course equipment and structures are located on Lot 1, there are a few structures that may be in the Outlot and the majority of the running course is in the Outlot. Other camps may have activities that occur off-site – such as nature hikes, bike rides, and field trips. This does not mean that the area of those special permits needs to include all of these infrequently used areas – they are accessory to the main use. However, in the case of Camp Gargano, the running trail is a regular feature

of recreational activities and should be included in the area of the special permit. The applicant has requested that a portion roughly from the riparian area of Wittstruck Creek to the west, which would include the running trail, be included in the area of the special permit. The Planning Department agrees that this is an appropriate change and recommends its approval.

The applicant is also requesting an expansion of the uses at Camp Gargano. As stated earlier, the current special permit limits the attendance to 50 youth. The applicant would like to allow all ages to attend and to expand the number in a three-tiered approach:

A. A maximum occupancy of 50 persons per day that shall not exceed 5 consecutive days in a given calendar week (Sunday through Saturday). This is what it currently permitted in the Club special permit.

B. A maximum occupancy of 150 persons that shall not exceed 5 events in a 30 day period and no more than 2 events in a calendar week.

C. One day occupancy of up to 500 persons that shall be permitted 6 times in a calendar year, if a separate amusement license is granted by the County Board.

After the original application and input from the neighbors, events as described in C were modified from 12 events of up to 1000 participants in a calendar year. In addition, the original application included a note that stated if Wittstruck Road were paved from SW 29th to the entrance of the facility in the future, events in B could increase to 400 persons and events in C could increase to 2500. This note has been stricken/deleted.

Amusement Licenses are a separate process that is required by state statute. They are required for places of public amusement. The County Clerk takes the application, with County staff review and comment. The applicant is required to notify property owners within 500 feet of the amusement site. There is no limit to the number of amusement licenses that can be granted on a property. The 6 times per year limit is a self-imposed limit by the permittee to help address traffic concerns as well as the concerns of the neighbors. This application can be renewed annually with review by staff.

The permit requests a facility of 20,000 square feet, which is identical to the current permit. The building that exists today shows a total of 14,612 square feet on the main floor and 5,390 in the basement, for a total of 20,000 square feet. In some cases, the basement area is not counted as part of the floor area if it is used as storage. Spaces for utilities may also be removed from the total floor area. In this case, however, it is apparent that the basement does provide recreational space. So, although some reductions for utilities and storage could be made, the facility currently nearly meets that maximum 20,000 square feet. Any additions to the building would require further amendment of the special permit.

Note 11 of the original application which referred to alcohol has also been stricken/deleted. This note stated: “On premise alcohol sales shall be permitted with this special permit within the boundaries of Lot 1.” In the County zoning regulations, alcohol is not addressed. Alcohol sales are permitted through the state licensing process, applications for which are reviewed by the County Board. Alcohol may be served by a licensed caterer when an approved Specially Designated License (SDL) is held for the venue. These are approved by the County Board. This note would not have served any purpose since the entire area of Lot 1 exists in the County jurisdiction. Alcohol is not considered a land use issue in the county.

The area of the special permit has also been reduced from the original application which included all of Outlot A. The revised boundary removes the area of Outlot A east of the creek and adjacent to the acreage dwellings. This provides a separation of at least 600 feet between any dwelling unit and the boundary of the special permit. In addition, the applicant proposes a 250 foot setback from any current or future dwelling unit. These adjustments to setbacks were in response to neighbor concerns. A 50 foot setback is shown on the west side lot line, and a 50 foot front yard would also be required. According to the zoning code, accessory uses may be located within the rear yard to within 2 feet of the lot line.

West Wittstruck Road had about 20 cars per day during the most recent traffic count. The portion of W. Wittstruck east of the entrance to Camp Gargano is unimproved and to the west is gravel. SW 29th is paved from Hwy 33 to about ½ mile north of Wittstruck. A note should be added committing the permittee to promote the route to the facility as Hwy 33 to SW 29th to W. Wittstruck Road in order to reduce traffic on the unimproved portion of W. Wittstruck.

The applicant has also added a note that no firearms and motor vehicle activities or events will be allowed. This was also in response to neighbor concerns over the possibilities not only for the current permittee but also for possible future permittees. The intent is to ban trap shooting and motocross type activities.

Note 4 references the County lighting standards which do not currently exist. Staff recommends the note be altered to reference the City lighting standards for parking lots and to clarify that the running course will not be lighted.

There are some updates required to the floodplain information.

There has been quite a bit of public interest in this application. 81 letters were sent to property owners within one mile of the application area. 44 letters in opposition were received. 21 of the notified addresses responded with an opposition letter, and five other opposition letters were received (several of the addresses generated more than one letter). 34 letters of support were also received, 3 from notified addresses and others from all over the country.

Cornelius asked Hartzell to discuss the original CUP and how this proposal squares with the idea of this outlot as AG preservation. Hartzell stated that the applicant will need to do some revisions to the original CUP by administrative amendment. It appears that most of the very active areas will be within Lot 1, but the trail does travel through the outlot – five to six feet wide with crops on either side. It is her understanding that the agricultural use is to continue. It is still worth going back to the CUP to show that by administrative amendment.

Weber stated that he is concerned about the opposition from the neighbors. Has that lessened with the new language? Hartzell advised that some letters said they were still opposed after the revisions. There have been neighborhood meetings of just the neighbors, and the applicant has met with the neighbors. Staff has met with both the applicant and neighbors several times but they were not quite able to reach a consensus.

Gaylor Baird recalled that the opposition mentioned the building that is already taking place. The letters seem to indicate that there are new buildings being built. Hartzell did not know of any construction going

on at this time. Some materials have shown a future possible gym, but the size of that would require the applicant to come back before they started to acquire any building permits.

Weber was interested in who would be monitoring compliance with the special permit conditions. Hartzell explained that it would be the Building & Safety Department on a complaint basis. Hartzell is not aware of any record of any complaints on Camp Gargano since it has been in operation for 5 years on this site.

Francis pointed to the residential properties shown from S.W. 14th to S.W. 15th. It appears that there is some agricultural land behind those residences. Is that farm land? Hartzell stated that it is farm land. There had been a lot in the original CUP which was given up in order to reduce the size of the CUP and create Lot 1 for the original camp building. Francis inquired whether the owner of the camp site owns that agricultural strip at the L shape. Hartzell advised that Lot 1 and Outlot A are both in the ownership of Radix, the applicant.

Proponents

1. Peter Katt, appeared on behalf of the applicant, **Radix**. Katt believes staff has done a very thorough job explaining the land use issues and the impacts on the neighborhood and compliance with the Comprehensive Plan and zoning ordinance. The applicant accepts all staff recommendations and conditions of approval.

2. Doug Barry, Director and founder of Camp Gargano, stated that Camp Gargano is part of a larger ministry of Radix, founded in 1992. His job for the last 21 years has been to travel as a public speaker in primarily faith-based situations, and primarily working with youth as the main focus. As years went by, he realized he needed to get to adults as well. "Radix" means "root" – the idea of going to the root or heart of something as the basis of the mission in working with young people, especially young men, through physical activity. Barry's residence is in the cluster of homes just to the east of the subject site. He is directly affected. He has five children and they have lived there for 10 years. It has always been his hope that it is a safe, very family friendly, wholesome environment.

Camp Gargano came about as an effort to help young people and families – building character and leadership – raise the bar, so to speak. They try to encourage anyone who takes part to find their potential – to really reach out and find what they are good at, their talents, and recognize their value.

Camp Gargano was not built to help troubled or rehabilitated kids, but they are trying to reach anybody and everybody. This is a nonprofit and Camp Gargano is funded by donations. Only one time in 2.5 years has anyone been able to pay the suggested stipend or donation to operate, but they do not turn anyone away. The goal is to try to reach many more people and broaden it.

Barry believes that some of the negative comments are unfounded. They are not doing warrior dashes, nor does he want to do warrior dashes. He wants to keep it very reasonable, very safe and very, very family friendly. That is why revisions have been made to the plan. Barry believes this facility can be done safely and with reasonable control.

Barry stated that he is more than willing to have the facility reviewed annually. He wants to help people reach their full potential and recognize their value as human beings, young and old alike.

Butcher referred to the warrior dash which took place in Nebraska recently involving anywhere from 10,000 to 16,000 participants. Barry assured that he does not want to do something like that. It is beautiful building. We do not want to tear it down. That kind of activity would be very hard on the grounds and the building. He would rather limit it to several hundred to maybe a thousand in the future to be more personable.

Butcher referred to the recent Camp Sonshine application where they had a design for transportation with bussing and meeting places off-site to reduce traffic flow. Barry acknowledged that this was considered in the beginning, but as the numbers got reduced he didn't think it would be necessary because the events are more "wave-oriented" – not where everyone comes and leaves at the same time. He agreed, however, that the transportation issue could be a consideration.

Katt informed the Commission that the applicant did meet with the County Engineering department and that is one of the triggers that led to removing the bigger events from the permitted use to the amusement license. That will make sure that we have adequate controls in place. We need to prove ourselves first. There is no need for the off-site transportation. However, if the traffic becomes a problem, Katt suggested that could be a condition imposed by the County for the amusement license for the larger events.

Francis asked to see the boundaries of the entire land owned by Radix, assuming that the L shape is a buffer between the residents and the proposed use. Katt stated that everything east of the tree line would be completely exempt from anything they want to do. Outlot A is the part outside of the facility. The original application had the boundaries on all of it with no buffer. That has been revised and pulled back so that the boundary line of the special permit does not go all the way to the property line. Francis wanted to know the distance between the boundary and the residential homes. Katt believes that the closest house would be 691', which is the applicant's residence. The next neighbor is 886'. The distance from the boundary of the special permit to the property line is approximately 500 feet.

Barry responded to the concern about structures already being built. He believes that may be in reference to some climbing walls with A-frame type supports. They are out there on Outlot A in various places. They are there for the challenge course and are removable – nothing permanent or planned to be built. Barry also clarified that the gym is not something they could afford. It was just a thought and is not part of this plan.

Butcher asked Barry whether he is familiar with his neighbors and aware of any of them that will be in support or opposition. Barry knew that three are in support; two are in opposition and one is neutral.

Butcher inquired whether there is active residential to the south. Barry stated, "no", it is a metal barn – there is no residence there.

Commissioner Francis left the meeting.

<u>Support</u>

1. Tony Ojeda, 14440 S.W. 15th Street, testified in support. He stated that he would much rather have stayed neutral because a property owner should be able to do with their land as they see fit. However, after viewing the opposition letters and the flyer distributed by the Methodist Church in Martell, he became

alarmed by the information being spread in opposition. Radix has already made concessions to the request. There is much misinformation – the flyer from the church claims the facility was open in 2007 and it was padlocked and would not allow anyone in the area to view it. Ojeda clarified that the facility has been open since late 2009. It has never been padlocked and has let anyone use the facility. It is not a reform facility for troubled boys. Barry has not built anything bigger than he said he would. He clearly showed what he was planning to build at the meeting. Radix was not required to block off W. Wittstruck Road. Dust has not been an issue. Ojeda could not hear any noise at his property when there was an event of 200 people. He is troubled that the opponents have put up such a fight against this change. In a lot of years of knowing the applicant, he has never been mislead, he is honest and a man of high character and integrity. This special permit will help him with his efforts and allow more events. His own children have benefitted greatly through these camps. This permit is only for one year. He requested that the Planning Commission give the applicant the opportunity to prove the opponents wrong.

Butcher asked whether Ojeda brought a copy of the flyer from the church, and whether the church is located near or around this facility. Ojeda did not have the flyer with him but stated that the church is in Martell which would be two miles to the south of this facility.

2. Jim Craig testified in support. He does event management planning across the state and has done a number of events working with communities from Omaha to Chadron. Victory Quest had contacted him to get their name out. He did some background checking and checked the facility and was really impressed. They had an event on Memorial Day that he helped organize and he was very pleased with how it was run. It was very family-oriented. The Norris School District will be using this facility for a back to school type of event and the County Sheriff has used the facility as a training site. Craig is very supportive and impressed with the facility.

3. Jacob Otte, 7951 Cheney Ridge Road, testified in support. He would not be what he is today if it were not for Camp Gargano and Doug Barry. It is not something that is harmful to our community; it is something that is helping to take harm away. If you have something good in a community, then you have to promote those good and healthy messages. Camp Gargano can do this. It can continue if we help it and support it and allow it to move on with its right pace – not hinder it.

Butcher inquired whether Otte participated in the outdoor events, and, if so, whether he found it to be noisy or any yelling, etc. Otte did participate in outdoor events and it was not at all noisy. He participated in different obstacle courses outside and there was not a lot of noise.

4. Jenay Barry, 14401 S.W. 15th Street, Roca, testified in support. Doug Barry is her father. She has been working as a full-time volunteer at the camp since 2009. She has been involved in the camp while growing up, interacting more closely and personally with the attendees. She has had the opportunity to listen to her peers and other young men and women who have participated. She has seen and experienced the positive impact of Camp Gargano. She has seen the participants positively impacted in terms of self-confidence and self-esteem; confirmation that it is okay for them to be confident in themselves and be strong in character, virtue, integrity and moral support. She has seen how it has reached out and helped people.

5. Jordan Barry, 14401 S.W. 15th Street, Roca, testified in support. He is the son of Doug Barry. He has helped with the camps at Camp Gargano. There are a lot of challenges for young people today. The

camp has helped him and other young men in being part of something much greater than themselves.

Opposition

1. Michael Rierden, Attorney, 645 M Street, appeared in opposition on behalf of a number of the abutting property owners. He clarified that his clients are not in opposition to Camp Gargano as it exists today. The opposition is based upon the fact that the request significantly increases not only the size geographically but the numbers of the participants.

Rierden complimented Sara Hartzell and Steve Henrichsen of the Planning Department for their efforts in trying to resolve the issues between the parties. Back in 2000, a portion of this large piece of property owned by the Bentzinger family was approved as a community unit plan special permit which allowed 8 lots, along with Outlot A, which was a large outlot abutting the 8 lots. After that, the developer started marketing the properties. People were buying based upon what they saw in their lots and the abutting property. Outlot A at that time had a designation on it that it was going to be reserved for agricultural purposes. He acknowledged that that may not be a legally binding statement, but nevertheless, the people looked at these lots and saw the plat and relied upon that statement.

In approximately 2007, Rierden understands that Mr. Barry and Radix approached some of his clients and asked if it would be all right to operate a club for up to 50 members of a Christian youth athletic organization. After discussing among themselves, the neighbors were in favor. He does not believe there was any significant opposition at that time. The club was to be operated on a nonprofit basis and had a religious theme. Staff may indicate that back then they should have chosen a different category for operation, but his clients understood it would be a nonprofit, low participant type of operation.

Then comes this proposal today, which again is believed by the opposition to be a significant increase in the numbers. Mr. Katt has indicated that the numbers have been reduced during negotiation with the neighbors, but it is still a significant increase and the his clients would rather have the camp stay as it is today.

Rierden observed that one of the issues is the number of participants in the three-tiered situation. Rierden pointed out that these events draw a significant amount of spectators. We've not even talked about the number of spectators. 50 participants might mean three times that as far as spectators. This must be taken into consideration. It is a tremendous concern to his clients.

Rierden then discussed the traffic concern. He has not had conversations with the County Engineer like the applicant, but the staff report acknowledges that there are concerns about traffic, and the applicant acknowledges concerns about traffic. If this application is approved, Rierden proposed that now would be the time to ask the developer to pay their fair share of the impact of their development – that something be done in the way of bringing Wittstruck Road to standards from S.W. 29th Street to the entryway – i.e. paving impact fee. This proposal significantly impacts the property and the roadways.

Rierden suggested that lighting is also an issue. We don't know what that issue is because we have not seen anything. He suggested that this proposal should at least be tabled until such time as there is some sort of lighting plan submitted. Staff merely asks for that prior to operation of the new club.

Rierden reiterated that this is not an opposition to the existing Camp Gargano – it is in opposition to the expansion, not only geographically but in the number of participants.

Cornelius inquired whether Rierden's clients have any response to the changes that have already been made to the proposal. e.g. the guarantees that the running course will not be lit; that the lighting will be shielded and shut off at 10:00 p.m., etc. Rierden believes that to be a good start but his clients would like to see the entire lighting plan. There have been some good faith efforts on behalf of both parties to try to rectify the situation but it has not worked out at this point in time.

2. Amanda Wilcox, 14200 S.W. 15th Street, Roca, testified in opposition. She acknowledged that the current activities are an asset to the community, teaching youth about leadership, team work and self-esteem, but she is opposed to the special permit resulting in the expansion of the facilities. She moved out of city to enjoy quiet life, to get away from the traffic, people noise and for more space. Her ideal atmosphere will be taken away if this permit is approved. It is concerning to think of hundreds of people attending and traveling to this area. The proposal represents potentially hundreds of events annually with large and small banquet type events. Cornhusker State Games would be a concern. The idea of this activity so close to housing with early start and all day events is a concern. How would you feel if this were in your back yard? This is a rural community and not a business development area. Wilcox lives across the street from Mr. Barry.

Butcher inquired whether Ms. Wilcox has had any issues in regard to noise complaints so far. Wilcox stated that she was not home on Memorial weekend. They just moved there last February.

3. Bill Adams, 13939 S.W. 14th Street, testified in opposition. He owns property on the north border of the Radix property. He suggested that trust and fairness issues have been mishandled with respect to the neighborhood and property owners. The application form dated April 3rd showed the box being checked that neighbors had been notified. He received notice by way of an article in the newspaper on April 8th. He did not receive actual notice until April 21st.

He pointed out that the Victory Quest Web site shows that several events have already been scheduled with sign-ups for later this summer. This is the cart before the horse.

Adams showed photographs of the views from the back of his property. Adams had hoped to be able to sell the 20-acre portion on the back of his land which is directly across the fence to the north of the obstacle course for a building site or to have his daughter build on it. Radix has offered a 250' buffer only if a residence is built. With the large climbing walls and tire obstacles, not to mention the hundreds of participants and possibly over 1,000 people, the loud noises of that many people, dust blowing onto their property, and bright lights, Adams believes that his property becomes unfit for anyone to want to build upon. He believes that his property values will drop significantly with these activities on the adjacent property. He purchased in 1999 and never imagined what would be proposed across the fence 13 years later.

Adams stated that he is not opposed to Camp Gargano as it is today – it serves a noble cause in helping youth. His opposition is to the expansion on the AG land outside the 23 acres and the expansion of the activities to be held on that land.

Adams requested that the Planning Commission give primary consideration to the neighbors and neighboring landowners who have expressed their near unanimous opposition.

4. Mary Jo Virts, 1301 W. Wittstruck Road, testified in opposition. She is not against Camp Gargano and their mission to help children. Unfortunately, their initial decision to build a multi-million dollar facility was irresponsible in regard to that mission and their mission is at risk because of that decision. Today this property will probably be sold if not enough money can be generated. They have already been approached by a buyer. Approving additional recreational activities and expanding the use area is probably not going to provide enough income to save the property. Building on the site today or in the future is just going to add to the financial situation that is already burdening this property. She is concerned about what is next for this property.

5. Michelle Brandt, who owns property directly across from the entrance to the proposed facility, 2260 W. Wittstruck Road, testified in opposition. She and her husband purchased the property because it was on a low use road, no traffic and the area was quiet. This is a small acreage in an agricultural area. They have moved there by choice. They have chosen to own property in this type of setting. This proposal takes that privilege away. It will cause dust and deteriorating road conditions, creating a dangerous situation. This location cannot support the type of traffic the facility will draw. While the applicant will be required to apply for permits for the larger scale events, one cannot overlook the smaller events every week and weekend. There are advertisements on their Web site already. There will be constant battle with the road conditions. This is not what owning property out of town is about. What's the point of moving to the country if you have this facility as your neighbor? While our taxes are going up, we will potentially get less enjoyment. How does one convince others to purchase your property with such a facility? It could potentially affect our quality of life. The current application is so far removed from the original intent of this structure, there is no way they should be allowed to proceed with this proposal. What happened to the small, faith-based camps for kids idea? How would you feel having this as your neighbor?

Butcher inquired whether the Brandt's currently have a residence on their property. Brandt responded that they purchased in 2005 and there was a run-down house on the property. They have done a lot of cleanup and have put in an outbuilding, well and lagoon and have planted trees. They do farm around there. The idea was to put a house in there. Now, she questions whether it is worth constructing a house if this special permit is approved. The small faith-based camp is not what we're screaming about. It is what they are wanting to do next. She believes the neighbors have been slightly misled as to what it was going to be. She is not opposed to the religious-based camp, but if they want a facility like this, it needs to be in an area that has the infrastructure to support it.

6. Don Foxhoven, 15700 S.W. 29th, agreed with all of the previous opposition. He is not against the small group youth faith-based facility. When the neighbors were invited to the facility, they were told that Barry needs to generate some income to support this facility. It was indicated that he would have small gatherings which could be catered, but this special permit indicates he would not sell alcohol. You can't keep a caterer from serving alcohol if you are going to have a convention or small group. Alcohol is a problem. If alcohol is served there, even with a caterer, who will be monitoring it? Does the Sheriff have resources to be out there? We're also putting 250 cars on the road. If it is an event such as a dinner or banquet or whatever, there will be cars backed up for ½ mile on S.W. 29th Street. Those vehicles will try to merge onto Hwy 33 from S.W. 29th, with vehicles on Hwy 33 at 60+ mph. This is a facility that you would expect to see in Lincoln where you have traffic control. There are no traffic controls out there. If

the Planning Commission is going to approve this, then there should be a restriction on alcohol. Alcohol does affect all of us.

7. Jonathan Little, 13200 S.W. 14th, testified in opposition. He had no intent to testify until recently. He used to live in an abutting property to the camp. He is concerned with the impact on the local community, both residential and agricultural. The neighbors have been told by the applicant that their opposition could result in Barry's organization closing. And that if it is closed, something like a sex offender facility could locate there.

Little pointed out that these are minimum maintenance roads. The community didn't mind the quiet small 50-person nonprofit faith-based endeavor. If anyone wants to start a business of this size and nature, Little suggested that there are plenty of facilities in and around Lincoln that they could rent. He wanted to buy and sell cars from his home but he was told by the County that would not be allowed in the AG zoning in order to protect those in agricultural areas from unnecessarily increasing traffic and noise. They told me to find a location that already offered the proper zoning.

Little agreed with the previous testimony about the negative impacts, which include increased traffic and noise, safety concerns, and a precedence being set. He believes this will set a precedent if granted. If it is not difficult to go from 50 to 500 participants, then the neighbors have reason to be suspect that it is possible to request a 5- or 10-fold increase again, with 2500 people participating and 10,000 people attending an event.

Little referred to a recent article in the newspaper where the ownership says they are modeling their new venture after a $60 million per year company doing the same thing. Little assumes they did the market research, budget estimates and revenue projections to put themselves in this position; however, they have said that their business model is failing. They are asking neighbors for support. He urged the Planning Commission to vote against this special permit for the people of the rural community.

8. John Virts, 1301 W. Wittstruck Road, southeast corner of S.W. 14th and Wittstruck Road, testified in opposition. The lack of infrastructure is an issue. Regardless of the preferred route, Google maps will take you to Hwy 77 across Wittstruck to the facility. As you travel off Hwy 77 at S.W. 2nd you come to a blind stop sign; Wittstruck Road between S.W. 2nd and S.W. 14th contains several blind hills; Wittstruck from Hwy 77 to S.W. 56th Street is used by farm equipment. During harvest and planting season, there is farm equipment on this road from 6:30 a.m. to midnight. A combine is 20' wide without a corn head. There are semi's going back and forth once an hour, with 55,000 lbs. of grain; and grain carts going back and forth, hauling 1200 bushels or 66,000 lbs. of grain plus tractor and grain cart. There is also a deer problem. On Saturdays, this road between S.W. 2nd and S.W. 14th is used for hill-climbing by numerous bicycles. This is a challenge to those that live there now, let alone someone going to a facility for the first time.

With regard to the dirt road between S.W. 14th and the entrance to the camp, Virts is concerned because fire and police officials can only get there one way. Highway 33 going to S.W. 29th will back up with impatient drivers. S.W. 29th has no shoulders. In fact, if you get close within about a block of Hwy 33 and need to pull off, your car would probably tip over. Getting onto Hwy 33 is difficult with the traffic coming west. You also need to think about when a lot of people are coming to the facility, the traffic will be slowing down, stopping and turning onto S.W. 29th with traffic coming behind at 60 mph.

Hwy 33 is a dangerous highway. It is the only highway that he has been on that has rundle strips on either side and down the middle. The reason is that the state has recognized it is a very dangerous road and there have been many accidents.

In summary, Virts reiterated that there is a lack of infrastructure; we know that the County does not have the money to do anything about it. He urged that the Planning Commission not saddle the neighbors with the problems without the infrastructure available to help alleviate the problems.

9. Don Urbanovsky, adjacent landowner, 14301 S.W. 15th Street, testified in opposition. He was the first to move into the neighborhood. He is opposed to the permit as currently written. He is not interested in closing Camp Gargano. In fact, his wife testified in 2007 in favor. He believes in the mission of the camp and its work with youth. He has not found any opposition that wants to close the camp. What he is opposed to is the increase in numbers. The current permits allows 50 youth each week a year. In reality, the maximum usage has probably been no more than ¼ of this number. This application adds two additional levels of participants. Family, friends and spectators do not count toward these amounts. And the accessory uses such as seminars, conferences, banquets, etc., do not count towards these numbers.

Urbanovsky stated that there has been a lack of communication with the neighbors. This has been disheartening. Events are being set before the this special permit is approved makes the neighbors believe it is a done deal and that our voice means nothing. Janice Wittstruck lives ½ southeast. Her ancestors settled in this area in 1865 and generations have lived there since. Both the road and creek are named after the family. This is not Lincoln's playground, but an actual rural community. Mrs. Wittstruck's comment to Urbanovsky was, "You go ahead and try to voice your opposition, but in my experience it is already a done deal and the rural community has no voice."

Urbanovsky requested that there needs to be a delay on this proposal to allow time for more discussion with the neighbors and to get the conversation going again.

10. Heath Wilcox, 14200 S.W. 15th, testified in opposition. His property is east of the property in question. He submitted a petition in opposition signed by all of the neighbors (26). Everyone has their own reasons why they oppose. There is overwhelming opposition from the surrounding area. Wilcox pointed out that most of the opposition are property owners, while a lot of the support are participants that take advantage of the activities at this location but do not live there. There is a difference between landowners and participants.

Wilcox also pointed out that the people that can attend these events have a choice to attend, not attend, when they come and when they go. Those of us that live around the area in opposition do not have a choice. He lives in a rural area and he wants to keep it rural. He asked the Planning Commission to please consider the property owners who live in the surrounding area who have signed this petition in opposition.

Butcher asked staff to discuss the alcohol issue. **Brittany Behrens, Deputy County Attorney,** indicated that there had been some discussion of a proposal with some limiting language conditioning the approval of any special designated license (SDL) or limiting alcohol use on the property. She has talked to the other county attorneys in her office with regard to the Planning Commission's authority when dealing with special permits and the other side with regard to the County handling the liquor licensing and SDL. This

does not appear to be a land use issue in the County's jurisdiction. There is nothing in the County zoning regulations that discusses liquor use or liquor licensing. Liquor licensing is handled through the State statute process by the Nebraska Liquor Control Commission. The state requires that if an organization is going to have the sale or consumption of alcohol at a designated location, then a SDL would be required by State statute. The State statute then requires the County as the governing jurisdiction to either approve or deny that SDL application and forward their recommendation for approval or denial on to the Liquor Control Commission. There is no language in the zoning regulations in the County to deal with liquor as a land use issue. Therefore, this does not appear to be an issue upon which the Planning Commission should be placing conditions. It would be something that could continue to follow the normal County process in that the applicant would make application through the Liquor Control Commission for a SDL. The statute requirements allow for only six SDL's per year; and there is some conjunction between the amusement license application and the SDL. The amusement license guidelines require that if an applicant is also going to apply for a SDL for the same event, both of those applications must be submitted to the County Clerk at the same time. Then they follow two different processes, one which requires a public hearing and the SDL does not require public hearing. The SDL is only placed on the County Board agenda for action.

Weber suggested that there is some confusion between the term occupancy and spectators and participants. Does 500 include a total count or just participants? Hartzell responded that there are other special permits that put a number on the participants. She would consider it as 500 participants, plus camp counselors, staff people, family attending an award ceremony, etc. It relates to the number of participants.

Sunderman assumed then that with 50 participants, there could be 100 people there at one time. Hartzell agreed.

Sunderman inquired how the City lighting standards would apply here. Hartzell explained that the condition of approval is that the applicant would follow the City parking lot lighting standards, i.e. shielded; outdoor lights except for security lighting would be shut off by 10:00 p.m.; and that the trail would not be lighted.

Behrens re-approached to clarify that when an application for SDL is made in the County Clerk's office, it is then forwarded to the Health Department, the County Engineer and the County Sheriff for their recommendation and any additional information that those departments provide to the County Board are taken into consideration. With regard to the amusement license application, notices are sent to additional County departments, the County Attorney, the Planning Department and the Building & Safety Department to receive additional comments.

Cornelius was unclear whether or not the amusement license is issued on a per event basis. Behrens advised that the application is a standardized form which contains space for marking whether there will be multiple events and they must notify the County of the dates of those events on the form. Because the license is actually good for a year, it covers multiple events. The statute does not limit the number of events. The Clerk's office has worked with the applicant to insure that they are complying with the time request in notifying the County. The application and license itself is approved one time as an annual license.

From a planning and zoning perspective, Butcher asked staff to address the possibility of a home for sex offenders or something like that being allowed at this location. Hartzell assumes that a home for sex offenders would be something run by a public entity, and in that case there is no zoning requirement. The state does not fall under our jurisdiction. Group homes can be run privately. They are a conditional use in the County. A conditional use only has to meet the conditions listed in the zoning code, and through the occupancy permit, Building & Safety assures they are meeting those conditions.

Gaylor Baird asked staff to speak about Outlot A. It seems to be the source of a lot of controversy in terms of its use and intensity of its use. Is anything going on there today that should not be? What amendment will be required to show the continued agricultural uses? Hartzell explained that Outlot A is designated as agricultural use through the CUP. It is currently planted crops. There are, however, sections for the trail to run through that are about 6' wide cutting through the crops. There is the question of accessory use versus primary use. That area is not necessarily required to be part of the special permitted area if it is a field trip, i.e. part of the function of the permit. But when that trail becomes a focal point and major use, then that really should be within the area of the special permit and that is why we are recommending that the area be included in the special permit. As far as the uses on the perimeter, i.e. structures, large round bales used for climbing, etc., Hartzell suggested that large round bales are a typical agricultural use. The wall structures are not permanent structures – that gets into a little bit of a greyer area. A large number of those structures shown in the photographs are actually existing on Lot 1. There are only a couple of walls on the outlot at this time.

Gaylor Baird clarified then that the administrative amendment to the CUP would have to show the area of continued agricultural use and areas for open space which may be used for overflow parking. Hartzell stated that the purpose of the outlot was to preserve land for open space, natural areas, environmental resources, and agriculture. If you are running a trail through there, are you really diminishing the agricultural use of that property? The trail takes up a very minimal part of that property. You could have that open space planted to some other kind of grass, etc. We would like to designate how much of this land is going to stay in agricultural use. It needs to remain a significant portion of the land.

Gaylor Baird asked whether it is staff's opinion that the proposed buffer between the homes and the special permit expansion is reasonable. Hartzell confirmed that the proposal is a 250' radial buffer. The requirements for recreational facility say that the Planning Commission can require an increased setback for recreational uses in order to protect adjoining properties, so the Planning Commission does have the ability to increase the normal setback, which is 100' in the AG district, but accessory uses can be within that setback. You would have to specifically say that within this area there are no accessory uses allowed. Gaylor Baird inquired whether that was ever discussed with the parties. Hartzell stated that the opposition has requested increased buffers and that is where the 250' radial stepped in. Staff believes that with the major movement of the line on the east side and the 250' for any future use, it is reasonable.

Weber asked about the status of the permit if the property sells. Hartzell explained that all special permits in the county and the city run with the land, not with the owner.

Gaylor Baird sought clarification that approval of this special permit does not approve any special events. The special permit provides zoning basis for the amusement licenses. Hartzell stated that the special permit provides the foundation for the applicant to go to the County Board and request the amusement license every year. Initially, in discussions before the application came in, there was some concern about the traffic on the road, and the idea of having large events several times a year was a concern to the

County Engineer. We discussed the annual review by staff versus the perpetual special permit running with the land. The permit could be reviewed by staff annually, and then make a judgment. This solution of making those larger events conditioned on whether or not they have received an amusement license meant that every year the County Engineer could make comments and determine any problems on the roads, etc.

Butcher inquired about the designation for pumpkin patches, Roca Berry Farm, etc. Hartzell explained that they are considered agricultural attractions, and they also do receive amusement licenses separately requiring annual review.

Gaylor Baird asked whether the concerns about traffic are suitably mitigated in the opinion of the Planning Department and County Engineer. Hartzell suggested that there are several different pieces in this application that helped address the traffic concerns, i.e. dust control when necessary during the larger events; replace any gravel after those large events, if required; and barricading the dirt portion of the road during those large events.

Sunderman inquired whether they would be allowed to have weddings, reunions, etc. Hartzell stated that those functions would need to be named as accessory to the use. It is really a matter of scope, and those accessory uses are allowed.

Cornelius heard the assertion that this property is operating as a recreational facility already and the club designation is not appropriate for its current use. Does this mean that in order to maintain the current operation, it probably should have a special permit for a recreational facility? Sara concurred. It should be changed to a recreational facility rather than club, which requires a special permit.

Marvin Krout, Director of Planning, offered that a group home in the County, similar to the City, is a conditional use and the definition would probably allow various uses. The only conditions are that it be a licensed facility limited to 16 individuals maximum and you can't have one within ½ mile of another. On the City side, we do have a provision for health care facilities that allow group homes larger than 16 people, which can be obtained in residential districts by special permit. There is no special permit provision that would allow more than 16 individuals to reside on a property in the AG district in the County's jurisdiction.

Sunderman assumes that a group home could go into one of those houses along S.W. 14th. Krout concurred, as long as it is licensed and not within ½ mile of another.

<u>Response by the Applicant</u>

Katt pointed out that the neighbors support Camp Gargano as it currently exists, and staff recommends that because of what happened in the past, the more appropriate zoning designation is to fix what we have to reflect how it has been used. Mr. Barry wants to be able to operate his camp within the law. Tier A is what is permitted today, other than the change from club to recreational facility.

The primary concern of the neighbors is the ability of the infrastructure to handle this expansion in numbers on existing Lot 1, and then a slight expansion in terms of adding the area. When initially submitted, the applicant met with staff and the County Engineer. The original submittal was based upon

the numbers and capacities that was recommended to the applicant by the County Engineer as being appropriate numbers that the existing conditions could handle. The current road standards are designed to handle 12,000 trips per month.

Katt acknowledged that the applicant made a mistake and did not engage the neighbors soon enough and often enough. "We took our lumps, backed off and provided additional time for the meetings to occur. We did work with the neighbors." As a result, the permit was significantly reduced from the original proposal in terms of numbers. And the reason for that is that the numbers are what is projected. Barry is willing to continue to work with the neighbors and continue to build trust with the neighbors that this facility will not be a negative impact to the neighborhood. He has run a good camp and does want to be a good neighbor.

Katt clarified that there is no change in the current lighting with the current special permit. The impacts of the lighting are less than a standard farm light.

With regard to questions about breaking the rules, Katt stated that the applicant is here to make sure that he is in full compliance. He advised his client to bring this forward and make sure it is understood if he intends to expand the camp. The structures in the outlot are temporary and clearly within any of the accessory uses that can happen. This special permit will clean it up as being a part of the main use.

Even though it is a conditional use in the County, Cornelius observed that the neighbors seemed to feel that they were threatened by what might locate on this property if they continue to oppose this special permit. Where does the threat of a sex offender home come from? Doug Barry provided the explanation, which goes back to an individual who originally helped support the camp financially. He lives out of state and his own business was failing financially. Barry met with an individual who was contacted by the financial backer who said they work with different groups and private entities to find places that can house Alzheimer's patients to group homes to sex offenders. In some of his conversation with the neighbors, Barry did bring this up because he was concerned about it. We have had many people step forward in recent months to keep the doors open. This was brought up at the neighborhood meeting by an individual in the crowd, when Barry stated that he was not going to allow that to happen. Barry believes he was up-front and honest to let everyone know that someone had come to the camp to look at it. It was not a fear tactic. These last several years have been very hard with the economy. It has been difficult to get enough donations to keep the camp going. They are trying to make efforts to keep the camp alive. He cannot guarantee that it will stay open. No one can guarantee that with any business. However, the movements that have happened recently are very optimistic.

Butcher wondered about Cornhusker State Games or other activities. Barry explained that they thought their public hearing was going to be on May 2nd. Way back in the spring, he talked with the Nebraska Sports Council who liked the facility and we thought it might fit as an accessory use. It is rare, so we went ahead and put it on our Web site. Honestly, he believed this whole process would be sorted out by then. We put it out there because we thought we would be through this process and it would fall under the accessory use.

COUNTY SPECIAL PERMIT NO. 12015
ACTION BY PLANNING COMMISSION: June 13, 2012

Sunderman moved to approve the staff recommendation of conditional approval, seconded by Gaylor Baird.

Sunderman commented that "this is a tough one." This use of the property is good. The direction they are headed is good. What they have been doing has not been a problem. The 150 limit is very doable. He believes that spectators on top of that will work as well. As far as 500 persons on the amusement side, he believes that there are controls in place to handle that in case it doesn't work out. The County Engineer needs to review the road capacity once they get to the higher numbers. The lower numbers are covered. The dirt road to the east will be closed off for the larger events. Perhaps there needs to be some better signage when the road is wet. As far as the impact on the neighbors, Sunderman acknowledged that there will be more people around but it is not on their property. He does not believe noise or light is going to be a factor. There will be a small increase in traffic most of the time; a larger increase in traffic a few times. He does not believe it is too onerous.

Weber agreed with Sunderman that this is really a difficult decision. Being a current rural resident, he is sensitive to the impact to rural residents. There is a reason why we live in the country. There is no question that there are a lot of positives with this camp – even the opposition agrees with that. He does not agree with Mr. Ojeda's opinion that the landowner can do with his land what he wants because you do have to consider the impact to your neighbors. It is one thing to move into an area with something already situated, but it is another thing to be living there and have something change. It seems like several of the issues brought up by the opposition have been addressed. His biggest concern is the 500 occupancy. He was assuming that meant the maximum number of people that could be on the site. But, if there is a large impact with an event of that size, the neighbors would have to make sure that they are heard. This is a really difficult decision. He will support it but he is concerned about the 500 occupancy.

Gaylor Baird stated that it is rare that we get an application that makes us feel quite so responsible in such a magnified way for the outcome. Clearly, people feel strongly about this on both sides. It seems that neighbors have valid concerns about what uncertain change is headed their way. It never feels good not knowing what to expect next door or in your back yard. However, we have seen that the applicant has worked with the departments to make sure there are a number of self-imposed limitations on the types of uses; that there are provisions for review and oversight of those uses such that should an amusement license be granted for some of these higher intense uses, that every single one of the neighbors will have a chance to weigh in again in terms of how they are being affected by any of the special events that are allowed six times a year. The traffic concerns are going to be alleviated in part by the applicant's own efforts to promote specific routes that we believe will have the least significant impact on the surrounding neighbors. The AG preservation issue is to be confirmed by administrative amendment so there are checks in place for that as well to make sure that the preservation of agricultural land continues. This special permitting, once again, it is sort of "righting" the real use of the property today and that is something that ought to be done regardless of the expansion of the special permit. We are not deciding today whether or not what types of big events would be held on the property. That is for a future discussion with the amusement license process. So, given all these factors and given the real attempts at trying to meet the concerns of the neighbors, she will support the application.

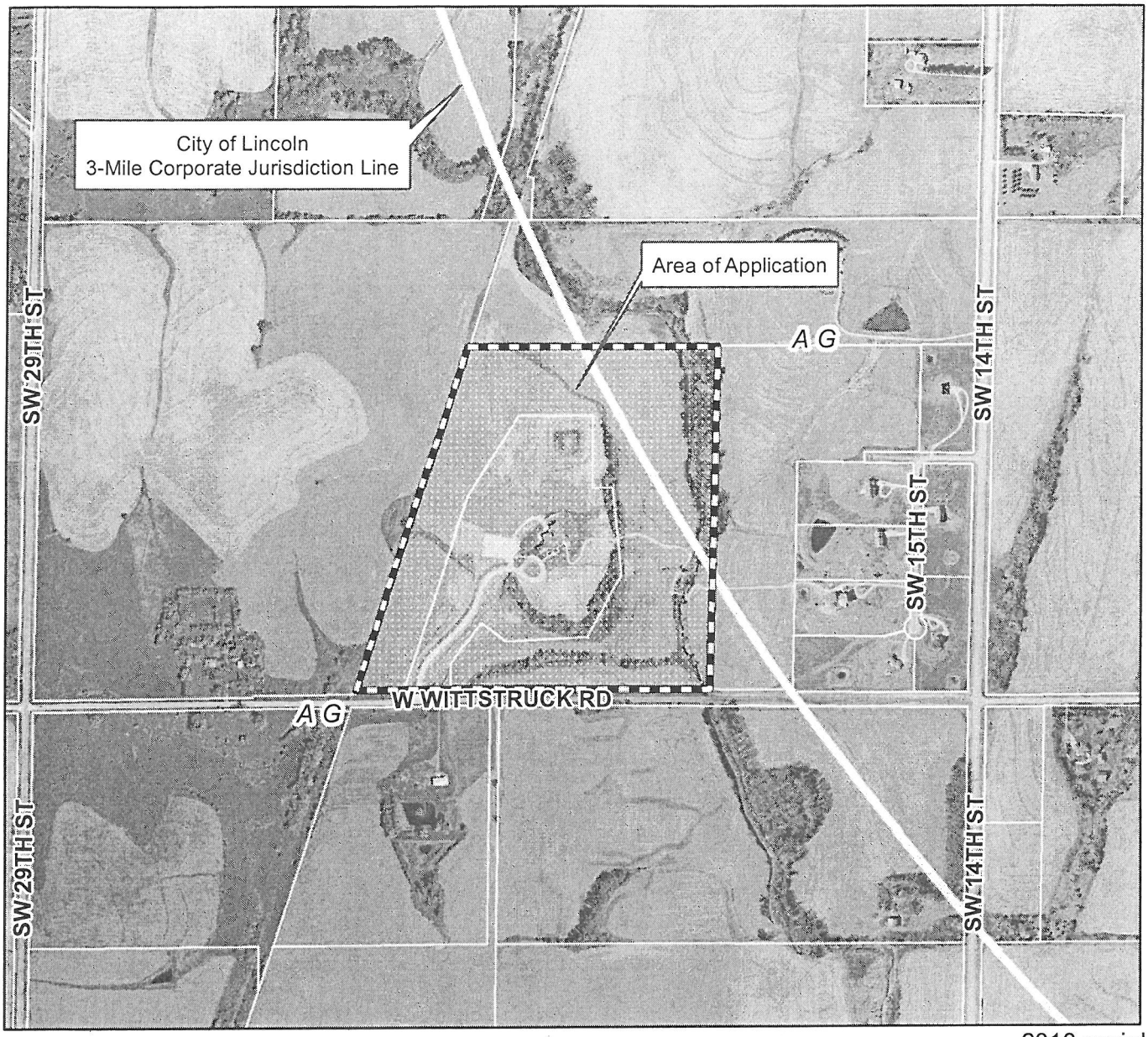
Butcher agreed that this is a very, very tough decision. Unfortunately for him, there is just nothing that is a smoking gun that sticks out that says we have to stop this immediately. Fortunately, there are measures that have been put together with the help of staff and the applicant. While not the best efforts to contact the community, they did make the effort. The applicant did try to be reactionary towards the concerns of the community. With everything that is built in and the ability for the neighbors to take part in the application process for the large scale events, he is going to support it.

Cornelius pointed out that no one who came forward today expressed any objection to the mission or activities of the camp. Further, as reiterated, as Camp Gargano is operated today, it probably better fits under the special permit for a recreational facility than under the designation of a club. So it is difficult to reconcile support for the activities as they stand with opposition to the designation as a recreational facility. He appreciates all the testimony. We heard, for example, that for our purposes here the question of alcohol is more or less a non-issue; we heard that the lighting standards will conform with those of the City's parking lot standards, and, in fact, the applicant has no plans to change the current lighting. Most of this special permit seems to be oriented toward self-imposed restriction to keep this property operating as it has operated and as the neighbors say they have no objection to. "I found myself thinking, if this land were all in full agricultural use, what would the noise impact and what would the dust impact and the smell impact of that be? The level of nuisance to the adjacent properties would likely be similar or greater. Issues like traffic are going to be mitigated or at least controlled. The matter of very large events, 500+, is going to be governed by the amusement license process in the County and he encouraged the neighbors to use their voices there as well as they did here.

Motion for conditional approval carried 5-0: Gaylor Baird, Sunderman, Butcher, Weber and Cornelius voting 'yes'; Lust, Esseks and Francis absent; Hove declared a conflict of interest. This is final action unless appealed to the County Board by filing a letter of appeal with the County Clerk within 14 days.

CITY SPECIAL PERMIT NO. 12016
ACTION BY PLANNING COMMISSION: June 13, 2012

Sunderman moved to approve the staff recommendation of conditional approval, seconded by Gaylor Baird and carried 5-0: Gaylor Baird, Sunderman, Butcher, Weber and Cornelius voting 'yes'; Lust, Esseks and Francis absent; Hove declared a conflict of interest. This is final action unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days.



2010 aerial

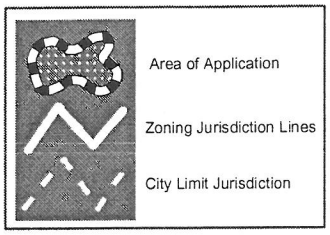
Special Permit #12015 (County) & Special Permit #12016 (City) SW 29th St & W Wittstruck Rd

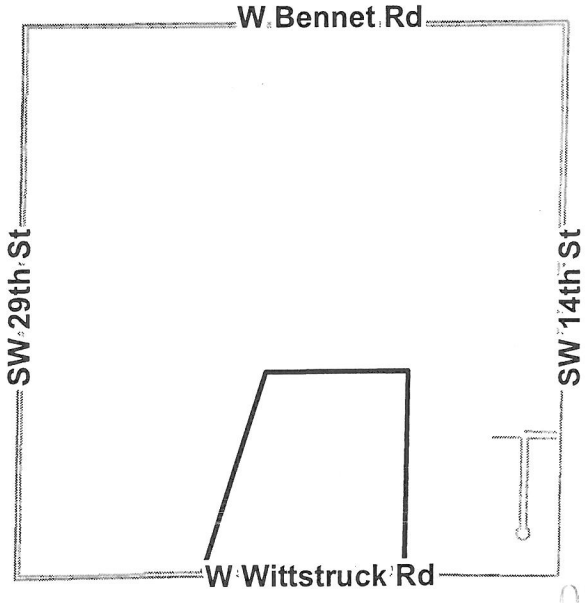
Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

m:\plan\arcview\Agendadrawings.mxd (SP12015& SP12016)

One Square Mile
Sec. 9 T08N R06E





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April 4, 2012

Mr. Marvin Krout, AICP
City of Lincoln – Planning Department
555 South 10th Street, Room 213
Lincoln, NE 68508

Re: SPECIAL PERMIT APPLICATION FOR A "RECREATIONAL FACILITY"
WEST WITTSTRUCK ROAD BETWEEN SW 14TH ST & SW 29TH ST
CDG Project No. 2012-0013

Dear Marvin:

On behalf of Radix, Inc., we submit the above mentioned application for your review. Radix, Inc., has been operating their facility at on Lot 1 at this location under a "Club" permit since 2007. At this time they are seeking to expand this permit cover Outlot 'A' and to include larger events that would occur on weekly and monthly schedules under the terms of a "Recreational Facility".

As a Recreational Facility, the typical events that Radix desires at his location are: obstacle course events, team building events, sports training events, banquets, seminars, workshops, receptions and seasonal festivals. The notes in the special permit detail the thresholds for these activities in terms of size and frequency as well as the conditions that Radix must comply with for the various tiers of participants.

If this special permit application is approved, Radix, Inc., would subsequently request a rescission of their existing Special Permit #07032 for a Club on Lot 1 as filed with your department.

In conjunction with this submittal we submit the following information:

- Application for a Special Permit, City of Lincoln and Lancaster County
- Special Permit Application Fee, City of Lincoln and Lancaster County
- Plans will be uploaded via Project Dox

In an effort to facilitate the review process, please feel free to call me at (402) 434-8494 so that I can address any questions you may have.

Sincerely,

Mike Eckert, AICP

cc: Radix, Inc.
Peter Katt

038

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Legal description for Special Permits 12015 and 12016 for a Recreational Facility at 2260 W. Wittstruck Rd.

A legal description of a portion of Outlot 'A' and all of Lot 1, Bentzinger's Pleasant Acres First Addition, located in the Northeast Quarter of Section 3, Township 8 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska, said Tract of land shall be more particularly described by metes and bounds as follows.

BEGINNING AT THE SOUTHWEST CORNER OF OUTLOT "A", BENTZINGER'S PLEASANT ACRES FIRST ADDITION; THENCE IN A NORTHEASTERLY DIRECTION, ALONG THE WESTERLY LINE OF SAID OUTLOT "A", ON AN ASSUMED BEARING OF N 17°55'12" E FOR A DISTANCE OF 1967.95' TO THE NORTHWEST CORNER OF SAID OUTLOT "A";

THENCE N 89°50'38" E, ALONG THE NORTH LINE OF SAID OUTLOT "A", FOR A DISTANCE OF 1382.82';

THENCE S 01°11'58" W, A DISTANCE OF 1875.61' TO A POINT ON THE NORTH RIGHT OF WAY LINE OF WITTSTRUCK ROAD;

THENCE N 89°33'19" W, ALONG THE SOUTH LINE OF SAID OUTLOT 'A', FOR A DISTANCE OF 1164.38';

THENCE S 89°15'55" W, ALONG THE NORTHERLY 60' RIGHT OF WAY LINE OF WEST WITTSTRUCK ROAD FOR A DISTANCE OF 784.79' TO THE POINT OF BEGINNING

CONTAINING AN AREA OF 71.43 ACRES

SPECIAL PERMIT - LEGAL DESCRIPTION:

LOT 1 AND A PORTION OF OUTLOT 'A', BENTZINGER'S PLEASANT ACRES, LOCATED IN THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 8 NORTH, RANGE 6 EAST OF THE 6th P.M., LANCASTER COUNTY, NEBRASKA.

APPROVAL:

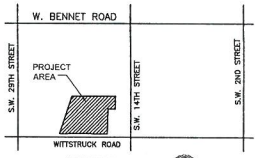
THE FOREGOING SPECIAL PERMIT WAS APPROVED BY THE LINCOLN CITY PLANNING COMMISSION ON THIS ____ DAY OF _____, 2012.

ATTEST: _____
CHAIR

NOTES - SPECIAL PERMIT - RECREATIONAL FACILITY

1. THE OWNER/DEVELOPER RESERVES THE RIGHT TO BUILD STRUCTURES ANYWHERE WITHIN THE BUILDING ENVELOPE SHOWN. ACCESSORY USES ARE PERMITTED ANYWHERE ON LOT 1 AND OUTLOT 'A' WITH THE RESTRICTION OF THE AREA WITHIN THE 250' 'ACTIVITY SETBACK AREA' ADJACENT TO THE RESIDENTIAL ACREAGE ABUTTING ON THE EAST. THE USES MAY BE RELOCATED WITHOUT ANY AMENDMENTS TO THE SPECIAL PERMIT.
2. BUILDING HEIGHT IN THE 'AG' ZONED AREA SHALL NOT EXCEED 35 FEET.
3. THIS SPECIAL PERMIT ALLOWS A RECREATIONAL FACILITY AND ACCESSORY BUILDINGS AND USES TO OPERATE AT VARIOUS LEVELS OF USE AND FREQUENCY, BUT NOT CONCURRENTLY, FURTHER DEFINED AS:
   A. A 20,000 S.F. RECREATIONAL FACILITY WITH A MAXIMUM OCCUPANCY OF 50 PERSONS THAT SHALL NOT EXCEED FIVE CONSECUTIVE DAYS IN A GIVEN CALENDAR WEEK.
   B. A RECREATIONAL FACILITY WITH A MAXIMUM OCCUPANCY OF 150 PERSONS THAT SHALL NOT EXCEED 5 EVENTS IN A 30 DAY PERIOD AND NO MORE THAN 2 EVENTS IN A CALENDAR WEEK.
   C. A RECREATIONAL FACILITY WITH A MAXIMUM ONE DAY OCCUPANCY OF UP TO 1,500 PERSONS THAT SHALL PERMITTED 12 TIMES IN A CALENDAR YEAR.
4. ALL EXTERIOR LIGHTING SHALL COMPLY WITH THE DESIGN STANDARDS AS ADOPTED BY LANCASTER COUNTY. PARKING LOT LIGHTING SHALL BE SHIELDED FROM ADJACENT PROPERTIES AND BE TURNED OFF BY 10:00 P.M. EXCEPT FOR SECURITY LIGHTING.
5. ALL HANDICAP PARKING AREAS SHALL BE SURFACED WITH A MINIMUM OF 5 INCHES OF CLASS 'A' PORTLAND CEMENT OR 6 INCHES OF ASPHALTIC CONCRETE. A 6 INCH RAISED CURB BARRIER SHALL BE PROVIDED AT THE FRONT PERIMETER. PARKING SHALL FOR EVENTS AS DEFINED IN NOTE 3.B AND 3.C SHALL BE PERMITTED OUTSIDE THE GRAVELED OR PAVED PARKING AREAS IN THE AREAS LABELED AS 'LARGE EVENT OVERFLOW PARKING'.
6. SIGNAGE SHALL BE AS APPROVED BY THIS SPECIAL PERMIT.
7. CONTOURS SHOWN ARE NAVD 88. THE 100 YEAR FLOODPLAIN LINES SHOWN ARE BASED ON PANEL # 31100C0440 E AND 31100C0420 E, DATED SEPTEMBER 21, 2001.
8. ACCESS SHALL BE RELINQUISHED TO WEST WITTSTRUCK ROAD EXCEPT FOR THE ACCESS DRIVE TO LOT 1.
9. ROCK AND GRAVEL SHALL BE PLACED, AS NEEDED, ON WEST WITTSTRUCK ROAD FROM THE ACCESS DRIVE TO SW 29th ST.
10. EVENTS AS DEFINED IN NOTE 3.C SHALL PROVIDE A WATERING TRUCK FOR DUST EMISSION CONTROL ON WITTSTRUCK ROAD.
11. EVENTS AS DEFINED IN NOTE 3.C SHALL BE PERMITTED BY THE ATTAINMENT OF A SEPARATE SPECIAL EVENT PERMIT FROM LANCASTER COUNTY. THIS SPECIAL EVENT PERMIT SHALL BE VALID FOR 12 MONTHS WITH THE ABILITY TO BE RENEWED ANNUALLY. WRITTEN NOTICE OF THESE EVENTS SHALL BE PROVIDED TO THE COUNTY CLERK THREE WEEKS PRIOR TO THEIR COMMENCEMENT.
12. ON-PREMISE ALCOHOL SALES SHALL BE PERMITTED WITH THIS SPECIAL PERMIT WITHIN THE BOUNDARIES OF LOT 1.
13. IF W. WITTSTRUCK ROAD IS PAVED TO COUNTY STANDARDS FROM THE EXISTING ENTRANCE OF LOT 1 TO SW 29TH STREET THE MAXIMUM OCCUPANCY FOR NOTES 3.B & 3.C SHALL RESPECTIVELY INCREASE TO 400 PERSONS AND 2,500 PERSONS

RECEIVED
JUN - 1 2012
Lincoln/Lancaster Co.
Planning Department



VICINITY MAP
SCALE: NONE

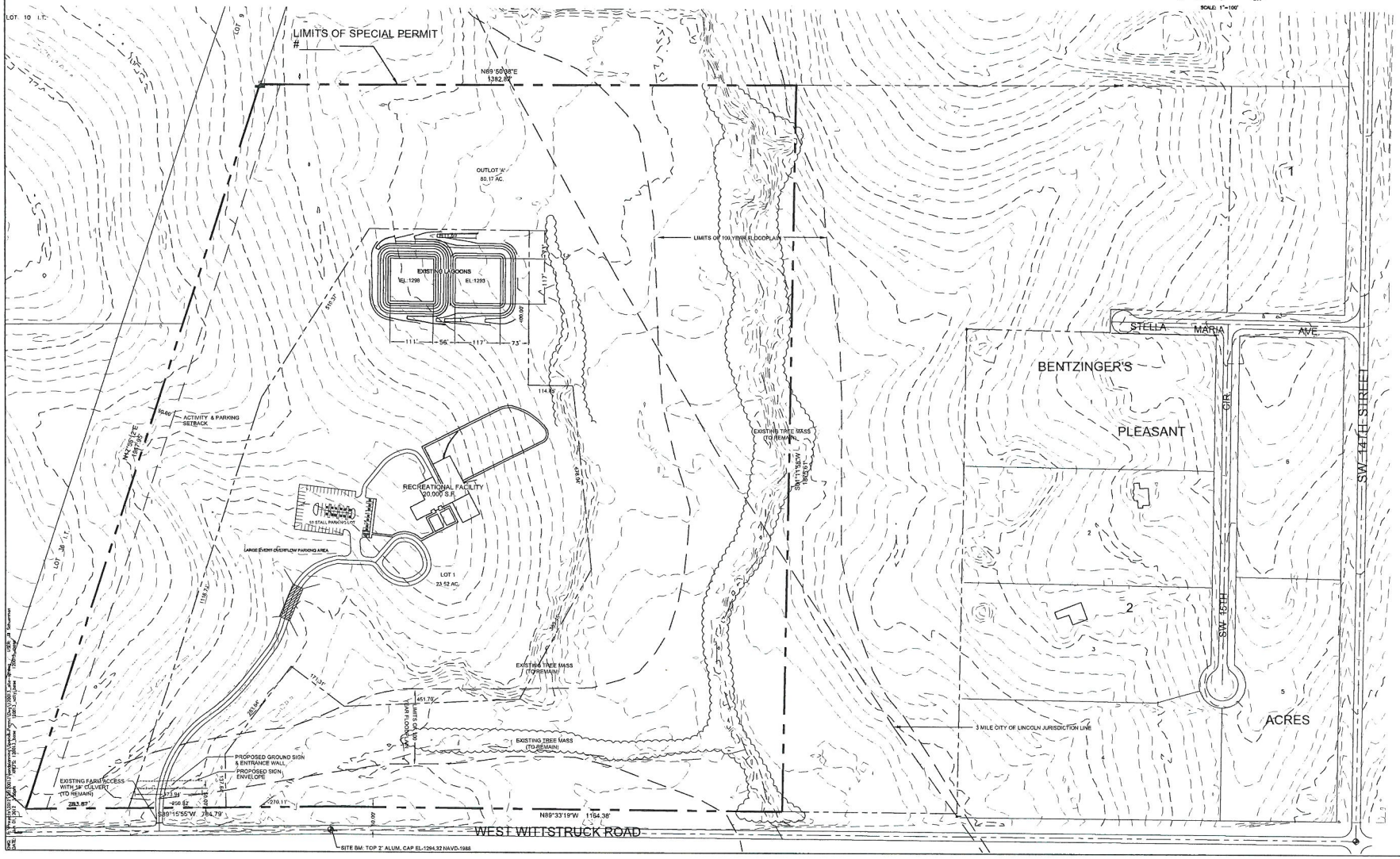
OWNER & DEVELOPER:
RADIX, INC.
C/O: DOUG BARRY
PO BOX 20483
LINCOLN, NE 68542
402-794-2100

ENGINEER:
CIVIL DESIGN GROUP, INC.
8535 EXECUTIVE WOODS DRIVE
SUITE 200
LINCOLN, NE 68512 (402)434-9494

SURVEYOR:
ALLIED SURVEYING & MAPPING, INC.
6120 S. 58TH STREET
LINCOLN, NE 68516
(402)434-9685

SHEET INDEX

SITE PLAN	1



Civil Design Group, Inc.
8535 Executive Woods Drive, Suite 200
Lincoln, Nebraska 68512
Ph. 402-434-9494 fax 866-215-8747
www.civildg.com
CONSULTING ENGINEERS • LAND USE PLANNERS
CIVIL DESIGN • SITE DEVELOPMENT • PLANNING AND ZONING

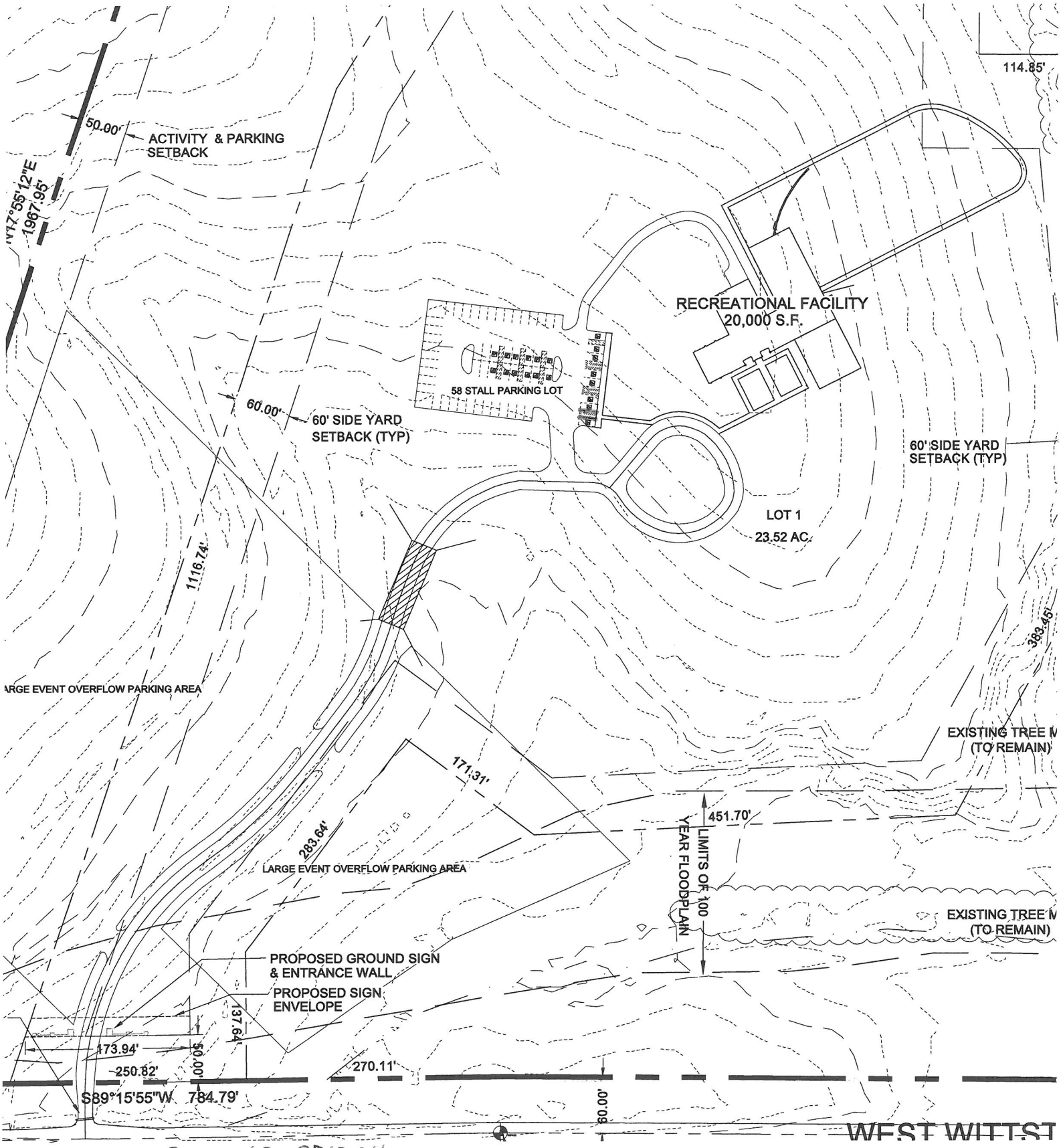
REVISIONS

NO.	DATE	DESCRIPTION
1	05/01/2012	ACTIVITY SETBACK REVISION
2	06/01/2012	REVISED MAPS & SPECIAL PERMIT

SITE PLAN
RADIX, INC.
SPECIAL PERMIT #12055 & 12056 FOR A RECREATIONAL FACILITY
LINCOLN, NEBRASKA
2012

drawn by:	jdx
checked by:	-
approved by:	-
project no.:	2012-0013
drawing no.:	-
date:	06/01/2012

SHEET
1 OF 1



SP12015+SP12016

041

Jean Preister

From: Sara S. Hartzell
Sent: Friday, June 01, 2012 10:28 AM
To: Jean Preister
Subject: FW: Revised site plan notes for Radix Special Permit
Attachments: Amend Radix Rec Facility SP Notes 5-31-12 PM.docx

---

From: Mike Eckert [mailto:meckert@civildg.com]
Sent: Thursday, May 31, 2012 5:32 PM
To: Sara S. Hartzell
Cc: Steve S. Henrichsen; 'Peter W. Katt'; doug.pfeifer@victoryquest.com; 'Doug Barry'
Subject: Revised site plan notes for Radix Special Permit

Sara:

Please accept the revised site plan notes as attached for the amended conditions to the special permit application #12015/12016. These changes reflect modifications made to the proposed uses on the facility based on neighborhood feedback.

Additionally, in note #1 I refer to boundary of the special permit as shown on the site plan. We have agreed with the neighbors to revised the legal description for the portion of Outlot "A" that the use permit covers so that the limits of the special permit are a minimum of 600' from the existing residential structures to the east and northeast of the permit. I will not be able to get you the revised legal description for the boundary of the use permit along with an exhibit until tomorrow.

Additionally, we have added language in Note #1 that provides for a 250' radial setback for accessory uses on Outlot "A" in the event that future occupied residential dwelling structures are built on the north, west or south boundaries of the this special permit. This provision addresses the setback concerns voiced by the Adams family to the north. It provides a mandatory radial setback of 250' between occupied residential dwelling structures and the accessory uses if a future residential structure is built on the Adams land to the north, on the Brandt property to the west, or on the Oelling/Brandt/Devries properties on the south side of Wittstruck Rd.

Please let me know if you have questions about these amended notes.

Mike Eckert, AICP
Civil Design Group, Inc.
8535 Executive Woods Drive, Ste 200
Lincoln, NE 68512
O: 402-434-8494
F: 866-215-8747 (toll free)
M: 402-770-4850
meckert@civildg.com
www.civildg.com

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MAY 3 1 2012

Lincoln/Lancaster Co.
Planning Department

NOTES – SPECIAL PERMIT – RECREATION FACILITY

1. THE OWNER/DEVELOPER RESERVES THE RIGHT TO BUILD STRUCTURES ANYWHERE WITHIN THE BUILDING ENVELOPE SHOWN ON LOT 1. ACCESSORY USES ARE PERMITTED ANYWHERE ON LOT 1 AND OUTLOT "A" WITHIN THE BOUNDARIES OF THE SPECIAL PERMIT AREA AS SHOWN ON THE SITE PLAN. ~~WITH THE RESTRICTION OF THE AREA WITHIN THE 250' "ACTIVITY SETBACK AREA" ADJACENT TO THE RESIDENTIAL ACREAGE ABUTTING ON THE EAST~~. ACCESSORY USES ON OUTLOT "A" WITHIN THE SPECIAL PERMIT AREA MUST MAINTAIN A 250' RADIAL SETBACK FROM ALL CURRENT AND FUTURE OCCUPIED RESIDENTIAL DWELLING STRUCTURES ON ADJACENT PROPERTIES. THE ACCESSORY USES MAY BE RELOCATED WITHOUT ANY AMENDMENTS TO THE SPECIAL PERMIT.

2. BUILDING HEIGHT IN THE 'AG' ZONED AREA SHALL NOT EXCEED 35 FEET.

3. THIS SPECIAL PERMIT ALLOWS A 20,000 S.F. RECREATIONAL FACILITY AND ACCESSORY BUILDINGS AND USES TO OPERATE AT VARIOUS LEVELS OF USE AND FREQUENCY, BUT NOT CONCURRENTLY, FURTHER DEFINED AS:

   A. ~~A 20,000 S.F. RECREATIONAL FACILITY WITH~~ A MAXIMUM OCCUPANCY OF 50 PERSONS THAT SHALL NOT EXCEED FIVE CONSECUTIVE DAYS IN A GIVEN CALENDAR WEEK.

   B. ~~A RECREATIONAL FACILITY WITH A~~ MAXIMUM OCCUPANCY OF 150 PERSONS THAT SHALL NOT EXCEED 5 EVENTS IN A 30 DAY PERIOD AND NO MORE THAN 2 EVENTS IN A CALENDAR WEEK.

   C. ~~A RECREATIONAL FACILITY WITH~~ A MAXIMUM ONE DAY OCCUPANCY OF UP TO 500~~1,000~~ PERSONS THAT SHALL BE PERMITTED 6~~12~~ TIMES IN A CALENDAR YEAR. THESE EVENTS SHALL BE PERMITTED ONLY THROUGH THE APPROVAL OF A SEPARATE AMUSEMENT LICENSE BY LANCASTER COUNTY COMMISIONERS. THIS AMUSEMENT LICENSE MAY OBTAINED FOR A FULL 12 MONTHS WITH DATES OF EVENTS IDENTIFIED AND THE ABILITY TO BE RENEWED ANNUALLY. WRITTEN NOTICE OF THESE EVENTS SHALL BE PROVIDED TO THE COUNTY CLERK THREE WEEKS PRIOR TO THEIR COMMENCEMENT. THESE EVENTS SHALL PROVIDE A WATERING TRUCK FOR DUST EMISSION CONTROL ON WITTSTRUCK ROAD AND SHALL PROVIDE BARRICADES THAT PREVENT VEHICULAR TRAFFIC FROM ACCESSING THE MINIMUM MAINTENANCNE PORTION OF WITTSTRUCK ROAD DURING THESE EVENTS.

4. ALL EXTERIOR LIGHTING SHALL COMPLY WITH THE DESIGN STANDARDS AS ADOPTED BY LANCASTER COUNTY. PARKING LOT LIGHTING SHALL BE SHIELDED FROM ADJACENT PROPERTIES AND BE TURNED OFF BY 10:00 P.M. EXCEPT FOR SECURITY LIGHTING.

5. ALL HANDICAP PARKING AREAS SHALL BE SURFACED WITH A MINIMUM OF 5 INCHES OF CLASS 'A' PORTLAND CEMENT OR 6 INCHES OF ASPHALTIC CONCRETE. A 6 INCH RAISED CURB BARRIER SHALL BE PROVIDED AT THE FRONT PERIMETER. PARKING FOR EVENTS AS DEFINED IN NOTE 3.B AND 3.C SHALL BE PERMITTED OUTSIDE THE GRAVELED OR PAVED PARKING AREAS IN THE AREAS LABELED AS "LARGE EVENT OVERFLOW PARKING".

6. SIGNAGE SHALL BE AS APPROVED BY THIS SPECIAL PERMIT.

7. CONTOURS SHOWN ARE NAVD 88. THE 100 YEAR FLOODPLAIN LINES SHOWN ARE BASED ON PANEL # 31109C0440 E AND 31109C0420 E, DATED SEPTEMBER 21, 2001.

8. ACCESS SHALL BE RELINQUISHED TO WEST WITTSTRUCK ROAD EXCEPT FOR THE ACCESS DRIVE TO LOT 1.

9. FOLLOWING EVENTS AS DESCRIBED IN NOTE 3.C, ROCK AND GRAVEL SHALL BE PLACED, AS NEEDED, ON WEST WITTSTRUCK ROAD FROM THE ACCESS DRIVE TO SW 29th ST.

10. ~~EVENTS AS DEFINED IN NOTE 3.C SHALL PROVIDE A WATERING TRUCK FOR DUST EMISSION CONTROL ON WITTSTRUCK ROAD.~~

11. ~~EVENTS AS DEFINED IN NOTE 3.C SHALL BE PERMITTED BY THE ATTAINMENT OF A SEPARATE SPECIAL EVENT PERMIT FROM LANCASTER COUNTY. THIS SPECIAL EVENT PERMIT SHALL BE VALID FOR 12 MONTHS WITH THE ABILITY TO BE RENEWED ANNUALLY. WRITTEN NOTICE OF THESE EVENTS SHALL BE PROVIDED TO THE COUNTY CLERK THREE WEEKS PRIOR TO THEIR COMMENCEMENT.~~

10. THE USE OF FIREARMS AND MOTOR VEHICLES FOR ACTIVITIES OR EVENTS TAKING PLACE WITH THE BOUNDARIES OF THIS SPECIAL PERMIT ARE BOTH PHOHIBITED.

11. ~~ON-PREMISE ALCOHOL SALES SHALL BE PERMITTED WITH THIS SPECIAL PERMIT WITHIN THE BOUNDARIES OF LOT 1~~.

12. ~~IF W. WITTSTRUCK ROAD IS PAVED TO COUNTY STANDARDS FROM THE EXISTING ENTRANCE OF LOT 1 TO SW 29TH STREET THE MAXIMUM OCCUPANCY FOR NOTES 3.B & 3.C SHALL RESPECTIVELY INCREASE TO 400 PERSONS AND 2,500 PERSONS~~

SPECIAL PERMIT - LEGAL DESCRIPTION:

LOT 1 AND A PORTION OF OUTLOT 'A', BENTZINGER'S PLEASANT ACRES, LOCATED IN THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 8 NORTH, RANGE 6 EAST OF THE 6th P.M., LANCASTER COUNTY, NEBRASKA.

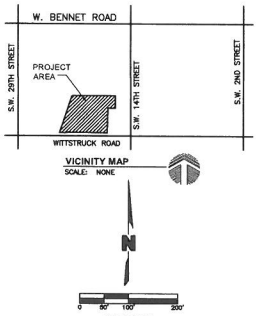
APPROVAL:

THE FOREGOING SPECIAL PERMIT WAS APPROVED BY THE LINCOLN CITY PLANNING COMMISSION ON THIS ____ DAY OF _____, 2012.

ATTEST: _____
CHAIR

NOTES - SPECIAL PERMIT - RECREATIONAL FACILITY

1. THE OWNER/DEVELOPER RESERVES THE RIGHT TO BUILD STRUCTURES ANYWHERE WITHIN THE BUILDING ENVELOPE SHOWN. ACCESSORY USES ARE PERMITTED ANYWHERE ON LOT 1 AND OUTLOT 'A' WITH THE RESTRICTION OF THE AREA WITHIN THE 250' 'ACTIVITY SETBACK AREA' ADJACENT TO THE RESIDENTIAL ACREAGE ABUTTING ON THE EAST. THE USES MAY BE RELOCATED WITHOUT ANY AMENDMENTS TO THE SPECIAL PERMIT.
2. BUILDING HEIGHT IN THE 'AG' ZONED AREA SHALL NOT EXCEED 35 FEET.
3. THIS SPECIAL PERMIT ALLOWS A RECREATIONAL FACILITY AND ACCESSORY BUILDINGS AND USES TO OPERATE AT VARIOUS LEVELS OF USE AND FREQUENCY, BUT NOT CONCURRENTLY, FURTHER DEFINED AS:
   A. A 20,000 S.F. RECREATIONAL FACILITY WITH A MAXIMUM OCCUPANCY OF 50 PERSONS THAT SHALL NOT EXCEED FIVE CONSECUTIVE DAYS IN A GIVEN CALENDAR WEEK.
   B. A RECREATIONAL FACILITY WITH A MAXIMUM OCCUPANCY OF 150 PERSONS THAT SHALL NOT EXCEED 5 EVENTS IN A 30 DAY PERIOD AND NO MORE THAN 2 EVENTS IN A CALENDAR WEEK.
   C. A RECREATIONAL FACILITY WITH A MAXIMUM ONE DAY OCCUPANCY OF UP TO 1,000 PERSONS THAT SHALL PERMITTED 12 TIMES IN A CALENDAR YEAR.
4. ALL EXTERIOR LIGHTING SHALL COMPLY WITH THE DESIGN STANDARDS AS ADOPTED BY LANCASTER COUNTY. PARKING LOT LIGHTING SHALL BE SHIELDED FROM ADJACENT PROPERTIES AND BE TURNED OFF BY 10:00 P.M. EXCEPT FOR SECURITY LIGHTING.
5. ALL HANDICAP PARKING AREAS SHALL BE SURFACED WITH A MINIMUM OF 5 INCHES OF CLASS 'A' PORTLAND CEMENT OR 6 INCHES OF ASPHALTIC CONCRETE. A 5 INCH RAISED CURB BARRIER SHALL BE PROVIDED AT THE FRONT PERIMETER. PARKING SHALL FOR EVENTS AS DEFINED IN NOTE 3 B AND 3 C SHALL BE PERMITTED OUTSIDE THE GRAVELED OR PAVED PARKING AREAS IN THE AREAS LABELED AS 'LARGE EVENT OVERFLOW PARKING'.
6. SIGNAGE SHALL BE AS APPROVED BY THIS SPECIAL PERMIT.
7. CONTOURS SHOWN ARE NAVD 88. THE 100 YEAR FLOODPLAIN LINES SHOWN ARE BASED ON PANEL # 3110GC0440 E AND 3110GC0425 E, DATED SEPTEMBER 21, 2001.
8. ACCESS SHALL BE RELINQUISHED TO WEST WITTSTRUCK ROAD EXCEPT FOR THE ACCESS DRIVE TO LOT 1
9. ROCK AND GRAVEL SHALL BE PLACED, AS NEEDED, ON WEST WITTSTRUCK ROAD FROM THE ACCESS DRIVE TO SW 29th ST.
10. EVENTS AS DEFINED IN NOTE 3 C SHALL PROVIDE A WATERING TRUCK FOR DUST EMISSION CONTROL ON WITTSTRUCK ROAD.
11. EVENTS AS DEFINED IN NOTE 3 C SHALL BE PERMITTED BY THE ATTAINMENT OF A SEPARATE SPECIAL EVENT PERMIT FROM LANCASTER COUNTY. THIS SPECIAL EVENT PERMIT SHALL BE VALID FOR 12 MONTHS WITH THE ABILITY TO BE RENEWED ANNUALLY. WRITTEN NOTICE OF THESE EVENTS SHALL BE PROVIDED TO THE COUNTY CLERK THREE WEEKS PRIOR TO THEIR COMMENCEMENT.
12. ON-PREMISE ALCOHOL SALES SHALL BE PERMITTED WITH THIS SPECIAL PERMIT WITHIN THE BOUNDARIES OF LOT 1.
13. IF W. WITTSTRUCK ROAD IS PAVED TO COUNTY STANDARDS FROM THE EXISTING ENTRANCE OF LOT 1 TO SW 29TH STREET THE MAXIMUM OCCUPANCY FOR NOTES 3 B & 3 C SHALL RESPECTIVELY INCREASE TO 400 PERSONS AND 2,500 PERSONS

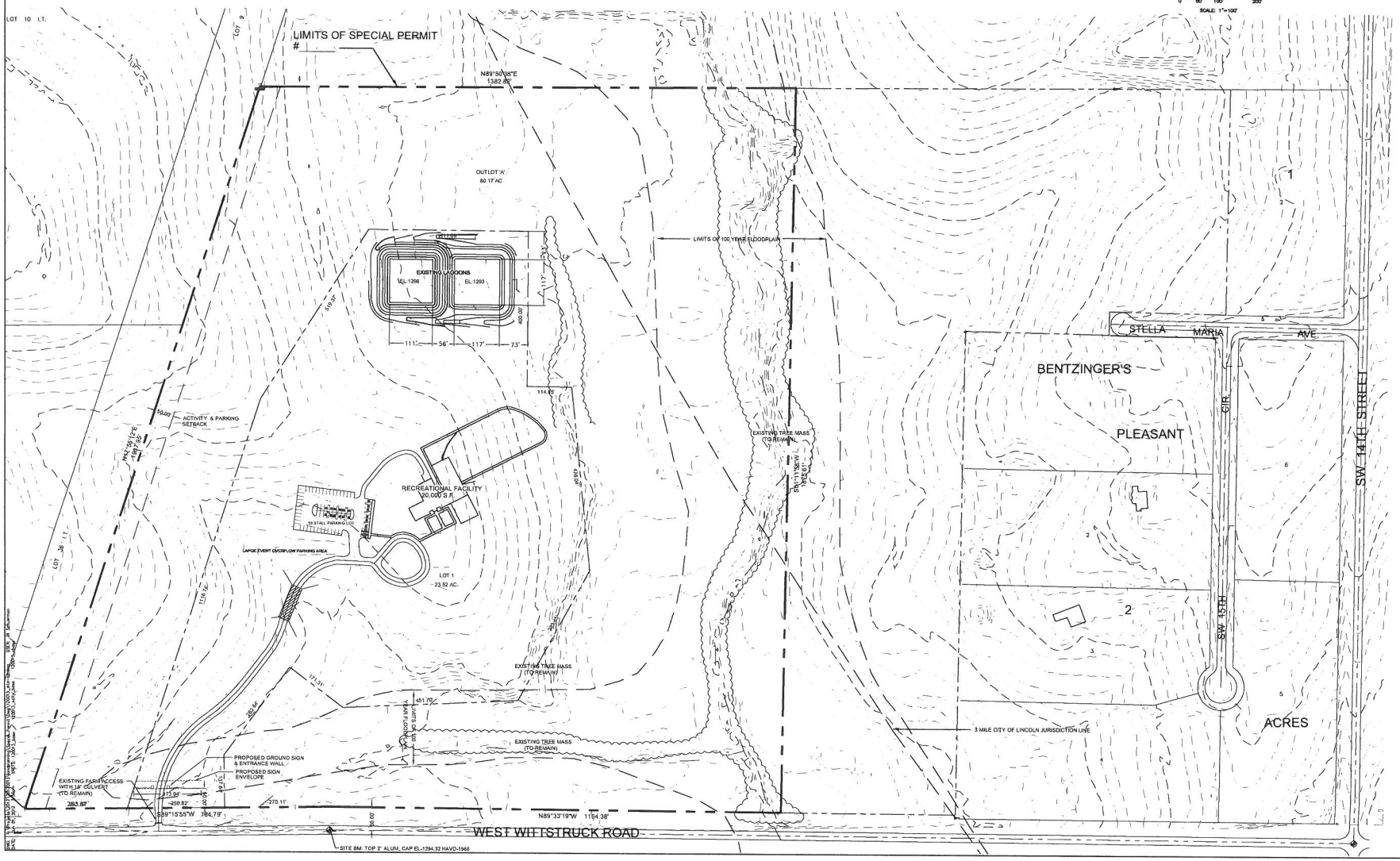


OWNER & DEVELOPER:
RADIX, INC
C/O DOUG BARRY
PO BOX 22463
LINCOLN, NE 68542
402-794-2100

ENGINEER:
CIVIL DESIGN GROUP, INC.
8535 EXECUTIVE WOODS DRIVE
SUITE 200
LINCOLN, NE 68512 (402)434-8494

SURVEYOR:
ALLIED SURVEYING & MAPPING, INC.
6120 S. 56TH STREET
LINCOLN, NE 68516
(402)434-2686

SHEET INDEX
SITE PLAN 1



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REVISIONS

	DATE	DESCRIPTION
2	06/11/2012	ACTIVITY SETBACK REVISION
1	06/10/2012	REVISED LIMITS OF SPECIAL PERMIT

SITE PLAN

RADIX, INC.
SPECIAL PERMIT #12055 & 12056 FOR A RECREATIONAL FACILITY
LINCOLN, NEBRASKA

2012

drawn by:	jdx
checked by:	-
approved by:	-
project no.:	2012-0013
drawing no.:	-
date:	06/01/2012

SHEET 1 OF 1

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JUN 22 2012

LANCASTER COUNTY CLERK

APPEAL

of Planning Commission action to Lancaster County Board of Commissioners

Today's Date 6/20/2012 (this form must be received by the County Clerk within 14 days of the action by the Planning Commission)

To: County Clerk
Dan Nolte
555 S. 10th St., Ste. 108
Lincoln NE 68508
402-441-7484
coclerk@lincoln.ne.gov

Dear Clerk:

I am submitting this letter of appeal to Resolution No. PC-01292, adopted by the Lincoln-Lancaster County Planning Commission on (Date) Jun 13, 2012, approving Special Permit No. 12015 on property generally located at SW 29th and Wittstruck Rd.

Please advise me of the hearing date before the Lancaster County Board of Commissioners.

Signature of person requesting appeal: William K. Adams

Printed Name William K. Adams

Address 13939 SW 14Th Roca, Ne. 68430
Street *City* *State* *ZIP*

Phone Number 402-794-0502

Email btranch@windstream.net

cc: Planning Department
Jean Preister
555 S. 10th St., Ste. 213
Lincoln NE 68508
402-441-6365
jpreister@lincoln.ne.gov

Access this form on the web: http://www.lincoln.ne.gov/city/plan/databank/apforms/coappeal.pdf
Updated: January 27, 2012

APPEAL

of Planning Commission action to City Council

Today's Date 6/20/2012 (this form must be received by the City Clerk within 14 days of the action by the Planning Commission)

To: City Clerk
Joan Ross
555 S. 10th St., Ste. 103
Lincoln NE 68508
402-441-7436
jross@lincoln.ne.gov

FILED
CITY CLERK'S OFFICE
2012 JUN 22 AM 11:13
CITY OF LINCOLN
NEBRASKA

Dear Clerk:

I am submitting this letter of appeal to Resolution No. PC-01293, adopted by the Lincoln-Lancaster County Planning Commission on (Date) Jun 13, 2012, approving Special Permit No. 12016 on property generally located at SW 29th and Wittstruck Rd.

Please advise me of the hearing date before the City Council.

Signature of person requesting appeal: William K. Adams

Printed Name William K. Adams

Address 13939 SW 14th Roca, Ne. 68430
Street *City* *State* *ZIP*

Phone Number 402-794-0502

Email btranch@windstream.net

cc: Planning Department
Jean Preister
555 S. 10th St., Ste. 213
Lincoln NE 68508
402-441-6365
jpreister@lincoln.ne.gov

Access this form on the web: http://www.lincoln.ne.gov/city/plan/databank/apforms/cityappeal.pdf
Updated: January 13, 2011

APPEAL

of Planning Commission action
to Lancaster County Board of Commissioners

Today's Date 6-22-12 (this form must be received by the County Clerk within 14 days of the action by the Planning Commission)

To: County Clerk
Dan Nolte
555 S. 10th St., Ste. 108
Lincoln NE 68508
402-441-7484
coclerk@lincoln.ne.gov

Dear Clerk:

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Please advise me of the hearing date before the Lancaster County Board of Commissioners.

Signature of person requesting appeal: Laura B. Behr-Frew

Printed Name Laura B. Behr-Frew

Address 15000 SW 29th Martell, NE 68404
Street *City* *State* *ZIP*

Phone Number 402-794-4010

Email ~~laura behr frew~~
laurabehrfrew@yahoo.com

cc: Planning Department
Jean Preister
555 S. 10th St., Ste. 213
Lincoln NE 68508
402-441-6365
jpreister@lincoln.ne.gov

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CITY OF LINCOLN
NEBRASKA

APPEAL
of Planning Commission action
to City Council

Today's Date 6-22-12 (this form must be received by the City Clerk within 14 days of the action by the Planning Commission)

To: City Clerk
Joan Ross
555 S. 10th St., Ste. 103
Lincoln NE 68508
402-441-7436
jross@lincoln.ne.gov

Dear Clerk:

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Please advise me of the hearing date before the City Council.

Signature of person requesting appeal: Laura B. Bahr-Frew

Printed Name Laura B. Bahr-Frew

Address 15000 SW 29th Marlboro, NE 68404
Street *City* *State* *ZIP*

Phone Number 402-794-4010

Email laurabahrfrew@yahoo.com

cc: Planning Department
Jean Preister
555 S. 10th St., Ste. 213
Lincoln NE 68508
402-441-6365
jpreister@lincoln.ne.gov

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Updated: January 13, 2011

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JUN 25 2012

LANCASTER COUNTY CLERK

APPEAL

of Planning Commission action to Lancaster County Board of Commissioners

Today's Date Jun 21, 2012 (this form must be received by the County Clerk within 14 days of the action by the Planning Commission)

To: County Clerk
Dan Nolte
555 S. 10th St., Ste. 108
Lincoln NE 68508
402-441-7484
coclerk@lincoln.ne.gov

Dear Clerk:

I am submitting this letter of appeal to Resolution No. PC-01292, adopted by the Lincoln-Lancaster County Planning Commission on (Date) Jun 13, 2012, approving Special Permit No. 12015 on property generally located at SW 29th and Wittstruck Rd.

Please advise me of the hearing date before the Lancaster County Board of Commissioners.

Signature of person requesting appeal: John Virts

Printed Name John Virts

Address 1301 W Wittstruck Rd Roca NE 68430

Street *City* *State* *ZIP*

Phone Number (402) 440-8189

Email john.virts@experian.com

cc: Planning Department
Jean Preister
555 S. 10th St., Ste. 213
Lincoln NE 68508
402-441-6365
jpreister@lincoln.ne.gov

Access this form on the web: http://www.lincoln.ne.gov/city/plan/databank/apforms/coappeal.pdf
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APPEAL
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CITY OF LINCOLN
NEBRASKA

Today's Date Jun 21, 2012

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To: City Clerk
Joan Ross
555 S. 10th St., Ste. 103
Lincoln NE 68508
402-441-7436
jross@lincoln.ne.gov

Dear Clerk:

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Please advise me of the hearing date before the City Council.

Signature of person requesting appeal: John Virts

Printed Name John Virts

Address 1301 W Wittstruck Rd Roca NE 68430
Street *City* *State* *ZIP*

Phone Number (402) 440-8189

Email john.virts@experian.com

cc: Planning Department
Jean Preister
555 S. 10th St., Ste. 213
Lincoln NE 68508
402-441-6365
jpreister@lincoln.ne.gov

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LANCASTER COUNTY CLERK

APPEAL

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To: County Clerk
Dan Nolte
555 S. 10th St., Ste. 108
Lincoln NE 68508
402-441-7484
coclerk@lincoln.ne.gov

Dear Clerk:

I am submitting this letter of appeal to Resolution No. PC-01292, adopted by the Lincoln-Lancaster County Planning Commission on (Date) 6/13/2012, approving Special Permit No. 12015 on property generally located at SW 29th & WITTSTRUCK ROAD.

Please advise me of the hearing date before the Lancaster County Board of Commissioners.

Signature of person requesting appeal: Donald Foxhoven

Printed Name DON FOXHOVEN

Address 15700 SW 29th MARTELL NE 68404
Street *City* *State* *ZIP*

Phone Number 402-794-6010

Email ddfoxhoven@YAHOO.COM

cc: Planning Department
Jean Preister
555 S. 10th St., Ste. 213
Lincoln NE 68508
402-441-6365
jpreister@lincoln.ne.gov

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Updated: January 27, 2012

052

APPEAL

of Planning Commission action
to City Council

FILED
CITY CLERK'S OFFICE
2012 JUN 25 AM 11 04
CITY OF LINCOLN
NEBRASKA

Today's Date 6/22/2012 (this form must be received by the City Clerk within 14 days of the action by the Planning Commission)

To: City Clerk
Joan Ross
555 S. 10th St., Ste. 103
Lincoln NE 68508
402-441-7436
jross@lincoln.ne.gov

Dear Clerk:

I am submitting this letter of appeal to Resolution No. PC-01293, adopted by the Lincoln-Lancaster County Planning Commission on (Date) 6/13/2012, approving Special Permit No. 12016 on property generally located at SW 29th & WITTSBRUCK ROAD.

Please advise me of the hearing date before the City Council.

Signature of person requesting appeal: Donald N Foxhoven

Printed Name DON FOXHOVEN

Address 15700 SW 29th MARTELL NE 68404
Street *City* *State* *ZIP*

Phone Number 402-794-6010

Email dfoxhoven@YAHOO.com

cc: Planning Department
Jean Preister
555 S. 10th St., Ste. 213
Lincoln NE 68508
402-441-6365
jpreister@lincoln.ne.gov

Access this form on the web: http://www.lincoln.ne.gov/city/plan/databank/apforms/cityappeal.pdf
Updated: January 13, 2011

APPEAL

of Planning Commission action
to Lancaster County Board of Commissioners

RECEIVED
JUN 26 2012
LANCASTER COUNTY CLERK

Today's Date 6/24/12 (this form must be received by the County Clerk within 14 days of the action by the Planning Commission)

To: County Clerk
Dan Nolte
555 S. 10th St., Ste. 108
Lincoln NE 68508
402-441-7484
coclerk@lincoln.ne.gov

Dear Clerk:

I am submitting this letter of appeal to Resolution No. PC-01292, adopted by the Lincoln-Lancaster County Planning Commission on (Date) JUNE 13/12 approving Special Permit No. 12015 on property generally located at SW 29th + WITTSTRUCK RD.

Please advise me of the hearing date before the Lancaster County Board of Commissioners.

Signature of person requesting appeal: G. Jolynn Bonebright

Printed Name G Jolynn Bonebright

Address 3001 Rukyman Cr Martell NE 68404
Street *City* *State* *ZIP*

Phone Number 402-432-1087

Email jdbonebright@gmail.com

cc: Planning Department
Jean Preister
555 S. 10th St., Ste. 213
Lincoln NE 68508
402-441-6365
jpreister@lincoln.ne.gov

Access this form on the web: http://www.lincoln.ne.gov/city/plan/databank/apforms/coappeal.pdf
Updated: January 27, 2012

FILED
CITY CLERK'S OFFICE
2012 JUN 26 AM 11 58
CITY OF LINCOLN
NEBRASKA

RECEIVED
JUN 26 2012
LANCASTER COUNTY CLERK

APPEAL
of Planning Commission action to Lancaster County Board of Commissioners

Today's Date 6/24/12 (this form must be received by the County Clerk within 14 days of the action by the Planning Commission)

To: County Clerk
Dan Nolte
555 S. 10th St., Ste. 108
Lincoln NE 68508
402-441-7484
coclerk@lincoln.ne.gov

Dear Clerk:

I am submitting this letter of appeal to Resolution No. PC-01293, adopted by the Lincoln-Lancaster County Planning Commission on (Date) June 13/12 approving Special Permit No. 12016 on property generally located at SW 29th + Wittstruck Rd.

Please advise me of the hearing date before the Lancaster County Board of Commissioners.

Signature of person requesting appeal: G. Jolynn Bonebright

Printed Name G Jolynn Bonebright

Address 3001 Ruhlman Cr Martell Ne 68404
Street *City* *State* *ZIP*

Phone Number 402-432-1087

Email jdbonebright@gmail.com

cc: Planning Department
Jean Preister
555 S. 10th St., Ste. 213
Lincoln NE 68508
402-441-6365
jpreister@lincoln.ne.gov

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LANCASTER COUNTY CLERK

APPEAL

of Planning Commission action to Lancaster County Board of Commissioners

Today's Date _____ (this form must be received by the County Clerk within 14 days of the action by the Planning Commission)

To: County Clerk
Dan Nolte
555 S. 10th St., Ste. 108
Lincoln NE 68508
402-441-7484
coclerk@lincoln.ne.gov

Dear Clerk:

I am submitting this letter of appeal to Resolution No. PC-01292, adopted by the Lincoln-Lancaster County Planning Commission on (Date) 6/13/2012, approving Special Permit No. 12015 on property generally located at SW 29th & WITTSTRUCK RD.

Please advise me of the hearing date before the Lancaster County Board of Commissioners.

Signature of person requesting appeal: Debbie Ruhlman

Printed Name Debbie Ruhlman

Address 3131 Ruhlman Cir. Martell, NE 68404
Street *City* *State* *ZIP*

Phone Number 402-794-9102

Email druhlman@pella.omaha.com

cc: Planning Department
Jean Preister
555 S. 10th St., Ste. 213
Lincoln NE 68508
402-441-6365
jpreister@lincoln.ne.gov

Access this form on the web: http://www.lincoln.ne.gov/city/plan/databank/apforms/coappeal.pdf
Updated: January 27, 2012

APPEAL

FILED
CITY CLERK'S OFFICE
2012 JUN 26 AM 11 34
CITY OF LINCOLN
NEBRASKA

of Planning Commission action
to City Council

Today's Date

(this form must be received by the City Clerk within 14 days of the action by the Planning Commission)

To: City Clerk
Joan Ross
555 S. 10th St., Ste. 103
Lincoln NE 68508
402-441-7436
jross@lincoln.ne.gov

Dear Clerk:

I am submitting this letter of appeal to Resolution No. PC-01243, adopted by the Lincoln-Lancaster County Planning Commission on (Date) 6/13/2012, approving Special Permit No. 12016 on property generally located at SW 29th & WITTSTRUCK ROAD.

Please advise me of the hearing date before the City Council.

Signature of person requesting appeal: Debbie Ruhlman

Printed Name Debbie Ruhlman

Address 3131 Ruhlman Cir. Martell, Ne 68404
Street *City* *State* *ZIP*

Phone Number 402-794-9102

Email druhlman@pellaomaha.com

cc: Planning Department
Jean Preister
555 S. 10th St., Ste. 213
Lincoln NE 68508
402-441-6365
jpreister@lincoln.ne.gov

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JUN 26 2012

LANCASTER COUNTY CLERK

APPEAL

of Planning Commission action
to Lancaster County Board of Commissioners

Today's Date 6/23/12 (this form must be received by the County Clerk within 14 days of the action by the Planning Commission)

To: County Clerk
Dan Nolte
555 S. 10th St., Ste. 108
Lincoln NE 68508
402-441-7484
coclerk@lincoln.ne.gov

Dear Clerk:

I am submitting this letter of appeal to Resolution No. PC-01292, adopted by the Lincoln-Lancaster County Planning Commission on (Date) 6/13/2012, approving Special Permit No. 12015 on property generally located at 27th & WITTSTRUCK ROAD.

Please advise me of the hearing date before the Lancaster County Board of Commissioners.

Signature of person requesting appeal: Lora Bell

Printed Name LORA BELL

Address 2901 Runlman Martell Ne 68404
Street City State ZIP

Phone Number 429-3577

Email rubyslippers61@hotmail.com

cc: Planning Department
Jean Preister
555 S. 10th St., Ste. 213
Lincoln NE 68508
402-441-6365
jpreister@lincoln.ne.gov

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CITY OF LINCOLN
NEBRASKA

Today's Date 6/23/12 (this form must be received by the City Clerk within 14 days of the action by the Planning Commission)

To: City Clerk
Joan Ross
555 S. 10th St., Ste. 103
Lincoln NE 68508
402-441-7436
jross@lincoln.ne.gov

Dear Clerk:

I am submitting this letter of appeal to Resolution No. PC 01293, adopted by the Lincoln-Lancaster County Planning Commission on (Date) 6/3/2012, approving Special Permit No. 12016 on property generally located at ~~2901 Ruhlman Cir. Martell, NE 68404~~.

Please advise me of the hearing date before the City Council.

Signature of person requesting appeal: Lora Bell

Printed Name LORA BELL

Address 2901 Ruhlman Cir. Martell NE 68404
Street *City* *State* *ZIP*

Phone Number 402-429-3577

Email rubyslippers61@hotmail.com

cc: Planning Department
Jean Preister
555 S. 10th St., Ste. 213
Lincoln NE 68508
402-441-6365
jpreister@lincoln.ne.gov

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APPEAL

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LANCASTER COUNTY CLERK

Today's Date 6-24-12 (this form must be received by the County Clerk within 14 days of the action by the Planning Commission)

To: County Clerk
Dan Nolte
555 S. 10th St., Ste. 108
Lincoln NE 68508
402-441-7484
coclerk@lincoln.ne.gov

Dear Clerk:

I am submitting this letter of appeal to Resolution No. PC-01292, adopted by the Lincoln-Lancaster County Planning Commission on (Date) Jun 13, 2012, approving Special Permit No. 12015 on property generally located at SW 29th and Wittstruck Rd.

Please advise me of the hearing date before the Lancaster County Board of Commissioners.

Signature of person requesting appeal: Michelle R Brandt

Printed Name Michelle R. Brandt

Address 2311 W Cove Dr. Lincoln Ne. 68522
Street *City* *State* *ZIP*

Phone Number 402-450-3988

Email mmcove23@gmail.com

cc: Planning Department
Jean Preister
555 S. 10th St., Ste. 213
Lincoln NE 68508
402-441-6365
jpreister@lincoln.ne.gov

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APPEAL
of Planning Commission action to City Council

Today's Date 6-24-12 (this form must be received by the City Clerk within 14 days of the action by the Planning Commission)

To: City Clerk
Joan Ross
555 S. 10th St., Ste. 103
Lincoln NE 68508
402-441-7436
jross@lincoln.ne.gov

Dear Clerk:

I am submitting this letter of appeal to Resolution No. PC-01293, adopted by the Lincoln-Lancaster County Planning Commission on (Date) Jun 13, 2012, approving Special Permit No. 12016 on property generally located at SW 29th and Wittstruck Rd.

Please advise me of the hearing date before the City Council.

Signature of person requesting appeal: Michelle R Brandt

Printed Name Michelle R. Brandt

Address 2311 W. Cove Dr. Lincoln, Ne 68522
Street *City* *State* *ZIP*

Phone Number 402-450-3988

Email mmcove23@gmail.com

cc: Planning Department
Jean Preister
555 S. 10th St., Ste. 213
Lincoln NE 68508
402-441-6365
jpreister@lincoln.ne.gov

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Today's Date 6-23-2012 (this form must be received by the County Clerk within 14 days of the action by the Planning Commission)

To: County Clerk
Dan Nolte
555 S. 10th St., Ste. 108
Lincoln NE 68508
402-441-7484
coclerk@lincoln.ne.gov

Dear Clerk:

I am submitting this letter of appeal to Resolution No. PC-01292, adopted by the Lincoln-Lancaster County Planning Commission on (Date) 6/13/2012, approving Special Permit No. 12015 on property generally located at SW 29th & WATTSTRUCK RD.

Please advise me of the hearing date before the Lancaster County Board of Commissioners.

Signature of person requesting appeal: Walter Rutherford

Printed Name Walter & Karen Rutherford

Address 3303 Ruhlman Cir Martell NE 68404
Street *City* *State* *ZIP*

Phone Number 402 794 5753

Email ruttie@windstream.net

cc: Planning Department
Jean Preister
555 S. 10th St., Ste. 213
Lincoln NE 68508
402-441-6365
jpreister@lincoln.ne.gov

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CITY OF LINCOLN
NEBRASKA

APPEAL

of Planning Commission action to City Council

Today's Date 6/22/2012 (this form must be received by the City Clerk within 14 days of the action by the Planning Commission)

To: City Clerk
Joan Ross
555 S. 10th St., Ste. 103
Lincoln NE 68508
402-441-7436
jross@lincoln.ne.gov

Dear Clerk:

I am submitting this letter of appeal to Resolution No. PC-01243, adopted by the Lincoln-Lancaster County Planning Commission on (Date) 6/13/2012 approving Special Permit No. 12016 on property generally located at SW 29th & WITTSTRUCK ROAD.

Please advise me of the hearing date before the City Council.

Signature of person requesting appeal: Karen Rutherford

Printed Name Karen Rutherford

Address 3303 Ruhlman Cir. Martell NE 68404
Street City State ZIP

Phone Number 402-794-5753

Email ruttie@windstream.net

cc: Planning Department
Jean Preister
555 S. 10th St., Ste. 213
Lincoln NE 68508
402-441-6365
jpreister@lincoln.ne.gov

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JUN 27 2012

LANCASTER COUNTY CLERK

APPEAL

of Planning Commission action to City Council

Today's Date 6-24-12 (this form must be received by the City Clerk within 14 days of the action by the Planning Commission)

To: City Clerk
Joan Ross
555 S. 10th St., Ste. 103
Lincoln NE 68508
402-441-7436
jross@lincoln.ne.gov

Dear Clerk:

I am submitting this letter of appeal to Resolution No. PC-01293 2, adopted by the Lincoln-Lancaster County Planning Commission on (Date) 6/13/12, approving Special Permit No. 1201 65 on property generally located at SW 29th & WITTSTRUCK RD.

Please advise me of the hearing date before the City Council.

Signature of person requesting appeal: Robert J. Bonebright

Printed Name ROBERT J. BONEBRIGHT

Address 3001 RUHLMAN CR. MARTELL NE 68404
Street *City* *State* *ZIP*

Phone Number 402-326-7412

Email bob.bonebright@gmail.com

cc: Planning Department
Jean Preister
555 S. 10th St., Ste. 213
Lincoln NE 68508
402-441-6365
jpreister@lincoln.ne.gov

FILED
CITY CLERK'S OFFICE
2012 JUN 28 AM 9 20
CITY OF LINCOLN
NEBRASKA

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LANCASTER COUNTY CLERK

APPEAL

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Today's Date 6-24-12 (this form must be received by the City Clerk within 14 days of the action by the Planning Commission)

To: City Clerk
Joan Ross
555 S. 10th St., Ste. 103
Lincoln NE 68508
402-441-7436
jross@lincoln.ne.gov

Dear Clerk:

I am submitting this letter of appeal to Resolution No. PC-01293, adopted by the Lincoln-Lancaster County Planning Commission on (Date) 6/13/12, approving Special Permit No. 12016 on property generally located at SW 29th & WITTSBRICK RD.

Please advise me of the hearing date before the City Council.

Signature of person requesting appeal: Robert J. Bonebright

Printed Name ROBERT J. BONEBRIGHT

Address 3001 RUHLMAN CR. MARTELL NE 68404
Street *City* *State* *ZIP*

Phone Number 402-326-7412

Email bob.bonebright@gmail.com

cc: Planning Department
Jean Preister
555 S. 10th St., Ste. 213
Lincoln NE 68508
402-441-6365
jpreister@lincoln.ne.gov

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