City Council Introduction: **May 12, 2014**
Public Hearing: **May 19, 2014, 5:30 p.m.**

Bill No.14R-133

FACTSHEET

TITLE: SPECIAL PERMIT NO. 1662A

BOARD/COMMITTEE: Planning Commission

APPLICANT: Kent Seacrest on behalf of Great American Sports Park, LLC, and Star City Optimist Youth Foundation

RECOMMENDATION: Conditional Approval (7-0: Scheer, Beecham, Cornelius, Corr, Hove, Lust and Sunderman voting 'yes'; Harris and Weber absent).

STAFF RECOMMENDATION: Conditional Approval

OTHER DEPARTMENTS AFFECTED: N/A

SPONSOR: Planning Department

OPPONENTS: Laurie Brunner

REASON FOR LEGISLATION:
To amend the site plan for the existing approved Special Permit 1662 for a recreational facility, to change the hours of operation and to allow the sale of alcohol for consumption on the premises, including a request to modify the side yard setback from 60 feet to 25 feet on the northern boundary of the ball fields, and to modify the front yard setback from 50 feet to 25 feet along South Folsom Street in one location for a sign, on property generally located at South Folsom Street and West Pioneers Boulevard.

DISCUSSION / FINDINGS OF FACT:

1. This special permit amendment and Text Amendment No. 14003 (Bill #14-50) were heard at the same time before the Planning Commission.

2. The approval of this special permit allows a recreational facility for ball fields, accessory structures, and the sale of alcoholic beverages for consumption on the premises; a reduction of the front yard setback to 25 feet as shown on the site plan; and a reduction of the side yard setback to 25 feet on the north property line for ballfields only.

3. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.3-4, concluding that the sale of alcoholic beverages for consumption on the premises with the 100' setback to residences and churches should have minimal impact on the area. The proposed hours of operation are consistent with the facility's current operations. The staff presentation is found on p.9. The applicant's presentation and testimony in support is found on p.10.

4. Testimony in opposition is found on p.10-11, expressing concerns about the on-sale alcohol associated with a youth sports complex; removal of trees; and drainage.

5. On April 30, 2014, the Planning Commission agreed with the staff recommendation and voted 7-0 to recommend conditional approval.

6. On April 30, 2014, the Planning Commission also agreed with the staff recommendation and voted 7-0 to recommend approval of Text Amendment No. 14003 (Bill #14-50).

POLICY OR PROGRAM CHANGE: ___Yes __X__No

OPERATIONAL IMPACT ASSESSMENT: N/A
COST OF TOTAL PROJECT: N/A
RELATED ANNUAL OPERATING COSTS: N/A
SOURCE OF FUNDS: N/A
CITY: N/A
NON-CITY: N/A

FACTSHEET PREPARED BY: Jean Preister, Administrative Officer **DATE:** May 5, 2014

REVIEWED BY: Marvin Krout, Director of Planning **DATE:** May 5, 2014

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LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for APRIL 30, 2014 PLANNING COMMISSION MEETING

PROJECT #: Special Permit No.1662A, Optimists Youth Sports Complex

PROPOSAL: A request to amend Special Permit #1662 for a recreational facility, and allow on-sale alcohol.

LOCATION: S. Folsom St. and W. Pioneers Blvd.

LAND AREA: 58.6 acres, more or less

EXISTING ZONING: AG Agriculture

WAIVER /MODIFICATION REQUEST:

1. Reduce the front yard setback from 50' to 25' in one location for a sign along S. Folsom Street.

2. Reduce the side yard setback from 60' to 25' along the northern boundary for ball fields only.

CONCLUSION: The sale of alcoholic beverages on the premises with the 100' setback to residences and churches, should have minimal impact on the area. The proposed hours of operation are consistent with how they have been currently operating.

RECOMMENDATION:	Conditional Approval
Waivers/modifications:	
1. Reduce the front yard setback from 50' to 25' in one location along S. Folsom St.	Approval
2. Reduce the side yard setback from 60' to 25' along the northern boundary for ball fields only.	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 47 and 49 both Irregular Tracts, located in the SE1/4 of Section 10-09-06, Lancaster County, NE.

EXISTING LAND USE: Ball fields and undeveloped

SURROUNDING LAND USE AND ZONING:

North:	AG Agriculture	Church
South:	AG Agriculture	Houses and farmland
East:	AG Agriculture	Highway 77 and farmland
West:	AG Agriculture	Houses and farmland

ASSOCIATED APPLICATIONS:
Text Amendment #14003 modifying Special Permit 27.63.680 to clarify that the exception permitting on-sale alcohol where uses are allowed by special permit applies to outdoor recreation facilities and not just golf courses or country clubs.

HISTORY:

March 3, 1997 — Special Permit #1662 for a recreational facility was approved by the City Council.

May 18, 2004 — Administrative Amendment #04028 to remove the north 20 acres from the special permit and revise the site plan was approved by the Planning Director.

COMPREHENSIVE PLAN SPECIFICATIONS:
The 2040 Lincoln Area Future Land Use Plan identifies this area as Green Space (p.12.3)

Green Space : Public or privately-owned areas predominantly used for recreation, such as parks, golf courses, soccer or ball fields, and trails. (p.12.4)

UTILITIES: There is no City water or sanitary sewer available. This is outside the City limits.

TRAFFIC ANALYSIS: S. Folsom is classified as a minor arterial.

PUBLIC SERVICE: This area is served by the Southwest Rural Fire District.

<u>ANALYSIS:</u>

1. This request is to amend the approved site plan, change hours of operation and allow on-sale of alcohol for consumption on the premises for a outdoor recreational facility. Special Permit #1662 was approved in 1997 for 12 ball fields with limitation on the hours of operation. In May 2004 the northern 20 acres were sold and a church has been built on the site. The number of ball fields was reduced to nine.

2. The applicant is requesting a waiver to the side yard setback from 60' to 25' on the northern boundary for ball fields only. Any building or parking would need to meet the 60' setback.

3. The applicant is requesting a waiver to the front yard setback from 50' to 25' in one location for a sign. If the sign was set 50 feet back from the property line along S. Folsom St., it would be very difficult to see from the street so the reduction is appropriate. Most signs in commercial zoning districts have a 20 foot setback and even then are allowed in the setback.

4. Currently the hours of operation per the special permit are 5:00 p.m. to 11:00 p.m. Monday -Friday, 8:00 a.m. to 11:00 p.m. on Saturday and 10:00 a.m. to 10:00 p.m. on Sunday. The proposed hours are 8:00 a.m. to 11:00 p.m. Monday-Saturday and 8:00 a.m. to 10:00 p.m. on Sunday. The sports fields have been unknowingly violating the hours of operation imposed by the original special permit. The proposed hours would bring them into compliance. Staff are not aware of any complaints about the past operating hours.

5. The site plan shows 8 ball fields with an area for future fields. The existing special permit was originally approved for 12 ball fields and accessory structures. An administrative amendment reduced the number of fields to nine. Although the site plan shows 8 ball fields, there will be no limit placed on the number of ball fields with this special permit. Required parking shall be 60 stalls per field. Currently, there are 66 parking stalls per field which to staff's knowledge has been adequate.

6. Associated with this application is a text amendment to allow alcohol sales for consumption on the premises for outdoor recreational facilities. The intent is to permit sales such as beer at the concession stands. The licensed area for alcohol sales would have to be 100 feet from the property line of a residential use, day care, park, or church. On-sale alcohol is already permitted as an accessory use to a golf course with a special permit. The site plan identifies a 100' setback where alcohol sales or consumption are not permitted. Given the distance to the house to the south and church to the north the use is acceptable.

CONDITIONS OF APPROVAL:

Per Section 27.63.130 this approval permits Recreational Facility for ball fields, accessory structures, sale of alcoholic beverages for consumption on the premises, a reduction of the front yard setback to 25 feet as shown on the site plan and a reduction of the side yard setback to 25 feet for ballfields only on the north property line.

Site Specific Conditions:

1. The City Council approves associated request:

    1.1 Text Amendment #14003 must be approved in order to allow alcohol sales as part of the special permit.

2. Before receiving building permits (if no final plat is required) or before a final plat is approved (if final plat is required) the permittee 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:

    2.1 Add a note that states the hours of operation with the revision to state Monday-Saturday 8:00 a.m. to 11:00 p.m. and Sunday 8:00 a.m. to 10:00 p.m.

    2.2 In Note 2 delete Salt Creek Roadway and Pioneers Blvd. and insert Highway 77.

2.3 Add a note that accessory buildings are allowed anywhere outside of the setbacks and need not be shown.

2.4 Add a note that the minimum parking shall be 60 stall per ball field.

2.5 Revise the grading and drainage plan to the satisfaction of Public Works & Utilities Department.

2.6 Make corrections to the Grading & Drainage Plan to the satisfaction of Public Works & Utilities Department.

2.7 Change the side yard setback to 60 feet on the south boundary and to 25' setback for ball fields only on the north boundary.

2.7 Add to the General Notes, "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".

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

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

3.2 Verification that the required easements as shown on the site plan have been recorded with the Register of Deeds.

4. Prior to the issuance of a building permit:

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

Standard Conditions:

5. The following conditions are applicable to all requests:

5.1 Before starting the operation all development and construction shall substantially comply with the approved plans.

5.2 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.

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

5.4 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.

5.5 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
Tom Cajka
Planner

DATE: April 15, 2014

APPLICANT: Great American Sports Park LLC
3701 "O" St.
Suite 202C
Lincoln, NE 68510
402-466-2041

OWNER: Star City Optimist Youth Foundation
301 Eastridge Dr.
Lincoln, NE 68510

CONTACT: Kent Seacrest
Seacrest & Kalkowski, PC
1111 Lincoln Mall
Suite 350
Lincoln, NE 68508
402-435-6000

TEXT AMENDMENT NO. 14003
and
SPECIAL PERMIT NO. 1662A

PUBLIC HEARING BEFORE PLANNING COMMISSION April 30, 2013

Members present: Scheer, Beecham, Sunderman, Corr, Hove, Cornelius, Weber, Harris and Lust.

Staff recommendation: Approval of the text amendment and conditional approval of the amendment to the special permit.

Ex parte communications: Corr disclosed that she attended the Mayor's Neighborhood Roundtable on March 10, 2014, when the applicant presented information about the text amendment.

Staff presentation: **Brian Will of Planning staff** noted that this amendment is similar to the previous amendment (Text Amendment No. 14002) in that it is also associated with another permit, in this case a special permit for a recreational facility.

This is a text amendment to two special permits – the ordinance currently includes a special permit for recreational facilities and a special permit for on-sale alcohol. Most of the changes are terminology; however, the changes do expand the applicability of the sale of alcohol at any of these facilities.

Recreational facilities are lumped into two groups – indoor and outdoor. In this case, we have a special permit for an outdoor recreational facility. The first change makes the special permit consistent with the changes to the ordinance made as part of the Use Groups. The second relates to how parking is determined for recreational facilities. There are currently no parking standards for recreational facilities. By default, staff has worked with the applicant, requesting that the applicant put together a list of the component uses and then typically measuring those uses against the ordinance to come up with a reliable parking requirement. That is then submitted with the special permit application. This text amendment clarifies that as part of the special permit for an outdoor recreational facility. The staff will request the applicant's best estimate based upon their specific facility.

The third portion of the amendment relates to the terminology and description of an outdoor recreational facility. The name is changed and the section relating to the sale of alcohol associated with these facilities when allowed by special permit has been changed. The special permit for on-sale has always allowed sale of alcoholic beverages for consumption on the premise as an accessory use when associated with a golf course or country club. Those uses are considered to be outdoor recreational facilities, so we are modifying that section to have the correct language. Similarly, in the special permit for outdoor recreational facility, the provision says alcohol is also allowed as part of the recreational facility for golf course or country club if

the Planning Commission permits alcohol for consumption on the premises. This separates out two specific outdoor recreational facilities and we are suggesting to change the terminology to "outdoor recreational facilities" rather than limiting it to golf course or country club.

This amendment does broaden the definition for outdoor recreational facility. However, staff believes it is appropriate and it will be reviewed by special permit.

Lust inquired whether "outdoor recreational facility" is defined in the code. Will stated that it is defined in Use Groups under commercial recreation and entertainment facilities. Lust commented that she understands why we want to broaden it to all outdoor recreational facilities, but when we strike out golf course or country club, she does not want this interpreted wrong.

Steve Henrichsen of Planning staff offered the following definition of outdoor recreational facilities from Section 27.02.190 of the zoning ordinance:

> Recreational Facilities, Outdoor. Outdoor Recreational facilities shall mean facilities primarily for participation in recreational activities such as but not limited to tennis, handball, racquetball, basketball, and other court games; jogging, track and field, baseball, football, soccer and other field games; skating, skate boarding, swimming, golf and outdoor shooting or archery ranges. Recreational facilities shall include country clubs and athletic clubs; it shall not include facilities accessory to a private residence used only by the owner and guests, nor shall it include arenas or stadia used primarily for spectators to watch athletic events.

Beecham indicated that she is struggling with this because she is not sure that it should be broader. She really feels like there are two such facilities – one which is a more contained and one with no fencing, where people come and go as they wish. She does not think they are the same. Maybe they should be defined separately, especially with the concerns about alcohol. Will explained that what was implicit in the provision referring to golf course and country club is that that particular use is going to get some review and oversight as part of that special permit. That's still going to be part of this process. There may be some additional latitude versus special permit for just on-sale. Perhaps conditions could be added to the recreational facility. He believes it has been implicit with the way the ordinance is written.

Rick Peo of the City Law Department clarified that these are still special permitted uses, which means the Planning Commission has discretion on approving or allowing or imposing conditions. When reviewing a use permit with a special permit within the use permit, the Planning Commission must still consider the special permitted use, which is different than the concept of a use permit which looks at circulation, traffic, etc. The Planning Commission is to be considering whether it fits in the neighborhood.

Beecham does not understand why they are lumped together. She would much rather see it in two pieces. Peo believes that the staff just needs to spell it out better in the staff report. The idea was for record-keeping and monitoring what is going on in a general area.

Will clarified that under B-2, the recreational facility is by special permit. A Planned Unit Development does not require a special permit nor this amendment. In a PUD, you can amend

the allowed uses so this text amendment is not required in that case; however, this text amendment does apply and is applicable to the application for outdoor recreational facilities.

Hove requested an explanation of the practical sense of the process. Does this approval have to happen all the time or is it a blanket? Will stated that there is going to be review when a special permit is required. It will be on a case-by-case basis. Either way, it will come to the Planning Commission.

Lust referred to Section 27.63.130 (2) (g), noting that "for a golf course or country club" has been stricken. She suggested that "to the outdoor recreational facility" be inserted after the second strikeout of "to the golf course or country club". Peo did not believe it was necessary; however, later on in the meeting he indicated that he thought it was a good idea. Subsection (g) should be changed to read:

> As part of the special permit for an outdoor recreational facility, the Planning Commission may permit the sale of alcoholic beverages for consumption on the premises as an accessory use to the outdoor recreational facility.

Lust inquired about an accessory use. Peo explained that it is usually the use customary and incidental to the permitted use. The accessory uses can also be defined.

Corr confirmed that this does not combine the indoor and outdoor recreational facilities together – it just changes the name. Will agreed. They are separate and distinct in the Use Groups table. This amendment just clarifies the terminology for what is intended to be outdoor recreational facilities.

Tom Cajka of Planning staff presented the proposed amendment to Special Permit No. 1662 for an outdoor recreational facility. This amendment amends the site plan, changes the hours of operation and requests to allow on-sale alcohol.

Cajka further pointed out that the amendment to the special permit shows eight ballfields with an expansion area for future fields. The current plan has nine ballfields, so they are basically reorienting some of the fields. There are waivers being requested to reduce the front yard setback from 50 feet to 25 feet in one location for a sign. The other waiver is to reduce the side yard setback from 60 feet to 25 feet along the northern boundary, only for ballfields. Any buildings would have to meet the 60' setback. This is in the AG district, thus the setbacks are large.

This amendment also includes a request to change the hours of operation that were put in the original resolution. Currently, the resolution states the hours to be 5:00 p.m. to 11:00 p.m., Monday through Friday; 8:00 a.m. to 11:00 p.m. on Saturday; and 10:00 a.m. to 10:00 p.m. on Sunday. The requested change is 8:00 a.m. to 11:00 p.m., Monday through Saturday, and 8:00 a.m. to 10:00 p.m. on Sunday.

Cajka also pointed out that the on-sale of alcohol on the premises requires the applicant to meet the 100' setback to the licensed premise, which they would meet without any difficulty.

Beecham inquired whether the site will be fenced. Cajka believes that it is fenced but it is not a condition of approval. Perhaps the applicant can clarify.

Proponents

1. Ardis Moody, a member of the **Star City Optimist Youth Foundation**, testified in support. Optimist International operates around the world bringing out the best in kids. She joined about 20 years ago and at that time it was their dream to create this sports complex with multiple fields and a lovely center with concessions and decks to view the sports happenings. 20 years ago, a foundation was created with that being the goal. It took 10 years to accomplish the opening of a sports complex. In 2013, the existing four fields and very minimal concession stands were opened. Some of the Optimists have that dream to do more. There were a few of the Optimists searching for a way to expand and that brought them to meeting with the Sandquists and beginning this plan to expand the facility to serve more youth; expand the fields; expand the concessions; and bring about more service to youth.

2. Kent Seacrest appeared on behalf of **Scott and Amy Sandquist** who are the tenants to the Optimists. Without the proposed text amendment, the Optimists nor the Sandquists could come forward to seek alcohol on this type of facility. If the proposed text amendment is approved, it will allow the Planning Commission to decide whether it is an appropriate use and whether it needs to be contained or not. Seacrest advised that this facility does have a fence system. It will be monitored. When the sports fields are used for youth games, there will not be liquor. Liquor would only be allowed when there are adult games.

With regard to the special permit, Seacrest pointed out that this facility was already approved in 1997. This amendment is fine-tuning to reorient some of the fields; they will have 60 parking stalls per field; and it will not spill over into the neighborhood. This facility may have been violating the hours of operation so they are requesting the amendment to extend the evening hours and open up the morning hours to be realistic.

Seacrest also advised the Commission that the applicant did take the ordinance to the Mayor's Neighborhood Roundtable with good attendance; good questions; similar questions; and similar concerns; but no opposition because they realize this gives the Planning Commission the authority to decide on a case-by-case basis.

Seacrest agreed with the staff recommendations on the text amendment and the amendment to the special permit.

At this point in the meeting, Harris and Weber left.

Opposition

1. Laurie Brunner, 5500 S. Folsom Street, testified in opposition. She missed the neighborhood meeting announcement. Her objections are two: 1) the proposal to serve alcohol. There is no hotel here; no one is going to be married in the sports field; there is a church and a day care across the street; this is a neighborhood; this is an agricultural community; this is not an isolated area; alcohol is not appropriate for a youth-oriented facility. She appreciates that

liquor will only be served during adult games, but she does not understand how that would work; and how it will work should be made a condition of approval.

Her second objection relates to the front yard setback. There is a nice tree-screen area in existence along Folsom. She requested that this tree screen be maintained as much as possible. She appreciates the parking. If the tree screen can be maintained, it would be helpful to keep down noise and litter and provide a nice buffer.

Another concern of Brunner is that this is a drainage area. She does not see that on the site plan. Part of the purpose of the trees is to slow down runoff and allow infiltration and decrease the possible flooding of that area.

Response by the Applicant

Seacrest stated that they are fencing, containing and offering the alcohol only during adult events. If the Commission would like to make that a condition to only serve during adult events, that is acceptable. The applicant will be telling the Liquor Commission and the City Council the same thing – the applicant agrees that there should be no alcohol with youth events. He does think it will help some sales. One reason the Optimists sought help is because they want to provide services while income is tight. Beer sales could be helpful.

With regard to the screening, Seacrest noted that those are volunteer trees. As a general rule, that is one of the reasons they need the setback for the signage.

Jeremy Williams of Design Associates, 1609 N Street, clarified that the expansion of the parking lot will not require the removal of any trees, except where there are dead branches, etc. The drainage way does cut through four of the fields, but this proposal will reroute the drainage around the fields, so that issue is being addressed.

Corr confirmed that there will be no removal of trees and the drainage will be rerouted. Seacrest and Williams concurred.

With regard to fencing, Williams stated that the property itself is not enclosed in a fence. With the existing quad, the four outfield fences are connected in between the fields. That will be carried on in the other fields.

Beecham inquired whether the applicant has a plan to make sure alcohol is not being served or given to underage people, i.e. do you have a plan for training staff how to handle the situation? Seacrest advised that to be required by state law and the Liquor Control Commission. That process will revoke the license if underage are served alcohol. He confirmed that the staff will be trained. It will be a concession system and he likened it to a Salt Dogs game where they sell beer and kids are there. They will have people watching because it is a violation of the law and it will not be tolerated.

Scheer inquired about the provisions of the Liquor Control Commission, thinking there may be some overlap or some requirements already in place with the Liquor Control Commission. Will did not know all of the provisions and requirements of the Liquor Control Commission.

However, the permits are reviewed by Building & Safety and the Fire Marshall, and there is a series of other requirements that we haven't even talked about today which are all reviewed as part of the city's responsibility relative to the liquor license. Scheer thought it might be interesting to know how that aligns because some of the questions the Commission has might be answered with the state's restrictions and regulations. .

With regard to the setback along Folsom Street and the trees, Cajka advised that there is a 50' setback where no buildings or parking can be located. The one area where we are reducing the setback is a small area for the sign. That does not prevent someone from taking out the trees. The Planning Commission would need to add a condition to retain the trees, such as "Identity the existing tree mass along the west and south property line and note it is to be preserved, except for the clearing out or maintenance of dead trees".

Beecham wondered about adding conditions on the sale of alcohol. Cajka suggested that she could make a motion to amend to add a condition.

The applicant stated that the Optimists already prohibit alcohol at youth events. It is not an issue.

TEXT AMENDMENT NO. 14003
ACTION BY PLANNING COMMISSION: April 30, 2014

Hove moved approval, with amendment suggested by Lust and agreed upon by the City Attorney, seconded by Scheer.

Lust believes this is a good text amendment because it clarifies what we really intended about alcohol sales and recreational facilities because we did not mean to limit them to golf courses or country clubs. It allows for a special permitting process allowing the Planning Commission to impose appropriate conditions.

Motion for approval carried 7-0: Scheer, Beecham, Sunderman, Corr, Hove, Cornelius and Lust voting 'yes'; Weber and Harris absent. This is a recommendation to the City Council.

SPECIAL PERMIT NO. 1662A
ACTION BY PLANNING COMMISSION: April 30, 2014

Beecham moved to approve the staff recommendation of conditional approval, seconded by Hove.

Cornelius commented that there are all kinds of regulations required by the Liquor Control Commission meant to control the exact situations that we have expressed concern about regarding age and where there are groups of people with unaccompanied minors, etc. His concerns are very much allayed by that.

Beecham stated that she struggled with this one most of all because it is a youth sports complex. While she appreciates the Optimists have a rule, her concern is less with what will happen tomorrow. She is concerned about what will happen if this complex were to change

hands in the future. She would like to add the condition that alcohol will be served only during adult events, but wanted to hear from the other Commissioners before making a motion. Because this is geared towards youth and the majority of events are going to be youth, she wants there to be recourse if sold during youth events in the future.

Sunderman would be a little concerned about unintended consequences with such a motion. There will be two pods of fields. What if one is having youth games and another is having adult games? What if one-half adult and one-half youth?

Lust stated that she would not support such an amendment because it could potentially be unduly restrictive. She would not want a subsequent owner to have to deal with a mess created by an unnecessary condition on the property. As we have talked, there are additional restrictions on getting the liquor license that will be adequate safeguards, and the Optimists already prohibit alcohol sales at youth events, so she hesitates to put additional restrictions on the special permit. It may unduly restrict the use of the property in the future.

Motion for conditional approval carried 7-0: Scheer, Beecham, Sunderman, Corr, Hove, Cornelius and Lust voting 'yes'; Weber and Harris absent. <u>This is a recommendation to the City Council.</u>

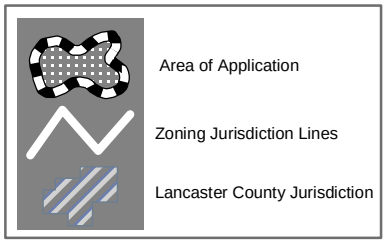
2013 aerial

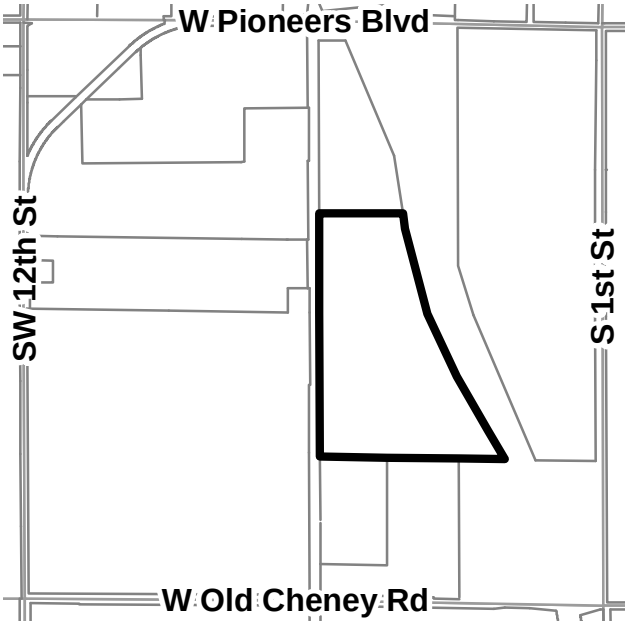
Special Permit #: SP1662A
S Folson St & W Old Cheney Rd

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

One Square Mile:
Sec.10 T09N R06E





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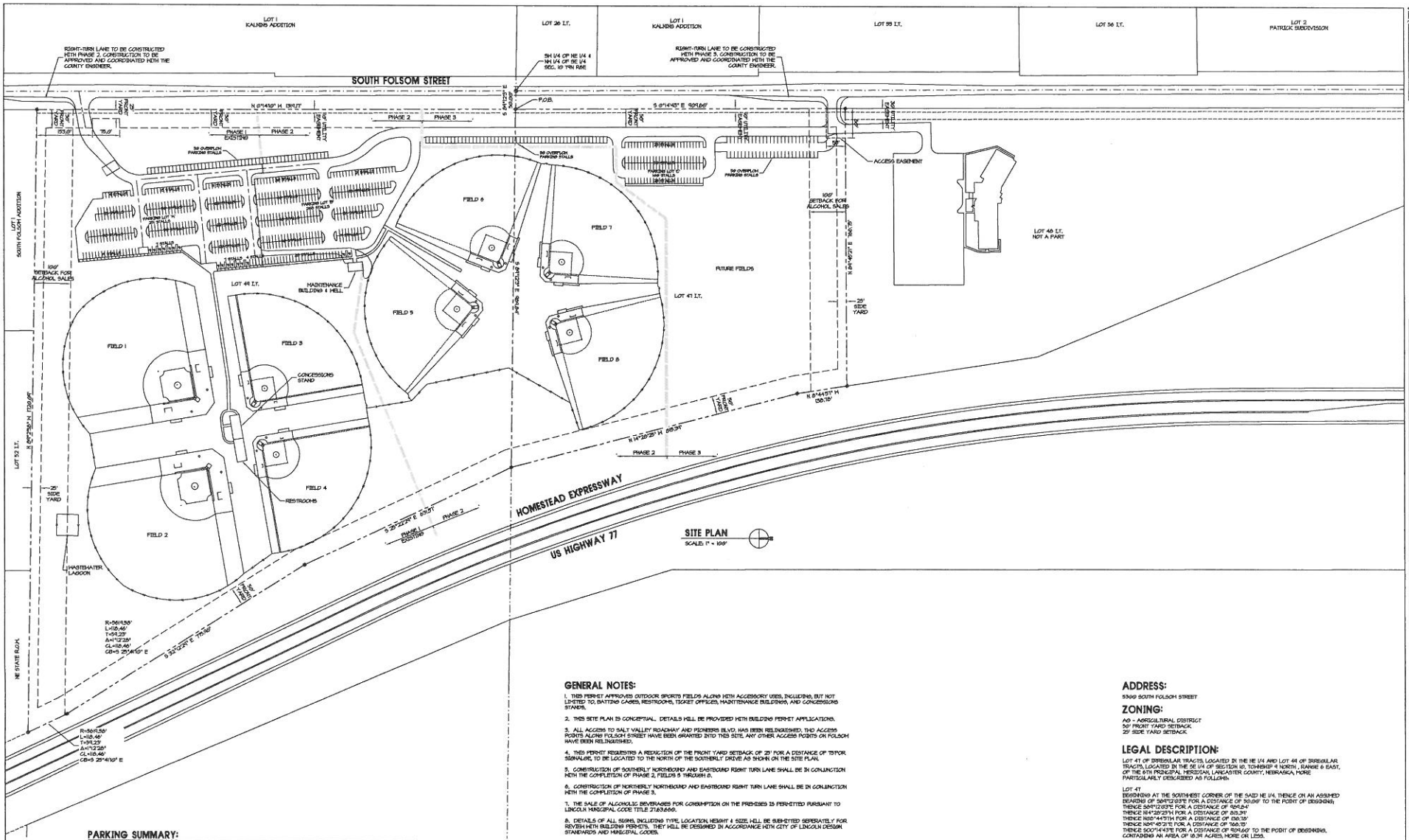

PARKING SUMMARY:

PARKING LOT	STANDARD STALLS	HANDICAP STALLS	TOTAL STALLS	CUMULATIVE TOTALS	STALLS PER FIELD
PHASE 1	237	14	251	251	63
PHASE 2	268	6	268	519	63
PHASE 3	199	2	199	618	69 (62)
OVERFLOW	159	6	159	764	88 (77)
TOTAL	759	16	764	764	1 (2) FUTURE FIELDS

GENERAL NOTES:

1. THIS PERMIT APPROVES OUTDOOR SPORTS FIELDS ALONG WITH ACCESSORY USES, INCLUDING, BUT NOT LIMITED TO, BATTING CAGES, RESTROOMS, TICKET OFFICES, MAINTENANCE BUILDINGS, AND CONCESSIONS STANDS.

2. THIS SITE PLAN IS CONCEPTUAL. DETAILS WILL BE PROVIDED WITH BUILDING PERMIT APPLICATIONS.

3. ALL ACCESS TO SALT VALLEY ROADWAY AND PIONEERS BLVD. HAS BEEN RELINQUISHED. TWO ACCESS POINTS ALONG FOLSOM STREET HAVE BEEN GRANTED INTO THIS SITE. ANY OTHER ACCESS POINTS ON FOLSOM HAVE BEEN RELINQUISHED.

4. THIS PERMIT REQUESTS A REDUCTION OF THE FRONT YARD SETBACK OF 25' FOR A DISTANCE OF 75'FOR SIGNAGE, TO BE LOCATED TO THE NORTH OF THE SOUTHERLY DRIVE AS SHOWN ON THE SITE PLAN.

5. CONSTRUCTION OF SOUTHERLY NORTHBOUND AND EASTBOUND RIGHT TURN LANE SHALL BE IN CONJUNCTION WITH THE COMPLETION OF PHASE 2, FIELDS 5 THROUGH 8.

6. CONSTRUCTION OF NORTHERLY NORTHBOUND AND EASTBOUND RIGHT TURN LANE SHALL BE IN CONJUNCTION WITH THE COMPLETION OF PHASE 3.

7. THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES IS PERMITTED PURSUANT TO LINCOLN MUNICIPAL CODE TITLE 27.63.680.

8. DETAILS OF ALL SIGNS, INCLUDING TYPE, LOCATION, HEIGHT & SIZE, WILL BE SUBMITTED SEPERATELY FOR REVIEW WITH BUILDING PERMITS. THEY WILL BE DESIGNED IN ACCORDANCE WITH CITY OF LINCOLN DESIGN STANDARDS AND MUNICIPAL CODES.

9. A TEMPORARY 'CONCESSION TRAILER' WILL BE PERMITTED TO SELL AND DISPENSE CONCESSIONS FOR SITE EVENTS UNTIL SUCH TIME AS A PERMANENT CONCESSION BUILDING IS CONSTRUCTED.

10. PARKING LOTS SHALL BE SURFACED ACCORDING TO CITY DESIGN STANDARDS. PARKING SHALL BE PROVIDED A MINIMUM OF 60 STALLS PER FIELD. NO ADDITIONAL PARKING STALLS SHALL BE REQUIRED FOR ON PREMISES ALCOHOL SALES.

11. INTERIOR SIDEWALKS TO BE CONSTRUCTED ON AN 'AS NEEDED' BASIS.

12. PLAYING FIELD LIGHTING IS OPTIONAL. IF INSTALLED, LIGHTING SHALL BE OFF BETWEEN THE HOURS OF 11:00 PM AND 5:00 AM.

13. PARKING LOT LIGHTING IS OPTIONAL.

14. ALL FIELDS MAY HAVE A PUBLIC ADDRESS SYSTEM AND INTERCOM SYSTEM.

UTILITY NOTES:

1. WATER FOR SITE SHALL BE SERVED BY PRIVATE WELL SYSTEM, LOCATION TO BE DETERMINED.

2. SEWER FOR SITE SHALL BE SERVED BY PRIVATE LINE WITH LIFT STATION(S) INTO STATE OWNED SEWER LINE NORTH OF PIONEERS BOULEVARD IN FOLSOM STREET. LOCATION OF LIFT STATION(S) TO BE DETERMINED WHEN SYSTEM IS DESIGNED. UTILITY CROSSING EASEMENTS WITHIN PUBLIC RIGHT-OF-WAY TO BE REVIEWED AND APPROVED BY COUNTY ENGINEER. THE PRIVATE SANITARY SEWER MAIN AND LIFT STATION(S) MAY BE INSTALLED ON A PHASED CONSTRUCTION SCHEDULE. TEMPORARY SANITARY FACILITIES WILL BE PROVIDED AND MAINTAINED UNTIL SUCH TIME AS PERMANENT IMPROVEMENTS ARE COMPLETED.

3. ALL PLAYING FIELDS MAY HAVE UNDERGROUND SPRINKLER SYSTEM SERVED BY WELLS WITH BOOSTER PUMP. OTHER AREAS ON THE SITE MAY HAVE SPRINKLER SYSTEM AS DEEMED NECESSARY.

ADDRESS:

5300 SOUTH FOLSOM STREET

ZONING:

AG - AGRICULTURAL DISTRICT
50' FRONT YARD SETBACK
25' SIDE YARD SETBACK

LEGAL DESCRIPTION:

LOT 47 OF IRREGULAR TRACTS, LOCATED IN THE NE 1/4 AND LOT 48 OF IRREGULAR TRACTS, LOCATED IN THE SE 1/4 OF SECTION 10, TOWNSHIP 9 NORTH , RANGE 6 EAST, OF THE 6TH PRINCIPAL MERIDIAN, LANCASTER COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 47
BEGINNING AT THE SOUTHWEST CORNER OF THE SAID NE 1/4, THENCE ON AN ASSUMED BEARING OF S89°12'03"E FOR A DISTANCE OF 50.08' TO THE POINT OF BEGINNING;
THENCE S89°12'03"E FOR A DISTANCE OF 894.84'
THENCE N14°26'23"W FOR A DISTANCE OF 815.31'
THENCE N55°44'37"W FOR A DISTANCE OF 138.15'
THENCE N24°45'21"E FOR A DISTANCE OF 166.15'
THENCE S00°14'43"E FOR A DISTANCE OF 1016.60' TO THE POINT OF BEGINNING.
CONTAINING AN AREA OF 18.34 ACRES, MORE OR LESS.

LOT 48
BEGINNING AT THE NORTHWEST CORNER OF THE SAID SE 1/4, THENCE ON AN ASSUMED BEARING OF S89°12'03"E FOR A DISTANCE OF 50.08' TO THE POINT OF BEGINNING
THENCE S89°12'03"E FOR A DISTANCE OF 894.84'
THENCE S26°22'23"E FOR A DISTANCE OF 631.51'
THENCE S32°12'26"E FOR A DISTANCE OF 775.92' TO A POINT OF CURVATURE
THENCE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 5,615.00', A CENTRAL ANGLE OF 01°12'28", A CHORD BEARING OF S25°41'09"E, A CHORD LENGTH OF 118.45', FOR AN ARC DISTANCE OF 118.45' TO A POINT OF TANGENCY
THENCE N84°52'56"W FOR A DISTANCE OF 1,120.09'
THENCE N00°14'10"W FOR A DISTANCE OF 1,917.17' TO THE POINT OF BEGINNING.
CONTAINING AN AREA OF 49.52 ACRES, MORE OR LESS.

3 APR 2014

OPTIMIST YOUTH SPORTS COMPLEX
AMENDMENT #14000 TO SPECIAL PERMIT #1662
LINCOLN, NEBRASKA

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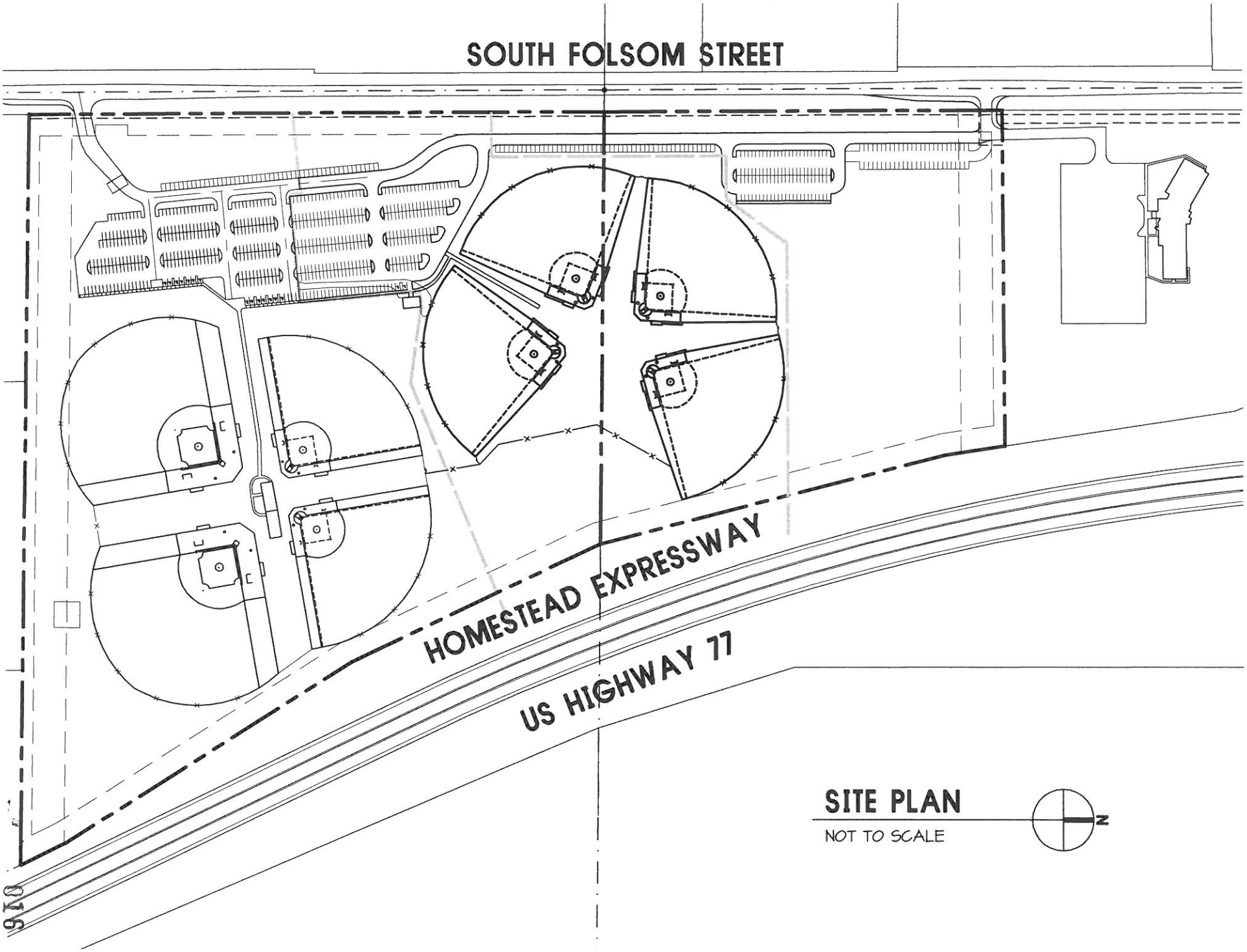
PROJECT ENGINEER: DAVID L. SCHMIDT
LICENSED PROFESSIONAL ENGINEER
1005 "O" STREET
LINCOLN, NEBRASKA 68508
PHONE: 402/474-5049
FAX: 402/474-5097
DESIGN ASSOCIATES OF LINCOLN, INC.

2/20/2013

SITE PLAN

C-1

015



SITE PLAN

NOT TO SCALE

GENERAL NOTES:

1. THIS PERMIT APPROVES OUTDOOR SPORTS FIELDS ALONG WITH ACCESSORY USES, INCLUDING, BUT NOT LIMITED TO, BATTING CAGES, RESTROOMS, TICKET OFFICES, MAINTTENANCE BUILDINGS, AND CONCESSIONS STANDS.

2. THIS SITE PLAN IS CONCEPTUAL. DETAILS WILL BE PROVIDED WITH BUILDING PERMIT APPLICATIONS.

3. ALL ACCESS TO SALT VALLEY ROADWAY AND PIONEERS BLVD. HAS BEEN RELINQUISHED. TWO ACCESS POINTS ALONG FOLSOM STREET HAVE BEEN GRANTED INTO THIS SITE. ANY OTHER ACCESS POINTS ON FOLSOM HAVE BEEN RELINQUISHED.

4. THIS PERMIT REQUESTRS A REDUCTION OF THE FRONT YARD SETBACK OF 25' FOR A DISTANCE OF 75'FOR SIGNALGE, TO BE LOCATED TO THE NORTH OF THE SOUTHERLY DRIVE AS SHOWN ON THE SITE PLAN.

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SEACREST & KALKOWSKI, PC, LLO

1111 LINCOLN MALL, SUITE 350
LINCOLN, NEBRASKA 68508-3910

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DANAY KALKOWSKI
E-MAIL: danay@sk-law.COM

April 2, 2014

Mr. Marvin Krout
Planning Director
555 South 10th Street
Lincoln, NE 68508

RE: Zoning Text Amendment and Amendment to Special Permit No. 1662

Dear Marvin:

Our office represents Great American Sports Park, LLC ("GASP"), lessee of the Optimists Youth Sports Complex located at 5300 South Folsom Street. The Sports Complex is a recreational facility approved by Special Permit No. 1662.

GASP is requesting text amendments to Lincoln Municipal Code Sections 27.63.130 and 27.63.680(c). The zoning code currently allows Planning Commission to approve the sale of alcoholic beverages for consumption on the premises as an accessory use for a golf course or country club as part of the special permit for the recreational facility. GASP is proposing to amend Sections 27.63.130(g) and 27.63.680(c) to allow Planning Commission to approve the sale of alcoholic beverages for consumption on the premises as an accessory use for any recreational facility as part of the special permit for the recreational facility. These amendments remove the current limitation to golf courses or country clubs. Because permission for the sale of alcoholic beverages would be part of the special permit for the recreational facility, Planning Commission would retain the ability to place conditions or limitations on such permission. The proposed zoning text amendments to Sections 27.63.130(g) and 27.63.680(c) were discussed with the Mayor's Neighborhood Roundtable on March 10, 2014. No opposition was expressed at that meeting. Additional revisions to clarify the application of 27.63.130 to outdoor recreational facilities and parking requirements for such are also included.

GASP is also requesting an amendment to Special Permit No. 1662 for the Optimists Youth Sports Complex. Special Permit No. 1662 was originally approved for 12 baseball/softball fields, batting cages, parking and other accessory buildings. GASP is requesting approval for outdoor sports fields along with accessory uses, including, but not limited to, batting cages, restrooms, ticket offices, maintenance buildings, and concession stands. The site plan has been revised to show a new conceptual layout and clean up some of the notes that are no longer relevant.

In addition to revisions to the site plan, GASP requests the following changes to the terms and conditions of Resolution No. A-77958 approving Special Permit No. 1662:

1. An expansion of the hours of operation of the facility as follows:

Day of the Week	Permitted Hours of Operation	Proposed Hours of Operation
Monday – Thursday	5:00 p.m. to 11:00 p.m.	5:00 p.m. to 11:00 p.m.; provided that camps, sports schools, practice and special events may operate between 8:00 a.m. and 11:00 p.m.
Friday	5:00 p.m. to 11:00 p.m	8:00 a.m. to 11:00 p.m
Saturday	8:00 a.m. to 11:00 p.m	8:00 a.m. to 11:00 p.m
Sunday	10:00 a.m. to 10:00 p.m	8:00 a.m. to 10:00 p.m

2. Removal of the requirement to provide an access to Old Cheney at such time as the vehicle connection to the south becomes feasible. The property included within the Special Permit does not extend to Old Cheney Road.

3. Removal of the requirement for permittee to pay for all off-site improvements identified in the traffic impact study. It is our understanding that all of the required off-site improvements have been completed and contributions paid except for right turn lanes in Folsom Street which continue to be addressed in notes on the site plan.

4. Permission to sell alcoholic beverages for consumption on the premises as an accessory use to the recreational facility. The site plan shows a 100 feet setback to the south (adjacent residential use) and a 100 feet setback to the north (adjacent church premises) for alcohol sales limiting the permitted area of the site. The licensed area will be identified within the permitted area as part of the liquor license application.

GASP is also requesting a waiver of the front yard setback from 50 feet to 25 feet in the location shown on the site plan east of the southernmost access point along Folsom Street. The reduction is limited in scope and will facilitate the placement of a sign to identify the Sports Complex. Without the waiver, the sign permitted along Folsom Street would have to be set back 50 feet, which greatly hinders its visibility given the topography and existing vegetation on the site.

Enclosed please find the following:

1. Application for Text Amendment;
2. Application for Amendment to Special Permit No. 1662; and
3. Application Fees in the amount of $1,122.

Jeremy Williams with Design Associates will be submitting the Special Permit plans electronically. If you have any questions or need any additional information, please feel free to contact me or Jeremy. GASP is concurrently submitting applications for a change of zone and use permit for recreational and commercial uses west of Sun Valley Boulevard and north of the Union Pacific rail line. We look forward to working with you on both applications.

Very truly yours,

KENT SEACREST
For the Firm

Enclosures

cc: (via e-mail)
Scott and Amy Sandquist
Greg and Sandra McNeese
Jonathan Cook
Brad Barrows
Brent Stehlik
Ardis Moody
Jeremy Williams