Lincoln City - Lancaster County

PLANNING COMMISSION AGENDA

PLANNING COMMISSION

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Dennis Scheer: Vice-Chair
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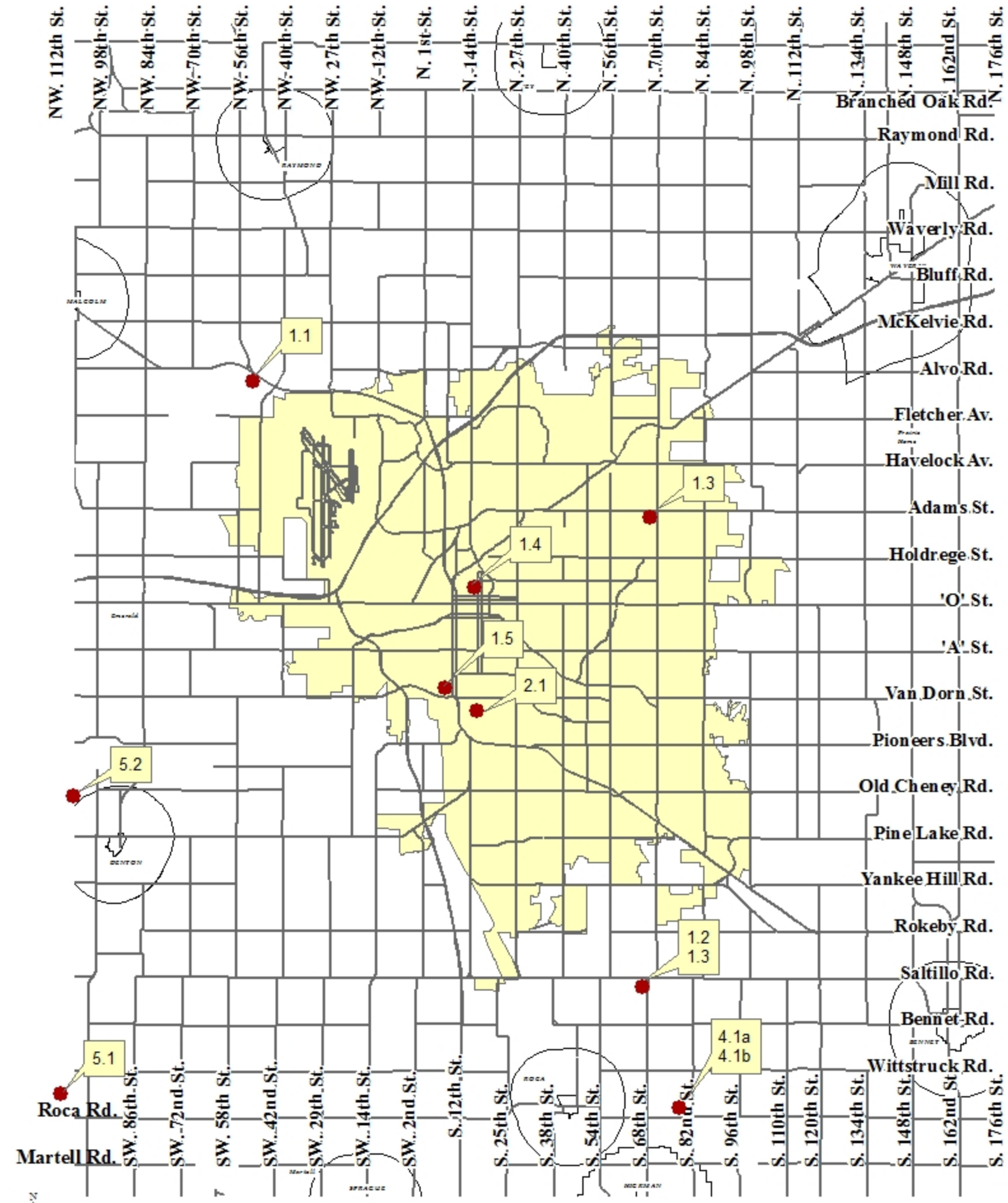
PLANNING STAFF

David R. Cary: Director
Geri Rorabaugh: Administrative Officer
Amy Huffman: Office Specialist

May 25, 2016



Planning Commission Agenda Item Map

May 25, 2016

NOTICE: **The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, May 25, 2016, at 1:00 p.m. in Hearing Room 112 on the first floor of the County-City Building, 555 S. 10th St., Lincoln, Nebraska. For more information, call the Planning Department, (402) 441-7491.**

The Lincoln/Lancaster County Planning Commission will meet on Wednesday, May 25, 2016, from 11:30 a.m. to 1:00 p.m., to discuss the LRTP/Comprehensive Plan Update, in Studio Room 113 of the County-City Building, 555 S. 10th Street, Lincoln, Nebraska.

****PLEASE NOTE: The Planning Commission action is final action on any item with a notation of "FINAL ACTION". Any aggrieved person may appeal Final Action of the Planning Commission to the City Council or County Board by filing a Notice of Appeal with the City Clerk or County Clerk within 14 days following the action of the Planning Commission.**

The Planning Commission action on all other items is a recommendation to the City Council or County Board.

AGENDA

WEDNESDAY, MAY 25, 2016

Approval of minutes of the regular meeting held May 11, 2016.

1. CONSENT AGENDA
(Public Hearing and Administrative Action):

PERMITS:

1.1 Special Permit No. 11022B, to allow soil extraction, on property generally located at NW 48th Street and Purple Heart Highway.
Page 01
***** FINAL ACTION *****
Staff recommendation: Conditional Approval
Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov

1.2 Special Permit No. 16001, to allow an AG Community Unit Plan that incorporates build-through design elements with waivers of the design standards for the installation of sidewalks and street trees, block-length distance, sanitary sewer mains running opposite street grades, lot-to-depth ratio, and the maximum lot area for lots that exceed one acre with a community sewer system, on property generally located at South 68th Street and Saltillo Road. ***** FINAL ACTION *****
Page 15
Staff recommendation: Approval
Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov

1.3 Special Permit No. 16004, to allow soil excavation, on property generally located at South 68th Street and Saltillo Road. *****FINAL ACTION*****
Page 31
Staff recommendation: Conditional Approval
Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov

1.4 Special Permit No.16020, for the reconstruction and expansion of a nonconforming church, including waivers to setbacks, building height, and parking, on property generally located at 535 North 16th Street.*****FINAL ACTION*****
Page 43
Staff recommendation: Conditional Approval
Staff Planner: Rachel Jones, 402-441-7603, rjones@lincoln.ne.gov

1.5 Special Permit No. 16024, to allow for the sale of alcohol for consumption both on and off the premises, on property generally located at 2717 South 8th Street, # 1. *****FINAL ACTION*****
Page 69
Staff recommendation: Conditional Approval
Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov

2. REQUESTS FOR DEFERRAL:

2.1 Special Permit No. 16009, for the construction of a carport, on property generally located at 1801 Kings Highway.*****FINAL ACTION*****
Page 81
Staff recommendation: Conditional Approval
Staff Planner: Rachel Jones, 402-441-7603, rjones@lincoln.ne.gov

2.2 _____

3. ITEMS REMOVED FROM CONSENT AGENDA (Public Hearing and Administrative Action):

3.1 _____

3.2 _____

4. PUBLIC HEARING AND ADMINISTRATIVE ACTION:

COMPREHENSIVE PLAN AMENDMENT AND RELATED CHANGE OF ZONE:

4.1a Comprehensive Plan Amendment No. 16002, to amend the 2040 Lincoln-Lancaster County Comprehensive Plan, by changing the Future Land Use Plan designation from Agricultural to Residential-Low Density, on property generally located at S 82nd Street and Roca Road.
Page 93
Staff recommendation: Approval
Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov

4.1b Change of Zone No. 16011, from AG (Agricultural District) to AGR (Agricultural Residential District), for development of a 32-lot subdivision, on property generally located at S 82nd Street and Roca Road.
Page 105
Staff recommendation: Approval
Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov

5. CONTINUED PUBLIC HEARING AND ADMINISTRATIVE ACTION

SPECIAL PERMITS:

5.1 Special Permit No. 15064, to allow Avalon Event Paradise, a private property, to be used for special events such as weddings and family reunions, including a request to waive the requirement that parking lots be gravel and waive the requirement that parking and other related business areas not exceed 15,000 square feet, on property generally located at 12788 West Roca Road.
Page 117
Staff recommendation: Conditional Approval
Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov

5.2 Special Permit No.16021, for expanded home occupation to allow a venue for large gatherings, on property generally located at 12400 West Denton Road.
Page 133
Staff recommendation: Conditional Approval
Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov

6. SPECIAL PUBLIC HEARING AND ADMINISTRATIVE ACTION

6.1 The draft FY2017-2020 Transportation Improvement Program (TIP) for the Lincoln Metropolitan Planning Organization (MPO).
Page 155
Staff recommendation: General Conformance with the Long Range Transportation Plan, as amended.
Staff Planner: Mike Brienzo, 402-441-6369, mbrienzo@lincoln.ne.gov

6.2 Comprehensive Plan Conformance No. 16004, to review as to conformance with the 2040 Lincoln-Lancaster County Comprehensive Plan, the City of Lincoln's Draft Six-Year Capital Improvements Program (CIP) for FY 2016/2017 – 2021/2022.
Page 161
Staff recommendation: Full or General Conformance with the Comprehensive Plan
Staff Planner: Paul Barnes, 402-441-6372, pbarnes@lincoln.ne.gov

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AT THIS TIME, ANYONE WISHING TO SPEAK ON AN ITEM NOT ON THE AGENDA, MAY DO SO

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Adjournment

PENDING LIST: *None*

Planning Dept. staff contacts:

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Rachel Jones, *Planner*	402-441-7603	rjones@lincoln.ne.gov
Andrew Thierolf, *Planner*	402-441-6371	athierolf@lincoln.ne.gov
Brian Will, *Planner*	402-441-6362	bwill@lincoln.ne.gov
Kellee Van Bruggen, *Transportation Planner*	402-441-6363	kvanbruggen@lincoln.ne.gov
Ed Zimmer, *Historic Preservation Planner*	402-441-6360	ezimmer@lincoln.ne.gov

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The Planning Commission meeting which is broadcast live at 1:00 p.m. every other Wednesday will be rebroadcast on Wednesdays at 7:00 p.m., Thursdays at 12:00 a.m. and Sundays at 12:30 p.m. on 5 City TV, Cable Channel 5.

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The Planning Commission agenda may be accessed on the Internet at http://www.lincoln.ne.gov/city/plan/pcagenda/index.htm

ACCOMMODATION NOTICE

The City of Lincoln complies with Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 guidelines. Ensuring the public's access to and participating in public meetings is a priority for the City of Lincoln. In the event you are in need of a reasonable accommodation in order to attend or participate in a public meeting conducted by the City of Lincoln, please contact the Director of Equity and Diversity, Lincoln Commission on Human Rights, at 402 441-7624 as soon as possible before the scheduled meeting date in order to make your request.

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for MAY 25, 2016 PLANNING COMMISSION MEETING

PROJECT #: Special Permit No.11022B

PROPOSAL: A request per Section 27.63.160 for Excavation and Stone Milling

LOCATION: Southwest of the intersection of NW 48th Street and Highway 34.

LAND AREA: 47.63 acres, more or less

EXISTING ZONING: AG Agricultural and H-3 Highway Commercial

CONCLUSION: This application, with the conditions listed in this report, meets the requirements for an Excavation and Stone Milling Special Permit.

RECOMMENDATION:	Conditional Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: The remaining portion of Lot 1 Woodlawn West, and a part of Lot 60, Irregular Tract, all in the NE 1/4 of Section 31, T11N, R6E, in Lancaster County, Nebraska.

EXISTING LAND USE: Farmed land, various farm buildings, truck storage and two dwellings.

SURROUNDING LAND USE AND ZONING:

North: AG Agricultural and H-3 Highway Commercial	Farm land
South: AG Agricultural	Farm land
East: H-3 Highway Commercial	Storage units
West: AG Agricultural	Farm land

HISTORY:

September 7, 2011	Special Permit #11022 for Excavation and Stone Milling is approved for three years
March 20, 2013	Special Permit #11022A for Excavation and Stone Milling is approved for three years.

COMPREHENSIVE PLAN SPECIFICATIONS:
The 2040 Future Land Use Plan shows this area as agriculture and commercial

UTILITIES: On site private well and wastewater.

TRAFFIC ANALYSIS: Access is via a private drive to Highway 34 to the north and to NW 48th Street to the east.

PUBLIC SERVICE: This is in Malcolm Rural Fire District

ANALYSIS:

1. This request is for soil excavation on a 47.63 acre site, under the provisions of Chapter 27.63.160 Excavation and Stone Milling in the "AG" and "AGR" Districts.

2. This application proposes to extract 160,000 cubic yards of soil from an area of 19.00 acres. The cuts range up to 10 feet. Final excavation will create a ridge along a part of the north west side, adjacent to Highway 34 right-of -way, and a gentle slope to the southeast.

3. The County Engineer notes that access will only be allowed via the existing private driveway off Highway 34. No access for soil mining operations will be allowed from NW 48th Street or Old Woodlawn Road. Nebraska Dept. of Roads (NDOR) was also contacted and had no comments on this proposal; however, in review of SP 11022 for Excavation and Stone Milling, NDOR also noted all access should be from Highway 34.

4. During the soil mining process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but are not limited to, application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.

5. The applicant addressed the listed conditions of the Lincoln special permit application conditions (27.63.160) as follows (responses shown in **bold**);

   a) A site plan drawn to scale that includes but is not limited to identifying proposed vehicle and equipment storage areas and entrance and exit locations to the operation; **These are all shown or noted.**

b) A map showing the site location and the location of private access roads, existing or proposed, and public roads and highways adjacent to the site which will be affected by the operation; **A site plan is provided**.

(c) A grading map showing existing contours, proposed excavation contours, proposed final grade contours, and excavation volumes; **A map is provided, showing existing and proposed final contours. The applicant provided the excavation volume of 160,000 cubic yards.**

(d) A full and adequate description of all phases of the contemplated operation and the specific listing of the type of machinery and equipment which will be or might be used to carry on the operation. **This operation is proposed to be done in a single phase. Types of machinery and equipment are noted and a project schedule is provided.**

(e) A groundwater report from a groundwater hydrologist in cases where proposed operations are: (I) within 1,000 feet of any off-site private well, (ii) within 2,000 feet of a community well, or (iii) designed to result in an excavated area that does not drain to a lower area (i.e. a "hole"). The report should demonstrate that the operation and ultimate grading will not negatively impact nearby wells by draw-down or contamination, and/or that monitoring wells will be installed to provide early warning of any such impact; Where a pond or lake is proposed, the groundwater report shall also demonstrate that adequate water will be supplied via runoff and/or wells to maintain it as a functioning and attractive year-round water feature**. The applicant has provided an exhibit that shows no private wells within 1000 feet of the area of operation and no community wells within 2000 feet of the area of operation. No permanent pond is proposed.**

(f) No more than twenty (20) acres of the site shall be open for operations at any one time. The surface shall be maintained in such a manner that surface waters do not collect and pond, unless specifically approved by the City. **The applicant states no more than 19.0 acres will be opened.**

(g) Topsoil shall be collected and stored for redistribution on the site at the termination of the operation or termination of each phase**. The applicant states topsoil will be stored in berms along Highway 34 to also act as visual screening of the operation. See General Note #10.**

(h) Safety screening may be required at the outer boundary of the site. Visual screening through setbacks, berming and other techniques may also be required where said boundary is adjacent to residential or park land, school property, or at major entryways/corridors into a city, town or village. **This permit area is adjacent to Highway 34, a major entryway into the City. The applicant shows berming of topsoil and the notes state that the berms shall provide effective screening of the view of drivers along Highway 34.**

(I) Operating hours shall be limited to daylight hours, Monday through Saturday. **Addressed in General Note #2**

(j) A sign shall be posted and maintained at the entrance to the site. **Addressed in General Note #6**

(k) A special permit may be approved for a maximum of three-years from the date the special permit is issued. **The applicant is requesting this permit be for three years.**

CONDITIONS OF APPROVAL:

Per Section 27.63.160 this approval permits mining for a soil, sand and gravel excavation operation for a period of three (3) years from the date of approval of this special permit.

1. Before initiating excavation operations"

1.1 The permittee shall have

1.1.1 Received review and permits, if required, for the Federal NPDES and 404 Permits.

1.1.2 Post a $9,975 performance bond or escrow agreement in a form acceptable to the City Attorney prior to commencing operations, to assure compliance with the final reclamation plan, including but not limited to regrading, topsoil conditioning, and re-vegetation. A registered professional engineer must certify at closure of operations that grading and final reclamation has been completed in accordance with the approved plans before the bond may be released.

1.1.3 Post and maintain a 4' x 8' sign on the property at the entrance clearly visible and legible to the public showing the special permit number, the name of the Permittee and operator and the telephone numbers where the Permittee, operator and the Building & Safety Department can be contacted.

1.1.4 Upon completion of all terms, conditions and requirements of the special permit that are to be completed before beginning operations, the Permittee shall request the Director of

Building and Safety to issue a certificate of operation. Permittee shall not begin operations until it has received said certificate of operation.

1.1.5 The County or City Engineer may require installation of traffic signs to warn motorists of excavation or stone milling operations and truck traffic, as noted on site plan.

1.2 After beginning the excavation operations, the Permittee shall have

1.2.1 Erosion controls, including retention and sediment basins, shall be provided during excavation in conformance with state and federal standards and City land erosion and sediment control regulations to prevent a change in the character of runoff onto adjacent land.

1.2.2 No more than twenty (20) acres of the site shall be open for operations at any one time. The surface shall be maintained in such a manner that surface waters do not collect and pond, unless specifically approved by the City. Underground drainage may be supplied if it connects to an existing drainage facility and is satisfactory to the City.

1.2.3 Topsoil shall be collected and stored for redistribution on the site at the termination of the operation or termination of each phase. The site of this storage must be revised to the satisfaction of Public Works and Utilities.

1.2.4 Excavation shall be conducted in such a way as not to constitute a hazard to any person, nor to the adjoining properties. Dust shall be controlled on-site to meet Lincoln-Lancaster County Air Pollution Control program Regulations. In addition, the Health Department may require dust control on unpaved perimeter roads.

1.2.5 Safety screening may be required at the outer boundary of the site. Visual screening through setbacks, berming and other techniques will be required where said boundary is adjacent to the Highway 34 Entryway Corridor into Lincoln.

1.2.6 Operating hours shall be limited to daylight hours, Monday through Saturday.

1.2.7 A sign shall be posted and maintained at the entrance to the site. The sign shall be:

1.2.7.1 Clearly visible from the adjacent road;

1.2.7.2 At least 32 square feet in area;

1.2.7.3 Lettering shall be at least two inches in height, black on a white background;

1.2.7.4 The sign shall list:

(a) The approved Special Permit Number;
(b) The name, contact phone and email address for the land owner;
(c) The name, contact phone and email address for the operator/contractor;
(d) The Building and Safety Department contact number.

1.2.8 The applicant will take appropriate measures, such as street sweeping or “rumble bars” as specified by the County or City Engineer to minimize mud or dirt tracking onto streets and roads on a continuing (daily) basis during operation.

1.2.9 Operations shall commence within one year from the date the special permit is approved or the special permit will automatically terminate and be considered null and void. All existing certificates of operation shall automatically terminate on the same date.

1.2.10 Within nine months after the completion of excavation on any portion of the site, all cuts shall be returned to a slope of less than three to one, the topography and soils shall be restored and stabilized, and the land shall be graded, seeded, and sodded so as to prevent erosion and siltation, and to protect the health, safety, and general welfare of the public.

1.2.11 A special permit may be approved for a maximum of three-years from the date the special permit is issued.

1.2.12 Permittee shall prepare and submit an annual report to the Director of Building and Safety addressing the status and extent of operations and each condition of the special permit. Failure to submit the annual report shall constitute just cause for the City Council to revoke the special permit.

1.2.13 Permittee shall be subject to an annual site inspection by the Director of Building and Safety. The cost of such inspection shall be paid for by the applicant. Cost shall be based upon the Department of Building and Safety's hourly rate in effect on the date of the application. Building and Safety shall:

1.2.13.1 Inspect the site to determine whether terms, special conditions and requirements imposed by the City in the approval of the special permit have be met and complied with; and

1.2.13.2 Review all complaints from public and other departments/agencies and report to the Planning Director.

1.2.14 The construction plans shall generally comply with the approved plans.

2. At the conclusion of the operation, the permittee shall provide to the Building & Safety Department a certificate from an engineer stating that the final grading substantially reflects the finish contours shown on the approved site plan and request a release of the performance bond or escrow agreement.

Standard Conditions:

3. The following conditions are applicable to all requests:

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

3.2 All privately-owned improvements shall be permanently maintained by the Permittee.

3.3 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.

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

3.5 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, filing fees therefor to be paid in advance by the applicant.

3.6 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

Tom Cajka
Planner

DATE: May 12, 2016

APPLICANT: REGA Engineering
601 Old Cheney Road, Suite A
Lincoln, NE 68512
402-484-7342

OWNER: John Zakovec
6625 NW 48th St.
Lincoln, NE 68524
402-470-2450

CONTACT: Same as applicant

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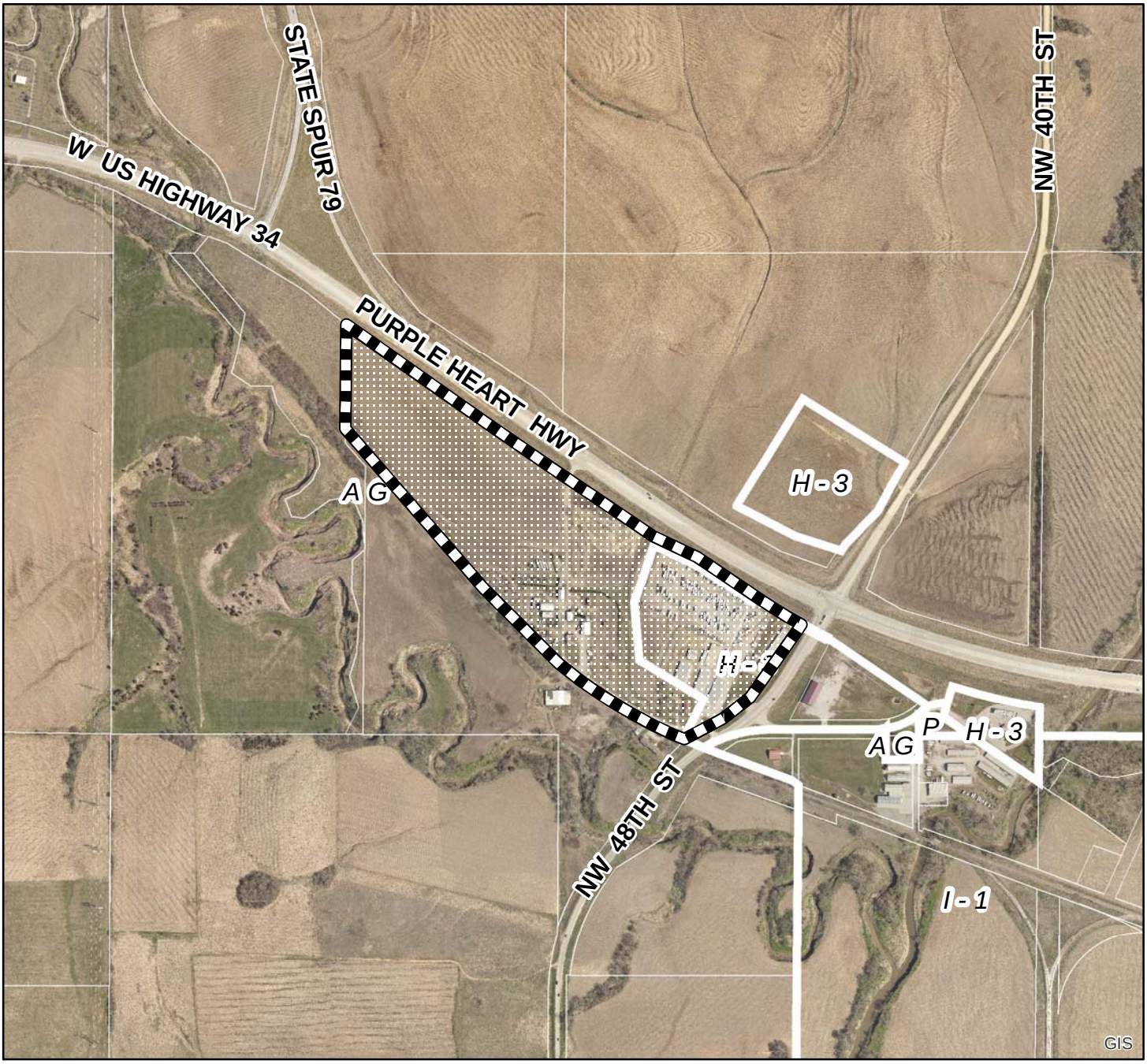


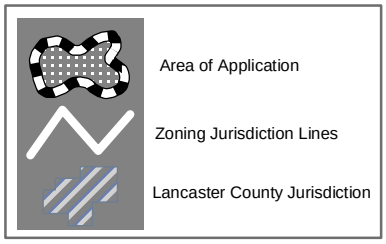
2013 aerial

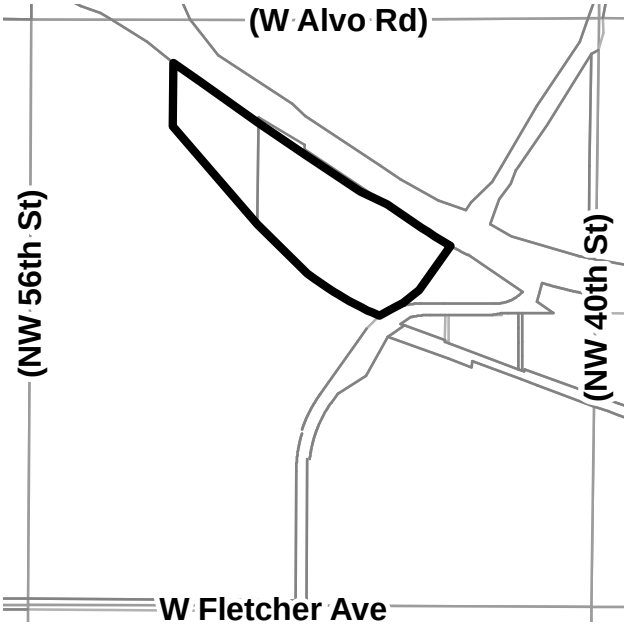
Special Permit #: SP11022B
Woodlawn West Excavation
NW 48th St & Highway 34

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.31 T11N R06E





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MACHINERY:

1. BACKHOE
2. FRONT-END LOADER
3. MOTOR GRADER

PROJECT SCHEDULE:

1. CONSTRUCTION ENTRANCE & SEDIMENT BASINS SHALL BE INSTALLED AND IN WORKING ORDER PRIOR TO ALL EARTHWORK.
2. TOP SOIL STRIPPING AND STOCK PILING. A WORKING AREA NOT TO EXCEED 20 ACRES.
3. EARTH MINING.
4. REPLACEMENT OF TOP SOIL.
5. EITHER RETURN TO FARMING OPERATIONS, TEMPORARY SEEDING, OR SPRAY ON TACKIFIER (SEE NARRATIVE).
6. EVENTS 2 THRU 5 TO REPEAT UNTIL GRADING HAS BEEN COMPLETED.
7. OPERATIONAL MAINTENANCE, INSPECTION OF PRACTICES.
8. REMOVAL OF SEDIMENT CONTROLS.

THE ENTRANCE SIGN SHALL BE:

1.) CLEARLY VISIBLE FROM THE ADJACENT ROAD
2.) AT LEAST 32 SQUARE FEET IN AREA
3.) LETTERING SHALL BE AT LEAST TWO INCHES IN HEIGHT, BLACK ON A WHITE BACKGROUND
4.) THE SIGN SHALL LIST:
   (I) THE APPROVED SPECIAL PERMIT NUMBER
   (II) THE NAME, CONTACT PHONE, AND EMAIL ADDRESS FOR THE LAND OWNER
   (III) THE NAME, CONTACT PHONE, AND EMAIL ADDRESS FOR THE OPERATOR/CONTRACTOR
   (IV) THE BUILDING AND SAFETY DEPARTMENT CONTACT NUMBER
   (V) NO TRESPASSING WITHOUT PERMISSION

SPECIAL PERMIT #11022A
Land Owner: John Zakovec
Phone: 402-470-2450

Contractor: Gana Trucking & Excavating
Phone: 402-794-5000
craig@ganatrucking.com
Building & Safety Department: 441-7061

NO TRESPASSING WITHOUT PERMISSION

ENTRANCE SIGN DETAIL

STONE CONSTRUCTION ENTRANCE NOTES:

1. CONSTRUCTION ENTRANCE MUST EXTEND THE FULL WIDTH OF THE VEHICULAR INGRESS AND EGRESS AREA.

2. IF CONDITIONS ON THE SITE ARE SUCH THAT THE MAJORITY OF THE MUD IS NOT REMOVED BY THE VEHICLES TRAVELING OVER THE STONE, THEN THE TIRES OF THE VEHICLES MUST BE WASHED BEFORE ENTERING THE PUBLIC ROAD. WASH WATER MUST BE CARRIED AWAY FROM THE ENTRANCE TO AN APPROVED SETTLING AREA TO REMOVE SEDIMENT. ALL SEDIMENT SHALL BE PREVENTED FROM ENTERING STORM DRAINS, DITCHES, OR WATERCOURSES.

3. THE AREA OF THE ENTRANCE MUST BE EXCAVATED A MINIMUM OF 3 INCHES AND MUST BE CLEARED OF ALL VEGETATION, ROOTS, AND OTHER OBJECTIONABLE MATERIAL. AN FILTER FABRIC UNDERLINER WILL THEN BE PLACED THE FULL WIDTH AND LENGTH OF THE ENTRANCE.

4. WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON AN AREA STABILIZED WITH STONE AND WHICH DRAINS INTO AN APPROVED SEDIMENT TRAPPING DEVICE.

5. THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOW OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE OR THE WASHING AND REWORKING OF EXISTING STONE AS CONDITIONS DEMAND AND REPAIR AND/OR CLEANOUT OF ANY STRUCTURES USED TO TRAP SEDIMENT. ALL MATERIALS SPILLED, DROPPED, WASHED, OR TRACKED FROM VEHICLES ONTO ROADWAYS OR INTO STORM DRAINS MUST BE REMOVED IMMEDIATELY. THE USE OF WATER TRUCKS TO REMOVE MATERIALS DROPPED, WASHED, OR TRACKED ONTO ROADWAYS WILL NOT BE PERMITTED UNDER ANY CIRCUMSTANCES.

6. REFER TO L.S.P. 176 AND CHAPTER 8 AND 9 OF THE CITY OF LINCOLN DRAINAGE CRITERIA MANUAL FOR ADDITION INFORMATION ON SEDIMENT AND EROSION CONTROL MEASURES.

SILT FENCE NOTES:

1. THE FILTER FABRIC SHALL BE PURCHASED IN A CONTINUOUS ROLL CUT TO THE LENGTH OF THE BARRIER TO AVOID THE USE OF JOINTS. WHEN JOINTS ARE UNAVOIDABLE, FILTER CLOTH SHALL BE SPLICED TOGETHER ONLY AT A SUPPORT POST WITH A MINIMUM 6 INCH OVERLAP, AND SECURELY SEALED.

2. CLOSE ATTENTION SHALL BE PAID TO THE REPAIR OF DAMAGED SILT FENCE RESULTING FROM END RUNS AND UNDERCUTTING.

3. SHOULD THE FABRIC ON A SILT FENCE DECOMPOSE OR BECOME INEFFECTIVE PRIOR TO THE END OF THE EXPECTED USABLE LIFE AND THE BARRIER IS STILL NECESSARY, THE FABRIC SHALL BE REPLACED PROMPTLY.

4. SEDIMENT DEPOSITS SHALL BE REMOVED AFTER EACH RAINFALL. THEY MUST BE REMOVED WHEN THE LEVEL OF DEPOSITION REACHES APPROXIMATELY ONE HALF THE HEIGHT OF THE BARRIER.

5. ANY SEDIMENT DEPOSITS REMAINING IN PLACE AFTER THE SILT FENCE IS NO LONGER REQUIRED SHALL BE DRESSED TO CONFORM TO THE EXISTING GRADE, PREPARED, AND SEEDED.

6. REFER TO L.S.P. 176 AND CHAPTER 8 AND 9 OF THE CITY OF LINCOLN DRAINAGE CRITERIA MANUAL FOR ADDITIONAL INFORMATION ON SEDIMENT AND EROSION CONTROL MEASURES.

GENERAL NOTES:

1.) THE ENTRANCE WILL BE SIGNED AND GATED.

2.) OPERATING HOURS SHALL BE LIMITED TO DAYLIGHT HOURS MONDAY THROUGH SATURDAY.

3.) HIGHWAY 34 SHALL BE MAINTAINED ON A REGULAR BASIS DURING OPERATIONS AND BE FREE OF MUD AND/OR CLODS OF DIRT.

4.) PROPER EROSION CONTROL AND DRAINAGE SHALL BE MAINTAINED AT ALL TIMES TO PREVENT ANY DAMAGE TO HIGHWAY 34.

5.) ACCESS SHALL BE LIMITED TO ONE LOCATION ONLY WHICH IS CURRENTLY THE EXISTING DRIVEWAY.

6.) WARNING SIGNS SHALL BE POSTED ALONG HIGHWAY 34 DURING HAULING, WARNING TRAFFIC OF TRUCKS ENTERING.

7.) THE LAND WILL BE RECLAIMED IN CONFORMANCE WITH USDA "FARM BILL COMPLIANCE".

8.) THE DEVELOPER WILL BE RESPONSIBLE FOR CONTROLLING OFF-SITE DUST EMISSIONS IN ACCORDANCE WITH LINCOLN-LANCASTER COUNTY AIR POLLUTION REGULATIONS AND STANDARDS ARTICLE 2, SECTION 32. DUST CONTROL MEASURES SHALL INCLUDE, BUT NOT BE LIMITED TO, APPLICATIONS OF WATER OR OTHER DUST SUPPRESSION CHEMICALS.

9.) ANY RELOCATION OF EXISTING FACILITIES WILL BE AT THE OWNER/DEVELOPER'S EXPENSE.

10.) TOP SOIL STORAGE TO BE BERMED ALONG NORTHEAST TO A HEIGHT THAT EFFECTIVELY SCREENS THE VIEW OF MINING OPERATIONS FROM THOSE TRAVELING ALONG HIGHWAY 34.

TEMPORARY DIVERSION DIKE NOTES:

1. TEMPORARY DIVERSION DIKES MUST BE INSTALLED AS A FIRST STEP IN THE LAND DISTURBING ACTIVITY AND MUST BE FUNCTIONAL PRIOR TO UPSLOPE LAND DISTURBANCE.

2. THE DIKE SHALL BE ADEQUATELY COMPACTED TO PREVENT FAILURE.

3. TEMPORARY OR PERMANENT SEEDING AND MULCH SHALL BE APPLIED TO THE DIKE IMMEDIATELY FOLLOWING ITS INSTALLATION.

4. THE DIKE SHOULD BE LOCATED TO MINIMIZE DAMAGES BY CONSTRUCTION OPERATIONS AND TRAFFIC.

MAINTENANCE:

THE MEASURE SHALL BE INSPECTED AFTER EVERY STORM AND REPAIRS MADE TO THE DIKE, FLOW CHANNEL, OUTLET OR SEDIMENT TRAPPING FACILITY, AS NECESSARY. ONCE EVERY TWO WEEKS, WEATHER A STORM EVENT HAS OCCURRED OR NOT, THE MEASURE SHALL BE INSPECTED AND REPAIRS MADE IF NEEDED. DAMAGES CAUSED BY CONSTRUCTION TRAFFIC OR OTHER ACTIVITY MUST BE REPAIRED BEFORE THE END OF EACH WORKING DAY.

TEMPORARY DIVERSION DIKE

APPROXIMATE EXCAVATION VOLUME
NET HAUL OFF
160,000 CY

GENERAL EROSION CONTROL NOTES:

1.) AREA OF LAND DISTURBANCE: 19.00 ACRES, MORE OR LESS IN A SITE ENCOMPASSING 47.63 ACRES, MORE OR LESS.

2.) ALL EROSION CONTROL MEASURES AS OUTLINED IN THIS PLAN SHALL BE INSTALLED AND IN OPERATIONAL ORDER PRIOR TO THE BEGINNING OF SITE GRADING.

3.) WHEN AN EROSION CONTROL STRUCTURE IS DISMANTLED TO FACILITATE ORDERLY CONSTRUCTION AND/OR GRADING, THE ENTIRE STRUCTURE SHALL BE REASSEMBLED AND OPERATIONAL BEFORE WORK IS FINISHED ON THAT DAY.

4.) ALL STRUCTURES SHALL BE INSPECTED AFTER EACH RAIN AND REPAIRED AS NECESSARY, INCLUDING BUT NOT LIMITED TO THE REMOVAL OF EXCESS SEDIMENT BUILDUP. THE GRADING CONTRACTOR WILL BE RESPONSIBLE FOR THE UP KEEP AND INSPECTION OF THE INITIAL EROSION CONTROL MEASURES FOR A PERIOD OF ONE YEAR AFTER FINAL SEEDING HAS BEEN COMPLETED, OR APPROVAL OF THE ENGINEER IS ACQUIRED.

5.) A DISTURBED AREA MUST BE SEEDED, FERTILIZED, & MULCHED IF ACTUAL EARTH MOVING ACTIVITIES ARE NOT TO BE PERFORMED ON AN AREA FOR MORE THAN SEVEN (7) DAYS.

6.) UPON COMPLETION OF SITE GRADING THE ENTIRE SITE SHALL BE LEFT CLEAR OF DEBRIS, CLEAN GRADED, FERTILIZED, SEEDED, AND MULCHED ACCORDING TO SEEDING SPECIFICATIONS, OR AS APPROVED BY OWNER.

7.) UNLESS OTHERWISE INDICATED, ALL VEGETATIVE AND STRUCTURAL EROSION AND SEDIMENT CONTROL PRACTICES AND STORM WATER MANAGEMENT PRACTICES WILL BE CONSTRUCTED AND MAINTAINED ACCORDING TO THE MINIMUM STANDARDS AND SPECIFICATIONS OF THE LINCOLN DRAINAGE CRITERIA MANUAL, DATED MAY, 2004, AND APPROVED SUPPLEMENTS.

8.) ALL SEDIMENT AND EROSION CONTROL PRACTICES WILL BE INSPECTED AT LEAST ONCE EVERY FOURTEEN (14) CALENDAR DAYS AND WITHIN 24 HOURS AFTER A STORM EVENT OF GREATER THAN 0.5 INCHES OF PRECIPITATION BY RESPONSIBLE PERSONNEL. ANY NECESSARY REPAIRS OR CLEANUP TO MAINTAIN THE EFFECTIVENESS OF THE BEST MANAGEMENT PRACTICES SHALL BE MADE IMMEDIATELY.

9.) FOLLOWING SOIL DISTURBANCE, PERMANENT OR TEMPORARY STABILIZATION SHALL BE COMPLETED WITHIN SEVEN (7) CALENDAR DAYS TO THE SURFACE OF ALL PERIMETER CONTROLS, TOPSOIL STOCKPILES, AND ANY OTHER DISTURBED OR GRADED AREAS ON THE PROJECT SITE WHICH ARE NOT BEING USED FOR MATERIAL STORAGE, OR ON WHICH ACTUAL EARTH MOVING ACTIVITIES ARE NOT BEING PERFORMED.

TEMPORARY SEEDING SPECIFICATIONS:

	MINIMUM PURITY (%)	APPROVED MECH. DRILL APPLICATION RATE IN LB. OF PURE LIVE SEED/ACRE
ALTERNATE NO. 1		
OATS	90	45
ALTERNATE NO. 2		
NRD COOL SEASON #4 SEED MIX		50
1/3 FAWN FESCUE	85	
1/3 PERENNIAL RYE	80	
1/3 SMOOTH BROME	85	

FERTILIZER-200 LBS/ACRE OF 16-48-0 OR 18-46-0 OR 11-52-0
MULCH-2 TONS/ACRE OF PRAIRIE HAY OR 2.25 TONS/ACRE OF STRAW. NO BROME HAY.

NOTES: DEVELOPER SHALL HAVE THE OPTION TO USE THE ABOVE NOTED MIXES OR AN ALTERNATIVE IF APPROVED PRIOR TO PLACEMENT BY THE LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT.

PERMANENT SEEDING SPECIFICATIONS:

	MINIMUM PURITY (%)	APPROVED MECH. DRILL APPLICATION RATE IN LB. OF PURE LIVE SEED/ACRE
NATIVE GRASS SEED MIX		
PERENNIAL RYEGRASS-LINN	85	6
WESTERN WHEATGRASS-FLINTLOCK	85	8
SIDEOATS GRAMA-TRAILWAY	75	4
LITTLE BLUESTEM-CAMPER	45	3
SAND LOVEGRASS-NATIVE	90	1.5
BLUE GRAMA-NEMAGO	35	2
BLUE FLAX	90	3
BLACK-EYED SUSAN	90	1
RED CLOVER-OX INOCULATION	90	2
PARTRIDGE PEA-PLATTE	90	0.25
OATS	90	12
NRD COOL SEASON #4 SEED MIX		50
1/3 FAWN FESCUE	85	
1/3 PERENNIAL RYE	80	
1/3 SMOOTH BROME	85	

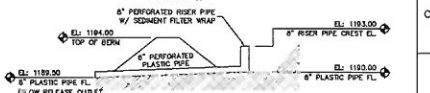
FERTILIZER-200 LBS/ACRE OF 16-48-0 OR 18-46-0 OR 11-52-0
MULCH-2 TONS/ACRE OF PRAIRIE HAY OR 2.25 TONS/ACRE OF STRAW. NO BROME HAY.

MULCH-2 TONS/ACRE OF PRAIRIE HAY OR 2.25 TONS/ACRE OF STRAW. NO BROME HAY.

NOTES: DEVELOPER SHALL HAVE THE OPTION TO USE THE ABOVE NOTED MIXES OR AN ALTERNATIVE IF APPROVED PRIOR TO PLACEMENT BY THE LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT.

D.A. = 8 ac.
Storage Required = 134 cu. yds./ac.
= 134 x 8 = 1100 cu. yds.
= 25,000 cu. ft.
Storage Shown = 38,000 cu. ft.

SEDIMENT BASIN #1 CROSS-SECTION
NOT TO SCALE



D.A. = 11 ac.
Storage Required = 134 cu. yds./ac.
= 134 x 11 = 1500 cu. yds.
= 40,000 cu. ft.
Storage Shown = 58,000 cu. ft.

NOT TO SCALE

SEDIMENT BASIN #2 CROSS-SECTION

VICINITY MAP
NO SCALE

OWNER:
JOHN ZAKOVEC
6825 NW 48TH STREET
LINCOLN, NE 68524
(402) 470-2450

ENGINEER:
DALE M. SMITH
ENGINEERING SURVEYING PLANNING
601 OLD CHENEY RD, SUITE "A"
LINCOLN, NE 68512
(402) 421-2500

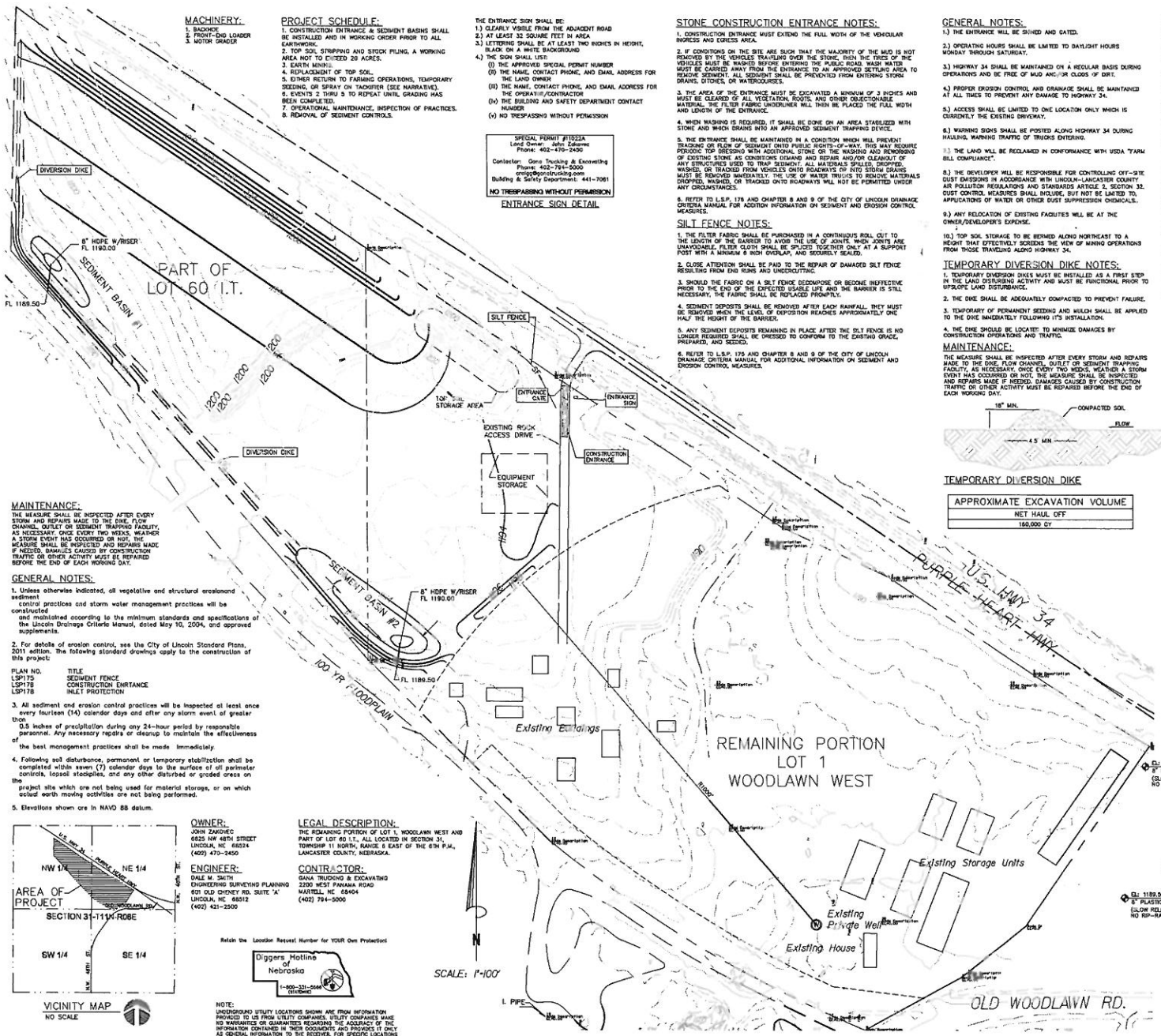
LEGAL DESCRIPTION:
THE REMAINING PORTION OF LOT 1, WOODLAWN WEST AND PART OF LOT 60 I.T., ALL LOCATED IN SECTION 31, TOWNSHIP 11 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA.

CONTRACTOR:
GANA TRUCKING & EXCAVATING
2200 WEST PANAMA ROAD
MARTELL, NE 68404
(402) 794-5000

Retain the Location Request Number for YOUR Own Protection!

Diggers Hotline of Nebraska
1-800-331-5666 (STATEWIDE)

NOTE:
UNDERGROUND UTILITY LOCATIONS SHOWN ARE FROM INFORMATION PROVIDED TO US FROM UTILITY COMPANIES. UTILITY COMPANIES MAKE NO WARRANTIES OR GUARANTEES REGARDING THE ACCURACY OF THE INFORMATION CONTAINED IN THEIR DOCUMENTS AND PROVIDES IT ONLY AS GENERAL INFORMATION TO THE RECEIVER. FOR SPECIFIC LOCATIONS DURING CONSTRUCTION CALL "DIGGERS HOTLINE" 1-800-331-5666 (STATEWIDE) PRIOR TO DIGGING.



NO.	DESCRIPTION	DATE	BY

REVISIONS

PROJECT
161092

REGA
ENGINEERING GROUP, INC.
601 OLD CHENEY RD., SUITE A
LINCOLN, NEBRASKA 68512
(402) 484.7342
- ENGINEERING
- PLANNING
- LAND SURVEYING

WOODLAWN WEST
SOIL EXTRACTION SPECIAL PERMIT # 11022E
LINCOLN, NEBRASKA

DATE: 04/11/2016
DESIGNED BY: JB/NB
DRAWN BY: JB/NB
CHECKED BY: LL/DR

THIS DOCUMENT WAS ORIGINALLY ISSUED AND SEALED BY LYLE L. LOTH, E-3137 ON 04.18.16 THIS MEDIA SHOULD NOT BE CONSIDERED A CERTIFIED DOCUMENT.

SHEET NO.
1 of 1

MAINTENANCE:

THE MEASURE SHALL BE INSPECTED AFTER EVERY STORM AND REPAIRS MADE TO THE DIKE, FLOW CHANNEL, OUTLET OR SEDIMENT TRAPPING FACILITY, AS NECESSARY. ONCE EVERY TWO WEEKS, WEATHER A STORM EVENT HAS OCCURRED OR NOT, THE MEASURE SHALL BE INSPECTED AND REPAIRS MADE IF NEEDED. DAMAGES CAUSED BY CONSTRUCTION TRAFFIC OR OTHER ACTIVITY MUST BE REPAIRED BEFORE THE END OF EACH WORKING DAY.

GENERAL NOTES:

1. Unless otherwise indicated, all vegetative and structural erosionand sediment control practices and storm water management practices will be constructed and maintained according to the minimum standards and specifications of the Lincoln Drainage Criteria Manual, dated May 10, 2004, and approved supplements.

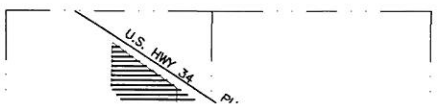
2. For details of erosion control, see the City of Lincoln Standard Plans, 2011 edition. The following standard drawings apply to the construction of this project:

PLAN NO.	TITLE
LSP175	SEDIMENT FENCE
LSP176	CONSTRUCTION ENRTANCE
LSP178	INLET PROTECTION

3. All sediment and erosion control practices will be inspected at least once every fourteen (14) calendar days and after any storm event of greater than 0.5 inches of precipitation during any 24-hour period by responsible personnel. Any necessary repairs or cleanup to maintain the effectiveness of the best management practices shall be made immediately.

4. Following soil disturbance, permanent or temporary stabilization shall be completed within seven (7) calendar days to the surface of all perimeter controls, topsoil stockpiles, and any other disturbed or graded areas on the project site which are not being used for material storage, or on which actual earth moving activities are not being performed.

5. Elevations shown are in NAVD 88 datum.

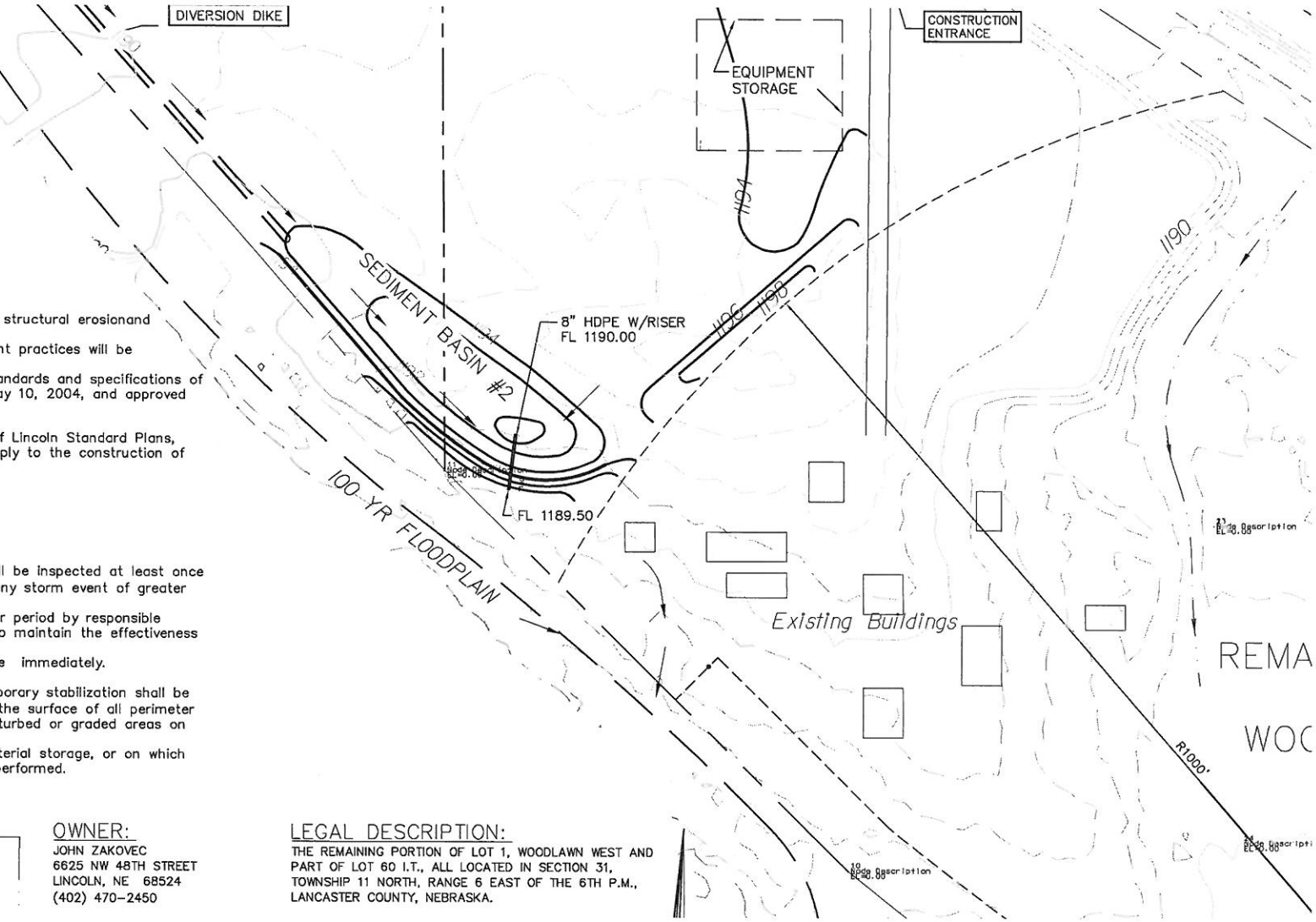


OWNER:

JOHN ZAKOVEC
6625 NW 48TH STREET
LINCOLN, NE 68524
(402) 470-2450

LEGAL DESCRIPTION:

THE REMAINING PORTION OF LOT 1, WOODLAWN WEST AND PART OF LOT 60 I.T., ALL LOCATED IN SECTION 31, TOWNSHIP 11 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA.



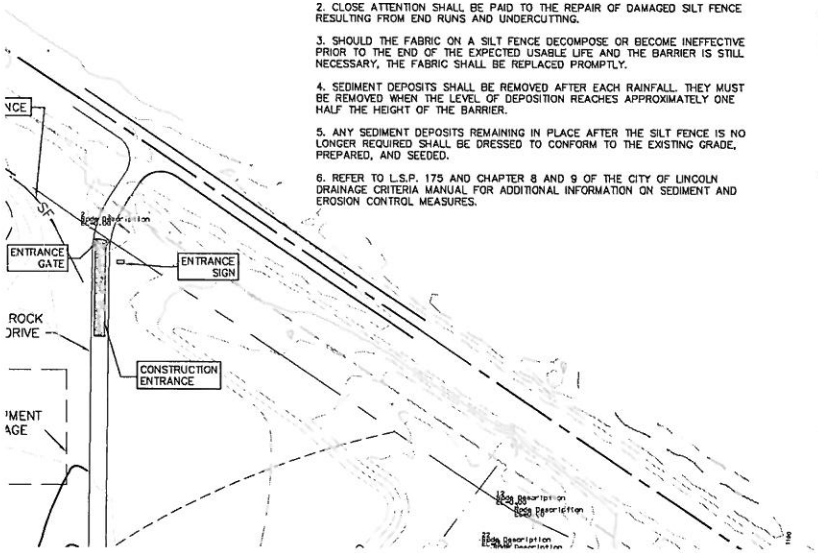
E SIGN SHALL BE:
/ISIBLE FROM THE ADJACENT ROAD
32 SQUARE FEET IN AREA
SHALL BE AT LEAST TWO INCHES IN HEIGHT,
A WHITE BACKGROUND
SHALL LIST:
PPROVED SPECIAL PERMIT NUMBER
NAME, CONTACT PHONE, AND EMAIL ADDRESS FOR
LAND OWNER
NAME, CONTACT PHONE, AND EMAIL ADDRESS FOR
OPERATOR/CONTRACTOR
BUILDING AND SAFETY DEPARTMENT CONTACT
BER
RESPASSING WITHOUT PERMISSION

SPECIAL PERMIT #11022A
and Owner: John Zakovec
Phone: 402-470-2450

or: Gana Trucking & Excavating
Phone: 402-794-5000
craigg@ganatrucking.com
& Safety Department: 441-7061

PASSING WITHOUT PERMISSION

TRANCE SIGN DETAIL



STONE CONSTRUCTION ENTRANCE NOTES:

1. CONSTRUCTION ENTRANCE MUST EXTEND THE FULL WIDTH OF THE VEHICULAR INGRESS AND EGRESS AREA.

2. IF CONDITIONS ON THE SITE ARE SUCH THAT THE MAJORITY OF THE MUD IS NOT REMOVED BY THE VEHICLES TRAVELING OVER THE STONE, THEN THE TIRES OF THE VEHICLES MUST BE WASHED BEFORE ENTERING THE PUBLIC ROAD. WASH WATER MUST BE CARRIED AWAY FROM THE ENTRANCE TO AN APPROVED SETTLING AREA TO REMOVE SEDIMENT. ALL SEDIMENT SHALL BE PREVENTED FROM ENTERING STORM DRAINS, DITCHES, OR WATERCOURSES.

3. THE AREA OF THE ENTRANCE MUST BE EXCAVATED A MINIMUM OF 3 INCHES AND MUST BE CLEARED OF ALL VEGETATION, ROOTS, AND OTHER OBJECTIONABLE MATERIAL. THE FILTER FABRIC UNDERLINER WILL THEN BE PLACED THE FULL WIDTH AND LENGTH OF THE ENTRANCE.

4. WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON AN AREA STABILIZED WITH STONE AND WHICH DRAINS INTO AN APPROVED SEDIMENT TRAPPING DEVICE.

5. THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOW OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE OR THE WASHING AND REWORKING OF EXISTING STONE AS CONDITIONS DEMAND AND REPAIR AND/OR CLEANOUT OF ANY STRUCTURES USED TO TRAP SEDIMENT. ALL MATERIALS SPILLED, DROPPED, WASHED, OR TRACKED FROM VEHICLES ONTO ROADWAYS OR INTO STORM DRAINS MUST BE REMOVED IMMEDIATELY. THE USE OF WATER TRUCKS TO REMOVE MATERIALS DROPPED, WASHED, OR TRACKED ONTO ROADWAYS WILL NOT BE PERMITTED UNDER ANY CIRCUMSTANCES.

6. REFER TO L.S.P. 176 AND CHAPTER 8 AND 9 OF THE CITY OF LINCOLN DRAINAGE CRITERIA MANUAL FOR ADDITION INFORMATION ON SEDIMENT AND EROSION CONTROL MEASURES.

SILT FENCE NOTES:

1. THE FILTER FABRIC SHALL BE PURCHASED IN A CONTINUOUS ROLL CUT TO THE LENGTH OF THE BARRIER TO AVOID THE USE OF JOINTS. WHEN JOINTS ARE UNAVOIDABLE, FILTER CLOTH SHALL BE SPLICED TOGETHER ONLY AT A SUPPORT POST WITH A MINIMUM 6 INCH OVERLAP, AND SECURELY SEALED.

2. CLOSE ATTENTION SHALL BE PAID TO THE REPAIR OF DAMAGED SILT FENCE RESULTING FROM END RUNS AND UNDERCUTTING.

3. SHOULD THE FABRIC ON A SILT FENCE DECOMPOSE OR BECOME INEFFECTIVE PRIOR TO THE END OF THE EXPECTED USABLE LIFE AND THE BARRIER IS STILL NECESSARY, THE FABRIC SHALL BE REPLACED PROMPTLY.

4. SEDIMENT DEPOSITS SHALL BE REMOVED AFTER EACH RAINFALL. THEY MUST BE REMOVED WHEN THE LEVEL OF DEPOSITION REACHES APPROXIMATELY ONE HALF THE HEIGHT OF THE BARRIER.

5. ANY SEDIMENT DEPOSITS REMAINING IN PLACE AFTER THE SILT FENCE IS NO LONGER REQUIRED SHALL BE DRESSED TO CONFORM TO THE EXISTING GRADE, PREPARED, AND SEEDED.

6. REFER TO L.S.P. 175 AND CHAPTER 8 AND 9 OF THE CITY OF LINCOLN DRAINAGE CRITERIA MANUAL FOR ADDITIONAL INFORMATION ON SEDIMENT AND EROSION CONTROL MEASURES.

GENERAL NOTES:

1.) THE ENTRANCE WILL BE SIGNED AND GATED.

2.) OPERATING HOURS SHALL BE LIMITED TO DAYLIGHT HOURS MONDAY THROUGH SATURDAY.

3.) HIGHWAY 34 SHALL BE MAINTAINED ON A REGULAR BASIS DURING OPERATIONS AND BE FREE OF MUD AND/OR CLODS OF DIRT.

4.) PROPER EROSION CONTROL AND DRAINAGE SHALL BE MAINTAINED AT ALL TIMES TO PREVENT ANY DAMAGE TO HIGHWAY 34.

5.) ACCESS SHALL BE LIMITED TO ONE LOCATION ONLY WHICH IS CURRENTLY THE EXISTING DRIVEWAY.

6.) WARNING SIGNS SHALL BE POSTED ALONG HIGHWAY 34 DURING HAULING, WARNING TRAFFIC OF TRUCKS ENTERING.

7.) THE LAND WILL BE RECLAIMED IN CONFORMANCE WITH USDA "FARM BILL COMPLIANCE".

8.) THE DEVELOPER WILL BE RESPONSIBLE FOR CONTROLLING OFF-SITE DUST EMISSIONS IN ACCORDANCE WITH LINCOLN-LANCASTER COUNTY AIR POLLUTION REGULATIONS AND STANDARDS ARTICLE 2, SECTION 32. DUST CONTROL MEASURES SHALL INCLUDE, BUT NOT BE LIMITED TO, APPLICATIONS OF WATER OR OTHER DUST SUPPRESSION CHEMICALS..

9.) ANY RELOCATION OF EXISTING FACILITIES WILL BE AT THE OWNER/DEVELOPER'S EXPENSE.

10.) TOP SOIL STORAGE TO BE BERMED ALONG NORTHEAST TO A HEIGHT THAT EFFECTIVELY SCREENS THE VIEW OF MINING OPERATIONS FROM THOSE TRAVELING ALONG HIGHWAY 34.

TEMPORARY DIVERSION DIKE NOTES:

1. TEMPORARY DIVERSION DIKES MUST BE INSTALLED AS A FIRST STEP IN THE LAND DISTURBING ACTIVITY AND MUST BE FUNCTIONAL PRIOR TO UPSLOPE LAND DISTURBANCE.

2. THE DIKE SHALL BE ADEQUATELY COMPACTED TO PREVENT FAILURE.

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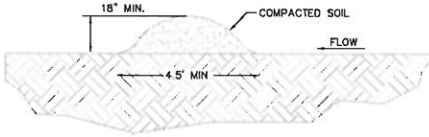

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APPROXIMATE EXCAVATION VOLUME
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1.) AREA OF LAND DISTURBANCE: 19.00 ACRES, MORE OR LESS IN A SITE ENCOMPASSING 47.63 ACRES, MORE OR LESS.

2.) ALL EROSION CONTROL MEASURES AS OUTLINED IN THIS PLAN SHALL BE INSTALLED AND IN OPERATIONAL ORDER PRIOR TO THE BEGINNING OF SITE GRADING.

3.) WHEN AN EROSION CONTROL STRUCTURE IS DISMANTLED TO FACILITATE ORDERLY CONSTRUCTION AND/OR GRADING, THE ENTIRE STRUCTURE SHALL BE REASSEMBLED AND OPERATIONAL BEFORE WORK IS FINISHED ON THAT DAY.

4.) ALL STRUCTURES SHALL BE INSPECTED AFTER EACH RAIN AND REPAIRED AS NECESSARY, INCLUDING BUT NOT LIMITED TO THE REMOVAL OF EXCESS SEDIMENT BUILDUP. THE GRADING CONTRACTOR WILL BE RESPONSIBLE FOR THE UP KEEP AND INSPECTION OF THE INITIAL EROSION CONTROL MEASURES FOR A PERIOD OF ONE YEAR AFTER FINAL SEEDING HAS BEEN COMPLETED, OR APPROVAL OF THE ENGINEER IS ACQUIRED.

5.) A DISTURBED AREA MUST BE SEEDED, FERTILIZED, & MULCHED IF ACTUAL EARTH MOVING ACTIVITIES ARE NOT TO BE PERFORMED ON AN AREA FOR MORE THAN SEVEN (7) DAYS.

6.) UPON COMPLETION OF SITE GRADING THE ENTIRE SITE SHALL BE LEFT CLEAR OF DEBRIS, CLEAN GRADED, FERTILIZED, SEEDED, AND MULCHED ACCORDING TO SEEDING SPECIFICATIONS OR AS APPROVED BY OWNER.

7.) UNLESS OTHERWISE INDICATED, ALL VEGETATIVE AND STRUCTURAL EROSION AND SEDIMENT CONTROL PRACTICES AND STORM WATER MANAGEMENT PRACTICES WILL BE CONSTRUCTED AND MAINTAINED ACCORDING TO THE MINIMUM STANDARDS AND SPECIFICATIONS OF THE LINCOLN DRAINAGE CRITERIA MANUAL, DATED MAY, 2004, AND APPROVED SUPPLEMENTS.

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	MINIMUM PURITY (%)	APPROVED MECH. DRILL APPLICATION RATE IN LB. OF PURE LIVE SEED/ACRE
ALTERNATE NO. 1		
OATS	90	45
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1/3 FAWN FESCUE	85	
1/3 PERENNIAL RYE	80	
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FERTILIZER-200 LBS/ACRE OF 16-48-0 OR 18-40-0 OR 11-52-0
MULCH-2 TONS/ACRE OF PRAIRIE HAY OR 2.25 TONS/ACRE OF STRAW. NO BROME HAY.

NOTES: DEVELOPER SHALL HAVE THE OPTION TO USE THE ABOVE NOTED MIXES OR AN ALTERNATIVE. IF APPROVED PRIOR TO PLACEMENT BY THE LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT.

PERMANENT SEEDING SPECIFICATIONS:

	MINIMUM PURITY (%)	APPROVED MECH. DRILL APPLICATION RATE IN LB. OF PURE LIVE SEED/ACRE
NATIVE GRASS SEED MIX		
PERENNIAL RYEGRASS-LINN	85	5
WESTERN WHEATGRASS-FUNTLOCK	85	8

PROJECT
161092

NO.	DESCRIPTION	DATE	BY

REVISIONS

REGA
ENGINEERING GROUP, INC.
601 OLD CHENEY RD., SUITE A
LINCOLN, NEBRASKA 68512
(402).484.7342
- ENGINEERING
- PLANNING
- LAND SURVEYING

WEST
AL PERMIT # 11022E
BRASKA

REGA
ENGINEERING
GROUP, INC.

REGA # 161092
April 15, 2016

Mr. David Cary
Acting Director of Planning
Tom Cajka, Planner
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508

RE: Woodlawn West Mining Permit
Old Woodlawn Road and Hwy 34

Dear David,

On behalf of Gana Trucking, we are submitting a soil extraction mining permit for review. A previous mining permit has been issued for the previous three years, however that has recently expired. The special permit # was 11022A.

The project area is located approximately at Old Woodlawn Road and Highway 34 and consists of 19.0 acres of disturbed area. The Special Permit includes the remaining portion of Lot 1, Woodlawn West and part of Lot 60 Irregular Tract, located in Section 31, Township 11 North, Range 6 East, of the 6th P.M., Lancaster County.

The contractor's intent is to return the disturbed area to agricultural purposes upon completion of soil extraction. The CSW-11B212 is current for the job and can be found on-site. The net excavated amount of material is approximately 160,000 cubic yards.

Please contact me if you have any questions or comments.

Sincerely,

Joe Brakenhoff

Joe Brakenhoff
Cc: Gana Trucking
Enclosures: Special Permit Application
Application Fee of $972.00

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for MAY 25, 2016 PLANNING COMMISSION MEETING

PROJECT #: Special Permit No. 16001

PROPOSAL: A request per Section 27.63.320 for Cottonwood Ridge Community Unit Plan.

LOCATION: S. 68th Street and Saltillo Road

LAND AREA: 153.95 acres, more or less

EXISTING ZONING: AG Agriculture

WAIVER /MODIFICATION REQUEST:
1. Sanitary sewer mains running opposite to street grade.
2. The grading requirement for the Urban Reserve Component.
3. To show the conversion plan for Acreage lots that are over one-third acre.

CONCLUSION: The special permit for a Community Unit Plan is in conformance with the 2040 Comprehensive Plan.

RECOMMENDATION:		Conditional Approval
Waivers		
1.	Sanitary sewer mains running opposite to street grade.	Approval
2.	The grading requirement for the Urban Reserve Component.	Approval
3.	To show the conversion plan for Acreage lots that are over one-third acre.	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 4, 23 and 25 located in the NE 1/4 of Section 4, Township 8 North, Range 7 East, Lancaster County, NE

EXISTING LAND USE: Agricultural

SURROUNDING LAND USE AND ZONING:

North:	AG Agriculture	Farmland
	AGR Agriculture Residential	Single family on acreage lots

South:	AG Agriculture	Farmland
East:	AG Agriculture	Farmland
West:	AG Agriculture	Farmland
	AGR Agriculture Residential	Single family on acreage lots

ASSOCIATED APPLICATIONS:
SP#16004 for soil excavation

COMPREHENSIVE PLAN SPECIFICATIONS:
Neighborhoods and Housing: Guiding Principles (p. 7.2)

- Provide a wide variety of housing types and choices for an increasingly diverse and aging population
- Encourage acreages to develop in appropriate areas and preserve farmland.

Neighborhoods and Housing: Rural Areas (p. 7.12)
Clustering lots in one portion of a development site, while preserving both farmland and environmental resources on the remainder, should continue to be encouraged in agriculturally-zoned areas.

UTILITIES: This site is located within Rural Water District No.1. A package plant is proposed for wastewater.

TRAFFIC ANALYSIS: Saltillo Road is a paved County road and is classified as a minor arterial. South 68th Street is a local County road.

PUBLIC SERVICE: This area is served by Hickman Rural Fire District and the Lancaster County Sherif. This is in the Norris Public Power District and the Norris School District.

REGIONAL ISSUES: Loss of farmland.

ENVIRONMENTAL CONCERNS: This is not prime farmland. The National Wetlands Inventory identifies wetlands on the eastern portion of the property.

ANALYSIS:

1. This request is for a special permit for a Community Unit Plan with Build Through to cluster 11 lots on 154 acres. The site is located southwest of the intersection of Saltillo Road and S. 68th Street. The lots vary in size from 1 to 1.3 acres.

2. The proposed site plan for the CUP is to allow up to 11 lots/dwelling units. Required to meet build-through (BTA) standards, the plan shows how the urban reserve component can be further subdivided at such time as the property is annexed and can be served by the full range of City services. The acreage component is situated so that the area around it can develop with urban sized lots and not impact the acreage lots.

3. The development will utilize a community wastewater system. City standard sewer mains shall be installed in the acreage development component. Water will be supplied by Lancaster County Rural Water District No.1. Water pressure is anticipated to be in the range of 40-74 psi.

4. All of the streets shall be public with 6" concrete pavement with roll over curbs.

5. The South Beltway is proposed along the southern portion of this site. Nebraska Department of Roads (NDOR) does not object to this application due to the platting and initial grading being outside of the corridor protection area.

6. The applicant has requested a waiver of showing build through for the acreage lots. Lots larger than one third (1/3) acre are required to show build through.
Each lot would show 2 building envelopes. The house would have to be placed within one of the building envelopes. The other building envelope is reserved for future development after annexation by the City. The waiver is acceptable because showing building envelopes on the lot has presented problems in the past. Many times the lot owner will want to build their house in a different location than the building envelopes will allow or the house is too large to fit within the building envelope. Experience has shown has found that generally lots that are 1 to 1.5 acres are not further subdivided, so the need for building envelopes is not needed.

7. The applicant has requested a waiver for grading the entire urban reserve component. The grading plan does include the area immediately adjacent to the acreage lots. To develop the area further south, a revised grading plan would be required. This waiver is acceptable.

8. The acreage lots shall have sidewalks and are planned for future urban water and sanitary sewer service.

CONDITIONS OF APPROVAL:

Per Section 27.63.320 this approval permits a Community Unit Plan for 11 dwelling units with waivers to sanitary sewer running opposite street grades, for the BTA grading requirement and to the conversion plan for lots over one-third acre.

Site Specific Conditions:

1. Before a final plat is approved the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including **3** copies with all required revisions and documents as listed below:

    1.1 Make corrections to the satisfaction of the County Engineer

1.2 Make corrections to the satisfaction of Public Works and Utilities Watershed Management.

1.3 In Note 2 delete the rest of the sentence after “located within ...”

1.4 Delete Note 24 since it repeats Note 21.

1.5 Show a pedestrian easement in a separate outlot from Outlot B. Revise Notes 20 and 25 to reflect the correct outlots for the future urban developer.

1.6 Change AGR to AG in the Density Calculation

1.7 Correct the waivers listed to match the submittal letter.

1.8 Change the street name of Sunflower as it is already in use.

1.9 Change the name “Drive A” to S.63rd Street or another numbered street to the satisfaction of Building and Safety.

1.10 If Outlot A is only for the drainage, delete “and future development.”

2. Before a final plat is approved 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. Final plat(s) is/are approved by the City.

If any final plat on all or a portion of the approved community unit plan is submitted five (5) years or more after the approval of the community unit plan, the city may require that a new community unit plan be submitted, pursuant to all the provisions of section 26.31.015. A new community unit plan may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the community unit plan as originally approved does not comply with the amended rules and regulations.

Before the approval of a final plat, the public streets, private roadway improvements, sidewalks, public sanitary sewer system, public water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs, must be completed or provisions (bond, escrow or security agreement) to guarantee

completion must be approved by the City Law Department. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance.

If a community wastewater system and/or community water system is proposed, the final plat cannot be approved until documentation that the community wastewater system and community water system necessary to serve every lot in the final plat has been completed and approved by the appropriate agency.

No final plat shall be approved until the Permittee, as subdivider, enters into an agreement with the City whereby Permittee agrees:

to complete the street paving of public streets**,** and temporary turnarounds and barricades located at the temporary dead-end of the streets shown on the final plat within two (2) years following the approval of the final plat.

to complete the installation of sidewalks along both sides of Sunflower Way, S. 62nd Street and S. 63rd Street (Drive A) from the north lot line of Lot 3, Block 1 as shown on the final plat within four (4) years following the approval of the final plat.

to complete the public wastewater collection system to serve this plat within two (2) years following the approval of the final plat.

to complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of the final plat

to complete the planting of the street trees along Sunflower Way, S. 62nd Street and S. 63rd Street (Drive A) within this plat within six (6) years following the approval of the final plat.

to complete the installation of the street name signs within two (2) years following the approval of the final plat.

to complete the installation of the permanent markers prior to construction on or conveyance of any lot in the plat.

to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.

to submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize

all graded land for approval.

to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

to complete the public and private improvements shown on the Community Unit Plan.

to keep taxes and special assessments on the outlots from becoming delinquent.

to maintain the outlots on a permanent and continuous basis.

to maintain the plants in the medians and islands, including replacement and replanting as reasonably necessary, on a permanent and continuous basis.

to maintain the private facilities which have common use or benefit in good order and condition and state of repair, including the routine and reasonable preventive maintenance of the private facilities, on a permanent and continuous basis.

to recognize that there may be additional maintenance issues or costs associated with the proper functioning of storm water detention/retention facilities as they were designed and construction within the development and that these additional maintenance issues or costs are the responsibility of the Permittee.

to maintain County roads in good order and condition, including repair and replacement of paving as reasonably necessary, until the County Board specifically accepts the maintenance.

to retain ownership of and the right of entry to the outlots in order to perform the above-described maintenance of the outlots and private improvements on a permanent and continuous basis. However, Permittee(s) may be relieved and discharged of such maintenance obligations upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance subject to the following conditions:

(1) Permittee shall not be relieved of Permittee's maintenance obligation for each specific private improvement until a registered professional engineer or nurseryman who supervised the installation of said private improvement has certified to the City that the improvement has been installed in accordance with approved plans.

(2) The maintenance agreements are incorporated into covenants and restrictions in deeds to the subdivided property and the documents creating the association and the restrictive covenants have been reviewed and approved by the City Attorney and filed of record with

the Register of Deeds

Standard Conditions:

4. The following conditions are applicable to all requests:

4.1 Before occupying the dwelling units all development and construction shall substantially comply with the approved plans.

4.2 All privately-owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.

4.3 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.

4.4 Before occupying the dwelling units City/County Health Department is to approve the community waste water system.

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

4.6 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, filing fees therefor to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.

Prepared by

Tom Cajka
Planner

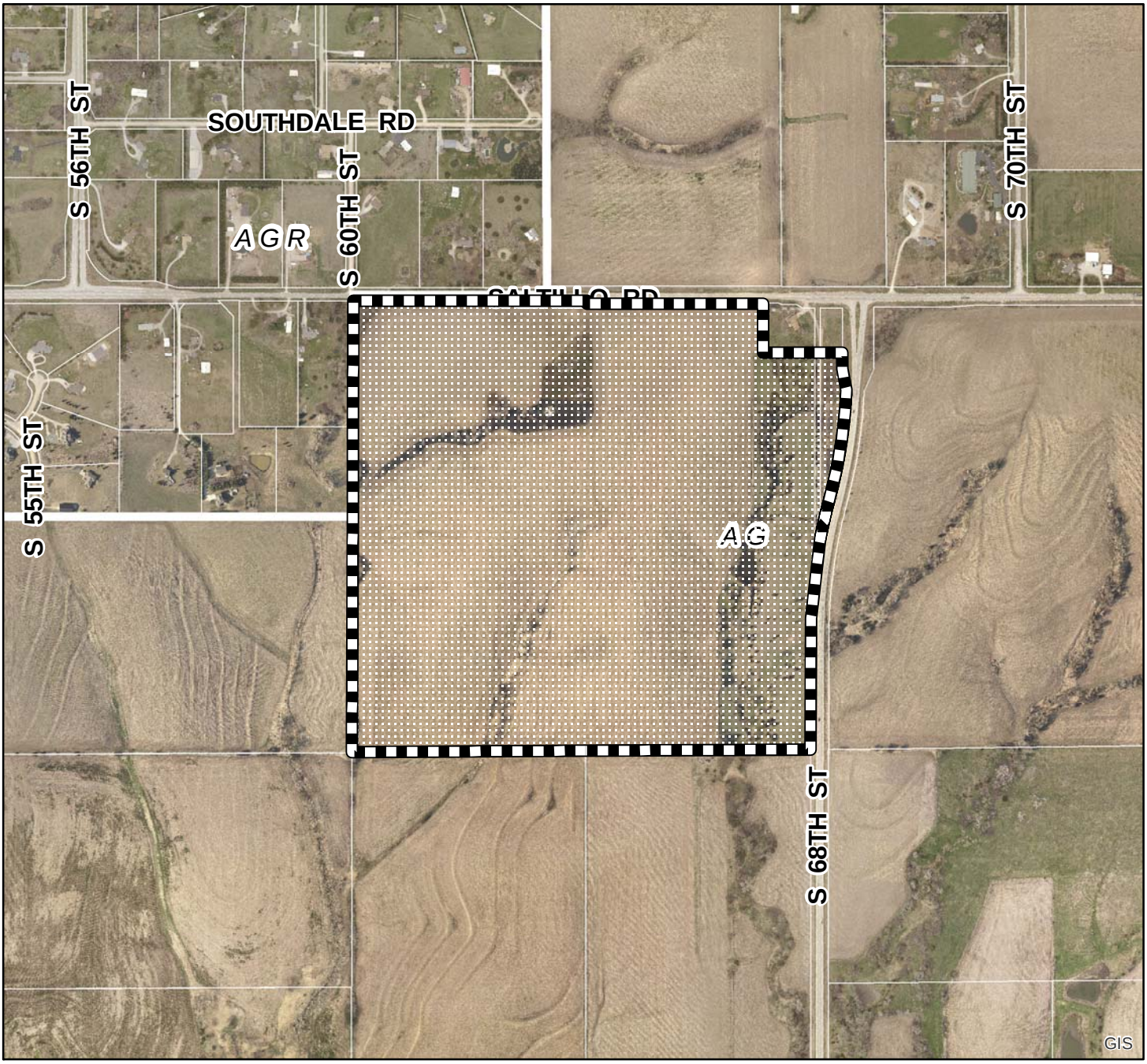
DATE: May 11, 2016

APPLICANT: Triple S & L Developers, LLC
8900 S. 56th Street
Lincoln, NE 68516
402-430-6020

OWNER: Same as applicant

CONTACT: Mike Eckert
Civil Design Group
8535 Executive Woods Drive, Suite 200
Lincoln, NE 68512
402-434-8494

F:\DevReview\SP\16000\SP16001 Cottonwood Ridge CUP.tjc.wpd



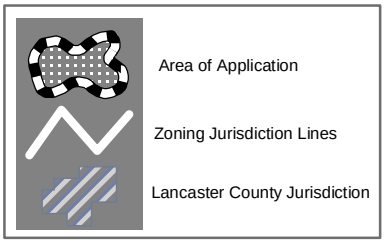
2013 aerial

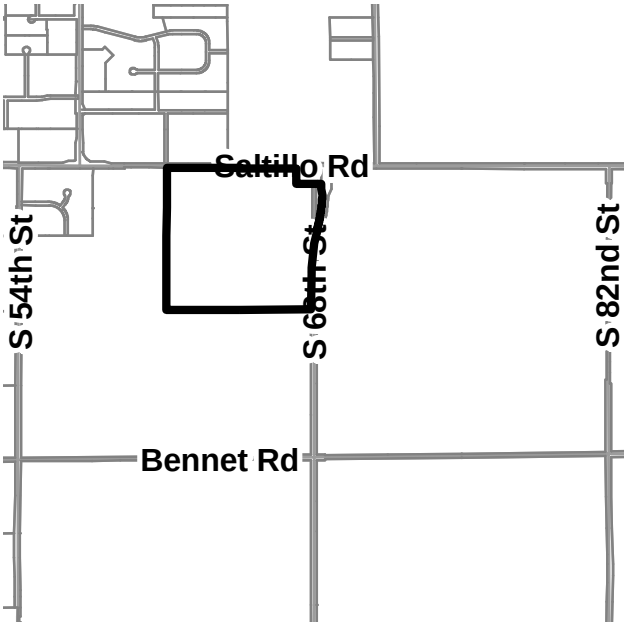
Special Permit #: SP16001
Cottonwood Ridge CUP
S 68th St & Saltillo Rd

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

Two Square Miles:
Sec.04 T08N R07E
Sec.03 T08N R07E





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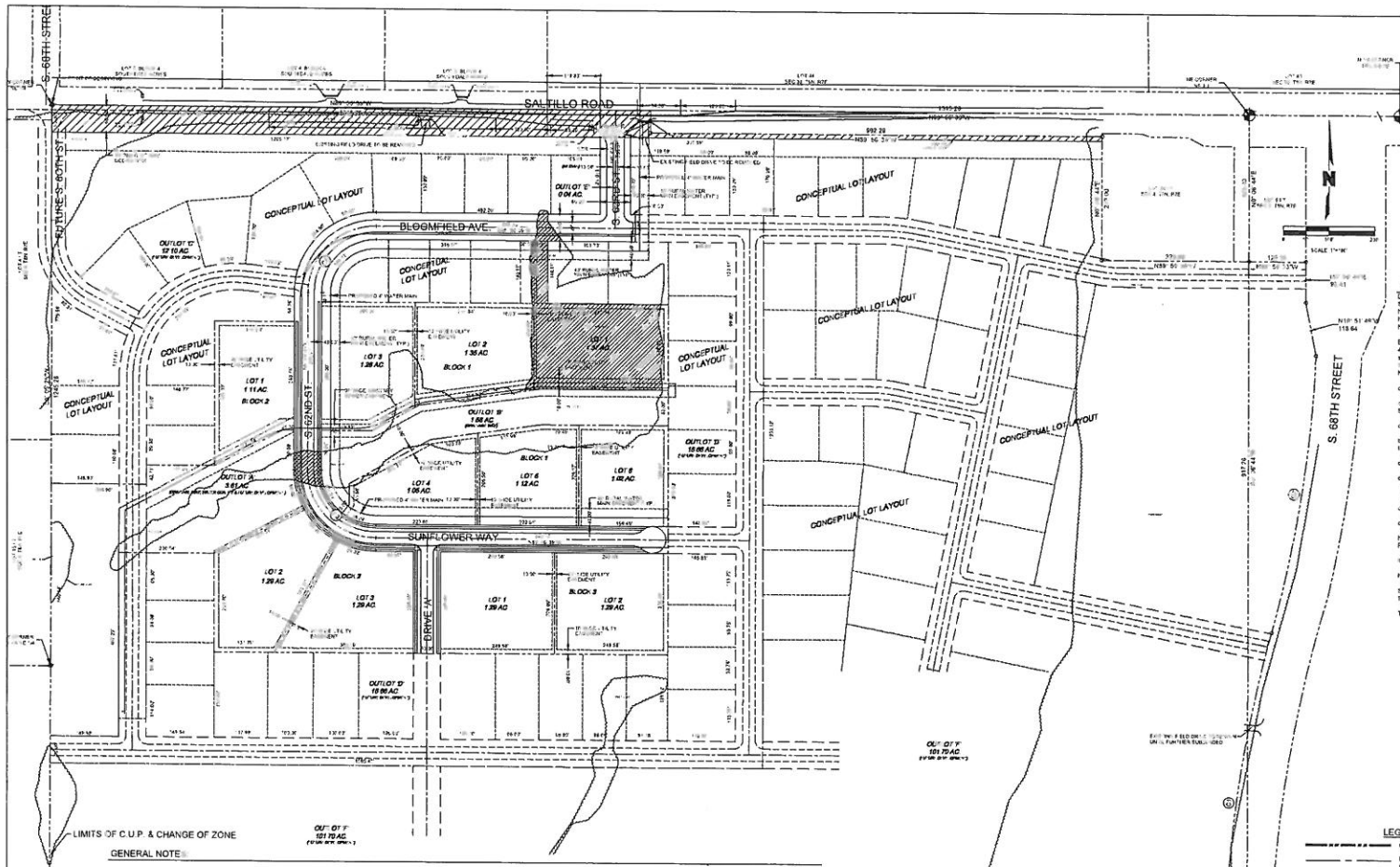
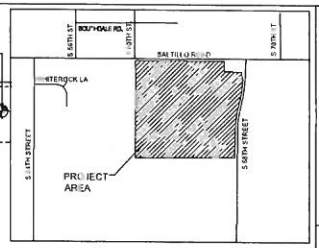




VICINITY MAP
SCALE: NONE

C.U.P. & CHANGE OF ZONE LEGAL DESCRIPTION:

Consolidation of a tract of land comprised of Lots 7 (irregular tract) located in the Northeast Fractional Quarter of Section 3, Township 8 North, Range 7 East, Lots 22 and Lot 23 and Lot 25 of Irregular Tracts located in the Northeast Quarter of Section 4, Township 8 North, Range 7 East, all in the Sixth Principal Meridian, Lancaster County, Nebraska, and more particularly described as follows:

Beginning at the Northwest corner of the Northwest Quarter of the Northwest Quarter of said Section 4. Thence on a Southerly direction on the West line of the Northwest Quarter of the Northeast Quarter of said Section 4, and on an assumed bearing of S 00°28'55" W, a distance of 1315.28 feet to the Southwest corner of Northwest Quarter of the Northeast Quarter of said Section 4 and to the Northwest corner of said Lot 23.

Thence S 00°28'55" W, on the West line of said Lot 23 for a distance of 1315.28 feet to the Southwest corner of said Lot 23.

Thence N 89°44'11" E on the South line of said Lot 23, for a distance of 2583.41 feet to the Southeast corner of said Lot 23 and point being located on the Southerly Right of Way line of South 68th Street.

Thence N 00°28'55" E on the East line of said Lot 23 and on the Southerly 60.00 Right-of-Way line of said South 68th Street, for a distance of 1315.28'.

Thence on a curve turning to the right with an arc length of 592.36', a radius of 2814.79', and chord bearing of N 06°17'34" E, for a chord length of 591.19' to a point of intersection with the East line of the Northeast Quarter of said Section 4.

Thence continuing on the curve to the right with an arc length of 221.81', a radius of 2814.79', a chord bearing of N 12°08'11" E, for a chord length of 221.75'.

Thence on a reverse curve turning to the left with an arc length of 629.57', a radius of 2814.79', a chord bearing of N 10°43'07" E, for a chord length of 628.05'.

Thence N 17°14'49" E, for a distance of 118.64'.

Thence N 00°28'55" E, for a distance of 95.01' to the Southeast corner of Lot 1, A.A.

Thence N 89°59'53" W on the North line of said Lot 4, for a distance of 1315.21' to the Northwest corner of said Lot 4 and the Southeast corner of Lot 24 of Irregular Tracts.

Thence N 89°59'53" W on the South line of said Lot 24, for a distance of 52.50' to the Southwest corner of said Lot 24.

Thence N 00°28'55" E on the West line of said Lot 24, for a distance of 1277.00' to a point on the North line of said Lot 24, said point being located on the Southerly 60.00' Right of Way line of Saltillo Road.

Thence N 89°59'53" W on the North line of said Lot 25 and on the Southerly 60.00' Right of Way line of said Saltillo Road, for a distance of 1315.26' to the West line of Lot 25.

Thence N 00°28'55" E, for a distance of 50.00' to the Northeast corner of Northwest Quarter of the Northeast Quarter of said Section 4.

Thence N 89°59'53" W on the North line of the Northwest Quarter of the Northeast Quarter of said Section 4, for a distance of 1315.26' to the POINT OF BEGINNING. Containing a calculated area of 152.91 acres, more or less.

Together with and subject to covenants, easements and restrictions of record.

CURVE DATA						
CURVE #	RADIUS	ANGLE	TANGENT	LENGTH	CH DIST	CH BRG
C1	2814.79'	15°11'41"	386.79'	771.50'	[illegible]	N17°14'11"E
C2	2814.79'	12°48'54"	316.18'	629.57'	628.28'	N10°43'07"E

CURVE DATA						
CURVE #	RADIUS	ANGLE	TANGENT	LENGTH	CH DIST	CH BRG
C4	120.00'	[illegible]	159.00'	[illegible]	212.12	S45°31'21"W
C3	150.00'	57°00'00"	85.47'	149.23'	143.13'	[illegible]

GENERAL NOTES:

1. THIS COMMUNITY UNIT PLAN CONTAINS 153.95 ACRES MORE OR LESS.
2. THIS COMMUNITY UNIT PLAN PERMITS 11 SINGLE FAMILY LOTS AND 2 OUTLOTS. EACH BUILDABLE LOT SHALL CONTAIN A MINIMUM OF ONE SINGLE FAMILY RESIDENCE LOCATED WITHIN THE BUILDING ENVELOPES AS SHOWN ANDOR NOTED.
3. THE CURRENT ZONING IS AG AND THE PROPOSED C.U.P. UTILIZES DENSITY BONUSES OF 2 DU/AC FOR THE INTEGRATION OF THE FUTURE SUBDIVISION OF THIS URBAN RESERVE COMPONENT AND FOR THE USE OF A COMMUNITY WATER WASTEWATER SYSTEM.
4. THE DEVELOPER PROPOSES THE USE OF LANCASTER COUNTY RURAL WATER FOR POTABLE WATER SUPPLY.
5. THE DEVELOPER PROPOSES THE USE OF A COMMUNITY WASTEWATER SYSTEM. WASTEWATER SYSTEM SHALL BE APPROVED BY A PERMIT FROM THE STATE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY.
6. THE DEVELOPER SHALL INSTALL THE PUBLIC STREETS WITH 6" OF PORTLAND CEMENT CONCRETE FROM 24' FEET IN WIDTH AS PER CITY REQUIREMENTS AND IN ACCORDANCE WITH THE LANCASTER COUNTY STANDARDS. RURAL PUBLIC ROAD INTERSECTIONS TO BE BITUMINOUS AND THE CITY OF LINCOLN. THE COUNTY SHALL BE NOTIFIED PRIOR TO THE PAVING OF THE CONCRETE. ALL SURFACING FROM ATINTERSECTIONS SHALL BE 30 FEET. THE SURFACING FROM AT SALTILLO ROAD SHALL BE 70.
7. ALL TOPOGRAPHIC CONTOURS ARE AT ELEV. 88 DATUM
8. PERMANENT EASEMENTS SHALL BE SHOWN ON FINAL PLATS FOR CULVERT PIPES THAT EXTEND PAST THE RIGHT OF WAY.
9. ALL CULVERTS SHALL HAVE A FLARED END SECTION OR CONCRETE HEADWALL ON THE INLET END
10. DIRECT VEHICULAR ACCESS IS HEREBY RELINQUISHED ALONG SALTILLO ROAD EXCEPT AT BLOOMFIELD AVE. SOUTH 63RD STREET AND AT FUTURE SOUTH 60TH STREET AS SHOWN HEREON.
11. THIS COMMUNITY UNIT PLAN IS DESIGNED FOR THE FUTURE PLATTING OF THE URBAN RESERVE LOTS AS CONCEPTUALLY SHOWN ON THE DRAWING DELINEATED AREA OF THEIR RESPECTIVE OUTLOTS
12. A WRITTEN AGREEMENT SHALL BE PROVIDED FOR THE FUTURE PLATTING OF THE URBAN RESERVE LOTS INCLUDING TIMING OF IMPROVEMENTS, FUNDING OF INFRASTRUCTURE COST, AND AGREEMENT TO PETITION FOR SPECIAL ASSESSMENT DISTRICTS IF NEEDED
13. THE EXISTING TREE MASSES CONSISTS OF ELMS, CEDAR, PINES, AND LOCUST
14. OUTLOT 'A', 'B' AND 'E' SHALL BE PRIVATELY OWNED BY THE HOMEOWNERS ASSOCIATION
21. DEVELOPER SHALL BE RESPONSIBLE FOR GRADING AND PAVING, TO COUNTY STANDARDS THAT PORTION OF SALTILLO ROAD NECESSARY TO ACCOMMODATE THE PROPOSED DECELERATION AND TURN LANES AT PROPOSED SOUTH 63RD STREET AND AT FUTURE SOUTH 60TH STREET AS SHOWN HEREON.
22. EACH LOT IS LIMITED TO NO MORE THAN TWO ACCESS TO THE PUBLIC ROAD
23. THE DEVELOPER IS RESPONSIBLE FOR REQUIRED LANDSCAPE AND EASEMENT PLANTING. LANCASTER COUNTY ENGINEERING DEPARTMENT TO BE NOTIFIED PRIOR TO PLANTING OPERATIONS AND WORK ON EXISTING UTILITY PLANTS. ALL EXISTING ESSENTIAL ALL CENTERLINE CONTROL SHALL BE PINNED AND SURVEYED. MOURNING BOXES, PER CITY OF LINCOLN STANDARDS, SHALL BE INSTALLED IN THE PAVEMENT
24. DEVELOPER SHALL BE RESPONSIBLE FOR GRADING AND PAVING, TO COUNTY STANDARDS THAT PORTION OF SALTILLO ROAD NECESSARY TO ACCOMMODATE THE PROPOSED DECELERATION AND TURN LANES AT PROPOSED SOUTH 63RD STREET. THE DEVELOPER SHALL DEVELOP PLANS FOR THIS WORK TO BE APPROVED BY THE LANCASTER COUNTY ENGINEER.
25. OUTLOT 'D' AND SUNFLOWER BREEZEWALK IN 15' OUTLOT TO BE BUILT BY URBAN DEVELOPER AND DEEDED TO URBAN HOMEOWNERS ASSOCIATION FOR FUTURE MAINTENANCE

SECTION TIES

Northeast Corner Northeast Quarter Sec. 4, T8N, R7E
Found 2" aluminum cap
[illegible] 49.50' to 5/8" rebar
SE 19.47' to 5/8" rebar
NE 40.00' to 5/8" rebar

Southeast Corner Northeast Quarter Sec. 4, T8N, R7E
Found 2" aluminum cap
[illegible] 24.00' to 5/8" rebar
[illegible] 21.00' to 5/8" rebar
E 81.00' to 5/8" rebar

Southwest Corner Northwest Quarter Sec. 4, T8N, R7E
Found 1" pipe
N 20.00' to 5/8" rebar
N 20.00' to 5/8" rebar

Northwest Corner Northwest Quarter Sec. 4, T8N, R7E
Found 2" aluminum cap
[illegible] 24.00' to 5/8" rebar
[illegible] 24.00' to 5/8" rebar
SE 50.00' to 5/8" rebar
N 54.81' to 5/8" rebar

Southwest Corner Northeast Quarter Sec. 3, T8N, R7E
Found 2" aluminum cap
[illegible] 24.44' to 5/8" rebar
[illegible] 50.00' to 5/8" rebar
N 54.81' to 5/8" rebar

LEGEND

- C.U.P. BOUNDARY
- PROPOSED STREET CENTERLINE
- PROPOSED R.O.W.
- PROPOSED R.O.W. DEDICATION
- EXISTING TREE MASS
- EXISTING TREE MASS (TO BE REMOVED)
- SECTION CORNER
- TEMPORARY POINT
- SET 5/8" x 24" REBAR WITH LPS CAP

WAIVERS:

1. FOR THE DISTRIBUTION OF SIDEWALKS ALONG STREET TREES WITHIN THE SEGMENT OF SIDEWALK TO BE CONSTRUCTED PRIOR TO DEVELOPMENT OF THE INTERNAL DEVELOPMENT COMPONENT LOTS, SIDEWALKS LOCATED IN THE URBAN RESERVE COMPONENT
2. FOR BUILDING LENGTH OF ALL PER BLOCK DUE TO THE NATURAL GRADING ONLY THROUGH THE BUILDABLE AREA, THE EXEMPTION MINIMIZES THE BUILD-TO-PLANE IMPACT ON THE LOTS
3. FOR UNPAVED STREET RIGHT RUNNING OPPOSITE STREET DIRECTLY TO THE REQUIRED PROPERTY
4. FOR A REDUCTION OF DATA CONTROL REQUIREMENT FOR ALL URBAN RESERVE COMPONENT REQUIREMENT NOT CONTAINED FOR 11 ACREAGE DEVELOPMENT COMPONENT LOTS
5. FOR THE SETBACKS ON LOTS IN THE AGRICULTURE DEVELOPMENT COMPONENT TO 20' FRONT YARD, 10' REAR YARD AND 10' SIDE YARD
6. FOR THE MAXIMUM LOT AREA AS REFERENCE TO INCLUDE 27 ACRES OF GENERAL PUBLIC USE THAT EXISTED ONE AS THE OTHER AGRICULTURE DENSITY STEPS

AGR DENSITY CALCULATION

WITHIN 1 MILE JURISDICTION

TOTAL GROSS ACRES: 163.91 AC
AG DENSITY: X 1 UNITS = 163 UNITS
+ BONUS FOR UNPAVED STREET: X 1.50 = 1.50 UNITS
+ BONUS FOR CONSTRUCT. SEWER: X 0 UNITS = 0 UNITS
TOTAL DENSITY = 164 UNITS
TOTAL UNITS PERMITTED = 11 UNITS

APPROVAL:

THE FOREGOING COMMUNITY UNIT PLAN SPECIAL PERMIT WAS APPROVED BY THE LINCOLN CITY PLANNING COMMISSION ON THIS DAY OF _____, 2016

ATTEST: _____
CHAIR

SHEET INDEX

COVER SHEET	1
UTILITY PLAN	2
GRADING & DRAINAGE PLAN	3
PRE-DEVELOPED DRAINAGE	4
POST-DEVELOPED DRAINAGE	5
PYLON MAP / PROFILE PROFILES	6-8

OWNER/DEVELOPER:

TRIPLE T FIELD DEVELOPERS LLC
8948 S. 68TH STREET
LINCOLN, NE 68516

ENGINEER

CIVIL DESIGN GROUP INC.
8935 EXECUTIVE WOODS DRIVE
SUITE 200
LINCOLN, NE 68512
(402) 434-7596

SURVEYOR:

NEITED SURVEYING & MAPPING
8935 EXECUTIVE WOODS DRIVE, SUITE 200
LINCOLN, NE 68512
(402) 434-7596

Civil Design Group, Inc.
8935 Executive Woods Drive, Suite 200
Lincoln, Nebraska 68512
Ph: 402-434-7596 Fax: 402-434-8147
Engineering with Vision
CIVIL ENGINEERS • LAND PLANNERS
CIVIL DESIGN • SITE DEVELOPMENT • WATER • SANITARY SEWER • STORM SEWER

REVISIONS

COTTONWOOD RIDGE

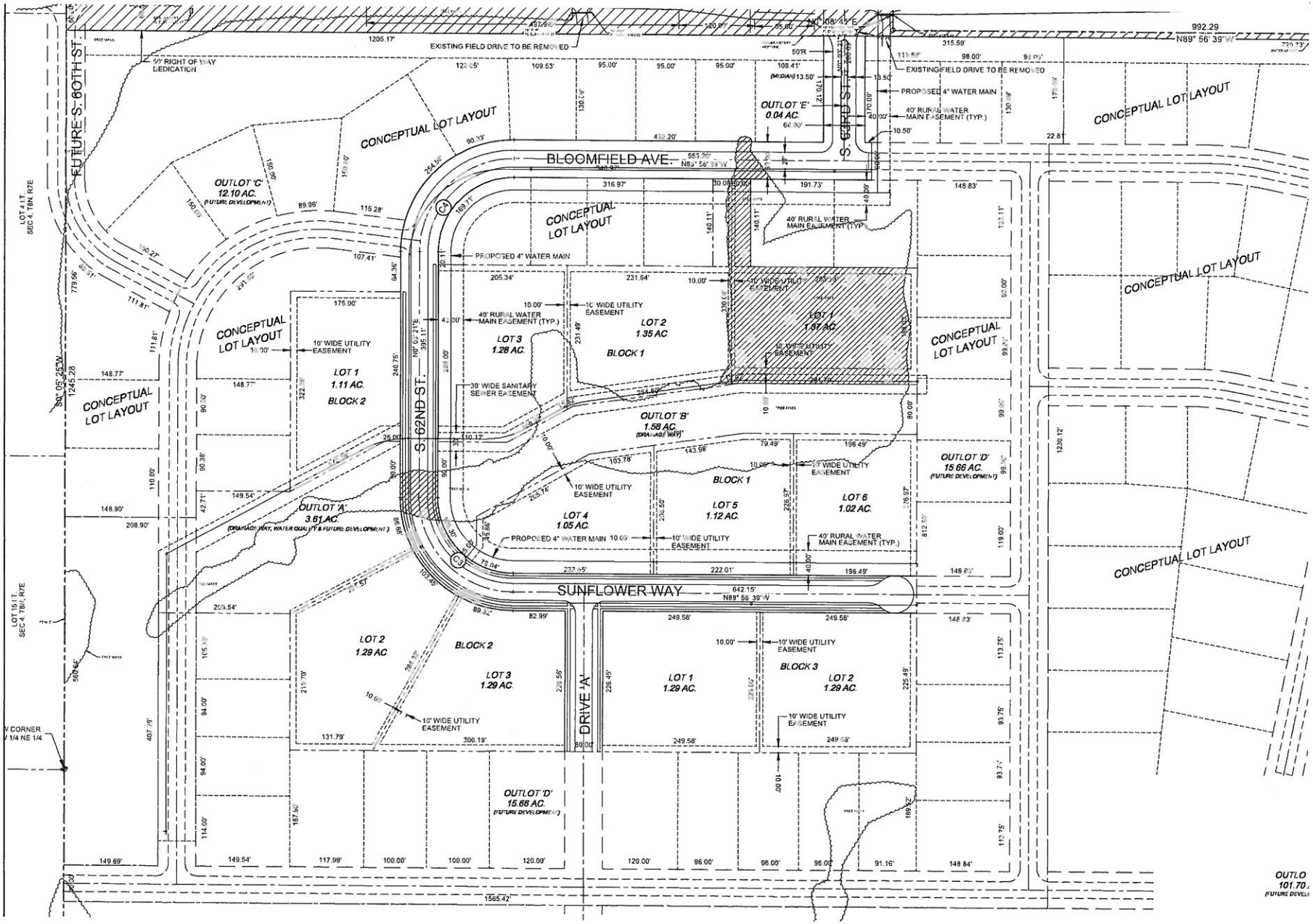
SITE PLAN

LINCOLN, NEBRASKA

2016

drawn by: JKK
checked by: -
approved by: -
project no.: 2004-0008
drawing no.: -
date: 05/17/2016

SHEET 1 OF 8


FUTURE S. 60TH ST.
50' RIGHT OF WAY DEDICATION
EXISTING FIELD DRIVE TO BE REMOVED
BLOOMFIELD AVE.
S. 62ND ST.
S. 63RD ST.
SUNFLOWER WAY
DRIVE 'A'
CONCEPTUAL LOT LAYOUT
OUTLOT 'C' 12.10 AC. (FUTURE DEVELOPMENT)
OUTLOT 'E' 0.04 AC.
OUTLOT 'A' 3.61 AC. (DRAINAGE WAY, WATER QUALITY & FUTURE DEVELOPMENT)
OUTLOT 'B' 1.58 AC. (DRAINAGE WAY)
OUTLOT 'D' 15.66 AC. (FUTURE DEVELOPMENT)
BLOCK 1
BLOCK 2
BLOCK 3
LOT 1 1.97 AC.
LOT 2 1.35 AC.
LOT 3 1.28 AC.
LOT 1 1.11 AC.
LOT 4 1.05 AC.
LOT 5 1.12 AC.
LOT 6 1.02 AC.
LOT 2 1.29 AC.
LOT 3 1.29 AC.
LOT 1 1.29 AC.
LOT 2 1.29 AC.
PROPOSED 4" WATER MAIN
40' RURAL WATER MAIN EASEMENT (TYP.)
10' WIDE UTILITY EASEMENT
30' WIDE SANITARY SEWER EASEMENT
LOT 4 I.T. SEC 4, T8N, R7E
LOT 15 I.T. SEC 4, T8N, R7E
N89° 56' 39" W
1565.42'

LIMITS OF C.U.P. & CHANGE OF ZONE

OUTLOT 'F'
101.70 AC.
(FUTURE DEVELOPMENT)

GENERAL NOTES:

1. THIS COMMUNITY UNIT PLAN CONTAINS 153.95 ACRES MORE OR LESS.

2. THIS COMMUNITY UNIT PLAN PERMITS 11 SINGLE FAMILY LOTS AND 7 OUTLOTS. EACH BUILDABLE LOT SHALL CONTAIN A MAXIMUM OF ONE SINGLE FAMILY RESIDENCE, LOCATED WITHIN THE BUILDING ENVELOPES AS SHOWN AND/OR NOTED.

3. THE CURRENT ZONING IS 'AG' AND THE PROPOSED C.U.P. UTILIZES DENSITY BONUSES OF 20% EACH FOR THE INTEGRATION OF THE FUTURE SUBDIVSION OF THE URBAN RESERVE COMPONENT AND FOR THE USE OF A COMMUNITY WASTEWATER SYSTEM.

4. THE DEVELOPER PROPOSES THE USE OF LANCASTER COUNTY RURAL WATER FOR POTABLE WATER SUPPLY.

5. THE DEVELOPER PROPOSES THE USE OF A COMMUNITY WASTEWATER SYSTEM. WASTEWATER SYSTEMS SHALL BE APPROVED BY A PERMIT FROM THE STATE - NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY.

6. THE DEVELOPER SHALL SURFACE THE PUBLIC STREETS WITH 6" OF PORTLAND CEMENT CONCRETE PAVEMENT, 27 FEET IN WIDTH WITH ROLL-OVER CURB IN ACCORDANCE WITH THE LANCASTER COUNTY STANDARDS- "RURAL PUBLIC AND INTERMEDIATE BTA STANDARDS" AND THE CITY OF LINCOLN. THE COUNTY SHALL BE NOTIFIED PRIOR TO THE LAYING OF THE CONCRETE. ALL SURFACING RADII AT INTERIOR INTERSECTIONS SHALL BE 30 FEET. THE SURFACING RADII AT SALTILLO ROAD SHALL BE 50'.

7. ALL TOPOGRAPHIC CONTOURS ARE AT NAVD 88 DATUM.

8. PERMANENT EASEMENTS SHALL BE SHOWN ON FINAL PLATS FOR CULVERT PIPES THAT EXTEND PASS THE RIGHT-OF-WAY.

9. ALL CULVERTS SHALL HAVE A FLARED-END SECTION OR CONCRETE HEADWALL ON THE INLET END.

10. DIRECT VEHICULAR ACCESS IS HEREBY RELINQUISHED ALONG SALTILLO ROAD EXCEPT AT PROPOSED SOUTH 63RD STREET AND AT FUTURE SOUTH 60TH STREET AS SHOWN HEREON.

11. THIS COMMUNITY UNIT PLAN IS DESIGNED FOR THE FUTURE PLATING OF THE URBAN RESERVE LOTS AS CONCEPTUALLY SHOWN ON THE SHADOW PLATTED AREA OF THEIR RESPECTIVE OUTLOTS.

12. A WRITTEN AGREEMENT SHALL BE PROVIDED FOR THE FUTURE PLATTING OF THE URBAN RESERVE LOTS, INCLUDING TIMING OF ANNEXATION, FUNDING OF INFRASTRUCTURE COST, AND AGREEMENT TO PETITION FOR SPECIAL ASSESSMENT DISTRICTS IF NEEDED.

13. THE EXISTING TREE MASSES CONSISTS OF ELMS, CEDARS, PINES, AND LOCUST.

20. OUTLOT 'A', 'B' AND 'E' SHALL BE PRIVATELY OWNED BY THE HOMEOWNERS ASSOCIATION.

21. DEVELOPER SHALL BE RESPONSIBLE FOR GRADING AND PAVING, TO COUNTY STANDARDS THAT PORTION OF SALTILLO ROAD NECESSARY TO ACCOMMODATE THE PROPOSED DECELERATION AND TURN LANES AT PROPOSED SOUTH 63RD STREET AND AT FUTURE SOUTH 60TH STREET AS SHOWN HEREON.

22. EACH LOT IS LIMITED TO NO MORE THAN TWO ACCESSES TO THE PUBLIC ROAD.

23. THE DEVELOPER IS RESPONSIBLE FOR REQUIRED SUBGRADE AND PAVEMENT TESTING. LANCASTER COUNTY ENGINEERING DEPARTMENT TO BE NOTIFIED PRIOR TO PAVING OPERATIONS AND SUBGRADE TESTING. UPON PAVING COMPLETION, ALL CENTERLINE CONTROL SHALL BE PINNED AND SURVEY CONTROL MONUMENT BOXES, PER CITY OF LINCOLN STANDARDS, SHALL BE INSTALLED IN THE PAVEMENT.

24. DEVELOPER SHALL BE RESPONSIBLE FOR GRADING AND PAVING, TO COUNTY STANDARDS THAT PORTION OF SALTILLO ROAD NECESSARY TO ACCOMMODATE THE PROPOSED DECELERATION AND TURN LANES AT PROPOSED SOUTH 63RD STREET. THE DEVELOPER SHALL DEVELOP PLANS FOR THIS WORK TO BE APPROVED BY THE LANCASTER COUNTY ENGINEER.

25. OUTLOT _ AND _ FUTURE 5' SIDEWALK IN 15' OUTLOT TO BE BUILT BY URBAN DEVELOPER AND DEEDED TO URBAN HOMEOWNERS ASSOCIATION FOR FUTURE MAINTENANCE.

Civil Design Group, Inc.

Consulting Engineers & Land Use Planners
Civil Design • Site Development • Planning & Zoning

www.civildg.com

May 16, 2016

Mr. David Cary, Director of Planning
City of Lincoln /Lancaster County Planning Department
555 South 10th Street, Room 213
Lincoln, NE 68508

Re: Cottonwood Ridge Application AG Community Unit Plan (CUP)
S. 63th Street & Saltillo Road
CDG Project No. 2006-0009

Dear David:

On behalf of Triple S & L Developers, LLC, we submit the above mentioned project for review. With this submittal we are requesting a AG Community Unit Plan that incorporates build-through design elements for eventual annexation into the City of Lincoln.

In multiple pre-application meetings with City staff we have worked to create a CUP that clusters the 11 units of AG density, utilizes a community wastewater system, and preserves more than 70% of the land in the Urban Reserve Component. In order to meet the intent of the build-thru standards in LMC Section 27.65.075 the developer will be installing city standard sewer mains in the Acreage Development Component to facilitate urban conversion. The developer proposes the use of Lancaster Rural water for the lots. Attached is a letter from the Lancaster Rural Water District #1 affirming their ability to serve this development.

We are requesting that the median in the S. 63rd Street ROW be platted as an Outlot that will be owned and maintained by the homeowner's association.

The following waivers of the design standards are requested:

1. For sanitary sewer mains running opposite street grades due to the required grading of property.
2. For LMC 27.65.075(a)(2) to remove the BTA grading requirements for all proposed roadways in the Urban Reserve Component.
3. For LMC 27.65.075(b) to remove the requirement for a conversion plan for the Acreage Development Component for lot sizes averaging less than 1/3 of an acre.

Included with this submittal is the following:

Application for Community Unit Plan
Rural Water Service Letter
Community Unit Plan Fee: $2,824.14
Plans uploaded via ProjectDox

Office 402•434•8494 8535 Executive Woods Dr., Suite 200 • Lincoln, NE 68512 Fax 866•215•8747

I hope that this letter in conjunction with the plans provides you with enough information to review this application. 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

Encl

cc: Triple S & L Developers, LLC

/Volumes/share/F/Projects/2006/20060009/landplanning/Doc/planning_submittal_05-06-16.doc

Rural Water District No. 1 Lancaster County, NE
310 Fir Street – PO BOX 98 Bennet, NE 68317
402-782-3495

January 15, 2016

Triple S&L Development
Robert Shultz
8900 S 56th Street
Lincoln, NE 68516

Application for Water Service located at: Section 4, T8N, R7E Lot 23 & 25 – Cottonwood Ridge 9 lots

Dear Mr. Shultz:

WELCOME!

The Board of Directors approved your Subdivision Application for Water Service for 9 lots located in Cottonwood Ridge Section 4, T8N, R7E Lot 23 & 25. I have enclosed the District's Bylaw's Rules & Regulations Booklet and the Water Rate Schedule.

Please notify the office as soon as you have a County Plat Map locating all lots. We will then draw up the Agreement with construction costs and have that signed by the Board of Directors and You.

If you have any questions, you may contact me at (402) 782-3495. Thank you.

Sincerely,

Jasmine K. Mach
Office Manager
Rural Water District No. 1
Lancaster County, NE

McIntyre Consulting
4131 So. 38th Street
Lincoln, NE 68506
(402) 489-4994

January 13, 2016

Mr. Ken Halvorsen, Manager
Rural Water District No.1
P.O. Box 98
Bennet, NE 68317

Reference: Potential New Water User (9 Units)
Triple S & L Developers
NE ¼ Section 04-08-07

Dear Ken:

We have reviewed the proposed new user and it is our opinion that the addition of this service will not have a significant impact upon the existing level of service being provided the present customers. The anticipated pressure range is calculated as listed below:

Customer	Line No.	U.S.G.S. Elev.	Anticipated Pressure Range
Triple S & L	297	1385	40 - 74 psi

NOTES:

1. The pressure estimate is based upon the last version of the hydraulic model authorized by the District which is approximately 20 years old and may not reflect current users or operating conditions.

If you have any questions or comments, please call.

Sincerely,
McIntyre Consulting
Ted J. McIntyre, PE

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for MAY 25, 2016 PLANNING COMMISSION MEETING

PROJECT #: Special Permit No.16004

PROPOSAL: A request per Section 27.63.160 for Excavation and Stone Milling

LOCATION: South 68th Street and Saltillo Road

LAND AREA: 153.95 acres, more or less

EXISTING ZONING: AG Agricultural

CONCLUSION: This application, with the conditions listed in this report, meets the requirements for an Excavation and Stone Milling Special Permit.

RECOMMENDATION: Conditional Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 23 and 25, Irregular Tract and the NW 1/4 of the NE 1/4 located in the NE 1/4 of Section 4, T8N, R7E, in Lancaster County, Nebraska.

EXISTING LAND USE: Agriculture

SURROUNDING LAND USE AND ZONING:

North:	AG Agricultural	Farm land and smaller acreages.
	AGR Agriculture Residential	Single family houses on acreages.
South:	AG Agricultural	Farm land
East:	AG Agricultural	Farm land
West:	AG Agricultural	Farm land
	AGR Agriculture Residential	Single family houses on acreages.

COMPREHENSIVE PLAN SPECIFICATIONS:
The 2040 Future Land Use Plan shows this area as agriculture.
The site is located in Tier 2 and is outside the future service limit.

UTILITIES: There are no utilities on site.

TRAFFIC ANALYSIS: Access is via a private drive to South 68th Street. There will be no access to Saltillo Road. The proposed South Beltway is locates along the southern lot line of this parcel.

PUBLIC SERVICE: This area is served by Hickman Rural Fire District and the Lancaster County Sherif. This is in the Norris Public Power District.

ANALYSIS:

1. This request is for soil excavation on a 153.95 acre site, under the provisions of Chapter 27.63.160 Excavation and Stone Milling in the "AG" District.

2. This application proposes to extract 806,000 cubic yards of soil from an area of 59.00 acres. The cuts range up to 10 feet. Final excavation will create a gentle slope to the southwest and a ridge on the southeast.

3. The County Engineer notes that access will only be allowed via the existing private driveway off South 68th Street. No access for soil mining operations will be allowed from Saltillo Road. The applicant is required to submit traffic impact information regarding anticipated use of County roads along with proposed hauling routes

4. Nebraska Department of Roads notes that the applicant should coordinate the soil extraction with the Roadway Design Division of the Department.

5. There is also a Community Unit Plan (CUP) proposed on this same site, but the area of the CUP is outside the soil excavation area. The soil excavation area should not impact the CUP area.

6. During the soil mining process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but are not limited to, application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.

7. The applicant addressed the listed conditions of the Lincoln special permit application conditions (27.63.160) as follows (responses shown in **bold**);

   a) A site plan drawn to scale that includes but is not limited to identifying proposed vehicle and equipment storage areas and entrance and exit locations to the operation; **These are all shown or noted.**

b) A map showing the site location and the location of private access roads, existing or proposed, and public roads and highways adjacent to the site which will be affected by the operation; **A site plan is provided**.

(c) A grading map showing existing contours, proposed excavation contours, proposed final grade contours, and excavation volumes; **A map is provided, showing existing and proposed final contours. The applicant provided the excavation volume of 806,000 cubic yards.**

(d) A full and adequate description of all phases of the contemplated operation and the specific listing of the type of machinery and equipment which will be or might be used to carry on the operation. **This operation is proposed to be done in a single phase. Types of machinery and equipment are noted and a project schedule is provided.**

(e) A groundwater report from a groundwater hydrologist in cases where proposed operations are: (I) within 1,000 feet of any off-site private well, (ii) within 2,000 feet of a community well, or (iii) designed to result in an excavated area that does not drain to a lower area (i.e. a "hole"). The report should demonstrate that the operation and ultimate grading will not negatively impact nearby wells by draw-down or contamination, and/or that monitoring wells will be installed to provide early warning of any such impact; Where a pond or lake is proposed, the groundwater report shall also demonstrate that adequate water will be supplied via runoff and/or wells to maintain it as a functioning and attractive year-round water feature**. Note #7 states that there shall be no excavation within 1,000 feet of any private well or within 2,000 feet of any community well.**

(f) No more than twenty (20) acres of the site shall be open for operations at any one time. The surface shall be maintained in such a manner that surface waters do not collect and pond, unless specifically approved by the City. **The applicant states no more than 20.0 acres will be opened at any one time.**

(g) Topsoil shall be collected and stored for redistribution on the site at the termination of the operation or termination of each phase**. The applicant states topsoil will be stored on site.**

(h) Safety screening may be required at the outer boundary of the site. Visual screening through setbacks, berming and other techniques may also be required where said boundary is adjacent to residential or park land, school property, or at major entryways/corridors into a city, town or village. **The excavation area is located approximately 1,200 feet south of Saltillo Road. There is an extensive tree mass between the excavation area and S. 68th Street. Due to the tree mass and the distance from Saltillo Road, additional screening is not required.**

(I) Operating hours shall be limited to daylight hours, Monday through Saturday. **Addressed in General Note #10**

(j) A sign shall be posted and maintained at the entrance to the site. **Addressed in General Note #11**

(k) A special permit may be approved for a maximum of three-years from the date the special permit is issued. **The applicant is requesting this permit be for three years.**

CONDITIONS OF APPROVAL:

Per Section 27.63.160 this approval permits mining for a soil, sand and gravel excavation operation for a period of three (3) years from the date of approval of this special permit.

1. Before initiating excavation operations the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including **3** copies with all required revisions and documents as listed below:

   1.1 Change “Limits of Special Permit” to “Limits of excavation area”

   1.2 Correct the legal description.

   1.3 Add a note that all erosion and sediment control NPDES requirements will e met and that no grading will commence until a city and state permit is issued.

2. Before initiating excavation operations”

   2.1 The permittee shall have

      2.1.1 Received review and permits, if required, for the Federal NPDES and 404 Permits.

      2.1.2 Post a $30,975 performance bond or escrow agreement in a form acceptable to the City Attorney prior to commencing operations, to assure compliance with the final reclamation plan, including but not limited to regrading, topsoil conditioning, and re-vegetation. A registered professional engineer must certify at closure of operations that grading and final reclamation has been completed in accordance

with the approved plans before the bond may be released.

2.1.3 Post and maintain a 4' x 8' sign on the property at the entrance clearly visible and legible to the public showing the special permit number, the name of the Permittee and operator and the telephone numbers where the Permittee, operator and the Building & Safety Department can be contacted.

2.1.4 Upon completion of all terms, conditions and requirements of the special permit that are to be completed before beginning operations, the Permittee shall request the Director of Building and Safety to issue a certificate of operation. Permittee shall not begin operations until it has received said certificate of operation.

2.1.5 The County or City Engineer may require installation of traffic signs to warn motorists of excavation or stone milling operations and truck traffic, as noted on site plan.

2.2 After beginning the excavation operations, the Permittee shall have

2.2.1 Erosion controls, including retention and sediment basins, shall be provided during excavation in conformance with state and federal standards and City land erosion and sediment control regulations to prevent a change in the character of runoff onto adjacent land.

2.2.2 No more than twenty (20) acres of the site shall be open for operations at any one time. The surface shall be maintained in such a manner that surface waters do not collect and pond, unless specifically approved by the City. Underground drainage may be supplied if it connects to an existing drainage facility and is satisfactory to the City.

2.2.3 Topsoil shall be collected and stored for redistribution on the site at the termination of the operation or termination of each phase. The site of this storage must be revised to the satisfaction of Public Works and Utilities.

2.2.4 Excavation shall be conducted in such a way as not to constitute a hazard to any person, nor to the adjoining properties. Dust shall be controlled on-site to meet Lincoln-Lancaster County Air Pollution Control program Regulations. In addition, the Health Department may require dust control on unpaved perimeter roads.

2.2.5 Operating hours shall be limited to daylight hours, Monday through Saturday.

2.2.6 A sign shall be posted and maintained at the entrance to the site. The sign shall be:

2.2.6.1 Clearly visible from the adjacent road;

2.2.6.2 At least 32 square feet in area;

2.2.6.3 Lettering shall be at least two inches in height, black on a white background;

2.2.6.4 The sign shall list:

(a) The approved Special Permit Number;
(b) The name, contact phone and email address for the land owner;
(c) The name, contact phone and email address for the operator/contractor;
(d) The Building and Safety Department contact number.

2.2.7 The applicant will take appropriate measures, such as street sweeping or “rumble bars” as specified by the County or City Engineer to minimize mud or dirt tracking onto streets and roads on a continuing (daily) basis during operation.

2.2.8 Operations shall commence within one year from the date the special permit is approved or the special permit will automatically terminate and be considered null and void. All existing certificates of operation shall automatically terminate on the same date.

2.2.9 Within nine months after the completion of excavation on any portion of the site, all cuts shall be returned to a slope of less than three to one, the topography and soils shall be restored and stabilized, and the land shall be graded, seeded, and sodded so as to prevent erosion and siltation, and to protect the health, safety, and general welfare of the public.

2.2.10 A special permit may be approved for a maximum of three-years from the date the special permit is issued.

2.2.11 Permittee shall prepare and submit an annual report to the Director of Building and Safety addressing the status and extent of

operations and each condition of the special permit. Failure to submit the annual report shall constitute just cause for the City Council to revoke the special permit.

2.2.12 Permittee shall be subject to an annual site inspection by the Director of Building and Safety. The cost of such inspection shall be paid for by the applicant. Cost shall be based upon the Department of Building and Safety's hourly rate in effect on the date of the application. Building and Safety shall:

2.2.12.1 Inspect the site to determine whether terms, special conditions and requirements imposed by the City in the approval of the special permit have be met and complied with; and

2.2.12.2 Review all complaints from public and other departments/agencies and report to the Planning Director.

2.2.13 The construction plans shall generally comply with the approved plans.

3. At the conclusion of the operation, the permittee shall provide to the Building & Safety Department a certificate from an engineer stating that the final grading substantially reflects the finish contours shown on the approved site plan and request a release of the performance bond or escrow agreement.

Standard Conditions:

4. The following conditions are applicable to all requests:

4.1 Before 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, filing fees therefor to be paid in advance by the applicant.

Prepared by

Tom Cajka
Planner

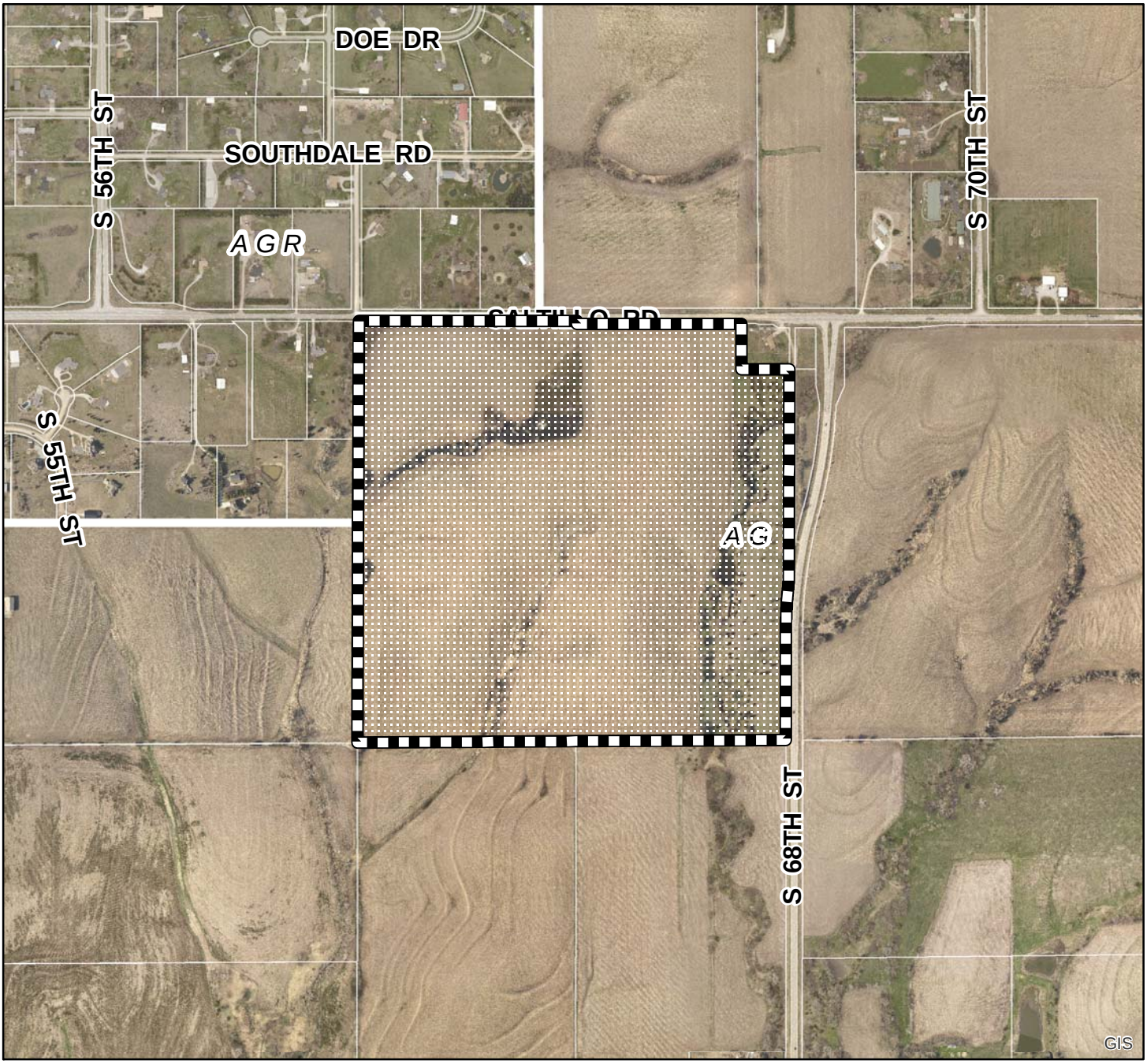
DATE: May 5, 2016

APPLICANT: Triple S & L Developers, LLC
8900 S. 56th Street
Lincoln, NE 68516
402-430-6020

OWNER: Same as applicant

CONTACT: Civil Design Group
8535 Executive Woods Drive, Suite 200
Lincoln, NE 68512
402-484-8494

F:\DevReview\SP\16000\SP16004 soil excavation.tjc.wpd



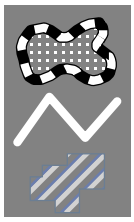
2013 aerial

Special Permit #: SP16004
Cottonwood Ridge Soil Excavation
S 68th St & Saltillo 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

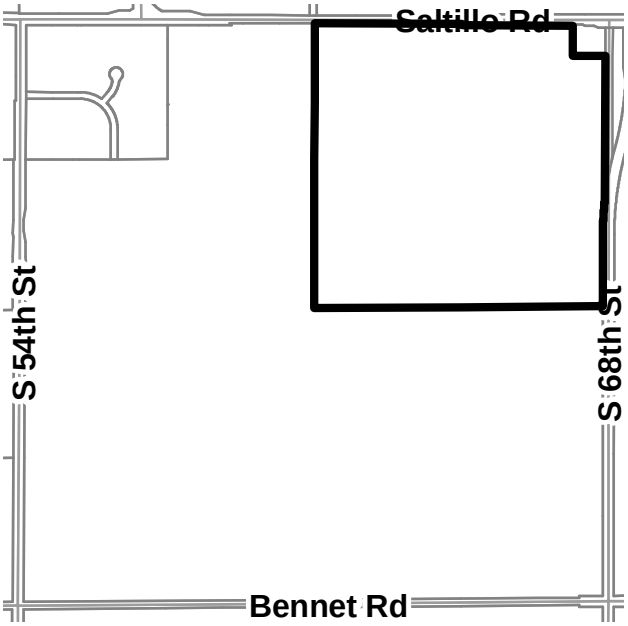
One Square Mile:
Sec.04 T08N R07E



Area of Application

Zoning Jurisdiction Lines

Lancaster County Jurisdiction



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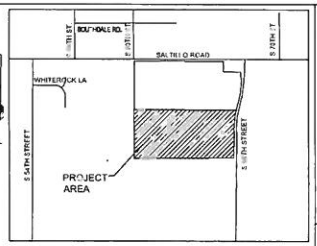

VICINITY MAP
SCALE: NONE

LEGAL DESCRIPTION -SPECIAL PERMIT

[illegible]

GENERAL SITE NOTES

1. THE PROPERTY IS CURRENTLY ZONED AG
2. THE OWNER IS RESPONSIBLE FOR ALL NUISANCE CONTROL [illegible]
3. ALL WIND AND WATER EROSION MUST BE CONTROLLED
4. DURING THE MINING PROCESS, THE LAND OWNER SHALL BE RESPONSIBLE FOR [illegible] LINCOLN / LANCASTER COUNTY AIR POLLUTION REG. LATEST EDITION STANDARDS AND LEGISLATION OF DUST EFFECTS. MEASURES SHALL INCLUDE BUT NOT LIMITED TO: IMPLEMENTATION OF WATER SPRINKLING, DRY SWEEPING, PAVING LOTS, THE SITE, PRIMITIVE AND AVAILABLE AGENT, BUILDING FENCES ALONG FRONTAGE, PLANTING AND MAINTENANCE OF GRASS AND OTHER PLANTS MUST BE INCORPORATED AS NEEDED
5. A NORMAL EXCAVATION OPERATION SHALL CONSIST OF APPROXIMATELY 50 BOXES OF EXCAVATION
6. THE FOLLOWING EQUIPMENT SHALL BE USED ON SITE: HOPPER DUMPS, MOTOR GRADER, DUMP TRUCKS, EXCAVATOR, AND WATER TRUCK
7. THERE SHALL BE NO EXCAVATION OF DIRT WITHIN 100 FEET OF ANY OFF-SITE PRIVATE WELL OR WITHIN 100 FEET OF A TRIBUTARY THAT LEAVES THE AREA SHALL DRAIN TO A DETENTION AREA
8. NO MORE THAN 20 ACRES OF THE SITE SHALL BE OPEN TO EXCAVATION AT ANY ONE TIME. THE SURFACE SHALL BE ROUGH GRADED IN A MANNER THAT MINIMIZES WATER RUNOFF, ERODES AND POND, UNLESS SPECIFICALLY APPROVED BY THE CITY. INDIVIDUAL SLOPE TO BE 3:1 WITH PROVIDE POSITIVE DRAINAGE
9. TOPSOIL SHALL BE STRIPPED AND KEPT ON SITE FOR REDISTRIBUTION AT THE CONCLUSION OF THE EXTRACTION PROCESS. STRIPPED SOIL SHALL BE REDRAWN UPON TO REAPPLY TO SLOPES. REQUIRED TOPSOIL SHALL NOT EXCEED THE DEPTH OF 3 FEET REMOVED
12. OPERATING HOURS SHALL BE LIMITED TO DAYLIGHT HOURS, MONDAY THROUGH SATURDAY
13. A SIGN SHALL BE POSTED AND MAINTAINED AT THE ENTRANCE OF THE SITE. THE SIGN SHALL BE:
    13.1 CLEARLY VISIBLE FROM THE ADJACENT ROAD
    13.2 AT LEAST TWENTY FOUR FEET IN AREA
    13.3 LETTERING SHALL BE AT LEAST FIVE INCHES IN HEIGHT, BLACK ON WHITE BACKGROUND
    13.4 THE SIGN SHALL LIST
    13.4.1 THE APPROVED SPECIAL PERMIT NUMBER
    13.4.2 THE NAME, CONTACT PHONE AND EMAIL ADDRESS FOR THE LAND OWNER
    13.4.3 THE NAME, CONTACT PHONE AND EMAIL ADDRESS FOR THE OPERATOR / CONTRACTOR
    13.4.4 THE BUILDING AND SAFETY DEPARTMENT CONTACT NUMBER
12. THE SPECIAL PERMIT IS APPROVED FOR THREE YEARS FROM THE DATE THE SPECIAL PERMIT IS ISSUED
13. THE CONSTRUCTION ENTRANCE SHALL BE CLOSED WHEN NOT IN OPERATION
14. SOILS AND SEDIMENT CONTROL SHALL CONFORM TO THE SPECIAL PLAN AND INSPECTED AT THE FIRST OPPORTUNITY DURING THE FIRST [illegible] HOURS AFTER EXTRACTION CEASES
15. TOPSOIL RANGING FROM 6 INCHES TO 12 INCHES SHALL BE STOCKPILED PRIOR TO REMOVAL OF THE OVERBURDEN. UPON COMPLETION OF AREA IS COMPLETED, TOPSOIL SHALL BE REDISTRIBUTED
16. LANDFILL BE RECLAIMED IN CONFORMANCE WITH LSCA TARP BLUE COMP. AND [illegible] OF THE REGULATIONS OF LANDFILL. THE SITE SHALL BE RIPPED WITH A MINOR GRADER TO A MAXIMUM DEPTH OF 18 INCHES
17. [illegible] NOT UNDERTAKE ENGINEER REQUIREMENTS SURVEYOR TO PROVIDE ALL BOUNDARY SURVEY REQUIREMENTS

APPROVAL

THE FOREGOING SPECIAL PERMIT WAS APPROVED BY THE LINCOLN CITY PLANNING COMMISSION ON THIS ___ DAY OF _____ 20__

ATTEST _____
Clerk

OWNER/DEVELOPER:
TRIPLE R & L DEVELOPERS, LLC
[illegible] 10TH STREET
LINCOLN, NE 68516

ENGINEER:
CIVIL DESIGN GROUP, INC.
8535 EXECUTIVE WOODS DRIVE
SUITE [illegible]
LINCOLN, NE 68512 (402) 416-8494

SURVEYOR:
ALLIED SURVEYING COMPANY
[illegible] EXECUTIVE WOODS DRIVE, SUITE 200
LINCOLN, NE 68512
(402) 434-2120

Civil Design Group, Inc.
8535 EXECUTIVE WOODS DR. SUITE 200
LINCOLN, NEBRASKA 68512
PHONE: 402-416-8494
www.civildesigngroup.com
CONSULTING ENGINEERS • SURVEYORS • PLANNERS

REVISIONS

DATE	REVISION

COTTONWOOD RIDGE
SOIL EXTRACTION SPECIAL PERMIT #____

SITE PLAN

LINCOLN, NEBRASKA

2016

Drawn by: [illegible]
Checked by: [illegible]
Approved by: [illegible]
Drawing no: [illegible]
Date: [illegible]

SHEET
1 OF 1

VICINITY MAP

SCALE: NONE

LEGAL DESCRIPTION -SPECIAL PERMIT

LOT 23 & 25 LOCATED IN THE NORTHEAST AND NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 8 NORTH, RANGE 7 EAST, OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA.

GENERAL SITE NOTES

1. THE PROPERTY IS CURRENTLY ZONED 'AG'.
2. THE OWNER IS RESPONSIBLE FOR ALL MOSQUITO CONTROL ISSUES.
3. ALL WIND AND WATER EROSION MUST BE CONTROLLED.
4. DURING THE MINING PROCESS, THE LAND OWNER(S) WILL BE RESPONSIBLE FOR CONTROLLING OFF-SITE DUST EMISSIONS IN ACCORDANCE WITH LINCOLN-LANCASTER COUNTY AIR POLLUTION REGULATIONS AND STANDARDS ARTICLE 2 SECTION 32. DUST CONTROL MEASURES SHALL INCLUDE, BUT NOT LIMITED TO APPLICATION OF WATER TO ROADS, DRIVEWAYS, PARKING LOTS ON SITE, SITE FRONTAGE AND ANY ADJACENT BUSINESS OR RESIDENTIAL FRONTAGE. PLANTING AND MAINTENANCE OF GROUND COVER WILL ALSO BE INCORPORATED AS NECESSARY.
5. MINING / EXCAVATION OPERATION SHALL CONSIST OF APPROXIMATELY 806,000 CY OF EXCAVATION.
6. THE FOLLOWING EQUIPMENT SHALL BE USED ON SITE: SCAPER, DOZER, MOTOR GRADER, DUMP TRUCKS, EXCAVATOR, AND WATER TRUCK.
7. THERE SHALL BE NO EXCAVATION OF DIRT WITHIN 1000' FEET OF AN ANY OFF-SITE PRIVATE WELL OR WITHIN 2,000 OF A COMMUNITY WELL AND THE EXCAVATED AREA SHALL DRAIN TO A LOWER AREA.
8. NO MORE THAN 20 ACRES OF THE SITE SHALL BE OPEN FOR OPERATIONS AT ANY ONE TIME. THE SURFACE SHALL BE MAINTAINED IN SUCH A MANNER THAT SURFACE WATERS DO NOT COLLECT AND POND, UNLESS SPECIFICALLY APPROVED BY THE CITY. A MINIMUM SLOPE OF 2% WILL PROVIDE POSITIVE DRAINAGE.
9. TOPSOIL SHALL BE STRIPPED AND KEPT ON SITE FOR REDISTRIBUTION AT THE CONCLUSION OF THE EXTRACTION PROCESS. COMPACTED SUBSOIL SHALL BE BROKEN UP PRIOR TO REAPPLYING TOPSOIL. REAPPLIED TOPSOIL SHALL MEET OR EXCEED THE DEPTH OF THAT REMOVED.
10. OPERATING HOURS SHALL BE LIMITED TO DAYLIGHT HOURS, MONDAY THROUGH SATURDAY.
11. A SIGN SHALL BE POSTED AND MAINTAINED AT THE ENTRANCE OF THE SITE. THE SIGN SHALL BE:
    - 11.1. CLEARLY VISIBLE FROM THE ADJACENT ROAD
    - 11.2. AT LEAST 32 SQUARE FEET IN AREA
    - 11.3. LETTERING SHALL BE AT LEASE TWO INCHES IN HEIGHT, BLACK ON WHITE BACKGROUND
    - 11.4. THE SIGN SHALL LIST:
      - 11.4.1. THE APPROVED SPECIAL PERMIT NUMBER
      - 11.4.2. THE NAME, CONTACT PHONE, AND EMAIL ADDRESS FOR THE LAND OWNER.
      - 11.4.3. THE NAME, CONTACT PHONE, AND EMAIL ADDRESS FOR THE OPERATOR/CONTRACTOR.
      - 11.4.4. THE BUILDING AND SAFETY DEPARTMENT CONTACT NUMBER.
12. THE SPECIAL PERMIT IS APPROVED FOR THREE YEARS FROM THE DATE THE SPECIAL PERMIT IS ISSUED.
13. THE CONSTRUCTION ENTRANCE SHALL BE CLOSED WHEN NOT IN OPERATION.
14. SOILS AND TOPOGRAPHY SHALL CONFORM TO THE GRADING PLAN AND SEEDED AT THE FIRST OPPORTUNITY DURING THE FIRST GROWING SEASON AFTER EXTRACTION CEASES.
15. TOPSOIL RANGING FROM 8 INCHES TO 12 INCHES SHALL BE STOCKPILED PRIOR TO PROCEEDING WITH MINING / EXCAVATION. ONCE AN AREA IS COMPLETED, TOPSOIL SHALL BE REDISTRIBUTED .
16. LAND WILL BE RECLAIMED IN CONFORMANCE WITH USDA "FARM BILL COMPLIANCE". PRIOR TO THE REDISTRIBUTION OF TOPSOIL, THE GROUND SHALL BE RIPPED WITH A MOTOR GRADER TO A MINIMUM DEPTH OF 18 INCHES.
17. EXCAVATION AND GRADING SHALL NOT DISTURB SECTION CORNER MONUMENTS . CONTRACTOR TO PROTECT ALL BOUNDARY SURVEY MONUMENTS.

200'

SS

REVISIONS

Civil Design Group, Inc.

Consulting Engineers & Land Use Planners
Civil Design • Site Development • Planning & Zoning

www.civildg.com

February 17, 2016

Mr. David Cary
Director of Planning
City of Lincoln /Lancaster County
555 South 10th Street, Room 213
Lincoln, NE 68508

Re: Application for Special Permit: Excavation
Cottonwood Ridge, S. 68th Street & Saltillo Road
Civil Design Group Project: 2006-0009

Dear Mr.Cary:

On behalf of Triple S & L Developers, LLC we submit the enclosed application for a Special Permit for Excavation on their property generally located at the southwest corner of S. 68th Street and Saltillo Road.

In conjunction with this submittal for a Special Permit we submit the following information:

Special Permit Application
Special Permit Fee - $792.00

I hope information and site plan provides you enough information to review this application. 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: Triple S & L Developers, LLC

/Volumes/share/F/Projects/2006/20060009/landplanning/Doc/special use permit-excavation 02-17-16.doc

Office 402•434•8494 8535 Executive Woods Dr., Suite 200 • Lincoln, NE 68512 Fax 866•215•8747

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for May 25, 2016 PLANNING COMMISSION MEETING

PROJECT #: Special Permit No. 16020

PROPOSAL: A request per Section 27.63.280 for Expansion of a Nonconforming Use.

LOCATION: 535 North 16th Street

LAND AREA: 0.28 acres, more or less

EXISTING ZONING: R-7 Residential District

CONCLUSION: The nonconforming condition is caused by the existing church not meeting the side yard setbacks and required parking. The proposal is to reconstruct and expand the church with a larger building footprint, a greater building height, and additional student housing. The reconstruction and expansion of the church should not significantly impact surrounding properties, and subject to the conditions of approval, this request is consistent with the Zoning Ordinance and Comprehensive Plan.

RECOMMENDATION:	Conditional Approval
Modifications:	
1. Reduce the front yard setback from 20' to 14'.	Approval
2. Reduce the side yard setback from 15' to 5'.	Approval
3. Reduce the rear yard setback from 1' to 0'.	Approval
4. Increase the building height from 35' to 48'.	Approval
5. Decrease the parking requirement from 1 space per 50 sq. ft. in the largest assembly hall to 2 spaces.	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: The East 120' of the South 2/3 of Lot 21, Littles (S W) Subdivision, located in the located in the West ½ of the SW 1/4 of Section 24-10-6, Lincoln, Lancaster County Nebraska.

EXISTING LAND USE: Church

SURROUNDING LAND USE AND ZONING:

North: UNL City Campus (Sigma Phi Epsilon Fraternity); R-7
South: UNL City Campus (Pi Kappa Phi Fraternity); R-7
East: UNL City Campus (Neihardt Residence Center); P
West: UNL City Campus (Selleck Hall); P

HISTORY:

May 1979 City-wide change of zone from E Multiple Dwelling District to P Public Use District.

April 2012 The City Council approved Change of Zone #11044 from P Public Use District to R-7 Residential District to rezone fraternity and sororities in the area around N. 16th Street between R Street and Vine Street to a more appropriate zoning district.

Unknown Date The Board of Zoning Appeals approved BZA #192 for a reduction of the rear yard setback from 24' to 1'.

COMPREHENSIVE PLAN SPECIFICATIONS:
P. 1.9 - The 2040 Future Land Use Map shows this area as Urban Density Residential.

P. 7.11 - Detailed Strategies for Existing Neighborhoods
- Support retention of public and semi-public uses (elementary schools, churches) as centers of neighborhoods.

P. 8.1 - Strategies for Community Colleges and Trade Schools and Universities
- Support the necessary expansion of education facilities while remaining sensitive to surrounding neighborhoods.

UTILITIES: All utilities are available. Building footings must be confined to inside of the property lines to prevent encroachment upon the sanitary sewer located west of the property.

TOPOGRAPHY: The site is generally flat.

TRAFFIC ANALYSIS: North 16th Street is classified as an Urban Collector in the 2040 Comprehensive Plan.

PUBLIC SERVICE: The nearest fire station is located at 1801 Q Street.

AESTHETIC CONSIDERATIONS: Because this property is located within the Greek Row Historic District listed on the National Register of Historic Places, the application was reviewed by the Historic Preservation Commission. The new church will also be subject to the Neighborhood Design Standards and will be reviewed for compliance with those

standards during the building permit review.

ANALYSIS:

1. This is an application to expand a nonstandard church that encroaches into the required side yards on the north and south sides of the property and does not provide required parking. The applicant would like to demolish the existing church and build a new church. The new church will have a larger footprint and height than the existing church. It will also provide additional accessory student housing for approximately 10 to 13 University of Nebraska-Lincoln (UNL) students that will function as a single dwelling unit with separate bedrooms around a central kitchen and living area.

2. Churches are a conditional permitted use in the R-7 zoning district. The property is nonconforming because it does not meet the required side yard setbacks. The side yard on the north side is 2', and the side yard on the south side is 9'. Churches in the R-7 zoning district have a required side yard of 15'. The existing church meets the required front yard of 20' in the R-7 district. The required rear yard setback was reduced from 24' to 1' by BZA #192.

3. The existing Lutheran Center is a two-story structure that includes a sanctuary, offices, recreational/meeting space, and an apartment that houses up to three students. The new structure will have an expanded building footprint and approval is requested to build up to three stories (up to 48' in height). The drawings submitted show both a two-story and a three-story option. The Lutheran Center is considering both options, but requests approval to build up to the three-story building height of 48'.

   The existing flat-roofed, two-story Lutheran Center is considerably shorter in appearance than most of the neighboring historic buildings. The Greek Row Historic District includes several tall two-and-a-half story buildings, three-story UNL dormitories across North 16th Street to the east, and a three-story building behind the Lutheran Center to the west.

4. The applicant requests reduction of the required front yard setback on the east side of the property from 20' to 14', reduction of the required side yard setback on the north and south sides of the property from 15' to 5', and reduction of the required rear yard setback from 1' to 0'. The maximum building height in the R-7 district is 35'. An increase in the building height from 35' to 48' is also requested.

   The Building and Safety Department notes that a minimum 3' setback of the building to the west property line is required to meet current building code. In addition, the applicant is pursuing approval from Lincoln Electric System to relocate the power lines west of the property underground. The necessary west side setback to be provided could therefore be affected by a utilities relocation if that process moves

forward, but that process will take place separately from the Special Permit approval process. Potentially, the applicant could achieve a zero foot setback, but it would require an easement from UNL and Building and Safety Department approval. For purposes of the Special Permit, the requested 0' setback is appropriate considering the prior Board of Zoning Appeals reduction of the setback to 1' and the limited space for expansion within the property, though ultimately it may need to be 3' to meet building codes.

5. The parking requirement for churches is one space per 50 sq. ft. in the largest assembly hall. The existing church with its sanctuary of approximately 2,000 sq. ft. does not meet the minimum parking requirement with the 8 parking spaces provided on the property. The new church also will not meet the parking requirement. The sanctuary in the new building will also be approximately 2,000 sq. ft. and would require about 40 spaces. A reduction of the parking requirement is requested with this application, as only two spaces will be provided in a garage on the north side of the building.

   The Lutheran Center is oriented to primarily serve UNL students. The Lutheran Center is officially affiliated with the University of Nebraska-Lincoln. Based on this affiliated status, Lutheran Center staff and residents are eligible to purchase UNL parking passes to park in various designated parking areas across campus. On-street parking is available on 16th Street and other streets nearby for users without UNL parking passes and the church is within walking distance of on-campus housing. Although parking on the site will be reduced by 5 spaces, designated parking for the Lutheran Center is not as critical as for other churches in Lincoln due to its location on the campus and proximity to on-street and UNL parking facilities.

6. This property is within the Greek Row Historic District listed on the National Register of Historic Places. The Historic Preservation Commission (HPC) reviewed this item at their regular meeting on April 21, 2016 and recommended approval with a condition that the final design be subject to the approval of the Director of Planning, following advisory review by the HPC as to whether that design is compatible with the character of its historic setting (see attached minutes of the HPC meeting).

7. A nonstandard use is defined by LMC §27.02.150 as a lot or use that existed prior to the effective date of the zoning ordinance or due to a change in the zoning ordinance or district boundaries and no longer complies with the minimum lot requirements for the district in which it is located. This church was built in 1951 and became nonstandard over time as the City adopted revised zoning regulations.

8. LCM §27.63.280 provides the following criteria shall be given specific consideration:

   (a) Effects on adjacent property, traffic, city utility service needs;
   The new church will have an expanded footprint and greater building height than the current church. The overall mass of the building from a visual perspective will also

be increased. 5' side yard setbacks will be maintained on both the north and south sides. It is not anticipated that the expanded church will have a significant effect on traffic volume or utility service needs.

As mentioned above, the Historic Preservation Commission recommended that the final design be subject to approval of the Planning Director and HPC to ensure that it is compatible with surrounding properties and the historical character of the area.

(b) Density of land use zoning for the subject property and adjacent property;
No additional buildings are proposed with this application. The building footprint overall will be larger and additional student housing will be provided beyond what currently exists; therefore, there will be an increase in the density of the land use on this property. However, given the density of surrounding uses on the UNL campus, the density is appropriate for the area.

(c) The degree of hardship upon the applicant which would be caused by failure to grant.
Given the small size of the property (120 feet by 100 feet), there are limited options of where the church could be rebuilt and expanded. If the special permit was not approved, the property owner could not proceed with the improvements as proposed. The property owner could conduct routine maintenance on the church.

9. This property is not owned by the University but is within the boundaries of UNL City Campus. This redevelopment appears to be in conformance with the UNL Campus Master Plan, and the applicant has coordinated with the University on the project. The applicant also spoke with representatives from both neighboring fraternities' alumni boards regarding the project.

10. The special permit is warranted because 1) the exterior of the new building will blend with the Historic Greek Row buildings on the north and south sides; 2) given the small lot size there are no alternative locations for the church expansion on the property; and 3) the new structure will meet current building codes.

11. The following plans are to be approved as part of this Special Permit: 1) Site Plan - Existing, 2) Site Plan - Proposed, 3) 2 Story Concept Elevations sheets, 4) 3 Story Concept Elevations, and 5) Perspective drawings; the Utilities Plan and Floor Plans sheets are for informational purposes.

CONDITIONS OF APPROVAL:

Per Section 27.63.280, this approval permits the expansion of a nonconforming use to allow for reconstruction and expansion of an existing church, with reduction of the front yard setback from 20' to 14', reduction of the side yard setback from 15' to 5', reduction of the rear yard setback from 1' to 0', reduction of the parking requirement from one space per 50 sq. ft in the largest assembly hall to two spaces, and increase of the building height from

35' to 48'.

Site Specific Conditions:

1. Before receiving building permits the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including **3** copies with all required revisions and documents as listed below:

   1.1 Number the drawings submitted as part of the application as Sheet 1, Sheet 2, etc.

   1.2 Amend the dotted line representing required setbacks on “Site Plan - Existing” sheet to show 5' side yard setbacks and a 1' rear yard setback. Label the dotted line as “Existing Required Setbacks”.

   1.3 Label the dotted line on the “Site Plan - Proposed” sheet as “Proposed Setbacks” and label the 0' requested rear yard setback.

   1.4 The required 125 sq. ft. of open space per Section 27.72.130 will be met using the patio area planned for the east side of the building. Show the area designated for meeting this requirement on the “Site Plan - Proposed” sheet.

   1.5 Add a list of all approved waivers to the “Site Plan - Proposed” sheet.

   1.6 Add a note to the “Site Plan - Proposed” sheet that states, "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 Add a note to the “Site Plan - Proposed” sheet that states, “Building footings must be confined to inside of the property lines.”

   1.8 Show street trees on the “Site Plan - Proposed” sheet to be installed to the satisfaction of the Parks and Recreation Department.

   1.9 Add a note that: “The final design is subject to the approval of the Director of Planning, following advisory review by the Historic Preservation Commission.”

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.

Standard Conditions:

3. The following conditions are applicable to all requests:

   3.1 Before occupying the building and dwelling units all development and construction shall substantially comply with the approved plans.

   3.2 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.

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

   3.4 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, filing fees therefor to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.

Prepared by

Rachel Jones, Planner

DATE: May 17, 2016

APPLICANT: Pastor Adam White
535 N. 16th Street
Lincoln, NE 68508

OWNER: Nebraska Lutheran Campus Ministries
4720 Randolph Street
Lincoln, NE 68510

CONTACT: Kevin Clark
3330 Woods Avenue
Lincoln, NE 68510

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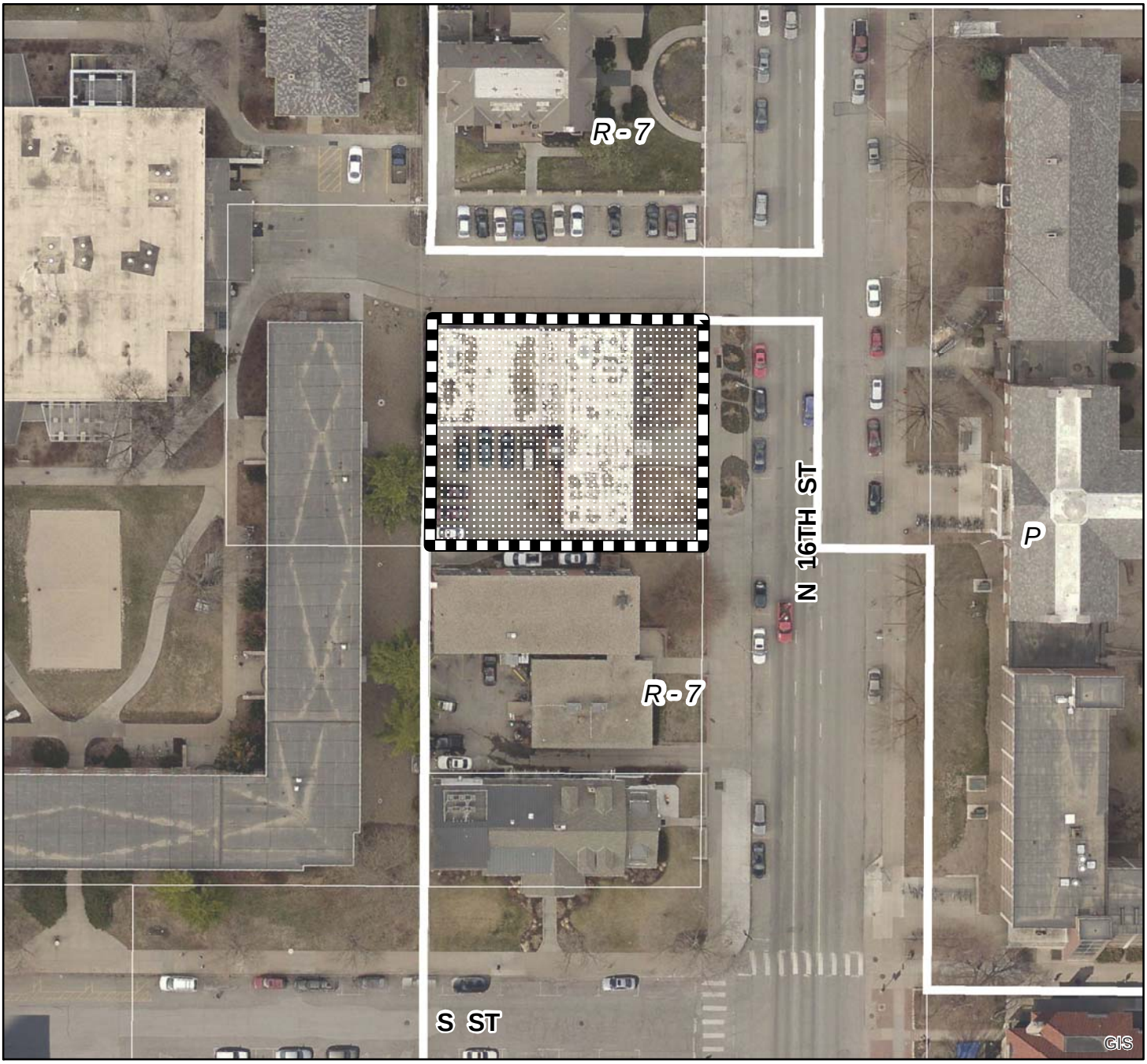


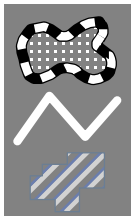
2013 aerial

Special Permit #: SP16020
The Lutheran Center
S 16th St & S St

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

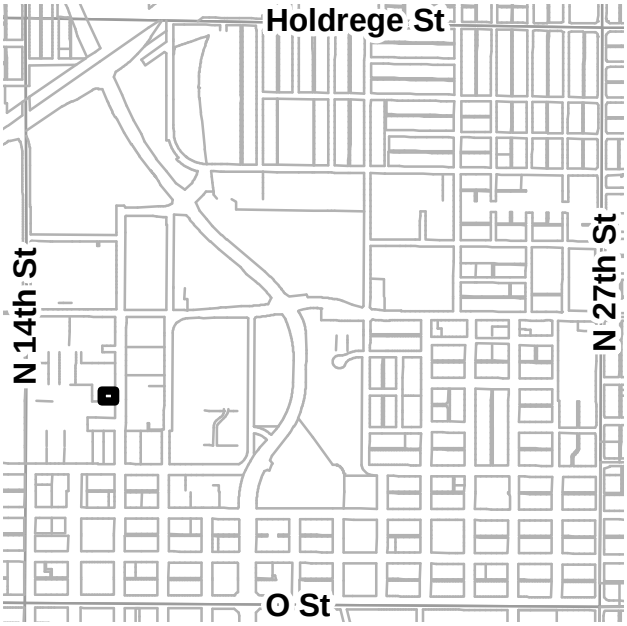
One Square Mile:
Sec.24 T10N R06E



Area of Application

Zoning Jurisdiction Lines

Lancaster County Jurisdiction



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LUTHERAN CENTER, LINCOLN, NEBRASKA

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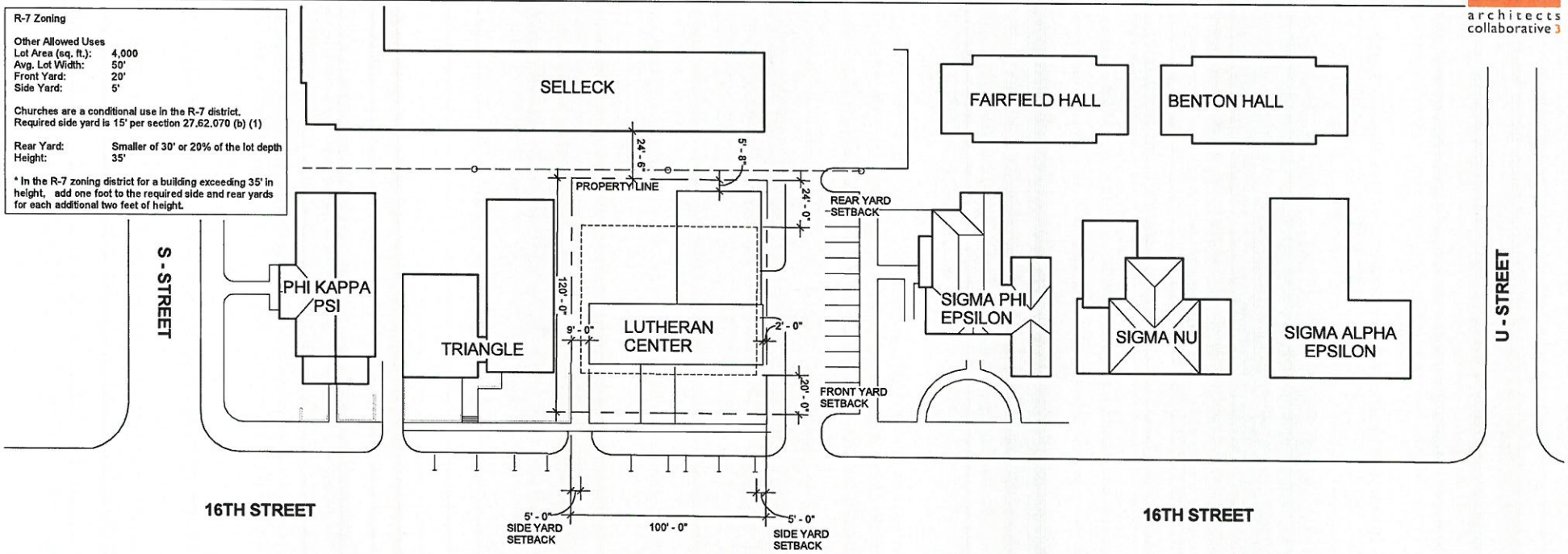
R-7 Zoning

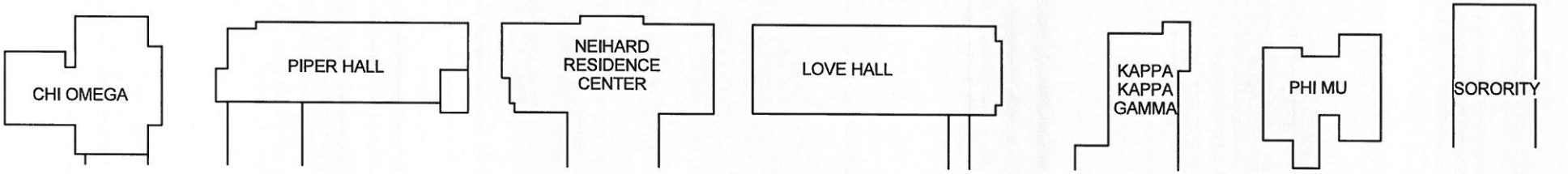
Other Allowed Uses
Lot Area (sq. ft.): 4,000
Avg. Lot Width: 50'
Front Yard: 20'
Side Yard: 5'

Churches are a conditional use in the R-7 district.
Required side yard is 15' per section 27.62.070 (b) (1)

Rear Yard: Smaller of 30' or 20% of the lot depth
Height: 35'

* In the R-7 zoning district for a building exceeding 35' in height, add one foot to the required side and rear yards for each additional two feet of height.





SITE PLAN - EXISTING

1" = 50'-0"

0 25' 50' 100'

April 12, 2016

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LUTHERAN CENTER, LINCOLN, NEBRASKA

CLARK architects collaborative 3

R-7 Zoning

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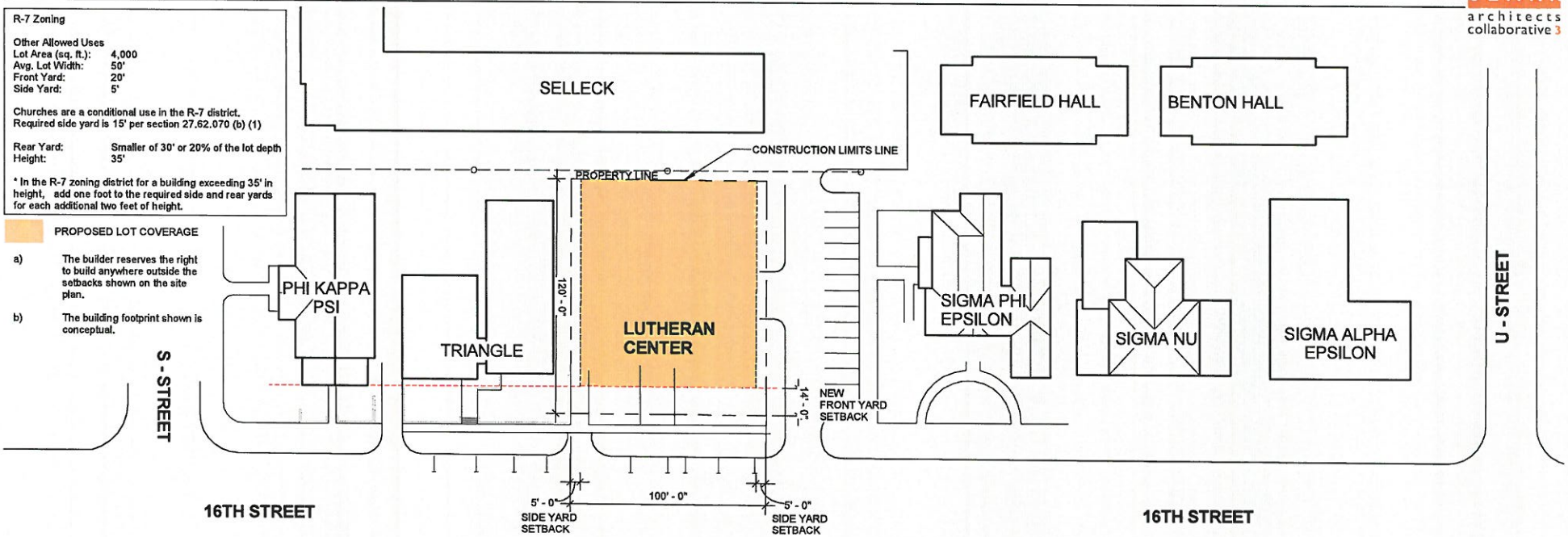
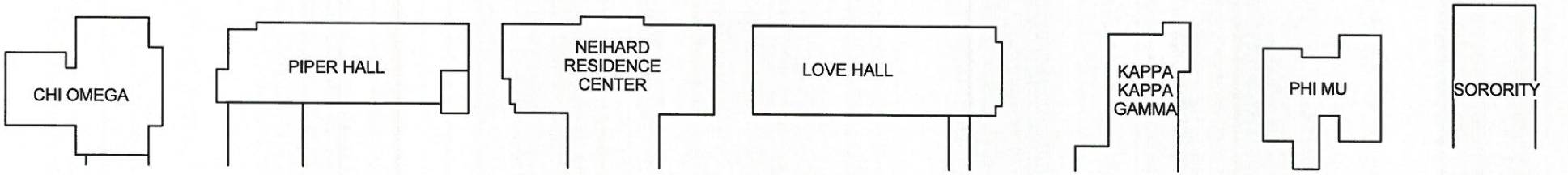
PROPOSED LOT COVERAGE

a) The builder reserves the right to build anywhere outside the setbacks shown on the site plan.

b) The building footprint shown is conceptual.





SITE PLAN - PROPOSED

1" = 50'-0"

0 25' 50' 100'

April 12, 2016

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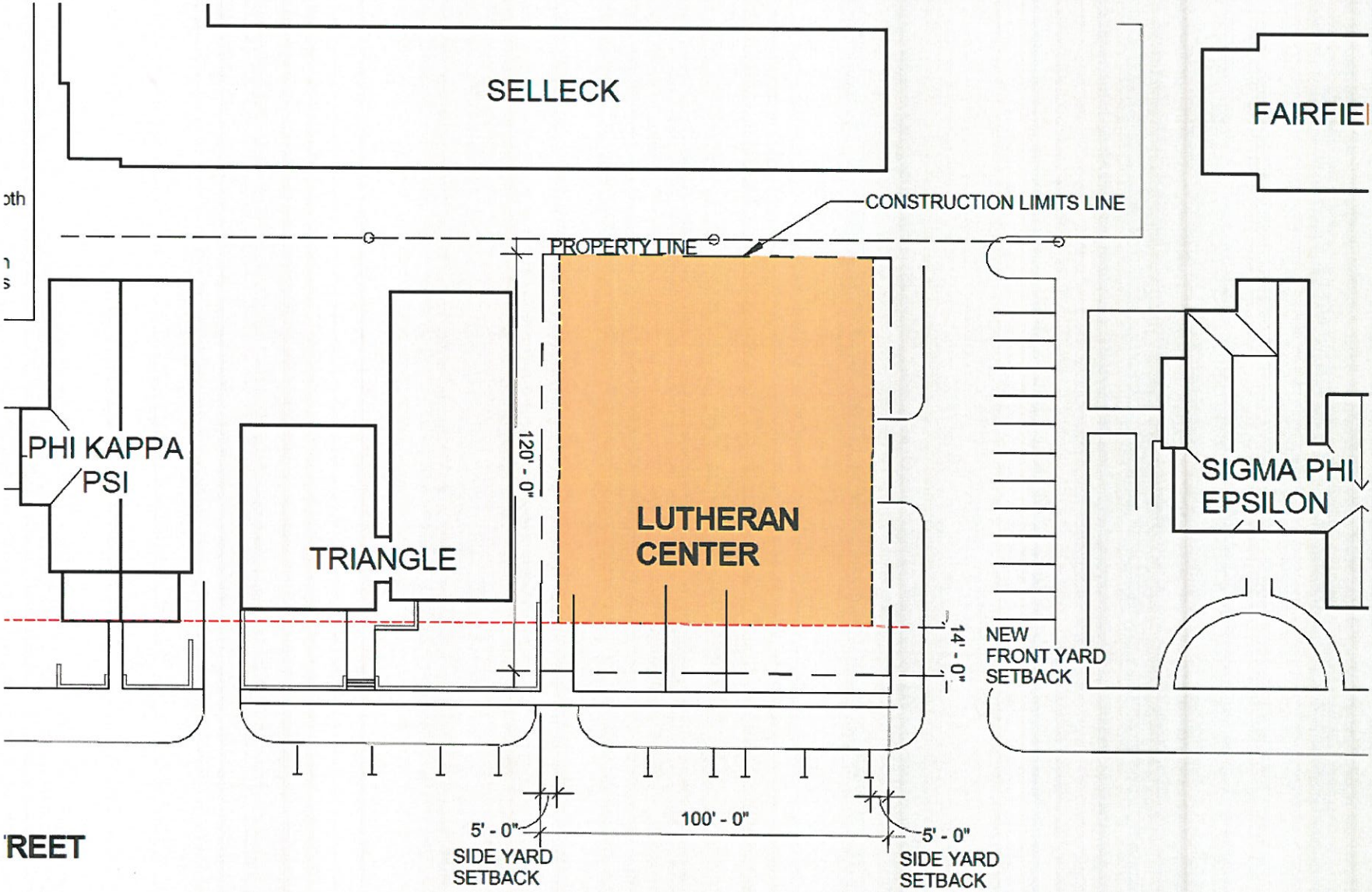
SELLECK
FAIRFIE
CONSTRUCTION LIMITS LINE
PROPERTY LINE
PHI KAPPA
PSI
TRIANGLE
120' - 0"
LUTHERAN
CENTER
SIGMA PHI
EPSILON
14' - 0"
NEW
FRONT YARD
SETBACK
5' - 0"
SIDE YARD
SETBACK
100' - 0"
5' - 0"
SIDE YARD
SETBACK
REET

LUTHERAN CENTER, LINCOLN, NEBRASKA

CLARK architects collaborative

R-7 Zoning

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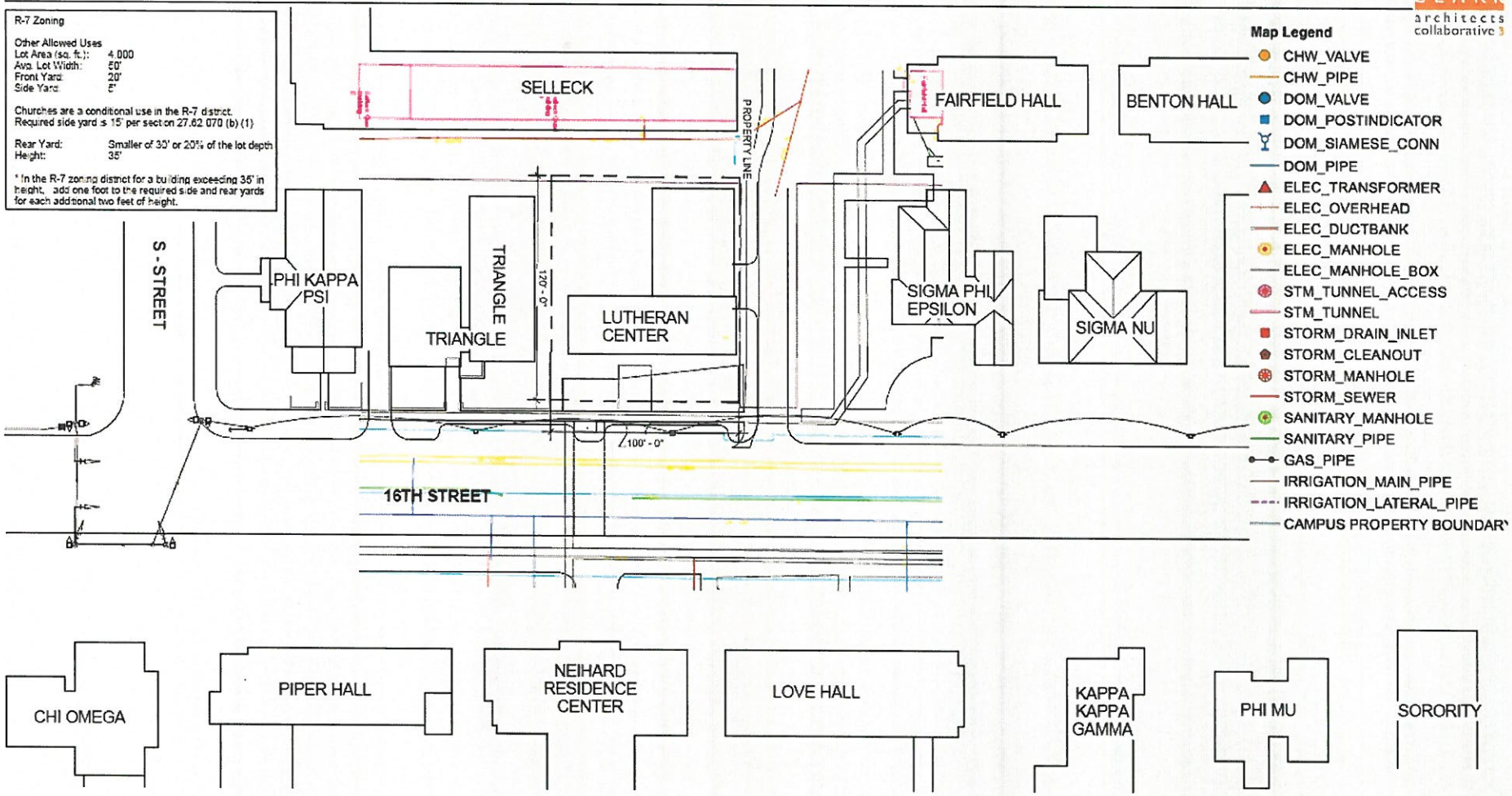

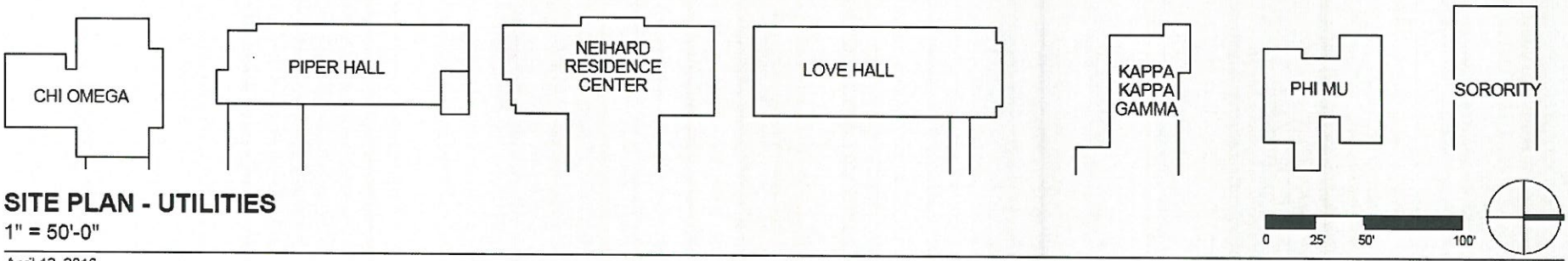

SITE PLAN - UTILITIES

1" = 50'-0"

April 12, 2016

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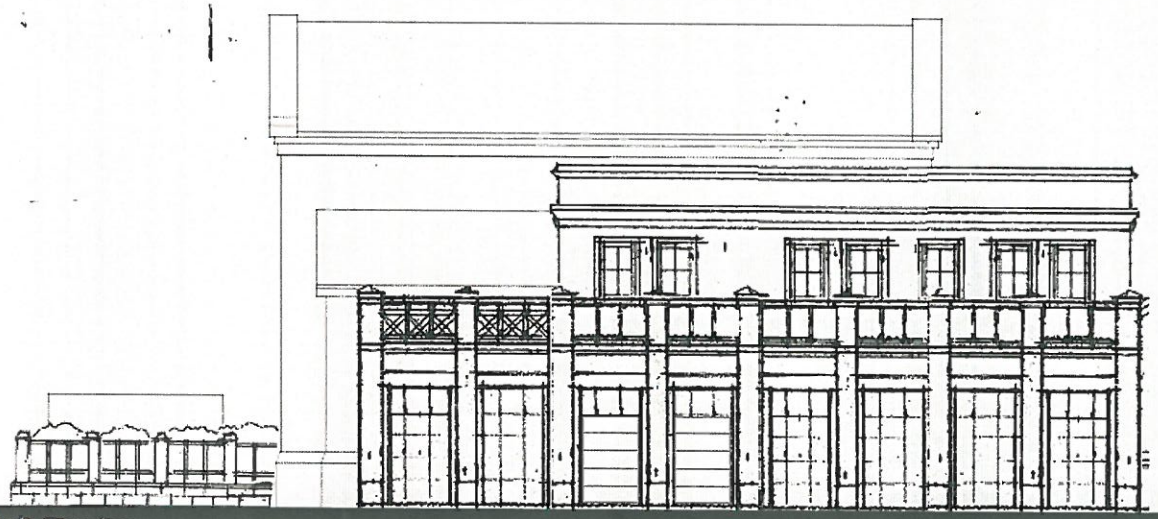

North Elevation

East Elevation

2 Story Concept

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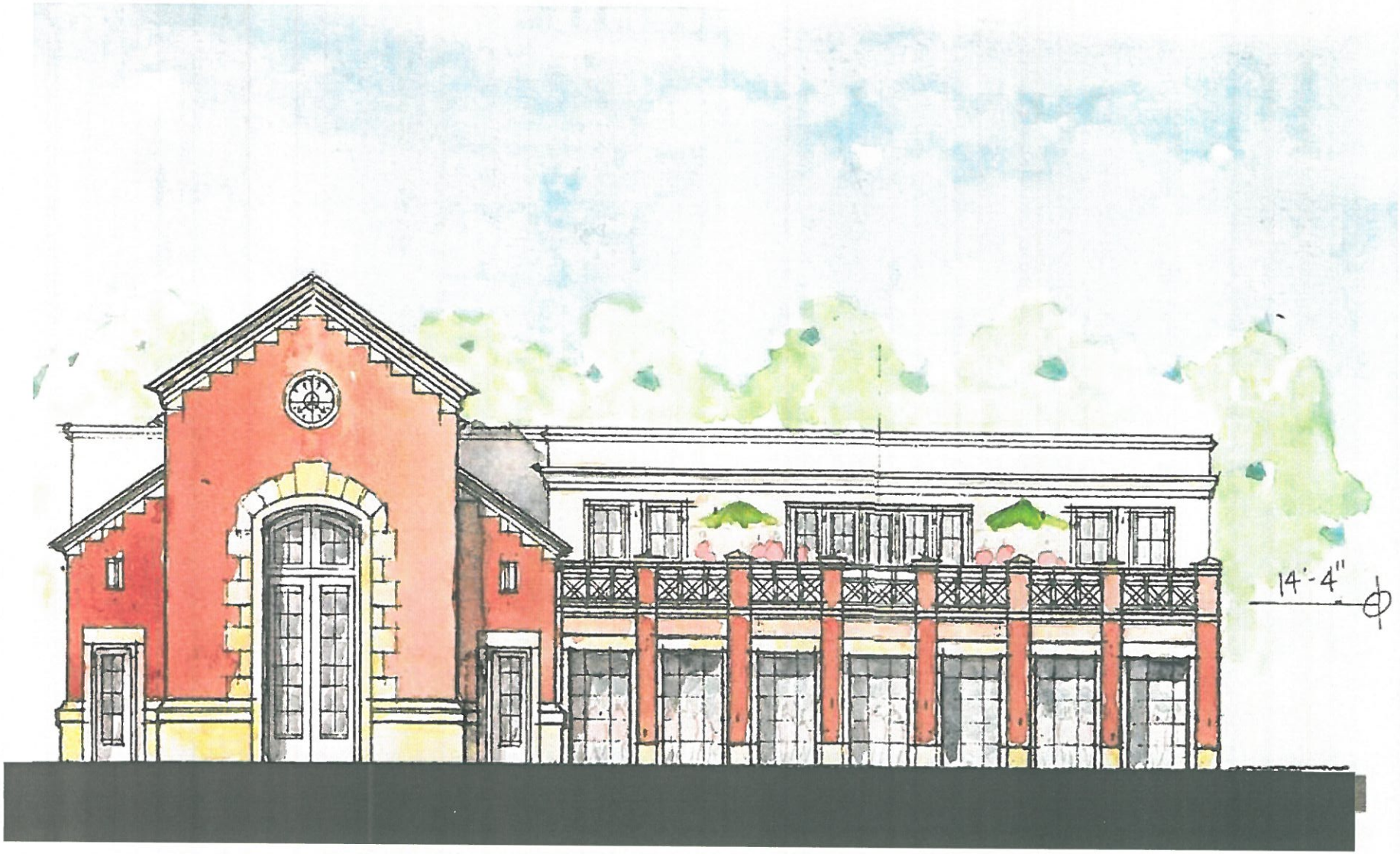

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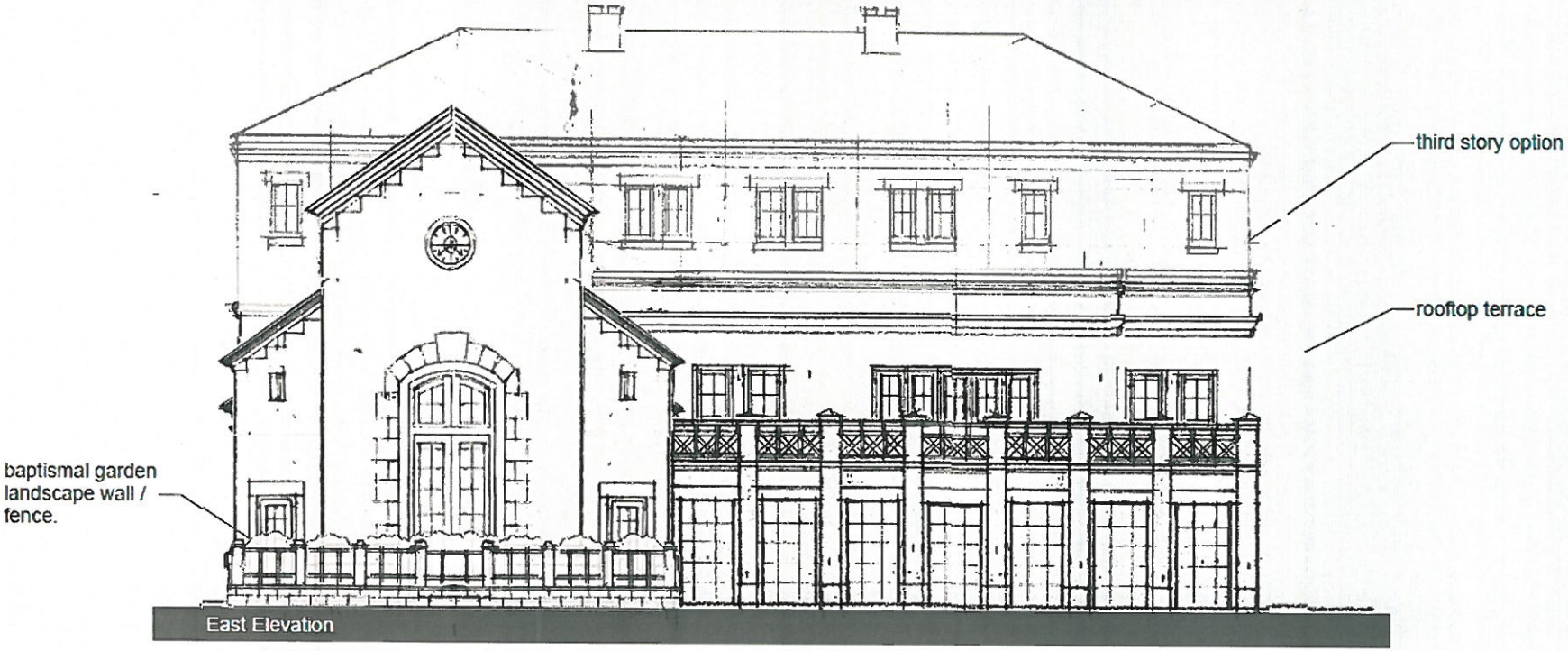

3 Story Concept

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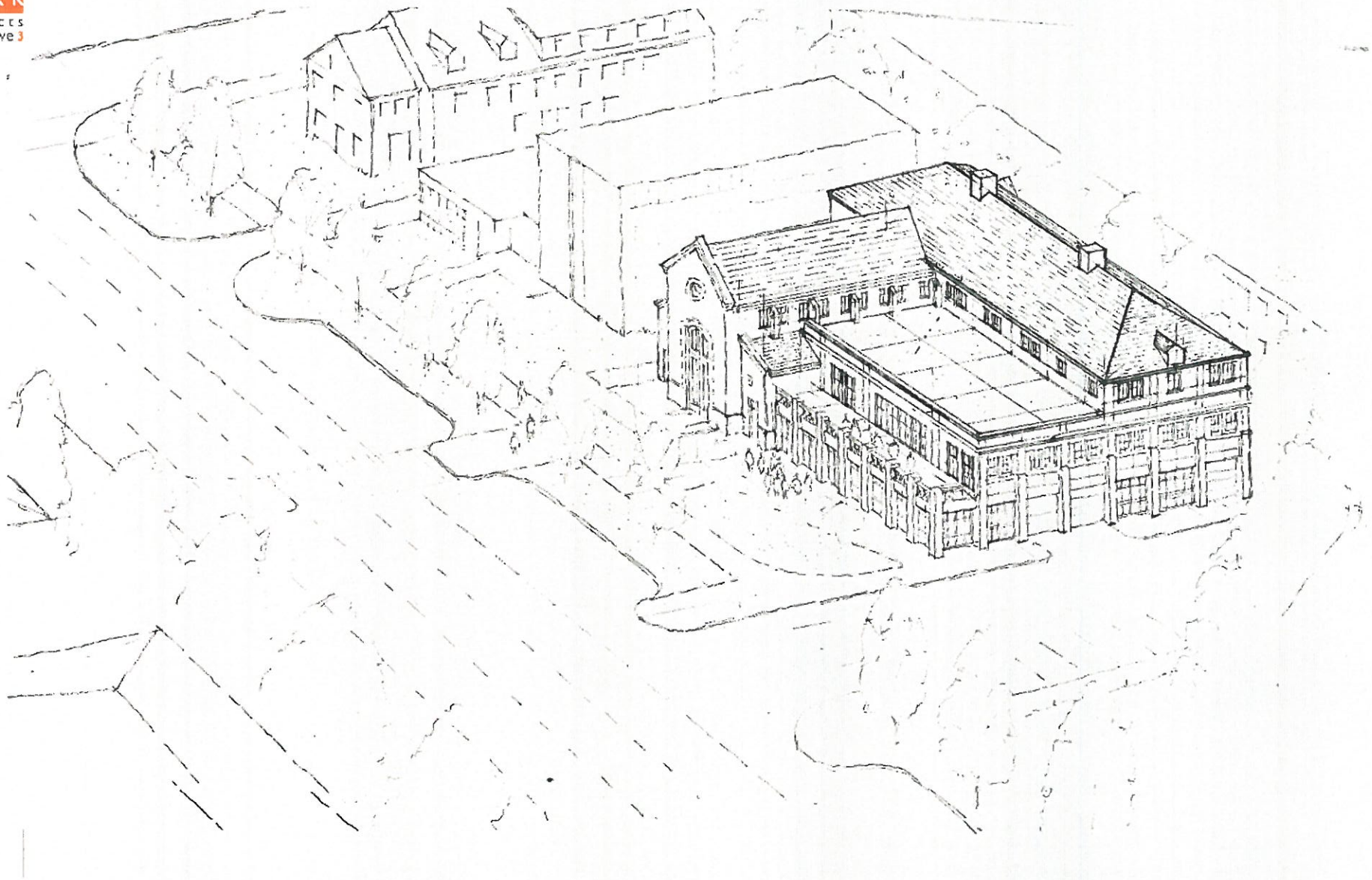

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collaborative

12 April 2016

Lincoln Planning Department

RE: UNL Lutheran Center

To whom it may concern:

2019 will the 100th anniversary of the UNL Lutheran Center providing services on this campus. The existing ministries have outgrown their existing facility. The existing mechanical system and the building's roof and skin are requiring replacement. The need for space and major facility upgrades has led the University of Nebraska – Lutheran Center at 535 N 16th to plan the construction of a new facility on their existing site. The Lutheran Center programming will move to a temporary facility, the existing facility will be demolished and then new structure built on the existing lot.

The new facility will move the chapel to the southeast corner of the site to allow a better connection to the students. A large community lounge space and entry will sit on the NE corner of the site. The west side of the first floor will include administrative offices. The lower level will include a large dining room and kitchen, lounge, restrooms and mechanical rooms. A small university living community will be located on the upper level. Dorm rooms and private bathrooms, a community kitchen and dining room and community spaces will support the 12 students in residence.

The exterior of the new building will blend with the existing Historic Greek Row Neighborhood by utilizing a traditional Period Revival aesthetic (see attached elevations). The façade will utilize a red blend brick masonry veneer with limestone details. The punched window openings will be configured vertically to tie to the adjacent structures.

The existing building is built near the west (rear yard) property line and beyond the north property line setback. This violates the 24' rear yard setback and the 15' side yard setback requirements.

R-7 Zoning requirements and requested setbacks

A. Setbacks (see attached site plan)

	Code	Requested.
a. Front yard:	20'	14'

i. The reduction of the front yard setback allows the development of a semi private garden area. The definition of semi-public space is common on 16th street. The Alumni Center garden and the other Greek houses use walls and fences to create these spaces.

3330 Woods Avenue
Lincoln NE, 68510
402-326-1577
kevin@clark-architects.com

CLARK
architects
collaborative

17 March 2016

UNL Lutheran Center
Planning Department review

1. Code Review: R-7 Zoning
   A. Setbacks

	Code	Requested.
a. Front yard:	20'	?
b. Side yard:	5'	5'
c. Rear yard:	30' or 20% of lot depth	0'

   B. Height

a.	35'	45' (match Neihardt Hall)

   C. 16th street redevelopment updates?
   D. Front yard site walls: match alignment of adjacent site walls

2. Next steps?

3330 Woods Avenue
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MEETING RECORD EXCERPT
RE: Special Permit No. 16020
Meeting of 04/21/2016

NAME OF GROUP:	HISTORIC PRESERVATION COMMISSION
DATE, TIME AND PLACE OF MEETING:	Thursday, April 21 2016, 1:30 p.m., Conference Room 214, 2nd Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska
STATED PURPOSE OF MEETING:	Regular Historic Preservation Commission Meeting

DISCUSSION ON SPECIAL PERMIT NO. 16020
NEBRASKA LUTHERAN CAMPUS MINISTRIES
535 NORTH 16TH STREET. **April 21, 2016**

Members present: Gengler, Hewitt, Johnson, Kuhlman, McKee and Munn; Francis absent.

Zimmer explained that Planning Dept. asks for the advice of this body before items in historic districts move on to Planning Commission. The Greek Row area of the UNL City Campus is a historic district, listed on the National Register of Historic Places. Many of the Greek chapter houses in the area are designated as individual landmarks, though this particular property is not. The applicants seek a special permit to reconstruct a nonconforming use, one that is non-standard in some way in regard to yards, setbacks, or other site requirements.. It is a very broad category of special permit that allows the owners to rebuild or even extend the footprint of the building, if granted. This Commission's advisory review focuses on the effect of the proposed new building on the historic district..

Hewitt asked if the Greek Row district is also on the east side of 16th Street. Zimmer said it runs from 14th to 17th on R Street and from R to Vine on 16th. The existing Lutheran Center was built in 1951 and was identified as "non-contributing" to the National Register district at the time of the nomination, when the building was less than 50 years old.

Bruce Fischer of the Lutheran Center stated this project has been in discussion for over a year. As the building exists now, it has reached a point where it needs major renovation or complete replacement. The owners are pursuing replacement because of functional limitations of the current building.

They are interested in using as much of the site as possible while maintaining a five-foot setback on the north and south. They would like the front to line up with the neighbors. On the west (rear) side, they would like to go to the lot line, but they may set-back three to five feet in order to open windows on that side.. They would like to

build up to three stories which conforms to surrounding buildings. A two-story solution was considered. Their goal is to bring the chapel, currently hidden within the building, into the southeast corner, to make it highly visible to passers-by.

There is a great deal of student housing to the east and if you have been in the area, you know the pedestrian flow tends to jaywalk across the street. They would like to work with that flow of pedestrian traffic assist in a safer crossing, while guiding pedestrians right past this new building in the front and along the north side, towards a passage through the Selleck complex and into the heart of campus. The University likes that idea.

Pastor Adam White of the Lutheran Center said that one utilization of the building is an open-shelf pantry which is shared with Student Affairs. Food is provided in dorms, but they have found that many students need simple hygiene items. Much of the current center is very open to the public, so they would like to provide a pantry space that can provide some privacy and greater dignity by having a second entrance to use the pantry.

McKee asked if the pedestrian flow goes all the way through? Fischer said there is an area to cut through Selleck Hall. The overall goal is to bring the flow of people around the new building.

McKee asked if the area to the rear, on the west, is an alley. Fischer said it may have been intended for that purpose, but it has never been platted as such. It does look like it has been kept in mind for utilities. McKee wondered if there were any constraints placed by the University in regard to that rear space. Fischer said it comes down to building codes. The west walls will be fore rated and the number of windows limited for fire protection. UNL also has a vested interest in what becomes of that side because it is a problem for all the buildings along the west side of 16th St., so they looked at alternatives such as easements from the University. The Lutheran Center representatives emphaiszed that an open space between the University's buildings and those along 16th St. would allow buildings on both sides to have windows.

Fischer went on to say that the main exterior material of the new building will be brick, possibly precast or site-installed. The two primary facades are east and north, as both are highly visible to southbound traffic on 16th Street. The view coming from the south is secondary. To the west, it is almost utility.

They are trying to incorporate 10 to 13 student sleeping units as part of this ministry. UNL has offered Lutheran Center residents the ability to purchase parking privileges form the University, on the same basis as for other students. Pastor White said that on the north, there are also garages for staff and an additional one for storage of equipment. McKee asked if there were two stalls? White said yes.

Kuhlman asked about service access. Fischer said there is access north of the building

to the dining facility in Selleck. The fraternity north of that driveway has approximately a dozen parking stalls accessed by an easement over that driveway. UNL is very favorable to use the same driveway as the access point for the Lutheran site.

Fischer said that another aspect of the design is to integrate the landscape in such a way that gives opportunities to take many activities outdoors. One side with the nave reads more like a chapel and they would like it to be a visual draw.

Fisher showed iterations of a two-story design that steps its way back, from the proposed architectural landscaping in the front, up to a terrace on top of the first story, then up to a second and potentially even a third story. They are considering a design with the residential units located in a partial 3rd story. That would then step down towards 16th Street. Nothing is completely set, other than they type of materials the would like to use to tie in with the masonry of the surrounding Greek housing. Discussion regarding this project occurred throughout 2015. Now in 2016, they look towards development of the actual plans. 2017 will provide time for fundraising. The ultimate goal is to build throughout 2018, with completion for occupation by 2019. They have been in the location since 1919, so finishing by 2019 would coincide with their centennial.

Pastor White said that from a financial point of view, the housing is an important feature. He considers himself a pastor and an educator and this will provide a unique opportunity for faith and vocational service. Having housing for twelve students allows them to care for the building more effectively. One of the biggest current challenges is that the old building has essentially undergone year after year of the cheapest possible fixes to problems. They think it is responsible to find a way to fund the upkeep of the building and the ministry. Fischer added that it will be a fortunate situation to go from no budget to one that will cover annual needs.

Munn asked what type of feedback they are looking for? Fischer said that they want to hear the opinion of how well this building will fit in, and to make sure it won't detract, but will be a benefit to the surroundings.

Hewitt asked if this has any relation to the Lutheran Center to the south. Pastor White said that is a different denomination.

Munn thanked the applicant for bringing this forward. He said it is the job of this body to focus mainly on the architecture.

Johnson said that he visited the area recently, and though he means no offense, the current building does not really fit in. The new proposed designs seem more compatible, even though it is not historic.

Munn noted that there is a distinction between attempting to look like the surrounding area, and complementing it. A new building should complement the area, but not

attempt to fool the eye. Fischer said they want to be modern and efficient. Other materials could be considered, but we want them to have a historical feel. But it will be obvious that this is a new building, and it will complement the surrounding in both color and feel. They don't want to stand out, but they do want the chapel to be a more prominent feature. Pastor White added that the point is to have the function stand out, but to still blend with the neighborhood as a beautiful place to live, work, and do ministry. They are very concerned about being good neighbors.

Munn said he wondered if it is appropriate in terms of scale. Fischer said they struggled with that. They originally wanted to keep the building short, but as things developed, it seemed that maybe the partial 3rd story would function as a better solution.

Kuhlman asked about the stepped effect. Fischer said that was to help the building be less overwhelming. Kuhlman added that she likes the outdoor area on 16th Street. She wondered if they are in the loop in terms of longer term plans of UNL for 16th St. Fischer said yes. They have discussed options for the street and what is a massive jaywalking area. The point is to give a better, safer point at which to cross. Pastor White added that having one property on the west side of 16th that takes their appearance very seriously could raise the entire neighborhood.

Gengler stated that she will abstain from discussion and voting even though she has no involvement with the Lutheran Center, but has a professional affiliation with the project designer, with whom she is undertaking some other, current projects.

Munn said that if everything goes well, it might be appropriate to look at more specific designs later. Zimmer noted that special permits often are approved conditionally, for instance requiring approval of the Planning Director for final designs. In this instance, the Commission might recommend that the applicants return to the Commission when the design is more developed, and that the Commission advise the Planning Director before his/her sign-off. Zimmer said that it makes sense for the applicant to seek the special permit at this stage to know what site parameters they have to work within.

Pastor White said he is amenable to that suggestion. It is their desire to fit in as well as possible so that seems like a fruitful suggestion. Fischer agreed that they are still exploring options on some of the details.

ACTION:
Johnson moved to recommend approval of Special Permit No. 16020, with a condition that the final design be subject to the approval of the Director of Planning, following advisory review by the HPC, as to whether that design is compatible with the character of its historic setting; seconded by McKee. Motion carried; 5-0; Hewitt, Johnson, Kuhlman, McKee and Munn voting 'yes'; Gengler abstaining; Francis absent

\\filsrv01\Planning\Boards\HPC\MINUTES\2016\HPC042116 Exerpt for Lutheran Center.wpd

Current Project - Agency Review Report

Agency Name	User Name	Review Cycle	Review Status	Comments	Assignment
Building & Safety	christy eichorn	1	Corrections Required	1. The building could be no closer than 3 fee to the property line. The minimum openings on the wall could not be more than 15% of the façade. If the windows are not protected the building will need to be sprinkled. (If the applicant had questions regarding the building code requirements please have them contact Richard Burton in the Building and Safety Department. 2. In the proposed waivers I did not see a request to reduce the required open space for 27.72.130 or an exhibit that showed how the open space would be met. 3. Please include a list of all requested waivers on the site plan.	First In Group
County Health	chris schroeder	1	Recommend Approval	During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary. Developers are responsible for all mosquito control issues during the building process and all outlots, green-spaces, and/or natural corridors subsequently controlled by the owner, tenant, occupant, lessee, or otherwise, for that subdivision would be responsible for vectors of zoonotic disease in those areas. Prior to demolition or renovation of any existing commercial or residential structure an asbestos survey must be conducted and ten or more working days prior to demolition/renovation a notification of demolition must be provided to the LLCHD. These are federal Environmental Protection Agency (EPA) requirements related to asbestos removal/demolition activities. The EPA does allow for one	Individual

Current Project - Agency Review Report

				residential building exemption with four or fewer dwelling units per owner/operator. Documentation related to this matter should be submitted to Harry LeDuc with the LLCHD at 3140 N Street, Lincoln, NE 68510. Mr. LeDuc can be contacted at 441-8034.	
Development Review Manager	steve henrichsen	1	Recommend Approval		Individual
Emergency Communications	Kelly Davila	1	Pending		Individual
Fire Department	patrick borer	1	Recommend Approval	Lincoln Fire and Rescue recommends approval of this application.	Individual
Historic Districts/Capitol Environs	Historic Districts/Capitol Environs	1	Pending		First In Group
LES	les reviews	1	Corrections Required	Would ask for a 10' min rear set back to provide clearance to existing overhead lines. LR & SLS	First In Group
Lincoln Police Department	Lincoln Police Department	1	Pending		First In Group
Parks & Recreation	mark canney	1	Recommend Approval	There should be an opportunity for street trees. Please provide locations and species for final approval.	First In Group
Planning Dept	brenda thomas	1	No Review Required		First In Group
Public Works - Engineering Services	bob simmering	1	Recommend Approval	4-18. No apparent utility or access impact.	First In Group
Public Works - Watershed Management	ben higgins	1	Recommend Approval		Individual
Public Works & Utilities - Wastewater	brian kramer	1	Recommend Approval	Building footings need to be confined to inside of property otherwise they will encroach upon the sanitary sewer, located west of lot.	Individual
Public Works & Utilities - Water	Public Works & Utilities - Water	1	Pending		First In Group
Stronger Safer Neighborhoods	Jon Carlson	1	Pending		Individual
United States Post	kerry kowalski	1	Recommend	Recommend approval on the condition all new delivery	First In Group

Current Project - Agency Review Report

Office			Approval	addresses are established in Centralized Box Units (CBUs) which will be purchased and installed at the developer's expense in a location mutually agreed upon by the developer and the US Postal Service.	
Windstream	Jeanne Kalkwarf	1	Pending		Individual

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for May 25, 2016 PLANNING COMMISSION MEETING

P.A.S.: Special Permit #16024 - White Elm Brewing Company

PROPOSAL: To authorize the licenses premises for the sale of alcoholic beverages for consumption on and off the premises per Sections 27.63.680 and 27.63.685.

CONCLUSION: This request complies with all applicable criteria for the special permits for the sale of alcohol for consumption on and off the premises. This is an appropriate land use at this location.

RECOMMENDATION: Conditional Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: The remaining portions of Lots A and B, South Park Addition, and the remaining portions of Lots 127 and 150, Irregular Tracts, all located in the SW 1/4 of Section 35-10-6, Lincoln, Lancaster County, Nebraska,

LOCATION: 2717 South 8th Street

EXISTING ZONING: I-1 Industrial **EXISTING LAND USE:** Commercial

SURROUNDING LAND USE AND ZONING:

North:	Commercial	I-1
South:	Commercial	I-1
East:	Residential	R-2
West:	Vacant	I-1

COMPREHENSIVE PLAN SPECIFICATIONS: The Comprehensive Plan designates this area for industrial land uses.

BACKGROUND: This is a request to allow the sale of alcohol for consumption both on and off the premises in conjunction with a small brewery. While most of the facility will be dedicated to the brewing operation, approximately one-fourth of the floor area will be set aside for a tasting room. Both permits are requested so customers can both purchase product for consumption in the tasting room and to take away.

The provisions for special permits require that separate special permits be granted for each on and off-sale use, recognizing the requirements of each are slightly different. This report contains the reviews of the requirements for both special permits.

ANALYSIS:

1. **SPECIAL PERMIT REQUIREMENTS PER LINCOLN MUNICIPAL CODE (LMC) 27.63.680:** The sale of alcoholic beverages for consumption **on** the premises may be allowed in the B-1, B-3, H-1, H-2, H-3, H-4, I-1, I-2, and I-3 zoning districts and on the premises of a restaurant in the O-3 district upon the approval of a special permit subject to the requirements of the respective districts, all applicable ordinances, and the following conditions:

(a) Parking shall be in conformance with Chapter 27.67 Parking.

Parking must be provided at the rate specified in the Zoning Ordinance. The required parking in the I-1 zoning district is one space per 1,000 square feet of floor, except for a list of uses in the parking ordinance which have special conditions. The 1:1,000 applies to most uses in this center, but there are a few that have special conditions. A few of these uses are present in this center and include a dance academy, a gymnastic academy, and the tasting room for the brewery.

From the floor area/tenant exhibit submitted, it appears there is excess parking throughout the center, enough to easily accommodate the uses and floor area amounts shown. However, more information about some of the users is necessary (such as class sizes and numbers of employees for the dance academy and gym) before a determination can be made, and some of the data included is incorrect. The site plan needs to be revised to include this information.

(b) The sale of alcoholic beverages for consumption off the premises shall not be permitted without issuance of a permit under LMC Section 27.63.685 of this code.

The issuance of a separate special permit to allow the sale of alcohol for consumption off the premise has also been requested and is included in the second half of this report.

(c) The designated area specified in a license issued under the Nebraska Liquor Control Act of any building approved for such activity must be located no closer than (i) 100 feet from the property line of a premises used in whole or in part for a first-floor residential use, day care facility, park, church, or state mental health institution, or (ii) 100 feet from a residential district (except where such use is accessory to a golf course or country club).

The center in which the proposed licensed premises is located is all zoned I-1, and is occupied by two large, multiple tenant buildings totaling over 72,000 square feet in floor area. The proposed licensed premises occupies approximately 5,000 square feet at the southeast corner of the southern-most of the two buildings. There is another tenant located east of the brewery. The nearest of any of the location criteria to the licensed premises are the property line of a first floor residential use, and R-2 residential zoning. Both are located approximately 165' away to the east on the other side of South 8th Street.

(d) Any lighting on the property shall be designed and erected in accordance with all applicable lighting regulations and requirements.

No new lighting is shown, but all lighting is subject the City of Lincoln Design Standards and is reviewed at the time of building permits.

(e) Vehicle stacking for a drive-through window used as any part of the permitted business operation shall not be located in any required building setback from a residential district.

A drive-through window is not shown as part of this application.

(f) The use shall not have any amplified outside sound or noise source, including bells, buzzers, pagers, microphones, or speakers within 150 feet of any residential district. This shall not apply to sound sources audible only to the individual to whom they are directed, such as personal pagers, beepers, or telephones.

No such devices are shown as part of this application.

(g) No access door to the business, including loading or unloading doors, shall face any residential district if such doors are within 150 feet of the residential district. This shall not apply to emergency exit doors required by building or safety codes. No door facing a residential district shall be kept open during the operation of the establishment.

The entrance to the facility faces Van Dorn Street, and I-1 zoning to the south of that. There is no residential zoning district within 150'.

(h) Vehicular ingress and egress to and from the property shall be designed to avoid, to the fullest extent possible, disruption of any residential district. Particular attention shall be given to avoiding designs that encourage use of residential streets for access to the site instead of major streets.

Access to the site is from Hill Street, South 6th Street, and South 8th Street. Of these, only South 8th Street could be considered a 'residential street', except it has residential zoning to the east and industrial zoning to the west. There are six access points into the site, only two of which are off South 8th Street. Approval of this permit will not significantly affect the traffic pattern in and around this center.

(i) All other regulatory requirements for liquor sales shall apply, including licensing by the state.

(j) The City Council may consider any of the following as cause to revoke the special permit approved under these regulations:

(1) Revocation or cancellation of the liquor license for the specially permitted premises; or
(2) Repeated violations related to the operation of the permittee's business.
(3) Repeated or continuing failure to take reasonable steps to prevent unreasonable disturbances and anti-social behavior on the premises related to the operation of the permittee's business including, but not limited to, violence on site, drunkenness, vandalism, solicitation, or litter.

2. SPECIAL PERMIT REQUIREMENTS PER LINCOLN MUNICIPAL CODE (LMC) 27.63.685: Alcoholic beverages may be sold for consumption **off** the premises in the B-1, B-3, H-1, H-2, H-3, H-4, I-1, and I-3 zoning districts upon the approval of a special permit. A special permit for such use may be granted subject to the requirements of the respective districts, all applicable ordinances, and the following conditions:

(a) Parking shall be in accordance with Section 27.67.020 of the Lincoln Municipal Code.

Where the parking requirement for on-sale alcohol consists of 1:1,000 for the brewery and 1:100 for the tasting room, that is not the case for the off-sale special permit. The parking requirement for off-sale is as per the zoning district, so in this case it is calculated at 1:1,000 for the entire area occupied by the brewery and tasting room. If the revised site plan meets the parking requirement for on-sale, it will meet the requirements for off-sale.

(b) The sale of alcoholic beverages for consumption on the premises shall not be permitted without issuance of a permit under LMC Section 27.63.680 of this code.

The issuance of a separate special permit to allow the sale of alcohol for consumption on the premise has also been requested and is included in the first half of this report.

(c) The licensed premises of any building approved for such activity must be located no closer than (i) 100 feet from the property line of a premises used in whole or in part for a first-floor residential use, day care facility, park, church, or state mental health institution, or (ii) 100 feet from a residential district.

As noted previously, the center in which the proposed licensed premises is located is all zoned I-1, and is occupied by two large, multiple tenant buildings totaling over 72,000 square feet in floor area. The proposed licensed premises occupies approximately 5,000 square feet at the southeast corner of the southern-most of the two buildings. There is another tenant located east of the brewery. The nearest of any of the location criteria to the licensed premises are the property line of a first floor residential use, and R-2 residential zoning. Both are located approximately 165' away to the east on the other side of South 8th Street.

(d) Any lighting on the property shall be designed and erected in accordance with all applicable lighting regulations and requirements.

No new lighting is shown, but lighting is reviewed at the time of building permits and must comply with Design Standards at that time.

(e) Vehicle stacking for a drive-through window used as any part of the permitted business operation shall not be located in any required building setback from a residential district.

A drive-through window is not being proposed on the site plan.

(f) The use shall not have any amplified outside sound or noise source, including bells, buzzers, pagers, microphones, or speakers within 150 feet of any residential district. This shall not apply to sound sources audible only to the individual to whom they are directed, such as personal pagers, beepers, or telephones.

No such devices are proposed as part of this application.

(g) No access door to the business, including loading or unloading doors, shall face any residential district if such doors are within 150 feet of the residential district. This shall not apply to emergency exit doors required by building or safety codes. No door facing a residential district shall be kept open during the operation of the establishment.

The entrance to the facility faces Van Dorn Street, and I-1 zoning to the south of that. There is no residential zoning district within 150'.

(h) Vehicular ingress and egress to and from the property shall be designed to avoid, to the fullest extent possible, disruption of any residential district. Particular attention shall be given to avoiding designs that encourage use of residential streets for access to the site instead of major streets.

Access to the site is from Hill Street, South 6th Street, and South 8th Street. Of these, only South 8th Street could be considered a 'residential street', except it has residential zoning to the east and industrial zoning to the west. There are six access points into the site, only two of which are off South 8th Street. Approval of this permit will not significantly affect the traffic pattern in and around this center.

(i) All other regulatory requirements for liquor sales shall apply, including licensing by the state.

(j) The City Council may consider any of the following as cause to revoke the special permit approved under these regulations:

(1) Revocation or cancellation of the liquor license for the specially permitted premises; or
(2) Repeated violations related to the operation of the permittee's business.
(3) Repeated or continuing failure to take reasonable steps to prevent unreasonable disturbances and anti-social behavior on the premises related to the operation of the permittee's business including, but not limited to, violence on site, drunkenness, vandalism, solicitation, or litter.

3. This request for both the sale of alcohol for consumption on and off the premises complies with all applicable requirements of the Zoning Ordinance, and is consistent with the Comprehensive Plan. It is compatible with surrounding uses and is an appropriate use of land at this location.

CONDITIONS:

This approval permits the sale of alcohol for consumption both on and off the premises consistent with the approved site plan.

Site Specific:

1. Provide three copies of the site plans to the Planning Department which includes the following:

1.1 Revise the site plan to include the correct parking calculations for all uses in the center.

Standard:

2. The following conditions are applicable to all requests:

2.1 Before the sale of alcohol for consumption on and off the premises, all development and construction is to substantially comply with the approved plans.

2.2 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

2.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

2.4 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. The sale of alcohol shall not commence until the letter of acceptance has been returned.

Prepared by:

_____
Brian Will, AICP, 441-6362, bwill@lincoln.ne.gov
Planner
May 11, 2016

OWNER: B&J Partnership
340 Victory Lane
Lincoln, NE 68502
402-429-3114

APPLICANT/ CONTACT: Kolby Wood
2627 Van Dorn Street
Lincoln, NE 68503
402-975-9040

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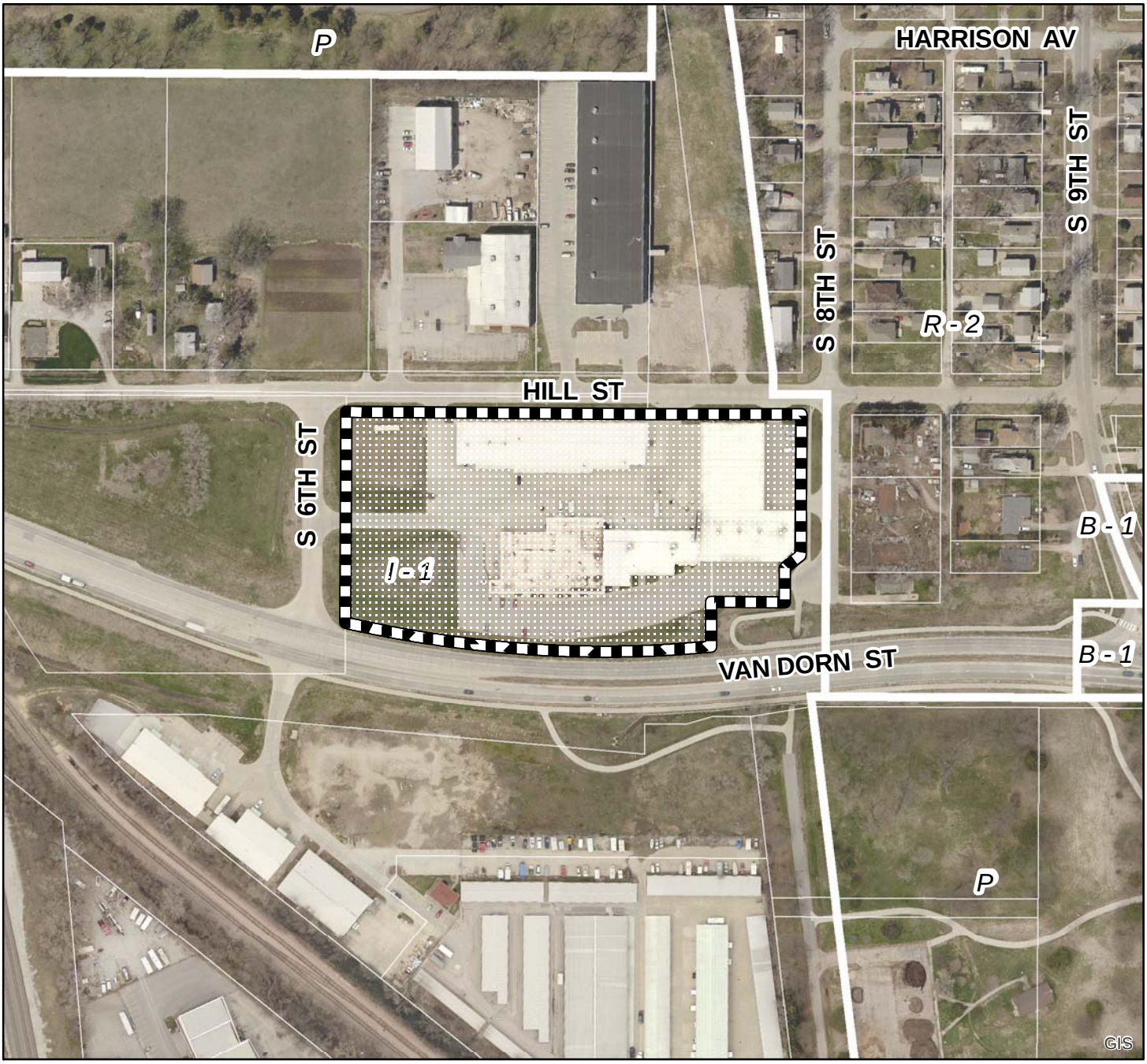


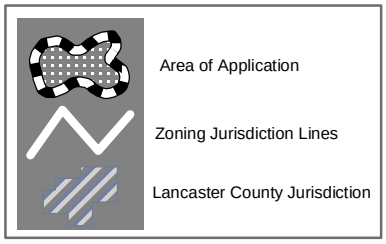
2013 aerial

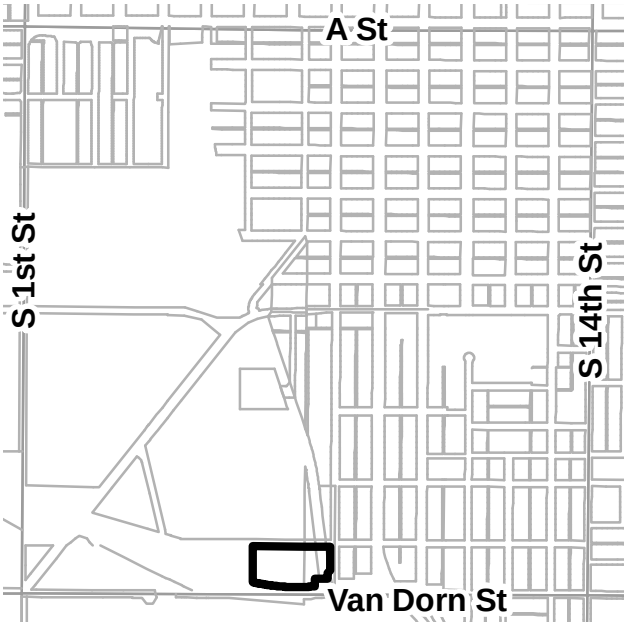
Special Permit #: SP16024
White Elm Brewing Company
S 8th St & Van Dorn St

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.35 T10N R06E





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White Elm Brewing Co
2717 S. 8th Street Ste 1
Lincoln, NE 68502

Lancaster County Planning Department
555 S. 10th Street Ste 213
Lincoln, NE 68508

To Whom it May Concern,

This letter is to serve as a request for special use permit to be used by White Elm Brewing Company, located at 2717 S. 8th street in Lincoln Nebraska. White Elm Brewing Company is a local beer brewing company owned in principle by Matthew and Martha Lee Heyne, formally of Lincoln with daily operations managed by Kolby Wood of Lincoln. 2717 South 8th street Ste 1 is currently zoned as I-1. We are seeking special use to sell on and off sale alcoholic beverages for our tap room only; 1,087 sq/ft of our total 4,312 sq/ft. We have included photos of our location within the center (A-1), hash marked plan for the brewery/tap room (A-2) and a parking lot overhead for the entire center with parking space counts and center square footage (A-3).

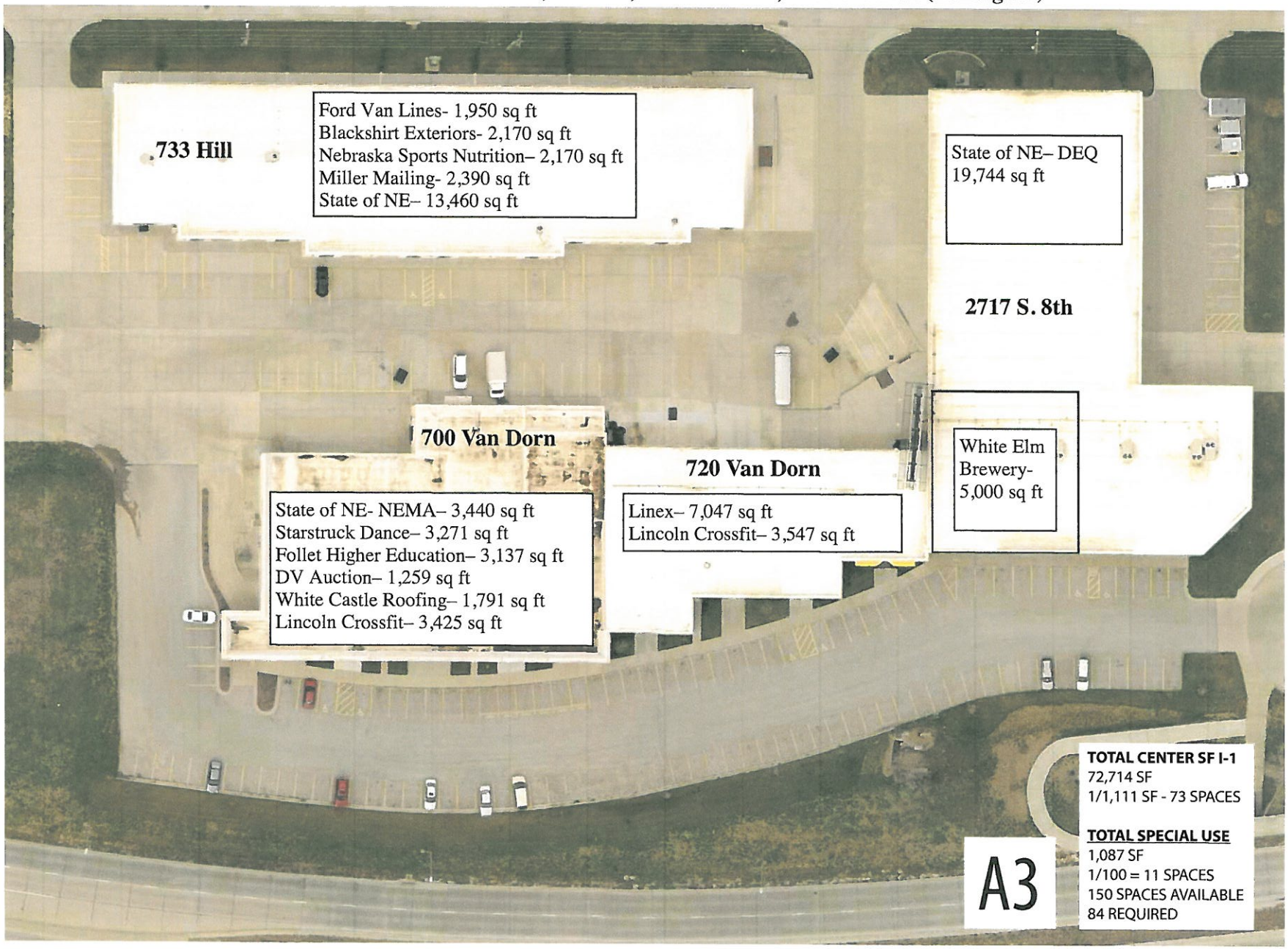
The people behind White Elm Brewing Company aim to bring their passion for craft beer to Lincoln, a city that we equally passionate about. After spending 8 years gaining industry experience in Denver, CO our brewer/GM, Kolby Wood, relocated back home to raise his family and partner with Matthew and Martha Lee Heyne to open White Elm Brewing. White Elm Brewing Co was founded on four pillars; Supporting the community that supports us, Eco-consciousness, Bringing our passion to work with us every day, and Maintaining a hyper-local business structure. We believe our core ethos will drive our business successfully forward not just for us but the local community, city and state. We firmly believe in purchasing local whenever possible, hiring locally at a quality wage, supporting our local community's needs through donation and benefit and minimizing our environmental impact through eco-conscious operations.

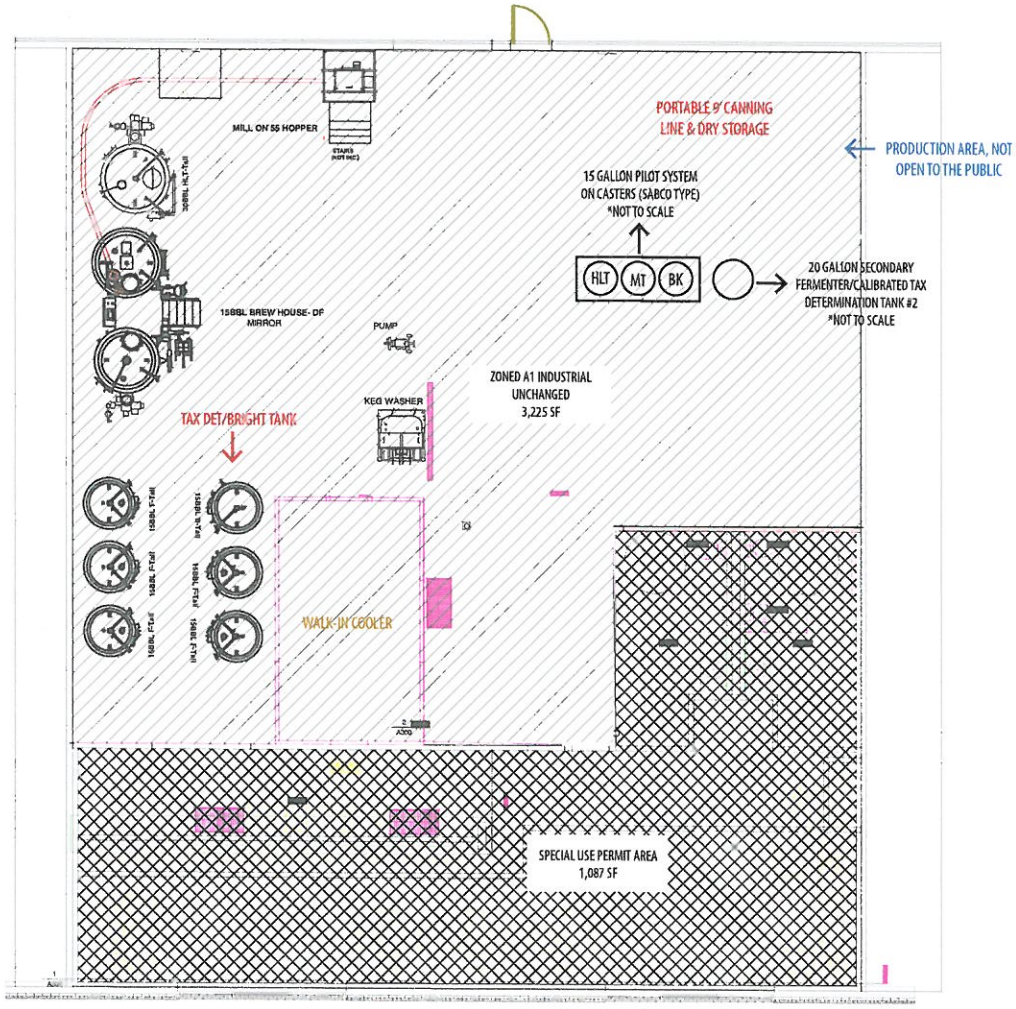
We understand the very large responsibility of operating a brewery and will manage our business on a day-today basis in a fashion that will maintain the trust the City/County/State has instilled in us by allowing us to pursue our passion for making craft beer. It is with that trust in mind that we request a special use permit for our tap room so that we may serve our beer to patrons on site and allow us to meet the community that supports us face to face on a daily basis.

Respectfully,
Kolby Wood

Handle With Care
Packaging Store
Line-X of Lincoln
CrossFit Lincoln, LLC
WHITE ELM BREWING
COMPANY
S 48th St
S 47th St
A1
N
Google
Map

SITE PLAN- 700 Van Dorn, 733 Hill, 720 Van Dorn, 2717 S. 8th St (Zoning I-1)





A2 N

ABE	DRAWING BY JOHN SWANCARA	THIS DRAWING IS FOR RECOMMENDED LAYOUT OF EQUIPMENT AND CONNECTIONS ONLY, AND IS BASED UPON DESCRIPTIONS OF BUILDING CHARACTERISTICS AND MEASUREMENTS PROVIDED TO THE SELLER BY THE BUYER. THOSE BUILDING CHARACTERISTICS AND MEASUREMENTS HAVE NOT BEEN VERIFIED. THE SUITABILITY OF ALL FINAL POSITIONS AND CONNECTIONS ARE THE RESPONSIBILITY OF THE PURCHASER AND SHOULD BE APPROVED BY PURCHASER'S CONTRACTOR TO MEET ALL RELEVANT LEGAL CODES AND BEST PRACTICES. SELLER EXPRESSLY DISCLAIMS SPECIFIC KNOWLEDGE OF THE BUYER'S BUILDING CHARACTERISTICS FOR SUPPORTING WEIGHT BEARING LOAD REQUIREMENTS OF THE EQUIPMENT, AND THE DRAWINGS PROVIDED FOR HEREIN MAKE NO REPRESENTATIONS REGARDING THE SUITABILITY OF THE LOCATION FOR THE WEIGHT BEARING LOADS CREATED BY THE EQUIPMENT OR THE PRODUCTS USED, PRODUCED OR STORED BY THE EQUIPMENT. ANY CHANGES IN EQUIPMENT POSITION REQUIRED BY THE BUYER OR BY THE BUYER'S INTENDED USE OF THE EQUIPMENT AFTER THE DRAWING IS PROVIDED BY THE SELLER MAY RESULT IN INCREASED INSTALLATION COSTS TO BUYER/OWNER.	REV 1
PROPRIETARY INFORMATION DO NOT DUPLICATE	COPYRIGHT American Beer Equipment. All rights reserved	DESCRIPTION **WHITE ELM BREWING COMPANY**	DATE 01/25/16

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for April 27, 2016 PLANNING COMMISSION MEETING

PROJECT #: Special Permit No. 16009

PROPOSAL: A request per Section 27.63.280 for Expansion of a Nonconforming Use to accommodate the construction of a carport.

LOCATION: 1801 Kings Highway

LAND AREA: 0.16 acres, more or less

EXISTING ZONING: R-2 Residential District

CONCLUSION: The nonconforming condition is caused by the existing house not meeting the front and side yard setbacks. The carport will project into the front, side and rear yard setbacks. The proposal is to construct a carport over the driveway on the east side of the house. The proposed carport should not significantly impact surrounding properties or the Woodsshire Residential Historic District, and is consistent with the Comprehensive Plan.

RECOMMENDATION:		Conditional Approval
Waivers/modifications:		
1.	Reduction of the front yard setback from 25 feet to 21 feet	Approval
2.	Reduction of the side yard setback from 5 feet to 4.9 feet	Approval
3.	Reduction of the rear yard setback from 20 feet to 7 feet	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Block 3, Lot 14, Woodsshire, in the NW 1/4 of Section 1-9-6, Lincoln, Lancaster County, Nebraska.

EXISTING LAND USE: Single family dwelling

SURROUNDING LAND USE AND ZONING:

North: Single family dwelling; R-2
South: Single family dwelling; R-2
East: Single family dwelling; R-2
West: Park land; R-2

COMPREHENSIVE PLAN SPECIFICATIONS:

P. 1.8 - The 2040 Future Land Use Map shows this area as Urban Density Residential.

P. 7.2 - Promote sustainability and resource conservation by preserving and improving housing in existing neighborhoods.

P. 7.8 - For existing neighborhoods, housing diversity is often already in place, but efforts must focus on maintaining this balance and variety. The diversity of architecture, housing types and sizes are central to what makes existing neighborhoods great places to live. New construction should continue the architectural variety, but in a manner that is sensitive to the existing neighborhoods.

P. 7.9 - Preserve, protect and promote the character and unique features of urban neighborhoods, including their historical and architectural elements.

UTILITIES: This site is served by existing utilities.

TRAFFIC ANALYSIS: Kings Highway and Woodsshire Parkway are classified as local streets.

AESTHETIC CONSIDERATIONS: The anticipated design of the carport is shown in the attached examples. The size and appearance will be of a typical carport design. Because this property is located within the Woodsshire Residential Historic District listed on the National Register of Historic Places, the Historic Preservation Commission will review this application on April 21, 2016.

ANALYSIS:

1. This is an application to expand a nonstandard house through constructing an attached carport that encroaches into the required rear yard on the east side of the property and into the required side yard on the south side of the property. The applicant would like to construct the carport over the existing driveway on the east side of the house to protect her vehicle from the elements. She has not been able to park in her garage, as the driveway arrangement requires a hard right turn into the garage bay, and this turn is difficult to negotiate.

2. The property is currently nonconforming because the front yard on the north side is 18.4 feet and the side yard on the south side is 4.9 feet. Since the new garage will be less than 6 feet from the main structure, the garage must meet the same setbacks as the house. The required front yard is 25 feet. This property has two front yards along Kings Highway and Woodsshire Parkway. The carport will be located 21 feet at its closest point from the property line along Kings Highway. The house also extends into the front yard. The required rear yard on the east side of the carport is 20 feet. The house does not extend into the rear yard; however, the carport will extend into the rear yard and will be located 7.0 feet from the rear property line.

3. A nonstandard use is defined by LMC §27.02.150 as a lot or use that existed prior to the effective date of the zoning ordinance or due to a change in the zoning ordinance or district boundaries and no longer complies with the minimum lot requirements for the district in which it is located. This house was built in 1949 and became nonstandard when the City adopted revised zoning regulations.

4. LCM §27.63.280 provides the following criteria shall be given specific consideration:

   (a) Effects on adjacent property, traffic, city utility service needs;
   There will be no significant impact to neighboring properties. The new carport will effectively extend the main structure 13 feet into the rear yard to the east, whereas no structures currently exist in the rear yard. However, the carport will not extend further to the south into the side yard than does the house. The house extends 0.1 feet into the side yard setback. The owner wishes the new carport to match the south line of the house. Although the carport will also extend into the front yard, the north edge of the carport will be 2.6 feet further back from the street than the house. This carport will involve constructing a structure over the driveway where there is currently no structure. Visual impacts will be limited as the carport will not have walls, only a roof and support columns.

   (b) Density of land use zoning for the subject property and adjacent property;
   There will be no significant impact. No additional habitable buildings are proposed with this application. If constructed, the carport would need to meet all current building codes.

   (c) The degree of hardship upon the applicant which would be caused by failure to grant.
   Given the small size of the lot (6,794 square feet), there are limited options of where a carport could be placed. Building the carport over the existing driveway is the most appropriate. If the special permit was not approved, the property owner could not proceed with construction as proposed. The property owner could conduct routine maintenance on the house and attached garage, but it could not be expanded.

5. This property is within the Woodsshire Residential Historic District, which is listed on the National Register of Historic Places. This application will be reviewed by the Historic Preservation Commission (HPC) on April 21, 2016. Woodsshire is a 1925 subdivision planned by landscape architect Ernst Herminghaus that showcases the work of several of Lincoln's leading architects. Most of the houses are period revival in style, displaying Colonial Revival or Tudor elements, as well as French Eclectic, International Style, and Ranch Style designs. The HPC meeting minutes and recommendation will be submitted to the Planning Commission at the hearing.

6. The special permit is warranted because 1) the construction will remove a challenging parking condition for the owner; 2) the impact of a carport on neighboring properties will be minimal; 3) given the small lot size there are no

feasible alternative locations for a carport; and 4) the new structure will meet current building codes.

CONDITIONS OF APPROVAL:

Per Section 27.63.280, this approval permits the expansion of a nonconforming use to accommodate the construction of a carport with waivers to the front yard setback to 21 feet, the side yard setback to 4.9 feet, and the rear yard setback to 7 feet.

Conditions:

1. Before receiving building permits the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including **3** copies.

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. The following conditions are applicable to all requests:

   3.1 Before occupying the buildings all development and construction shall substantially comply with the approved plans.

   3.2 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.

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

   3.4 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, filing fees therefor to be paid in advance by the applicant. 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.

Prepared by

Rachel Jones, Planner

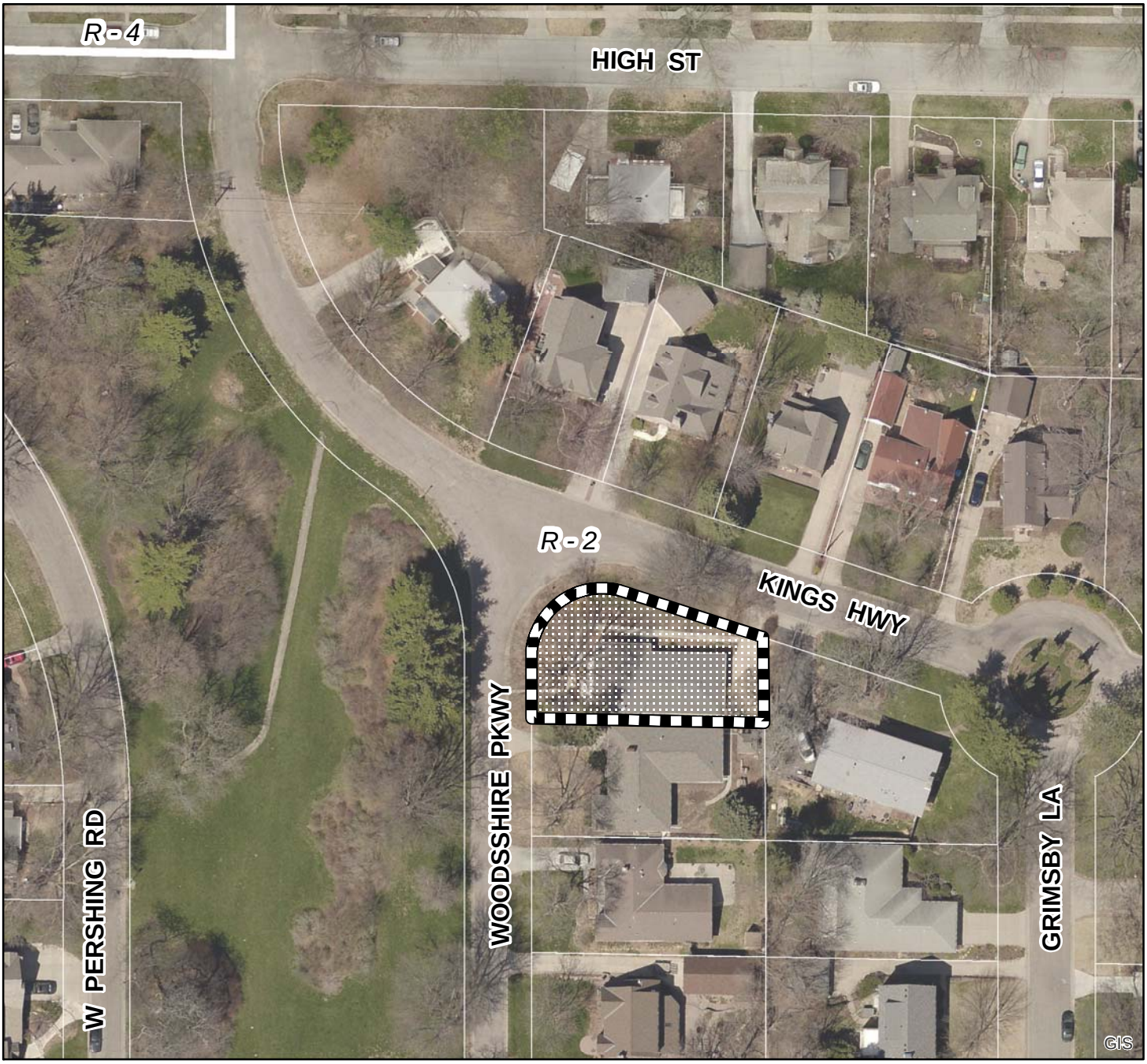
DATE: April 19, 2016

APPLICANT: Window World
2940 Cornhusker Highway
Lincoln, NE 68504

OWNER: Barbara Phalen
1801 Kings Highway
Lincoln, NE 68502

CONTACT: Don W. Meinke
2940 Cornhusker Highway
Lincoln, NE 68504

F:\DevReview\SP\16000\SP16009 Phalen Carport.rkj.wpd



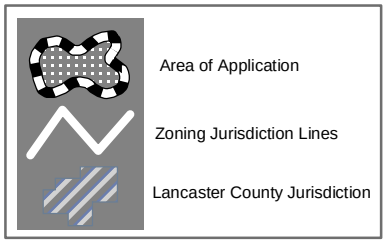
2013 aerial

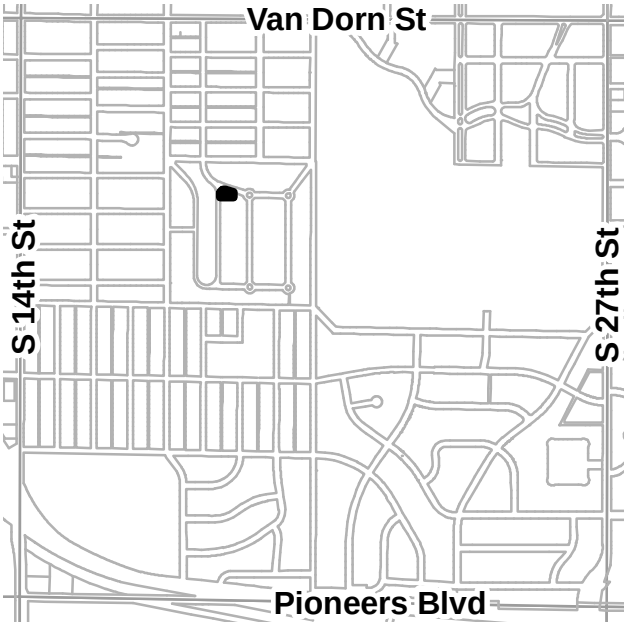
Special Permit #: SP16009
Woodshire Pkwy & Kings Hwy

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.01 T09N R06E





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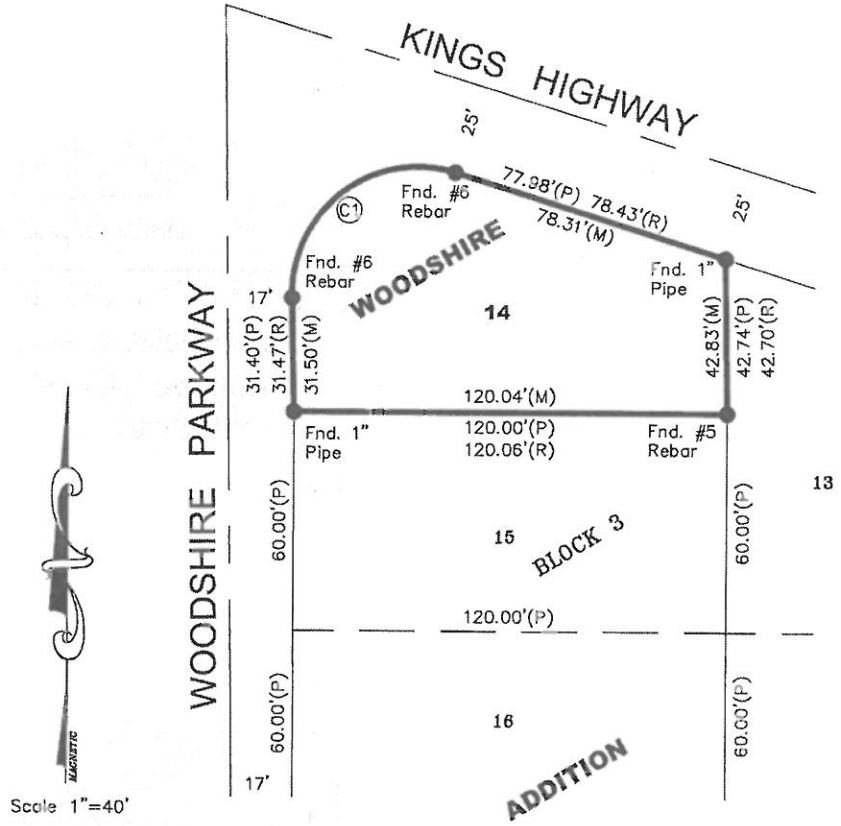
HUSKER SURVEYING
4535 Normal Blvd.
Suite 101
Lincoln, NE 68506
Ph: (402) 423-5202

SURVEY RECORD

Survey for: Window World
1801 King Highway
Lincoln, NE 68502

Survey of Lot 14, Block 3, Woodshire Addition
City of Lincoln
NW1/4, Section 1 T. 9 N. R. 6 E. of the 6th P.M.
Lancaster County, Nebraska
Date of Survey 03-15-16 Job No. 4814



Scale 1"=40'

● = Cor. Fnd.
○ = Cor. Set #5 Rebar w/Red Plastic cap HUSKER NE LS 440
X = Temp. Point
(M)= Meas. Dist.
(P)= Plat Dist.
(D)= Deed Dist.
(R)= Record Dist.
(C)= Computed Dist.

CURVE DATA

(C1) Δ=109°12'11"
R=35.00'(P&M)
L=66.71'
C=56.76'(P) 56.91'(R) 57.06'(M)

Surveyor's Certificate

I, Jayme M. Malone, a Professional Registered Land Surveyor under the laws of the State of Nebraska, certify the above survey was executed by me, on the date shown. Permanent monument corners as described in the survey drawing were placed at all missing or remonumented corners. Distances shown are measured in feet and decimals of a foot.

Signed this 16th day of March, 2016.

Jayme M. Malone

NEBRASKA REGISTERED LAND SURVEYOR LS-440 JAYME M. MALONE

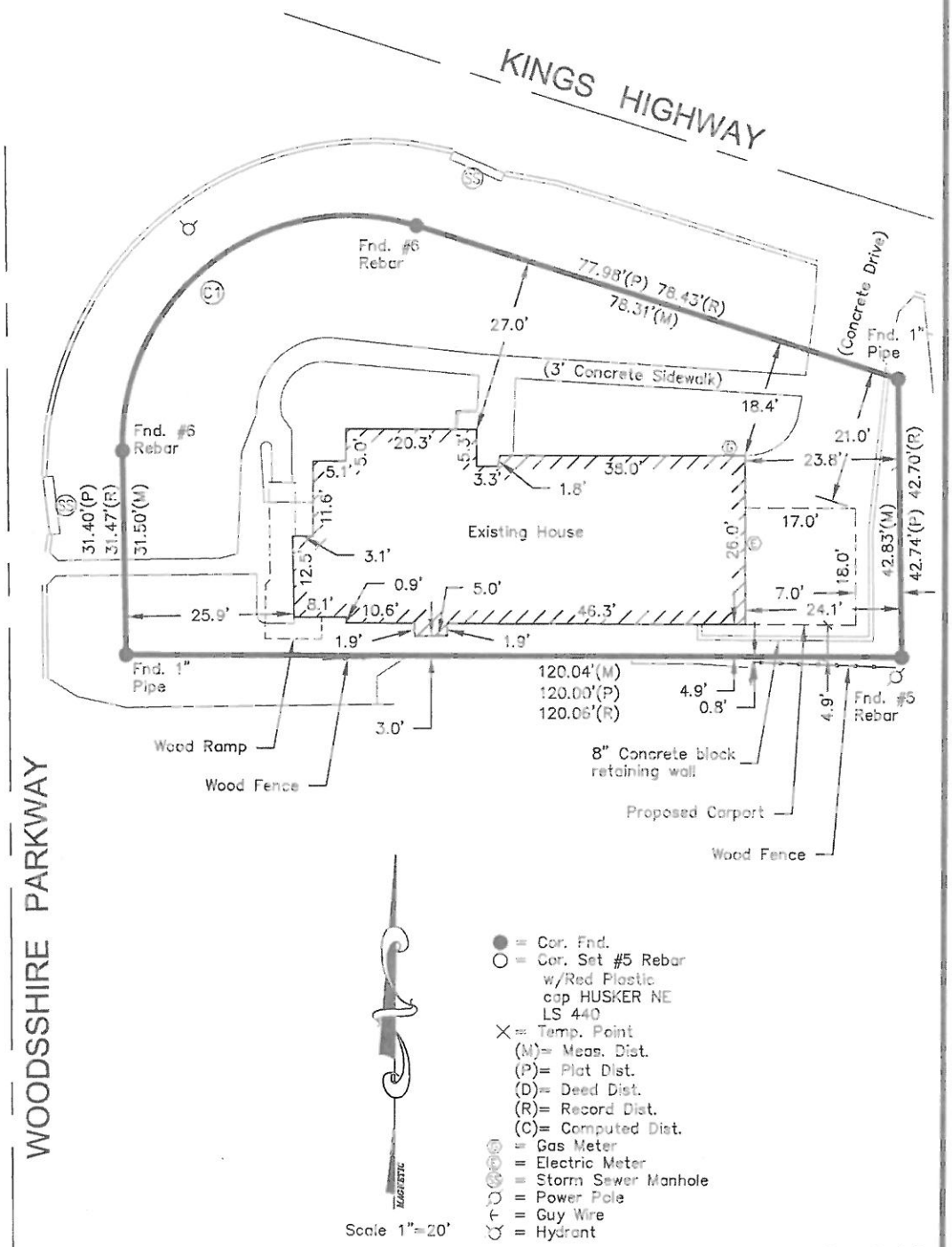
Page 1 of 2

HUSKER SURVEYING
4535 Normal Blvd.
Suite 101
Lincoln, NE 68506
Ph: (402) 423-5202

SURVEY RECORD

Survey for: Window World
1801 Kings Highway
Lincoln, NE 68502

SITE PLAN



3/16/16

To Whom this concerns:

I want this structure to park my car under as I have not been able to park in my garage since I have lived here as it is a hard right turn. I wish to provide protection for my vehicle by keeping it out of the elements.

Barbara Phalen

Barbara C Phalen

aluminum carport cover

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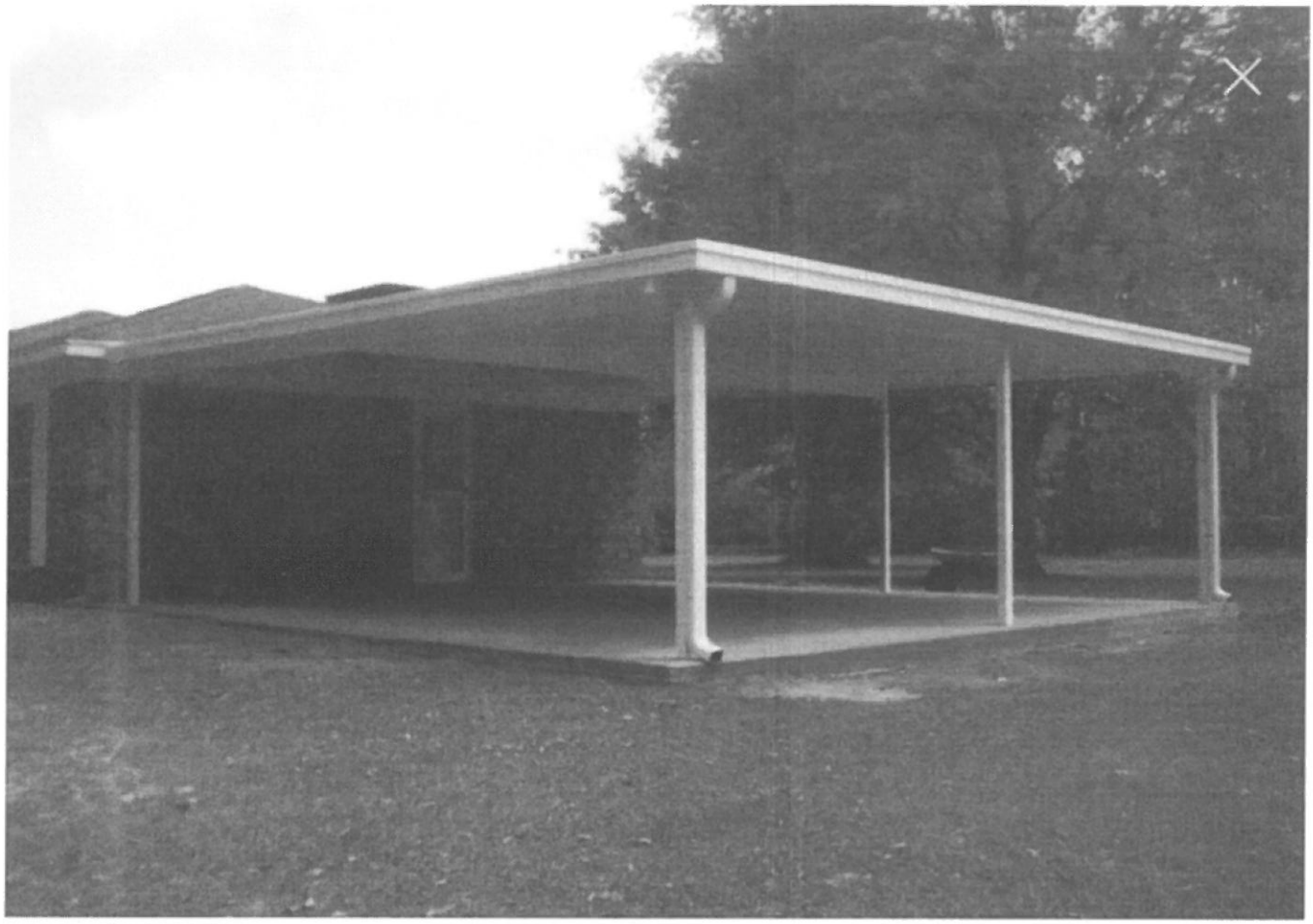

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Aluminum Carport Covers

aluminum carport cover

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Aluminum Flat Pan Carport Kits

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LINCOLN /LANCASTER COUNTY PLANNING STAFF REPORT
for MAY 25, 2016 Planning Commission Meeting

Project #: Comprehensive Plan Amendment #16002

PROPOSAL: Amend the 2040 Future Land Use Plan to change land northwest of S. 82nd Street and Roca Road from Agricultural to Residential Low Density.

CONCLUSION: The 2040 Comprehensive Plan encourages preservation of farm land to be balanced with the clustering of acreages together in specific areas, where there is adequate water and infrastructure to support the development. This area meets the goals of the Comprehensive Plan and provides for additional residential acreages in an area where there is established demand, adequate services and currently a more limited supply of acreage lots.

RECOMMENDATION: Approval

GENERAL INFORMATION:

LOCATION: Northwest of S. 82nd Street and Roca Road

EXISTING LAND USE: Agriculture

RELATED APPLICATIONS: Change of Zone #16011

COMPREHENSIVE PLAN SPECIFICATIONS:
The Future Land Use Plan in the 2040 Comprehensive Plan identifies this area as Agricultural. (p. 1.9)

Acknowledge the fundamental "Right to Farm." Preserve areas throughout the county for agricultural production by designating areas for rural residential development— thus limiting potential conflicts between farms and acreages. (p. 2.7)

LPlan 2040 supports the preservation of land in the bulk of the County for agricultural and natural resource purposes. However, it recognizes that some parts of the County are in transition from predominantly agricultural uses to a mix that includes more residential uses (p. 7.12)

All proposals for acreages, whether designated on the future land use map for low density residential or not, should be evaluated based on factors such as paved roads, adequate water quality and quantity, soil conditions for on-site wastewater management, availability of emergency services, agricultural productivity, land parcelization, the pattern of existing acreages, and plans for future urban development (p. 7.12)

Areas not designated for acreages should remain agriculturally zoned and retain the current overall density of 32 dwelling units per square mile (1 dwelling unit per 20 acres) (p. 7.12)

Grouping acreages together in specific areas will limit the areas of potential conflict between farms and acreages. It also may enable services to be provided more efficiently, by reducing the amount of paved

routes, reducing the number and distance of school bus routes and taking advantage of more effective rural water district service (p. 7.12)

Many families are not well-informed of all the implications of rural living before they make that lifestyle choice. This includes an understanding of the state's "right to Farm" law, which protects farmers from nuisance claims when conducting normal agricultural practices, and an understanding of the difference between urban and rural public services. (p. 7.13)

Individual proposals for land use changes should be evaluated using best available information. Issues such as the presence of floodplains, effect on neighboring land uses, and preservation and protection of natural resources are among the considerations that should be reviewed in making specific land use decisions. (p. 12.4)

ANALYSIS:

1. The request to amend the Future Land Use Plan in the 2040 Comprehensive Plan to change this area from Agricultural to Low Density Residential on approximately 118 acres.

2. This property is within the Lancaster Rural Water District #1 and individual sewage disposal is proposed. Lancaster Rural Water District #1 has approved the potential development. (See attached letter.)

3. The 2040 Comprehensive Plan on page 7.12 recommends that proposed acreage developments be evaluated based on the following factors:

   A) Paved roads; Roca Road is paved. S. 82nd Street is gravel adjacent to this property and is paved south of Roca Road.

   B) Water quality and quantity; Water is provided by the Rural Water District. Thus, additional information on water quantity and quality is not necessary for this change of zone.

   C) Soil conditions; The soil is not prime agriculture land.

   D) On-site wastewater management; wastewater would most likely use private sewage systems.

   E) Availability of emergency services; The Lancaster County Sheriff and Hickman Rural Fire would provide emergency services. This is an area with numerous nearby acreage development already adequately served by both agencies.

   F) Existing acreages; There are acreage developments to the southwest and on the west side of S. 68th Street. There are no acreage developments immediately adjacent this site. In the corridor along S. 68th Street, ½ mile to the west there are several acreage subdivisions on both sides of the street.

4. The Comprehensive Plan also encourages acreages to be grouped together into specific areas. The S. 68th Street corridor between Hickman and Roca Road is one such cluster of low density residential uses in the Comprehensive Plan. There are several other acreage developments within 1 to 1.5 miles of this site. These developments include The Preserve at Cross Creek, Hickman Ridge, Mueller Addition and Leisure Lake Estates. There are approximately 12 available lots total within all four of these developments based on the County Assessor's map.

5. Currently an update to the 2040 Lincoln-Lancaster County Comprehensive Plan is underway. As part of the update, land that is either zoned or shown for low density residential (AGR) was evaluated to determine if more area was needed for acreage development. County wide there is the potential for another 2,339 dwelling units on land that is shown for low-density residential in the current comprehensive plan. That total includes approved developments and potential dwelling units on land shown in the Comprehensive Plan as low-density residential, but has no approved development. Based on an average of 106 dwelling units constructed per year in Lancaster County, this is a 22 year supply.

6. The region near this proposal was also reviewed to see if there was a need for additional areas be shown as low-density residential in the Comprehensive Plan. The subarea was generally bounded by Highway 77 on the west, S. 110th Street on the east, Panama Road on the south and Bennet Road on the north. The review shows that there is the potential for another **311 dwelling units** on land that is shown for low density residential in the 2040 Comprehensive Plan. The dwelling unit number is derived from approved developments and potential on land shown as low-density residential, but has no approved development. Currently there are **17 vacant lots** that are ready to be built on. In addition there are **57 lots** that have preliminary approval, but are not in a final plat. With approval of this change of zone an additional 32 dwelling units would be added to the potential 311 units for this subarea.

7. The specific proposal for 118 acres is shown in Exhibit A. While reviewing this site specific proposal, additional land was reviewed to determine if other property was more suitable for Low Density Residential designation. As shown in the second exhibit, there are approximately 640 acres of land, including this 118 acres, that is suitable for Low Density Residential use in the update of the Comprehensive Plan. The 640 acres has the following characteristics that make it suitable for Low Density Residential:

   A) Paved roads; Roca Road, S. 68th Street and S. 82nd Street (south of Roca Road) are all paved in this 640 acre area. Martell Road between S. 68th Street and S. 82nd Street is not paved, but acreages border it for the first half mile east of S. 68th Street. S. 82nd Street north of Road Road is

not paved, but it is paved for 2 miles south of Roca Road. The primary travel routes in this area are S. 68th Street and Roca Road, which are paved for several miles providing both north-south and east-west access.

B) Water quality and quantity; The entire 640 acres is within the Rural Water District.

C) Soil conditions; The soil is not prime agriculture land.

D) On-site wastewater management; wastewater would most likely use private sewage systems.

E) Availability of emergency services; The Lancaster County Sheriff and Hickman Rural Fire would provide emergency services. This is an area with numerous nearby acreage development already adequately served by both agencies.

F) Existing acreages; The Comprehensive Plan already designates over 2 square miles of land in the subarea for acreage developments in the S. 68th Street corridor.

SUMMARY: The 2040 goals of the Comprehensive Plan encourage preservation of farm land. The majority of the County is reserved for agricultural uses. However, the Plan also designates some areas for low density residential uses by grouping acreage subdivisions together where there is adequate water and infrastructure to support the development. This area meets the goals of the Comprehensive Plan and provides for additional residential acreages in an area where there is established demand, adequate services and currently a more limited supply of acreage lots. This specific amendment would add 118 acres for Low Density Residential uses. In the Comprehensive Plan Update, additional adjacent areas are also appropriate to be designated as Low Density as shown in Exhibit B to bring the total up to nearly one square mile.

PROPOSED AMENDMENT:

Amend the 2040 Lincoln/Lancaster County Comprehensive Plan as follows:

1. Amend the Lancaster County Future Land Use plan on pages 1.8 and 12.2 to reflect changes in land use form Agricultural to Residential-Low Density on approximately 118 acres northwest of S. 82nd and Roca Road.

Prepared by:

Tom Cajka
Planner

DATE: May 12, 2016

APPLICANT: Matt Langston
Olsson Associates
601 “P” Street Suite 200
Lincoln, NE 68508
402-474-6311

OWNER: Alan and Laurel Baade
5500 Saltillo Road
Lincoln, NE 68430
402-430-9609

CONTACT: Same as applicant

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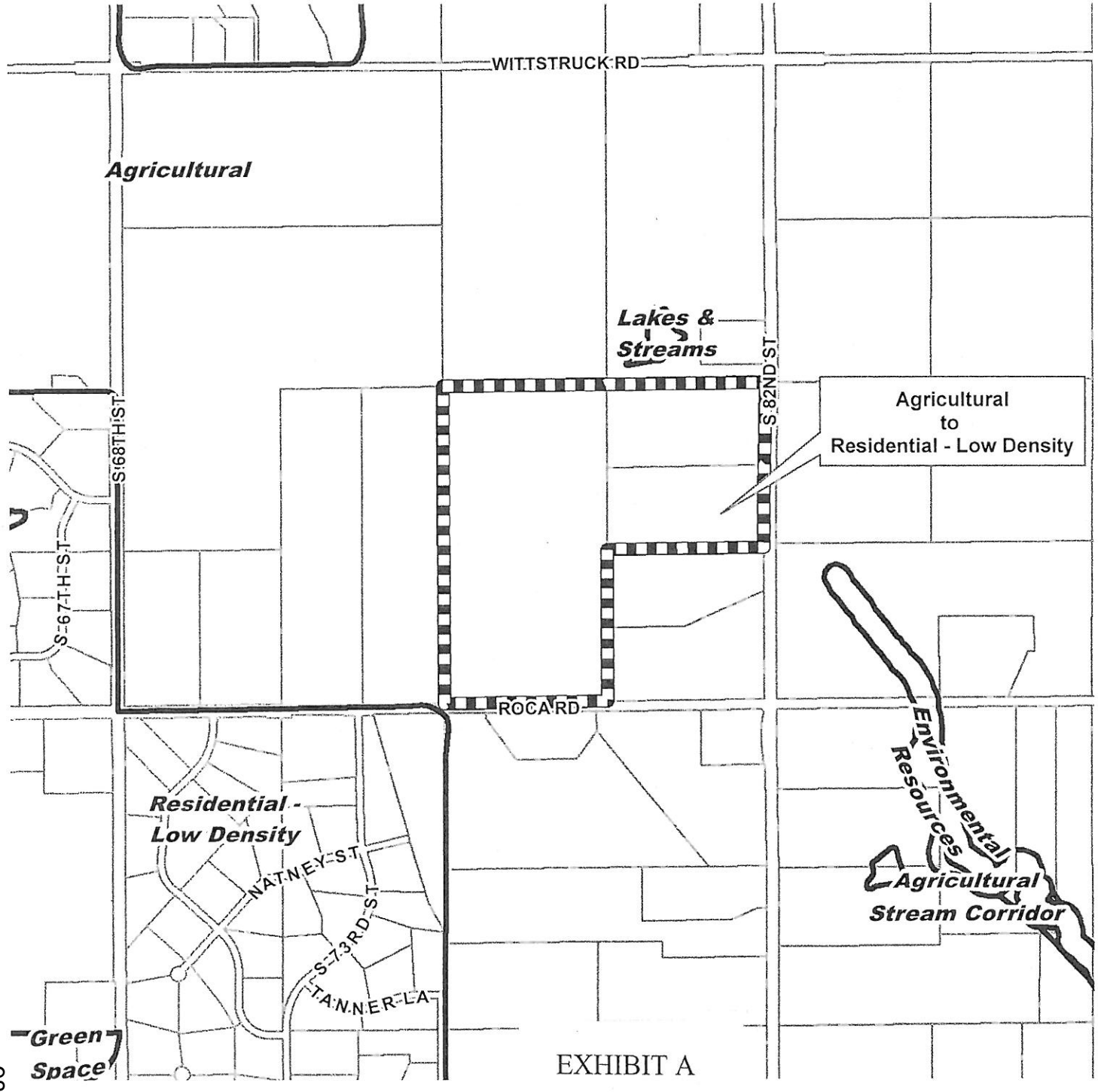

EXHIBIT A

CPA # 16002
South Ridge Acres
S 82nd St & Roca Rd

Proposed Amendment Area
Agricultural
to
Residential - Low Density

Legend

Area of Amendment

N
W E
S

LINCOLN - LANCASTER COUNTY
PLANNING DEPARTMENT
Information Technology Services
555 South 10th Street
Lincoln, Nebraska 68508
Ph. 402.441.6591 Fax: 402.441.6377

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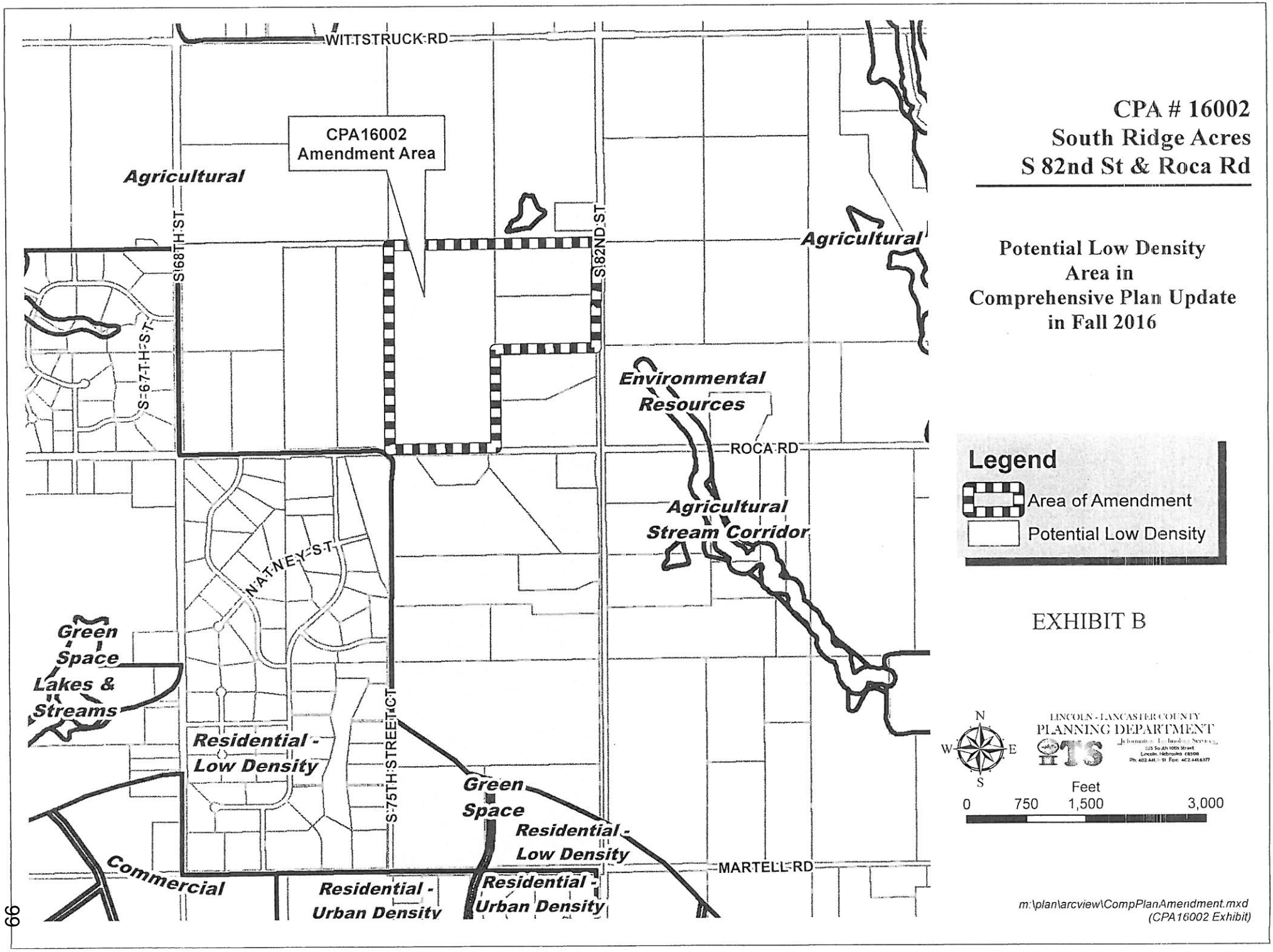
(CPA16002)


CPA # 16002
South Ridge Acres
S 82nd St & Roca Rd
Potential Low Density Area in Comprehensive Plan Update in Fall 2016
EXHIBIT B
Legend
Area of Amendment
Potential Low Density
CPA16002 Amendment Area
WITTSTRUCK RD
S 68TH ST
S 67TH ST
S 82ND ST
ROCA RD
NATNEY ST
S 75TH STREET CT
MARTELL RD
Agricultural
Agricultural
Environmental Resources
Agricultural Stream Corridor
Green Space Lakes & Streams
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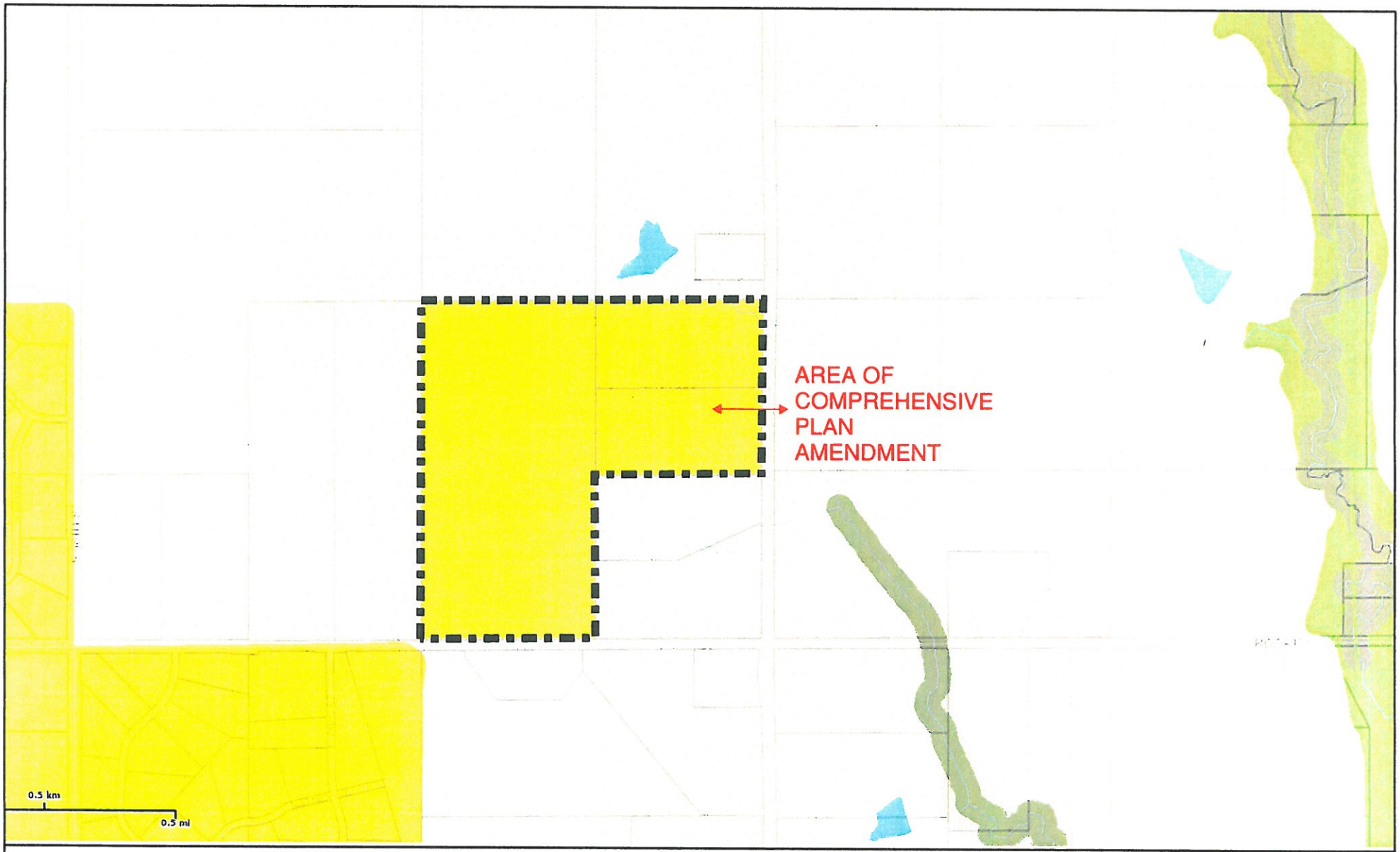
(CPA16002 Exhibit)



Lancaster County/City of Lincoln GIS Map

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Printed: Mar 15, 2016

DISCLAIMER: The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email ags@lincoln.ne.gov and you will be directed to the appropriate department.

OLSSON ASSOCIATES

March 16, 2016

Mr. David Cary
Lincoln Lancaster Planning Director
Planning Director
555 South 10th Street, Suite 213
Lincoln, NE 68508

Re: South Ridge Acres
Change of Zone and Comprehensive Plan Amendment Application

Dear David,

Enclosed please find the following for the above-mentioned project:

- Application
- Exhibits (4)
- Application fee ($1,122.00)

On behalf of the owners and developers, Alan and Laurel Baade, we are requesting a Change of Zoning and an amendment to the 2040 Comprehensive Plan for 118.64 acres of land located NW of the intersection of South 82nd Street and Roca Road, Roca, Nebraska.

This change of zoning is intended to allow the development of a 32 lot subdivision, including 32 attached single family lots, and 1 out-lot, as shown on the attached Exhibit. The existing site is 118.6 acres of agricultural land and woods is surrounded by agricultural land and residential acreage lots with other like residential acreage subdivisions in the general vicinity.

We are proposing to construct all roadways as private drives located on and Outlot and maintained by a homeowners association. The subdivision will utilize rural water and individual sanitary sewer treatment. The Rural Water District has recently upgraded the water main along Roca Road which adds additional system capacity in order to support growth in the area.

Exhibits are attached to this letter that identifies the area for each the requested Change of Zoning and amendment to the Comprehensive Plan.

The property is currently zoned AG, with a change of zone to AGR being requested.

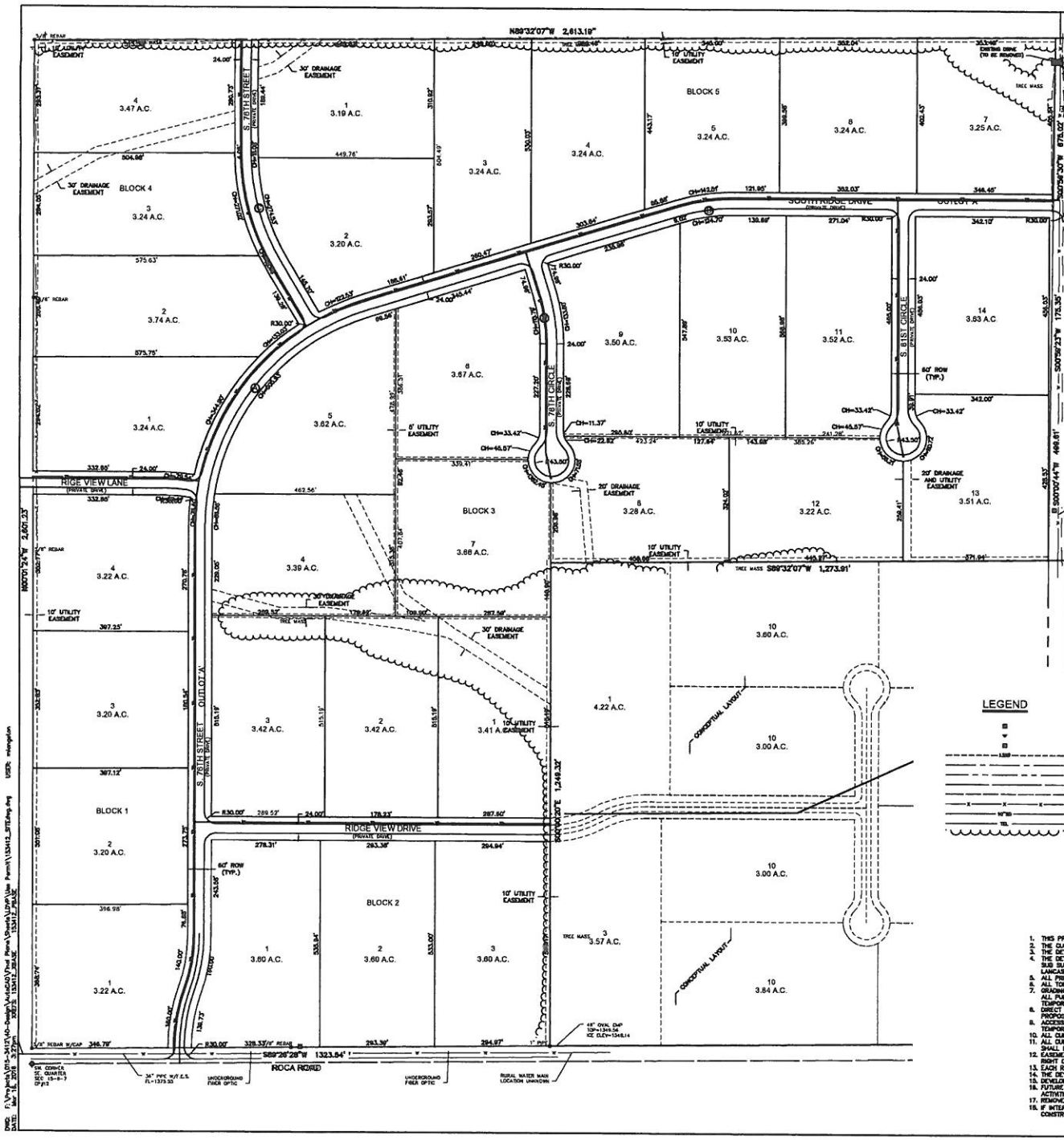
Please let me know if you have any questions or comments.

Sincerely,

Matt Langston

cc: Alan Baade

SOUTH RIDGE ACRES
SITE PLAN



RURAL WATER DISTRICT NO. 1
LANCASTER COUNTY, NEBRASKA
310 FIR STREET - PO BOX 98 - BENNET, NEBRASKA 68317
402.782.3495 www.rwd1.com

April 8, 2016

Alan Baade
5500 Saltillo Rd
Roca, NE 68430

Application for Water Service located at: SE ¼ T8N, R7E Section 15, Lancaster County, NE
Alan Baade Development for 32 Lots 82nd & Roca Rd

Dear Mr. Baade:

WELCOME!

The Board of Directors approved your Subdivision Application for Water Service for 32 lots at SE ¼ T8N, R7E, Section 15.

Please notify the office as soon as you have a County Plat Map locating all lots. We will then need to draw up the Agreement and have that signed by the Board of Directors and You.

If you have any questions, you may contact me at (402) 782-3495. Thank you.

Sincerely,

Jasmine K. Mach
Office Manager
Rural Water District No. 1
Lancaster County, NE

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for May 25, 2016 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone No.16011

PROPOSAL: From AG Agricultural to AGR Agricultural Residential

LOCATION: South 82nd Street and Roca Road.

LAND AREA: 118.6 acres, more or less

EXISTING ZONING: AG Agricultural

CONCLUSION: With approval of the associated Comprehensive Plan amendment this change of zone is in conformance with the 2040 Comprehensive Plan. This area is appropriate for additional acreage development.

RECOMMENDATION: Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION:
Lots 4, 22 and 23 all Irregular Tracts located in the SE1/4 of Section 15, Township 8 North, Range 7 East, Lancaster County, NE.

EXISTING LAND USE: Agricultural

SURROUNDING LAND USE AND ZONING:

North:	AG	Farming
South:	AG	Farming and some acreages
Southwest:	AGR	Acreage development.
East:	AG	Farming and a few dwellings
West:	AG	Farming

ASSOCIATED APPLICATIONS: Comprehensive Plan Amendment #16002

HISTORY:

June 29, 2004 County Change of Zone #04030 from AG to AGR on the subject property was denied by the Lancaster County Board.

January 24, 2006 County Change of Zone #05079 from AG to AGR on the subject property was denied by the Lincoln-Lancaster County Planning Commission.

March 30, 2006 The applicant withdrew the change of zone application.

March 25, 2014 Change of Zone #14001 from AG to AGR was approved for an area south of Roca Road along S.73rd Street by the Lancaster County Board.

COMPREHENSIVE PLAN SPECIFICATIONS:

The 2040 Lancaster County Future Land Use Plan identifies this area as Agricultural (p.1.8)

Acknowledge the fundamental "Right to Farm." Preserve areas throughout the county for agricultural production by designating areas for rural residential development— thus limiting potential conflicts between farms and acreages. (p. 2.7)

LPlan 2040 supports the preservation of land in the bulk of the County for agricultural and natural resource purposes. However, it recognizes that some parts of the County are in transition from predominantly agricultural uses to a mix that includes more residential uses (p. 7.12)

All proposals for acreages, whether designated on the future land use map for low density residential or not, should be evaluated based on factors such as paved roads, adequate water quality and quantity, soil conditions for on-site wastewater management, availability of emergency services, agricultural productivity, land parcelization, the pattern of existing acreages, and plans for future urban development (p. 7.12)

Areas not designated for acreages should remain agriculturally zoned and retain the current overall density of 32 dwelling units per square mile (1 dwelling unit per 20 acres) (p. 7.12)

Grouping acreages together in specific area will limit the areas of potential conflict between farms and acreages. It also may enable services to be provided more efficiently, by reducing the amount of paved routes, reducing the number and distance of school bus routes and taking advantage of more effective rural water district service (p. 7.12)

Many families are not well-informed of all the implications of rural living before they make that lifestyle choice. This includes an understanding of the state's "right to Farm" law, which protects farmers from nuisance claims when conducting normal agricultural practices, and an understanding of the difference between urban and rural public services. (p. 7.13)

UTILITIES: This area is within Lancaster Rural Water District #1.
Sanitary sewer will require individual septic tanks or lagoons.

TRAFFIC ANALYSIS: Roca Road is a paved county road. S. 82nd Street is a gravel road and is not scheduled for pavement.

PUBLIC SERVICE: This is in the Hickman Rural Fire District and the Norris School District. This is served by the Lancaster County Sheriff's Department. This is in the Norris Public Power District.

REGIONAL ISSUES: Expansion of acreage development. Protection of farming operations and preserving farm land.

ALTERNATIVE USES: Continued farming or using a AG CUP to cluster 5 to 6 residential lots while preserving the remaining land for farming.

ANALYSIS:

1. This request is for a change of zone from AG to AGR on 118 acres. If the change of zone is approved, a preliminary plat will be submitted. A draft plan was submitted showing 32 residential lots.

2. Lancaster Rural Water and individual sewage disposal is proposed. Lancaster Rural Water District #1 has approved the potential development. (See attached letter.)

3. The 2040 Comprehensive Plan on page 7.12 recommends that proposed acreage developments be evaluated based on the following factors:

   A) Paved roads; Roca Road is paved. S. 82nd Street is gravel adjacent to this property and is paved south of Roca Road.

   B) Water quality and quantity; Water is provided to be provide the Rural Water District. Thus, additional information on water quantity and quality was not necessary for this change of zone.

   C) Soil conditions; The soil is not prime agriculture land.

   D) On-site wastewater management; wastewater would most likely use private sewage systems.

   E) Availability of emergency services; The Lancaster County Sheriff and Hickman Rural Fire would provide emergency services. This is an area with numerous nearby acreage development already adequately served by both agencies.

   F) Existing acreages; There are acreage developments to the southwest and on the west side of S. 68th Street. There are no acreage developments immediately adjacent this site. In the corridor along S. 68th Street, a ½ mile to the west there are several acreage subdivisions on both sides of the street.

4. The Lancaster County Engineer has no objections to the change of zone.

5. The Comprehensive Plan also encourages acreages to be grouped together into specific areas. The S. 68th Street corridor between Hickman and Roca Road is one such cluster of low density residential uses in the Comprehensive Plan. There are several other acreage developments within 1 to 1.5 miles of this site. These developments include The Preserve at Cross Creek, Hickman Ridge, Mueller Addition and Leisure Lake Estates. There are approximately 12 available lots total within all four of these developments based on the County Assessor's map.

6. Currently an update to the 2040 Lincoln-Lancaster County Comprehensive Plan is underway. As part of the update, land that is either zoned or shown for low density residential (AGR) was evaluated to determine if more area was needed for acreage development. County wide there is the potential for another 2,339 dwelling units on land that is shown for low-density residential in the current comprehensive plan. That total includes approved developments and potential dwelling units on land shown in the Comprehensive Plan as low-density residential, but has no approved development. Based on an average of 106 dwelling units constructed per year in Lancaster County, this is a 22 year supply.

7. The region near this proposal was also reviewed to see if there was a need for additional areas be shown as low-density residential in the Comprehensive Plan. The subarea was generally bounded by Highway 77 on the west, S. 110th Street on the east, Panama Road on the south and Bennet Road on the north. The review shows that there is the potential for another **311 dwelling units** on land that is shown for low density residential in the 2040 Comprehensive Plan. The dwelling unit number is derived from approved developments and potential on land shown as low-density residential, but has no approved development. Currently there are **17 vacant lots** that are ready to be built on. In addition there are **57 lots** that have preliminary approval, but are not in a final plat. With approval of this change of zone an additional 32 dwelling units would be added to the potential 311 units for this subarea.

8. The request for a change of zone to AGR is not shown as Low Density Residential in the Future Land Use Plan in the 2040 Comprehensive Plan. Associated with this application is an application to amend the Future Land Use Plan to show this area as low-density residential.

9. The applicant held an informational meeting for nearby property owners on May 10th.

10. The Norris Public School Superintendent sent in a letter of support.

11. The analysis and conclusion to the Comprehensive Plan Amendment #16002 is that it is appropriate to designate this land for low density residential uses. Thus, the change of zone to AGR is appropriate. Site specific issues regarding access to S.

82nd Street and sewage disposal will be addressed in a future preliminary plat or Community Unit Plan.

Site Specific Conditions

1. The Lancaster County Board approves associated request:

   1.1 Comp. Plan Amendment #16002

Prepared by:

Tom Cajka
Planner

DATE: May 12, 2016

APPLICANT: Matt Langston
Olsson Associates
601 "P" Street, Suite 200
Lincoln, NE 68508
402-474-6311

OWNER: Alan and Laurel Baade
5500 Saltillo Road
Lincoln, NE 68430
402-430-9609

CONTACT: Same as applicant

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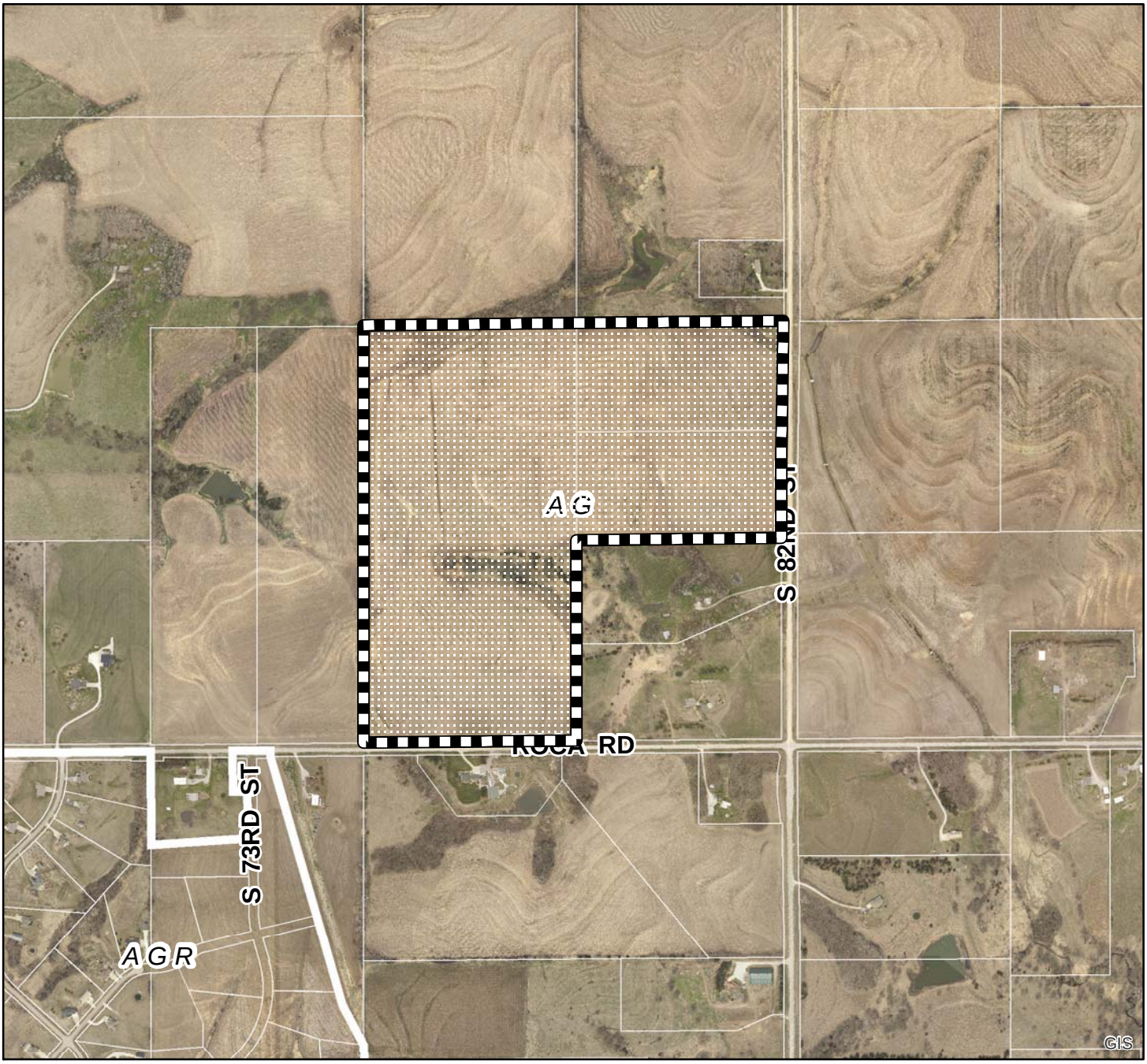


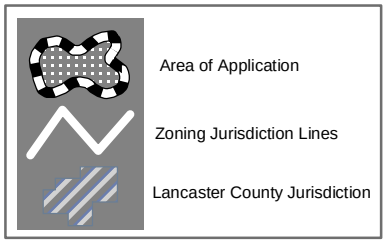
2013 aerial

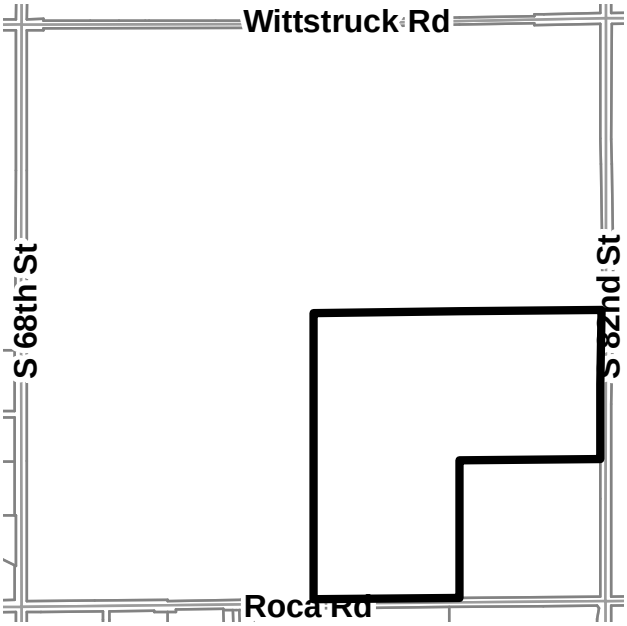
Change of Zone #: CZ16011 (AG to AGR)
S 82nd St & Roca Rd

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.15 T08N R07E





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File: F:\DevReview\PlannerPacket\MXD\Agendadrawings.mxd (CZ16011)

LEGAL DESCRIPTION

A TRACT OF LAND COMPOSED OF LOT 4 I.T., LOT 22 I.T. AND LOT 23 I.T., ALL LOCATED IN THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 8 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 8 NORTH, RANGE 7 EAST OF THE 6TH P.M.; THENCE WESTERLY ON THE SOUTH LINE OF SAID SOUTHEAST QUARTER ON AN ASSUMED BEARING OF S89°26'28"W, A DISTANCE OF 49.60' TO A POINT; THENCE N00°33'32"W, A DISTANCE OF 40.00' TO THE SOUTHEAST CORNER OF LOT 21 I.T., SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF SOUTH 82ND STREET, AND ON THE NORTH RIGHT-OF-WAY LINE OF ROCA ROAD; THENCE S89°26'28"W, ON THE SOUTH LINE OF SAID LOT 21 I.T., SAID LINE BEING THE NORTH LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 40.00' NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 1,273.54' TO THE SOUTHWEST CORNER OF SAID LOT 21 I.T., SAID POINT BEING THE SOUTHEAST CORNER OF LOT 4 I.T., SAID POINT BEING **THE TRUE POINT OF BEGINNING**; THENCE CONTINUING S89°26'28"W ON THE SOUTH LINE OF SAID LOT 4, SAID LINE BEING THE NORTH LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING 40.00' NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 1,323.54' TO THE SOUTHWEST CORNER OF SAID LOT 4 I.T., SAID POINT BEING ON THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE N00°01'24"W, ON THE WEST LINE OF SAID LOT 4 I.T., SAID LINE BEING THE WEST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 2,601.23' TO THE NORTHWEST CORNER OF SAID LOT 4 I.T., SAID POINT BEING THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE N89°32'07"E, ON THE NORTH LINE OF SAID LOT 4 I.T., AND ON THE NORTH LINE OF LOT 22 I.T., SAID LINE BEING THE NORTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 2,613.19' TO THE NORTHEAST CORNER OF SAID LOT 22 I.T., SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF SOUTH 82ND STREET, SAID POINT ALSO BEING 35.47' WEST OF THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE S00°59'30"W, ON THE EAST LINE OF SAID LOT 22 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 675.02' TO THE SOUTHEAST CORNER OF SAID LOT 22 I.T., SAID POINT BEING THE NORTHEAST CORNER OF LOT 23 I.T., SAID POINT BEING 47.01' WEST OF THE EAST LINE OF SAID SOUTHEAST QUARTER; THENCE S00°59'23"W, ON A EAST LINE OF SAID LOT 23 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 175.35' TO AN EAST CORNER OF SAID LOT 23 I.T., SAID POINT BEING 50.00' WEST OF THE EAST LINE OF SAID SOUTHEAST QUARTER; THENCE S00°00'44"W, ON A EAST LINE OF SAID LOT 23 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 50.00' WEST OF AND PARALLEL WITH THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 499.61' TO THE SOUTHEAST CORNER OF SAID LOT 23 I.T., SAID POINT BEING THE NORTHEAST CORNER OF LOT 20 I.T.; THENCE S89°32'07"W, ON THE SOUTH LINE OF SAID LOT 23 I.T., SAID LINE BEING THE NORTH LINE OF SAID LOT 20 I.T., A DISTANCE OF 1,273.91' TO THE SOUTHWEST CORNER OF SAID LOT 23 I.T., SAID POINT BEING THE NORTHWEST CORNER OF SAID LOT 20 I.T., SAID POINT ALSO BEING ON THE EAST LINE OF SAID LOT 4 I.T.; THENCE S00°00'20"E, ON THE EAST LINE OF SAID LOT 4 I.T., SAID LINE BEING THE WEST LINE OF SAID LOT 20 I.T., AND ON THE WEST LINE OF SAID LOT 21 I.T., A DISTANCE OF 1,249.32' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 5,168,135.20 SQUARE FEET OR 118.64 ACRES, MORE OR LESS.

OLSSON
ASSOCIATES

April 27, 2016

Mr. David Cary
Lincoln Lancaster Planning Director
Planning Director
555 South 10th Street, Suite 213
Lincoln, NE 68508

Re: South Ridge Acres
Change of Zone and Comprehensive Plan Amendment Application

Dear David,

Enclosed please find the following for the above-mentioned project:

- Application
- Exhibits (6)
- Application fee for Change of Zone ($792.00)
- Application fee for Comprehensive Plan Amendment ($330.00)

On behalf of the owners and developers, Alan and Laurel Baade, we are requesting a Change of Zoning and an amendment to the 2040 Comprehensive Plan for 118.64 acres of land located NW of the intersection of South 82nd Street and Roca Road, Roca, Nebraska.

This change of zoning is intended to allow the development of a 32 lot subdivision, including 32 attached single family lots, and 1 out-lot for the private roadways, as shown on the attached Exhibit. The existing site is 118.6 acres of agricultural land and woods and is surrounded by agricultural land and residential acreage lots with other like residential acreage subdivisions in the general vicinity.

We are proposing to construct all roadways as private roadways located on the Outlot and maintained by a homeowners association. The subdivision will utilize rural water and individual sanitary sewer treatment.

A similar subdivision had been proposed for this parcel more than 10 years ago and several concerns were raised by both Planning Staff and neighbors. We feel that since that time both County infrastructure and local subdivision growth have expanded in a manner inclusive of the proposed Amendment and Change of Zone. Please consider the following as supporting information for the aforementioned change of zone and Comp Plan amendment:

1. The Rural Water District has improved the water main along Roca Road which adds additional system capacity and pressure in order to support growth in the area. Rural Water District No. 1 has approved our Subdivision Application for Water Service for the proposed 32 Lots located on this parcel, please see attached letter from Rural Water District No. 1.
2. The housing market for available acreage lots is in low supply in this area while demand has been increasing.
3. South 82nd Street has been paved from Roca Road south to Holland Road. This provides an additional paved path of travel to the Norris School District Campus, thus reducing additional traffic loads on S. 68th Street.

4. Norris School District is highly supportive of the expanded student base this development would offer, please see attached letter from Dr. Skretta, Superintendent, Norris School District.
5. Lancaster County Engineering has no direct objections to proceeding forward with the proposed development.
6. We have attempted to contact and discuss the newly proposed development with the neighbors that voiced concerns in 2005. Of the five residents that wrote letters, two no longer reside in the area, one no longer has concerns, another has had the majority of their issues resolved, and the remaining owner we have not yet heard back from at the time of this letter.

We feel that given the major concerns have been addressed and a high demand for acreage lots in the area, the change of zone and Comp Plan amendment is appropriate for the proposed South Ridge Acres residential development.

Exhibits are attached to this letter that identifies the area for each the requested Change of Zoning and amendment to the Comprehensive Plan.

The property is currently zoned AG, with a change of zone to AGR being requested.

Please let me know if you have any questions or comments.

Sincerely,

Matt Langston

cc: Alan Baade

OLSSON
ASSOCIATES

April 03, 2016

To: Neighboring Property Owners

Re: South Ridge Acres Change of Zone and Comprehensive Plan Amendment

Olsson Project No. 015-3412

Dear Neighbors:

We have submitted an application for a Change of Zone and a Comprehensive Plan Amendment for a tract of land located northwest of South 82nd Street and Roca Road. This will be the first step in obtaining approval of a Preliminary Plat that will create 32 single family residential lots. The rural subdivision shall have paved roads, rural water, and consist of lots greater than 3 acres each.

Olsson Associates will hold a public informational meeting to discuss the project in more detail. The meeting will be held on Tuesday, May 10, 2016 at 5:30 p.m. at the Norris Middle School Multipurpose Room, 25211 South 68th Street, Firth, Nebraska.

Regards,

Matt Langston
Olsson Associates

cc: Tom Cajka, Planning Department

601 P Street, Suite 200
P.O. Box 84608
Lincoln, NE 68508
TEL 402.474.6311
FAX 402.474.5160
www.olssonassociates.com

RURAL WATER DISTRICT NO. 1
LANCASTER COUNTY, NEBRASKA
310 FIR STREET PO BOX 98 - BENNET, NEBRASKA 68317
402.782.3495 www.lrwd1.com

April 8, 2016

Alan Baade
5500 Saltillo Rd
Roca, NE 68430

Application for Water Service located at: SE ¼ T8N, R7E Section 15, Lancaster County, NE
Alan Baade Development for 32 Lots 82nd & Roca Rd

Dear Mr. Baade:

WELCOME!

The Board of Directors approved your Subdivision Application for Water Service for 32 lots at SE ¼ T8N, R7E, Section 15.

Please notify the office as soon as you have a County Plat Map locating all lots. We will then need to draw up the Agreement and have that signed by the Board of Directors and You.

If you have any questions, you may contact me at (402) 782-3495. Thank you.

Sincerely,

Jasmine K. Mach
Office Manager
Rural Water District No. 1
Lancaster County, NE

NORRIS PUBLIC SCHOOLS

Norris School District #160 (www.norris160.org) AdvancED District-Accredited

25211 South 68th Street Firth Nebraska 68358 (402) 791 – 0000 FAX: (402) 791 - 0025

Dr. John Skretta, Superintendent john.skretta@nsdtitans.org

March 24, 2016

To Whom It May Concern:

The Norris District was recently contacted regarding our opinion on the proposed development of a 32 lot subdivision located on the Northwest corner of 82nd Street and Roca Road. We are highly supportive of this development in concept and are excited at the prospect of the development providing new residential lots and outstanding single family dwellings for prospective homeowners in our school district.

The proposed development appears to us to offer much-needed housing possibilities for young families who aspire to locate in the Norris School District. We are approached on a highly consistent basis by families who visit the campus and are seeking the educational opportunities and programming offered by Norris who are deterred by a lack of available housing options. Real estate agents consistently indicate to us that Norris property is "prime real estate" because of the desire of families to send their children to the Norris schools and to reside in a less urban environment than that characterizing the City of Lincoln.

The proposed development appears to us to offer an attractive housing option for families wishing to locate in the Norris School District and send their children to us. We welcome such an eventuality.

Please feel free to contact me if you need additional information. It is our fondest hope that this development proceeds in order to provide desirable housing options for aspiring Norris families.

Sincerely,

Dr. John Skretta
Superintendent

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for OCTOBER 28, 2015 PLANNING COMMISSION MEETING

REVISED APRIL 29, 2016
(Revisions underlined)

PROJECT #: Special Permit No.15064

PROPOSAL: A request per Article 13, Section 13.001aa for Expanded Home Occupation for Avalon Event Paradise

LOCATION: 12788 West Roca Road.

LAND AREA: 32.43 acres, more or less

EXISTING ZONING: AG Agricultural

CONCLUSION: This special permit for Expanded Home Occupation to allow large gatherings, such as wedding receptions, should have limited impact on adjacent properties given the site plan and proposed conditions. The nearest property is approximately 450 feet away. The waiver to exceed the 15,000 square feet limit for outdoor areas is acceptable based on the amount of area needed for parking for most events that would be much smaller. The waiver to allow the parking to not be gravel is acceptable since the parking area is grass and any dust would be minimal. In conclusion the use is acceptable with limitation on size and number of large events.

RECOMMENDATION:		Conditional Approval
Waivers		
1.	To allow more than two employed persons who are not members of the family residing on the premises.	Conditional Approval
2.	To waive the requirement that the parking area be gravel.	Approval
3.	Allow the parking and other related business activity to exceed 15,000 sq. ft.	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 27 I.T. located in the SW1/4 of Section 17, Township 8 North, range 5 East; Lancaster County, NE

EXISTING LAND USE: Single family house.

SURROUNDING LAND USE AND ZONING:

North:	AG Agricultural	Single family homes
South:	AG Agricultural	farm ground
East:	AG Agricultural	Single family homes on acreage size lots
West:	AG Agricultural	Single family homes

HISTORY:

September 21, 2010 County Special Permit #10028 for expanded home occupation for a medical office located at 12100 West Roca Road was approved by the Lancaster County Board of Commissioners.

COMPREHENSIVE PLAN SPECIFICATIONS:
Continue to encourage and permit accessory home businesses, and locate businesses within the commercial areas of incorporated towns as they expand beyond the definition of home occupation. (P.5.5)

TRAFFIC ANALYSIS:
This is on and has access to West Roca Road (Highway 33) a two lane paved highway.

PUBLIC SERVICE:
This area is served by the Lancaster County Sheriff's Department

AESTHETIC CONSIDERATIONS:
Light and noise from events.

ANALYSIS:

1. This request is for an expanded Home Occupation to allow the rental of the "boathouse" and adjacent land to allow for gatherings such as wedding receptions and family reunions. The owners of this property have been renting out for large events contrary to approved zoning.

2. The owner could rent out the boathouse only as a home occupation. Home occupation is a conditional use and would not require this special permit. Home occupations allow one person that does not reside on the premises to be employed in the home occupation. The home occupation must be carried on within a dwelling unit or an accessory building. This does not preclude outside activity if it is limited and incidental to the home occupation. Due to the receptions and other gatherings, and having more than one employee that does not reside on the premise, the

approval of the special permit for Expanded Home Occupation is needed.

3. The Lancaster County Zoning Regulations were amended in September 2009 to allow for Expanded Home Occupation by special permit. The intent was to allow small family owned businesses to operate out of their homes. The business is to be accessory to the residential use of the property and operated by the family occupying the residence. This condition makes it more likely that the business will be a "good neighbor." The business should not detract from the peace and enjoyment of surrounding properties

4. The gatherings/receptions take place in the boathouse and the tent area as shown on the attached site plan. The boat house is approximately 450 feet and the tent area is approximately 540 feet from the nearest neighboring property to the east. The east property line has some evergreen trees. Additional trees should be planted to provide an adequate buffer for the properties to the east.

5. The outside gatherings are proposed to be held May through October. On average there would be 12 to 15 events held per year. Some busier months may have an event every weekend.

6. The applicant is requesting two waivers. The first is to waive the requirement that the parking lot be gravel. The parking area is grass. The applicant states that the parking area is not irrigated and remains dry. The second waiver is to allow the outside areas to exceed 15,000 sq. ft. The parking area and the tent area is approximately 35,000 sq. ft. They are showing a large parking area to accommodate the occasional large gathering of 200 to 300 persons. . Typically the events have approximately 75 vehicles. The waivers are appropriate since there is no large reception hall or paved lot on site and will be used infrequently. The site will retain its rural character due to its large size and extensive landscaping.

7. The county special permit conditions for expanded home occupation are as follows:

   (b) On-site sales shall be limited primarily to products grown, manufactured, processed, treated or assembled on the premise.
   This would be a service provided by the residents. There are no sales of goods on site. The service being provided is the use of land and one building.

   (c) No more than two (2) persons, who are not members of the family residing on the premises, may be employed to carry out the occupation or activity on the premises.
   Applicant states that they have one outside employee.

The Planning Department, Building and Safety Department and County Attorney's Office discussed what constitutes employed under this provision.

With respect to who should be considered to be "employed" under this provision, it was determined that those employed for expanded home occupation should include anyone who is employed to carry out the activity on the premises and who also is not a family member living on the premise, regardless of who is determined to be the employee's employer. Accordingly, employees of the resident family or the LLC as well as employees of the resident family's or LLC's independent contractors who are working on-site to carry out the events should be counted as employees engaged in the home occupation's activity. For example, it is likely that persons setting up a tent, catering, or bartending, would be the employees of one of the independent contractors hired to prepare or operate the site for an event, and therefore they would be "employed" on the premises to carry out the home occupation's activity. Because owners of the LLC would not be considered employees based merely on their status as owners, any owner of the LLC could work on site and not be considered to be "employed."

Given the above parameters of who is "employed to carry out the occupation or activity" it can be determined no more than 2 persons employed can be on site at one time. This means, for example, only one bartender and one caterer could be on site at one time or one musician and one person helping to set up. Most weddings or large gatherings need more than 2 persons on site at one time. The intent of 2 employed persons under "expanded home occupation" allowed up to 2 full time employees working approximately 40 hours per week.

(d) The lot area shall be 10 acres or larger
This is a 32.43 acre premise.

(e) Driveways and parking areas shall be provided with an all-weather (gravel or rock) surface to minimize dust and mud.
Parking is shown on a grass area measuring 300' x 100'. The driveway is asphalt. The applicant is requesting a waiver to the gravel requirement.

(f) No more than 50% of the floor area of the residence may be used for said business. **The residence is 4,068 sq. ft. per the Lancaster County Assessor site. The boathouse is 950 square feet or 23 percent of the floor area.**

(g) The total floor area for all buildings used for said business shall not be more than 10,000 square feet.
The boat house is the only permanent building and it is 950 sq. ft.

(h) Outside area used for work area, storage or other business activity (of vehicles, equipment, or materials used in the business) and parking shall not exceed 15,000 square feet.
There is an area set aside if the event is to have tents. This area is 4,800 sq. ft. The parking area shown on the site plan is 30,000 sq. ft. The applicant is

requesting a waiver to allow more than 15,000 sq. ft.

(l) All outside business related activity shall be located at least 200 feet from all premise property lines and shall be visually screened from public streets and adjacent property lines. Said visual screening shall be approved as part of the special permit
The boathouse and the tent area is more than 200 feet from the property lines. There are some trees along the east lot line. To provide a sufficient screen additional trees should be planted.
The parking area is approximately 60 feet from the lot line adjacent Highway 33. The area is screened with a double row of trees.

(j) Health Department regulations and all other County, State, and Federal rules and regulations shall apply. The Health Department may require dust control of nearby unpaved roads to mitigate the impact of traffic approaching and leaving the premise.
The only adjacent road is Highway 33.

(k) Building permits will be obtained as required for all new construction and remodeling of existing buildings under this permit.
All buildings must meet code and be approved by Building and Safety.

(l) Only one vehicle/truck over 2.5 tons (gross weight) is permitted on the site. No more than four (4) business vehicles shall be parked or stored outside on the site at any one time.
No auto or truck storage is requested. Only parking for guests.

(m) There is no sign other than one non-animated, non-illuminated, non-reflecting nameplate not more than twenty (20) square feet in area, which name plate designates the home occupation carried on within.
No sign location is shown. There is a current sign located at the entrance drive from Hwy 33. The sign is larger than the 20 square feet allowed.

(n) A site plan for this special permit shall be approved and followed.
A site plan was provided (see attached)

8. Similar uses in the county approved by special permit that have large attendance such as Camp Gargano, Camp Sonshine and Prairie Creek Inn have limitations on the number of participants at any one time**.** Camp Gargano and Camp Sonshine were approved as “recreational facility” and Prairie Creek Inn was approved through a special permit for Historic Preservation and Expanded Home Occupation.

9. Prairie Creek Inn located at 2400 S. 148th Street was approved for a Bed and

Breakfast and Expanded Home Occupation by County Special Permit 08021A. As accessory to the Bed and Breakfast, wedding ceremonies and receptions were allowed:

> "Events are limited to 300 persons except that up to 4 events per calendar year of up to 500 persons may be allowed through the Lancaster County Amusement License process. Events of over 200 persons must utilize portable changeable message signs warning traffic on S. 148th Street fo turning vehicles."

Although Prairie Creek Inn is similar in its use, there are differences in the surrounding area. The distance between the nearest property line and the area of where events happen is over 1,250 feet. This is more than twice the distance of Avalon Event Paradise to its nearest property line. There are only six houses in proximity to the event area as compared to 24 houses near Avalon Event Paradise.

10. Camp Gargano located at SW 29th Street and West Wittstruck Road was approved for a Recreational Facility by special permit in June 2012. Originally the camp was for a club that allowed up to 50 persons for a youth athletic club. In 2012, the special permit was changed to "Recreational Facility". Recreational facility is defined as facilities primarily for participation by the public in athletic activities. As accessory to active recreation, they may also have fundraisers, training events and receptions.

    Camp Gargano is allowed:

    "1) a maximum occupancy of 50 persons per day that shall not exceed 5 consecutive days in a given calendar week.
    2) 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.
    3) One day occupancy of 500 persons 6 times in a calendar year, if a separate amusement license is granted by the County Board."

Alcohol may be served for special events by a licensed caterer if a Special Designated Licenses is approved. Alcohol sales in the County is not considered a land use issue. Avalon would also need a Special Designated License for events.

The special event area is 600 feet away from the adjacent properties and is buffered by a tree mass and drainageway. Major events, those over 500 persons, must conclude by 10:00 p.m.

There was substantial opposition to this special permit. 81 letters were sent to property owners within one mile. Of the 81 property owners, 21 were in opposition. Opposition was to the increased size, number of participants, traffic, noise, and alcohol.

11. Camp Sonshine generally located at S. 25th Street and 1/4 mile south of Bennet Road was approved for a recreational facility in May 2012. The recreational facility is a camp for children. The special permit allows up to 300 campers with a four tier approach.

    a. Tier 1: between 80 and 150 campers. Mitigation efforts: spray water or calcium chloride on S. 25th from Saltillo Rd to Camp Sonshine entrance, arrange car pools, communicate transportation information to parents via Parent Guide, digital media and print materials, petition for road regrading at County 1&6 Road Plan public hearing.

    b. Tier 2: Between 151 and 180 campers. Continue with Tier 1 actions, close existing driveway and begin using new entrance drive to the west of current location.

    c. Tier 3: Between 181 and 200 campers. Continue Tier 1 & 2 actions, implement bus transportation option, pick up 40 to 50 campers from 2 or 3 "drop off" sites.

    d. Tier 4: Between 201 and 300 campers. Continue Tier 1, 2, & 3 actions, pick up 80 to 100 campers from 3 to 5 "drop off" sites, evaluate traffic situation and address most important concerns affecting traffic impact.

12. Other expanded home occupation special permits approved in the County include a medical office located at 12100 West Roca Road and for outdoor storage at Highway 77 between Hickman Road and Stagecoach Road. A third expanded home occupation was approved for a counter top business at N. 1st Street and Mill Road. Each of these home occupations had limited impacts on neighboring properties as approved.

13. To help minimize the impact to adjacent neighbors the number of large events, those between 100 and 200 persons, should be limited to no more than two times per month from April 1st thru October 31st. Having more smaller events of under 100 persons would help reduce traffic and noise. The business should not detract from the peace and enjoyment of surrounding properties. In order to meet this goal no amplified music should be allowed outside.

14. Home occupations primarily operate Monday thru Friday 8:00 a.m. to 5:00 p.m. There are no impact to surrounding properties in the evenings or weekends. This proposal for Avalon primarily operates in the evenings and weekends. This is the time residents are wanting to enjoy the outdoors or quiet rural setting.

15. Avalon Event Paradise is primarily oriented to the occasional outside wedding reception. Due to their extensive landscaping, island and pond it provides a

unique reception setting not found typically in an urban area. It is well served by a paved highway that already experiencing significant traffic and is well maintained. Due to the outdoor setting, it will primarily only be used in late April to October. It is on a large site of over 30 acres with the tents in the center of land and the parking well screened by existing trees. This area is intended for agricultural and low density residential uses, not for commercial developments. But given the setting, highway access, increased screening and with the limitation on no more than two large events of 100 to 200 people a month for the spring and summer, it is an appropriate home occupation in a rural setting.

CONDITIONS OF APPROVAL:

Per Article 13, Section 13.001.aa, this approval permits Expanded Home Occupation for the site in conformance with the attached site plan to be used for rental of the boathouse and/or designated open space for overnight stays, parties, wedding receptions, family reunions and other such gatherings with the following waivers and conditions:

Waivers

1. Waive the requirement for gravel surface of parking lots.

2. Waive the requirement that outside areas used for the business not exceed 15,000 square feet as shown on the site plan.

3. To allow more than two employed persons who are not members of the family residing on the premises.

The waiver for no more than two employed persons is approved with the condition that the total hours of all persons working on site for an event cannot total more that 80 hours in any one week. The applicant must provide a listing of all persons working on site upon request of the County.

(If the County desires to allow receptions and other events to be regularly held in a rural area, the limit to two employees does not suit the business operation. Instead a different method to limit employees trips and activity would be needed.)

(A correlation could be made that as long as the cumulative hours of all persons engaged in the operation of an event did not exceed 80 hours per week this would be the same as having 2 full time employees. In the case of Avalon and other similar venues more than 2 person could be on site at one time as long as the total hours worked by those persons did not exceed 80 hours in any one week. For example you could have 4 persons for set up at 4 hours each, a bartender at 4 hours, 2 caterers at 4

hours each, a musician at 4 hours and a 4 persons for tear down at 4 hours each. This totals to 48 hours.)

Conditions

1. No limit on the number of events that have no more than ~~50~~ 100 people (or the occupancy limit of boathouse, whichever is less) in the boathouse with accessory use of deck and island.

2. Events between ~~50~~ 100 and ~~150~~ 200 persons are allowed two days in any one calendar month from April 1st thru October 31st. No events of persons between 100 and 200 persons is allowed between November 1st and March 31st.

3. Any outside music is not allowed to use speakers or other forms of amplification.

4. Any outdoor event must conclude by 11:00 p.m.

5. Fireworks are not allowed except on July 3rd and 4th.

6. The waiver for no more than two employed persons is approved with the condition that the total hours of all persons working on site for an event cannot total more that 80 hours in any one week. The applicant must provide a listing of all persons working on site and hours worked upon request of the County.

7. Provide a landscape plan that shows a 60% screen from the ground to 10 feet above the ground along the east property line.

Standard Conditions:

1. The following conditions are applicable to all requests:

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

   1.2 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.

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

1.4 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.

Prepared by

Tom Cajka
Planner

DATE: October 20, 2015

APPLICANT: Viann Martin
2315 Winding Ridge Road
Lincoln, NE 68512
402-540-0792

OWNER: Martin Estates LLC
2315 Winding Ridge Road
Lincoln, NE 68512
402-540-0792

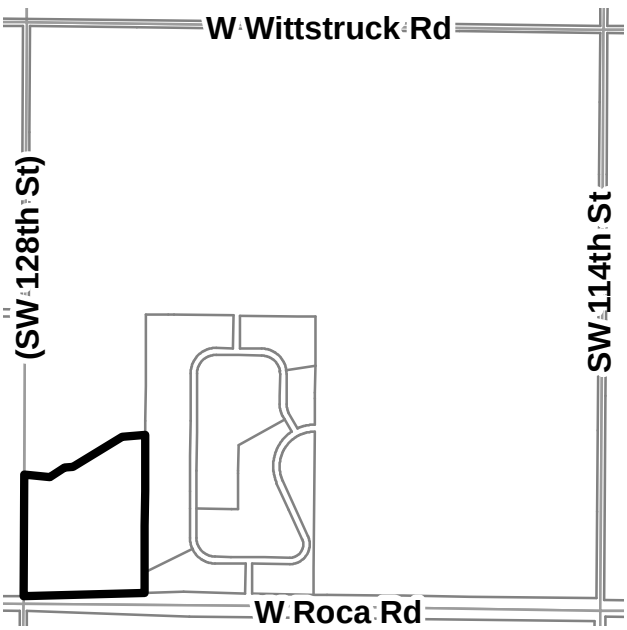
CONTACT: Same as applicant

F:\DevReview\SP\15000\SP15064 REVISED Avalon Event Paradise.tjc.wpd

2013 aerial

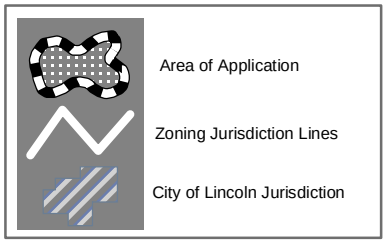
Special Permit #: SP15064
Avalon Event Paradise
SW 128th St & W Roca Rd

One Square Mile:
Sec.17 T08N R05E



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



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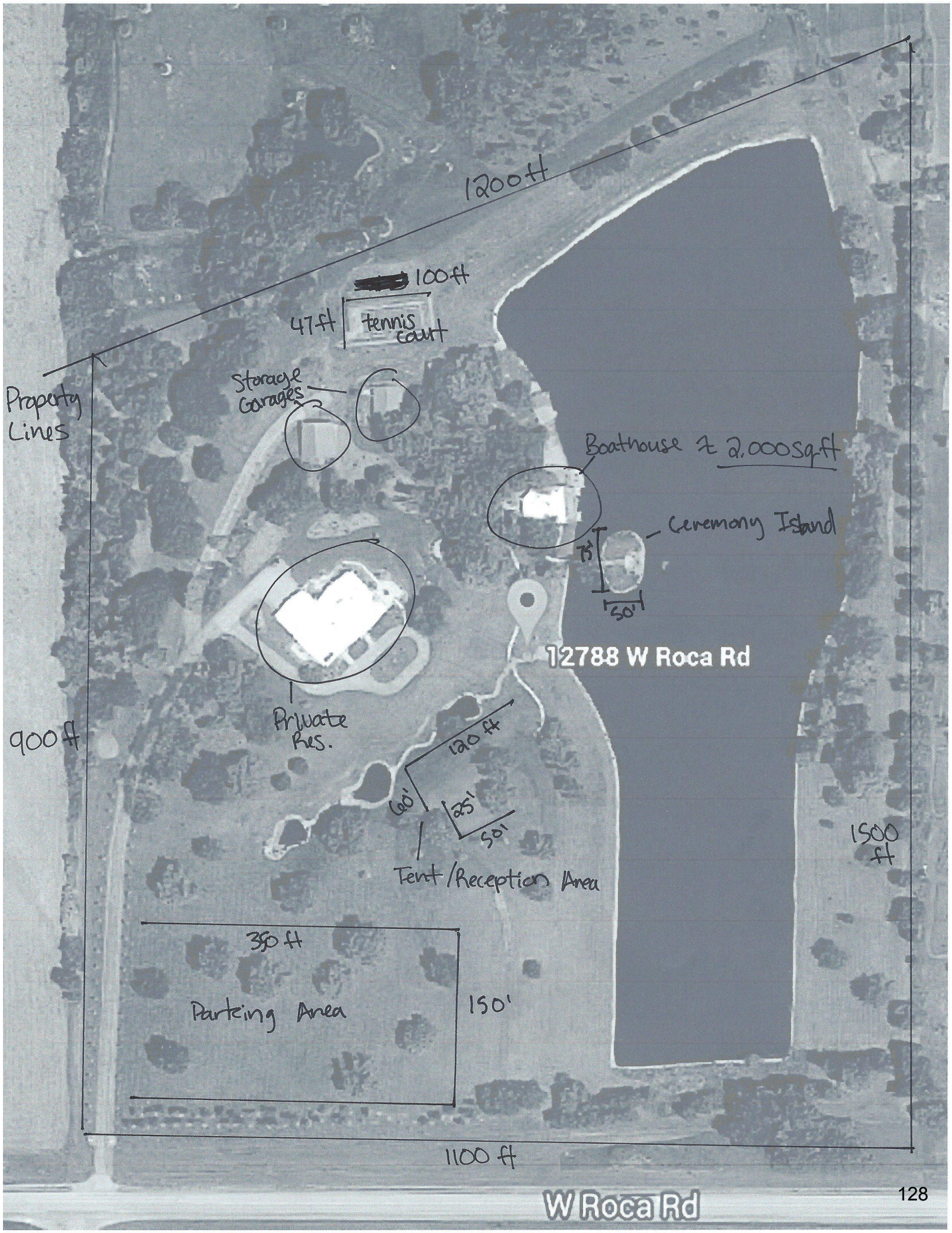

1200 ft
[redacted] 100 ft
47 ft
tennis court
Storage Garages
Property Lines
Boathouse ≈ 2,000 sq.ft
Ceremony Island
75'
50'
12788 W Roca Rd
Private Res.
900 ft
120 ft
60'
25'
50'
Tent/Reception Area
1500 ft
350 ft
Parking Area
150'
1100 ft
W Roca Rd

September 25, 2015

Lancaster County Planning Department:

This letter is to request that the planning department approve a special permit for the family business, Avalon Event Paradise, a host site for special events, such as, weddings and family reunions. It is our intent to offer the use of our scenic property for such events on a seasonal basis. The property lends itself nicely to such events as it is private and is located a good distance from other residents. Having held a few such events without prior knowledge of the necessity of needing county approval, we can state unequivocally that they have been orderly and without complaint. To the contrary, many local residents of Crete have commented that they are glad to see that we have restored the property and are keeping it looking so nice. Parking has not been a problem as we provide ample space at the front of the property and we also recommend the use of shuttles from the hotels where guests are staying. This greatly cuts down on the amount of traffic and creates easy access for guests. We have hired one person who works as a private contractor to maintain the property and give tours for prospective clients. The property includes a 12 acre lake with an island setting where weddings are held. It also includes a boathouse for the wedding party to use during events. There is also a reception area designated for tent use if the guests choose to rent a tent structure for events. It is our intent to pay close attention to the needs of neighbors as we operate this business for public enjoyment. The closest neighbors reside to the east of the 12 acre lake approximately 400 yards from the event site and are buffered by a large number of trees and shrubs. Therefore, we have never had a complaint of noise disturbance or any other disturbance as the guests do remain on the west side of the lake where the events are held. It is our sincere request that we be allowed to offer this site as a space for future events and to operate peacefully with respect to the neighboring properties. We appreciate your consideration. Thank you.

Viann Martin

Tom J. Cajka

From: Viann2000 <viann2000@aol.com>
Sent: Wednesday, October 14, 2015 1:29 PM
To: Tom J. Cajka
Subject: Special Waiver

I am requesting a waiver to extend the allotted parking area on our property located at12788 W Roca Rd.
Although most of our weddings only require parking for to-75 vehicles, we highlighted a larger area on the site map in order to accommodate the occasionally larger gathering.
A typical parking spot is 8.5x18' and the 100x300' area we have highlighted on the site map could accommodate up to 200 vehicles.
We are averaging only 1 event per month, and therefore, I also request that we not be required to rock or gravel the area for parking. Again this area is not irrigated and is located on a high point of the property, so it remains very dry and suitable for event parking.

Thank you for your consideration.

Viann Martin
(Owner)

Sent from my iPad

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for MAY 25, 2016 PLANNING COMMISSION MEETING

PROJECT #: Special Permit No.16021

PROPOSAL: A request per Article 13, Section 13.001aa for Expanded Home Occupation for Hillside Events.

LOCATION: 12400 West Denton Road located northeast of SW 126th Street and West Denton Road.

LAND AREA: 22.02 acres, more or less

EXISTING ZONING: AG Agricultural

WAIVER /MODIFICATION REQUEST:

1. Waive the requirement for gravel surface of parking lots for the overflow parking.

2. Waive the requirement that outside areas used for the business not exceed 15,000 square feet.

3. Waive the requirement that all outside business related activity be 200 feet from all property lines and shall be screened from public streets and adjacent property lines.

4. To allow more than two employed persons who are not members of the family residing on the premises.

CONCLUSION:

This special permit for Expanded Home Occupation to allow large gatherings, such as wedding receptions, should have minimal impact on adjacent properties given the site plan and proposed conditions. The nearest property is approximately 700 feet away. The waiver to allow the overflow parking not be gravel is acceptable since the parking area is grass and any dust would be minimal. In addition there is a gravel parking area for 53 vehicles. The waiver to exceed the 15,000 square feet limit for outdoor areas is acceptable based on the amount of area needed for parking for large events In conclusion the use is acceptable with limitation on size and number of large events.

RECOMMENDATION:		Conditional Approval
Waivers.		
1.	Waive the requirement for gravel surface of parking lots for the overflow parking.	Approval
2.	Waive the requirement that outside areas used for the business not exceed 15,000 square feet.	Approval
3.	Waive the requirement that all outside business related activity be 200 feet from all property lines and shall be screened from public streets and adjacent property lines.	Conditional Approval
4.	To allow more than two employed persons who are not members of the family residing on the premises	Conditional Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 19 I.T. located in the SW1/4 of Section 17, Township 9 North, Range 5 East; Lancaster County, NE.

EXISTING LAND USE: Agricultural and single family house.

SURROUNDING LAND USE AND ZONING:

North:	AG Agricultural	Farm ground with one house
South:	AG Agricultural	Farm ground with three houses
East:	AG Agricultural	Farm ground with two houses
West:	AG Agricultural	Farm ground with one house

COMPREHENSIVE PLAN SPECIFICATIONS:

Continue to encourage and permit accessory home businesses, and locate businesses within the commercial areas of incorporated towns as they expand beyond the definition of home occupation. (p.5.5)

UTILITIES: The site has a well and septic system. There is a separate septic system for the house and barn.

TRAFFIC ANALYSIS: West Denton Road and SW 126th Street are county gravel roads. West Denton is scheduled to be paved from SW 112th Street to the County line in summer or fall 2016.

PUBLIC SERVICE: Law enforcement is through the Lancaster County Sheriff's Department. Fire service is provided by Pleasantdale Rural Fire District.

AESTHETIC CONSIDERATIONS: Light and noise from events.

ALTERNATIVE USES: Acreage and farming.

ANALYSIS:

1. This request is for a special permit for Expanded Home Occupation to allow the rental of the barn and outside area for large gatherings such as wedding receptions, graduation parties and reunions. The owners have been renting out for large events under the name Hillside Events in violation of the zoning ordinance.

2. The site is approximately 22 acres with the barn and house on the premise. The owners of Hillside Events live on site. The barn has been renovated and includes bathrooms. The improvements to the barn did not have permits or inspections. The owner is working with Building and Safety Department to bring the building into compliance.

3. The site plan shows the barn, an outdoor area north of the barn for the wedding ceremony and a gravel parking lot on the south side of the barn. The capacity of the barn has determined by the state fire marshal is 426. If the tables are fixed to the floor, the capacity would drop to approximately 200 persons. The gravel parking lot has a capacity for 53 vehicles. An overflow parking area can accommodate 52 vehicles. The site plan shows an overflow lot to the west of the parking lot.

4. The nearest house is approximately 700 feet form the outside ceremony area. There are three other houses that are located approximately 800 to 1,000 feet from the outside ceremony area.

5. The Lancaster County Zoning Regulations were amended in September 2009 to allow Expanded Home Occupation by special permit. The intent was to allow small family owned businesses to operate out of their homes. The business is to be accessory to the residential use of the property and operated by the family occupying the residence. This condition makes it more likely that the business will be a "good neighbor." The business should not detract from the peace and enjoyment of surrounding properties

6. The county special permit conditions for expanded home occupation are as follows:

   (b) On-site sales shall be limited primarily to products grown, manufactured, processed, treated or assembled on the premise.

This would be a service provided by the residents. There are no sales of goods on site. The service being provided is the use of land and one building.

(c) No more than two (2) persons, who are not members of the family residing on the premises, may be employed to carry out the occupation or activity on the premises.
Applicant states that they have no outside employees. The site is rented to the clients who then hire people such as, photographers, bartenders, caterers and musicians. A waiver is requested to allow outside employees in excess of two.

With respect to who should be considered to be "employed" under this provision, it was determined that those employed for expanded home occupation should include anyone who is employed to carry out the activity on the premises and who also is not a family member living on the premise, regardless of who is determined to be the employee's employer. Accordingly, employees of the resident family or the LLC as well as employees of the resident family's or LLC's independent contractors who are working on-site to carry out the events should be counted as employees engaged in the home occupation's activity. For example, it is likely that persons setting up a tent, catering, or bartending, would be the employees of one of the independent contractors hired to prepare or operate the site for an event, and therefore they would be "employed" on the premises to carry out the home occupation's activity. Because owners of the LLC would not be considered employees based merely on their status as owners, given the information to date any owner of the LLC could work on site and not be considered to be "employed."

Given the above parameters of who is "employed to carry out the occupation or activity" it can be determined no more than 2 persons employed can be on site at one time. This means, for example, only one bartender and one caterer could be on site at one time or one musician and one person helping to set up. Most weddings or large gatherings need more than 2 persons on site at one time. The intent of 2 employed persons under "expanded home occupation" allowed up to 2 full time employees working 40 hours per week.

(d) The lot area shall be 10 acres or larger
This lot is approximately 22 acres.

(e) Driveways and parking areas shall be provided with an all-weather (gravel or rock) surface to minimize dust and mud.
The main parking area is gravel and can accommodate 53 vehicles. The overflow parking is shown on a grass area and can hold an additional 52 vehicles. The applicant is requesting a waiver to the gravel requirement for the overflow parking. The parking should be screened.

(f) No more than 50% of the floor area of the residence may be used for said

business. **None of the residence floor area is proposed to be used**.

(g) The total floor area for all buildings used for said business shall not be more than 10,000 square feet.
The barn is the only permanent building and is 3,720 sq. ft.

(h) Outside area used for work area, storage or other business activity (of vehicles, equipment, or materials used in the business) and parking shall not exceed 15,000 square feet.
The parking area shown on the site plan is approximately 15,587 sq. ft. with an additional 24,426 sq. ft. for overflow parking. The ceremony area is 7,812 sq. ft. The total of all outside area is 47,825 sq. ft. The applicant is requesting a waiver to allow more than 15,000 sq. ft.

(I) All outside business related activity shall be located at least 200 feet from all premise property lines and shall be visually screened from public streets and adjacent property lines. Said visual screening shall be approved as part of the special permit
The ceremony area and the outside patio are within 200 feet of the east property line. There is no screening along the east property line. The applicant is requesting a waiver to the 200 feet separation and the screening. Planning supports the waiver to the 200 feet separation, but not for the screening.

(j) Health Department regulations and all other County, State, and Federal rules and regulations shall apply. The Health Department may require dust control of nearby unpaved roads to mitigate the impact of traffic approaching and leaving the premise.
West Denton Road and SW 126th Street are both gravel roads. West Denton road is scheduled to be paved from SW 112th Street to the County line in summer or early fall 2016.

(k) Building permits will be obtained as required for all new construction and remodeling of existing buildings under this permit.
All buildings must meet code and be approved by Building and Safety.

(l) Only one vehicle/truck over 2.5 tons (gross weight) is permitted on the site. No more than four (4) business vehicles shall be parked or stored outside on the site at any one time.
No auto or truck storage is requested. Only parking for guests.

(m) There is no sign other than one non-animated, non-illuminated, non-reflecting nameplate not more than twenty (20) square feet in area, which name plate designates the home occupation carried on within.

No sign location is shown. There is no sign on the premises.

(n) A site plan for this special permit shall be approved and followed.
A site plan was provided (see attached)

Similar uses in the county approved by special permit that have large attendance such as, Camp Gargano, Camp Sonshine and Prairie Creek Inn have limitations on the number of participants at any one time**.** Camp Gargano and Camp Sonshine were approved as "recreational facility" and Prairie Creek Inn was approved through a special permit for Historic Preservation and Expanded Home Occupation.

7. Prairie Creek Inn located at 2400 S. 148th Street was approved for a Bed and Breakfast and Expanded Home Occupation by County Special Permit 08021A. As accessory to the Bed and Breakfast wedding ceremonies and receptions were allowed.

   Events are limited to 300 persons except that up to 4 events per calendar year of up to 500 persons may be allowed through the Lancaster County Amusement License process. Events of over 200 persons must utilize portable changeable message signs warning traffic on S. 148th Street fo turning vehicles.

   Although Prairie Creek Inn is similar in its use, there are differences in the surrounding area. The distance between the nearest property line and the area of where events happen is over 1,250 feet. The nearest house is approximately 700 feet from the barn at Hillside Events.

8. Camp Gargano located at SW 29th Street and West Wittstruck Road was approved for a Recreational Facility by special permit in June 2012. Originally the camp was for a club that allowed up to 50 persons for a youth athletic club. In 2012 the special permit was changed to "Recreational Facility". Recreational facility is defined as facilities primarily for participation by the public in athletic activities. As accessory to active recreation, they may also have fundraisers, training events and receptions.

   Camp Gargano is allowed:
   1) a maximum occupancy of 50 persons per day that shall not exceed 5 consecutive days in a given calendar week.
   2) 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.
   3) One day occupancy of 500 persons 6 times in a calendar year, if a separate amusement license is granted by the County Board..

   Alcohol may be served for special events by a licensed caterer if a Special Designated Licenses is approved. Alcohol sales in the County is not considered a land use issue. Hillside Events would also need a Special Designated License

for events.

The special event area is 600 feet away from the adjacent properties and is buffered by a tree mass and drainageway. Major events, those over 500 persons, must conclude by 10:00 p.m.

There was substantial opposition to this special permit. 81 letters were sent to property owners within one mile. Of the 81 property owners, 21 were in opposition. Opposition was to the increased size, number of participants, traffic, noise, and alcohol.

9. Camp Sonshine generally located at S. 25th Street and 1/4 mile south of Bennet Road was approved for a recreational facility in May 2012. The recreational facility is a camp for children. The special permit allows up to 300 campers with a four tier approach.

   a. Tier 1: between 80 and 150 campers. Mitigation efforts: spray water or calcium chloride on S. 25th from Saltillo Rd to Camp Sonshine entrance, arrange car pools, communicate transportation information to parents via Parent Guide, digital media and print materials, petition for road regrading at County 1&6 Road Plan public hearing.

   b. Tier 2: Between 151 and 180 campers. Continue with Tier 1 actions, close existing driveway and begin using new entrance drive to the west of current location.

   c. Tier 3: Between 181 and 200 campers. Continue Tier 1 & 2 actions, implement bus transportation option, pick up 40 to 50 campers from 2 or 3 “drop off” sites.

   d. Tier 4: Between 201 and 300 campers. Continue Tier 1, 2, & 3 actions, pick up 80 to 100 campers from 3 to 5 “drop off” sites, evaluate traffic situation and address most important concerns affecting traffic impact.

10. Other expanded home occupation special permits approved in the County include a medical office located at 12100 West Roca Road and for outdoor storage at Highway 77 and between Hickman Road and Stagecoach Road. A third expanded home occupation was approved for a counter top business at N. 1st Street and Mill Road.

11. To help minimize the impact to adjacent neighbors the number of large events, those between 100 and 200 persons, should be limited to no more than two times per month from April 1st thru October 31st for a maximum of 14 events per year. Having more smaller events of under 100 persons would help reduce traffic and noise. The business should not detract from the peace and enjoyment of

surrounding properties. In order to meet this goal no amplified music should be allowed outside. The special permit for Avalon Event Paradise, another expanded home occupation to have large gatherings, has similar conditions.

14. Home occupations primarily operate Monday thru Friday 8:00 a.m. to 5:00 p.m. There are no impact to surrounding properties in the evenings or weekends. This proposal for Hillside Events primarily operates in the evenings and weekends. This is the time residents are wanting to enjoy the outdoors or quiet rural setting.

15. Hillside Event Center contains an indoor meeting room capable of serving up to 426 persons. It provides the type of indoor venue often found in an urban area. There is a surrounding rural setting, but meetings, concerts, parties and wedding receptions would all be held inside. It is on a gravel road but is scheduled to be paved in late summer or early fall 2016. Due to the indoor building, it can be used throughout the year. It is on a large site of 20 acres but there is limited existing screening for the building, parking area and outdoor area. The building and ceremony area are within 200 feet of an adjacent land owner. This area is intended for agricultural and low density residential use, not for commercial development. But with increased screening, limitation of number and size of events, and the conditions proposed in this report, it is an appropriate home occupation in a rural setting.

CONDITIONS OF APPROVAL:

Per Article 13, Section 13.001aa this approval permits Expanded Home Occupation for the site in conformance with the attached site plan to be used for rental of the barn and associated outdoor area for gatherings such as wedding receptions, reunions and other such gatherings and the following waivers and conditions.

Waivers

1. Waive the requirement for gravel surface of parking lots for the overflow parking.

2. Waive the requirement that outside areas used for the business not exceed 15,000 square feet.

3. Waive the requirement that all outside business related activity be 200 feet from all property lines and shall be screened from public streets and adjacent property lines

4. To allow more than two employed persons who are not members of the family residing on the premises.

The waiver for no more than two employed persons is approved with the condition that the total hours of all persons working on site for an event cannot total more that 80 hours in any one week. The applicant must provide a listing of all persons working on site upon request of the County.

(If the County desires to allow receptions and other events to be regularly held in a rural area, the limit to two employees does not suit the business operation. Instead a different method to limit employees trips and activity would be needed.)

(A correlation could be made that as long as the cumulative hours of all persons engaged in the operation of an event did not exceed 80 hours per week this would be the same as having 2 full time employees. In the case of Avalon and other similar venues more than 2 person could be on site at one time as long as the total hours worked by those persons did not exceed 80 hours in any one week. For example you could have 4 persons for set up at 4 hours each, a bartender at 4 hours, 2 caterers at 4 hours each, a musician at 4 hours and a 4 persons for tear down at 4 hours each. This totals to 48 hours)

Conditions

1. No limit on the number of events that have no more than 100 people.

2. Events between 100 and 200 persons are allowed two days in any one calendar month from April 1st thru October 31st. No events of persons between 100 and 200 persons are allowed between November 1st and March 31st.

3. Any outside music is not allowed to use speakers or other forms of amplification.

4. Any outdoor event must conclude by 11:00 p.m.

5. Fireworks are not allowed except on July 3rd and 4th.

6. The waiver for no more than two employed persons is approved with the condition that the total hours of all persons working on site for an event cannot total more than 80 hours in any one week. The applicant must provide a listing of all persons working on site and hours worked upon request of the County.

7. Provide a landscape plan that shows a 60% screen from the ground to 10 feet above the ground along the east property line adjacent the outdoor area.

Standard Conditions:

1. The following conditions are applicable to all requests:

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

   1.2 All privately-owned improvements, including landscaping shall be permanently maintained by the Permittee.

   1.3 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.

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

   1.5 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.

Prepared by

Tom Cajka
Planner

DATE: May 16, 2016

APPLICANT/:
Contact
Tyler and Melissa Smith
12400 West Denton Road
Denton, NE 68339
402-304-3179

OWNER:
Hillside Events LLC
12400 West Denton Road
Denton, NE 68339
402-304-3179

F:\DevReview\SP\16000\SP16021 HIllside Events.tjc.wpd

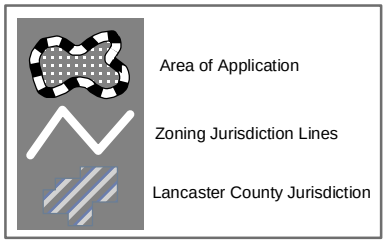
2013 aerial

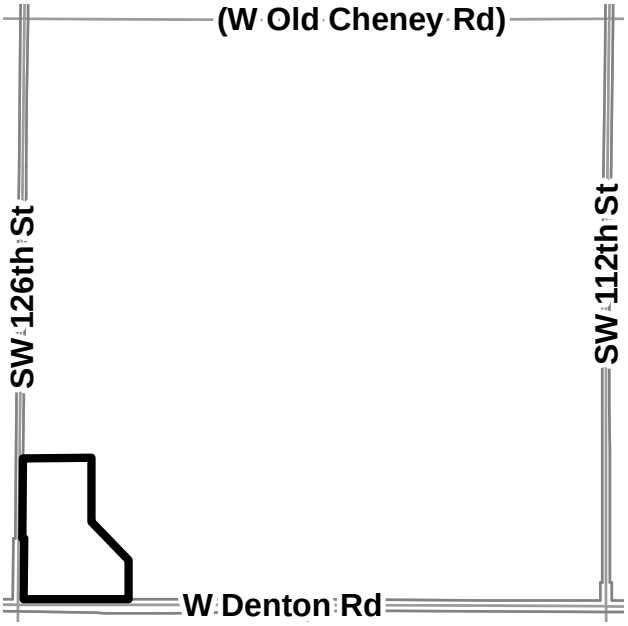
Special Permit #: SP16021
Hillside Events
SW 126th St & W Denton Rd

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.17 T09N R05E





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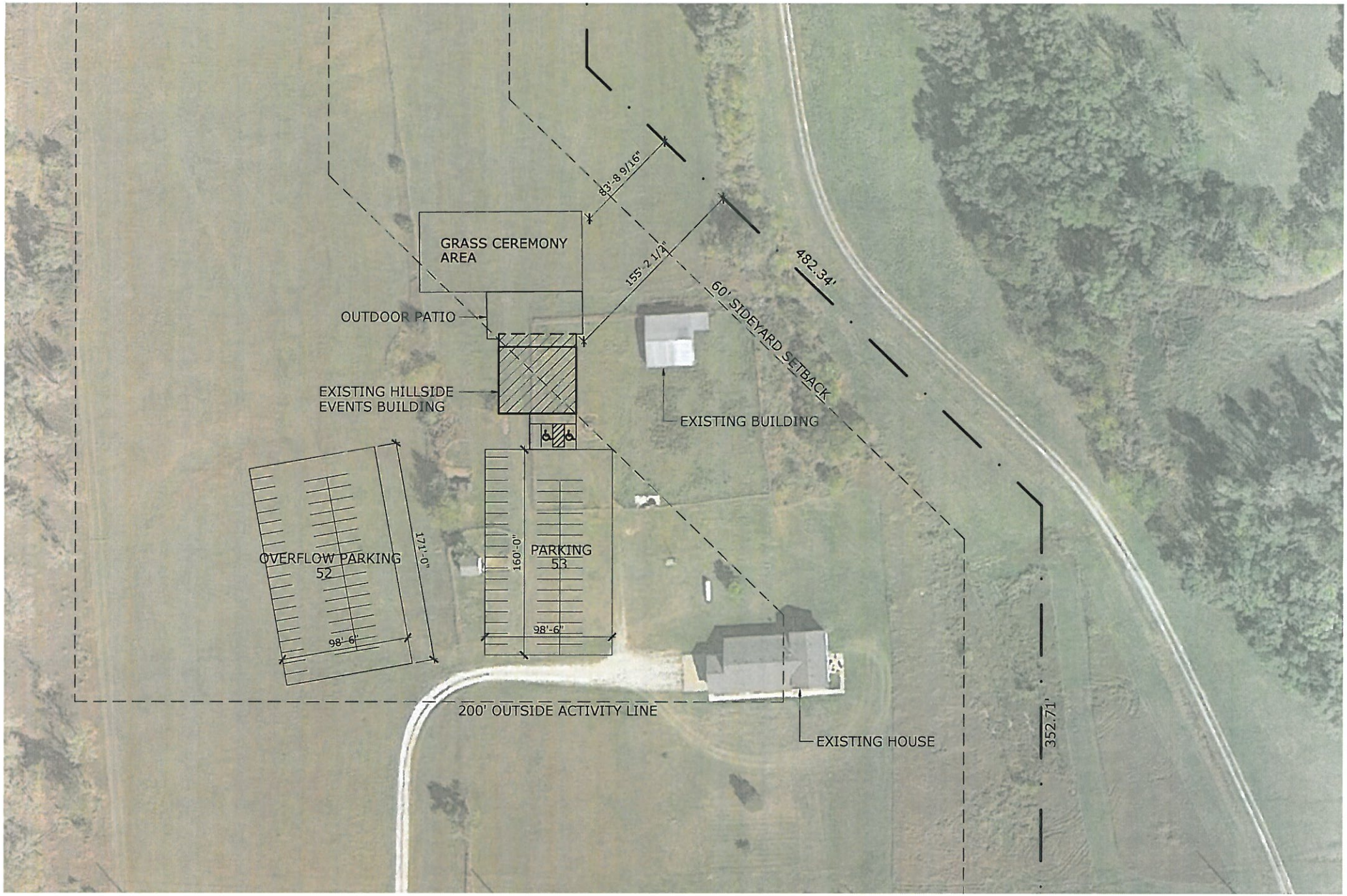
File: F:\DevReview\PlannerPacket\MXD\Agendadrawings.mxd (SP16021)


GRASS CEREMONY AREA
OUTDOOR PATIO
EXISTING HILLSIDE EVENTS BUILDING
83'-8 9/16"
155'-2 1/4"
482.34'
60' SIDEYARD SETBACK
EXISTING BUILDING
OVERFLOW PARKING 52
171'-0"
98'-6"
160'-0"
PARKING 53
98'-6"
200' OUTSIDE ACTIVITY LINE
EXISTING HOUSE
352.71'

N

A1 / A1.01

SITE PLAN

SCALE: 1"=80'-0"

Building Remodel

Hillside Events

12400 W Denton Rd

Denton, Nebraska

SITE PLAN

Date Started:
4-19-16

16-049

A1.01

To Whom It May Concern:

Hillside Events is applying for an expanded home occupation permit. Hillside Events is a wedding venue in rural Lancaster County located 2 miles west of Denton, NE. Hillside Events is on 22 acres of land, there is a barn to hold receptions, and a specific area designated for ceremonies. Waivers are requested for conditions 3, 5, 6, 8, and 9.

For condition 3 there will be people employed through the clients renting Hillside Events such as photographers, caterers, bartenders, DJs, etc.

For condition 5 there is an area for overflow parking which is located in the front grassy area of the property. This will only be used for overflow parking.

For condition 6 Hillside Events is 3,720 square foot. The house located on the property is 3,104 square foot plus the basement.

For condition 8 there are different areas outside utilized for the business. The gravel parking lot is 15,705 square feet. The extra parking in the grassy area on the front of the property is 24,426 square feet but is only used for overflow parking. The back patio area is 2,160 square feet and is used for outdoor seating. The ceremony area is 7,812 square feet and is located in the grassy area behind the patio area, we will keep the grass mowed shorter in the ceremony area.

For condition 9 the grassy area for overflow parking goes to the property line. There are visual sight lines of the business areas from the property lines. From the mowed area in the ceremony area it measures 129 feet and 133 feet to the property line. See picture.

Thank you,

Tyler and Melissa Smith
Hillside Events

CITY OF LINCOLN NEBRASKA

LINCOLN-LANCASTER COUNTY
HEALTH DEPARTMENT
3140 "N" Street Lincoln, NE 68510-1514
402-441-8000 TDD: 402-441-6284 fax: 402-441-6229

LANCASTER COUNTY NEBRASKA
lincoln.ne.gov

April 12, 2016 CERIFIED

Melissa Smith
Registered Agent
Hillside Events LLC
12400 West Denton Road
Denton, NE 68339

RE: Hillside Events, 12400 West Denton Road

Dear Ms. Smith:

The Lincoln-Lancaster County Health Department (LLCHD) received information that Hillside Events, LLC has been and is renting space for public gatherings. After reviewing information available on your website, LLCHD identified concerns about wastewater treatment and water provided to the public for drinking purposes and food preparation.

Wastewater Treatment
Based on this information, on April 12, 2016, Mr. Nate Hartman, REHS of the LLCHD contacted you on the phone. During that conversation you admitted to Mr. Hartman, REHS that you had installed the onsite wastewater treatment system on this property and that you did not obtain a permit to install the system.

A review of the LLCHD records confirmed that an application for installation of this system had not been received, nor had a permit been issued. In addition, a review of LLCHD records confirmed that your name was not in our list of Certified Professionals authorized to construct onsite wastewater treatment systems in Lancaster County.

The installation of an onsite wastewater system without a permit is a violation of County Resolution R-15-004 Procedures for the Regulation of On-site Wastewater Treatment Systems, specifically:
- **Section IV. ON-SITE WASTEWATER TREATMENT SYSTEMS; CONSTRUCTION PERMIT; ALTERATION PERMIT.** No person shall construct a new on-site wastewater treatment system or cause the same to be done without an on-site wastewater treatment system construction permit issued by the Health Director.; and
- **Section V. REQUIREMENTS FOR CERTIFICATION TO CONSTRUCT ON-SITE WASTEWATER TREATMENT SYSTEM.** No person other than a Certified Professional or a person under their direct supervision who holds a valid registration certificate issued by the Health Director may engage in the inspection, pumping, siting, layout, construction, reconstruction, alteration, modification, closure or otherwise changing of an onsite wastewater treatment system.

Based on these violations the following actions must be taken:

1) The use of this illegally installed onsite wastewater treatment system must be cease immediately. This means that the system can no longer receive sewage or grey water from any toilet or sink on the premise.
2) Within thirty (30) days, of this notice, the lateral and tank which you installed must be disconnected, removed or completely reconstructed to meet all regulatory standards. All work on the system, including disconnecting the lateral you installed, must be completed by a Certified Professional.
3) If Hillside Events, LLC plans to continue to have public gatherings that need sanitary facilities, a new onsite wastewater treatment system must be installed by a Certified Professional. Based on the anticipated volume of sewage flow, it may be necessary to submit the proposed system design to the Nebraska Department of Environmental Quality for review and approval.

If you have any questions regarding these required actions, you can call John J Chess, REHS, MPA, Supervisor, Water Quality Program at 402-441-8027.

In addition, you have the right to appeal this order to the district court per County Resolution R-15-004 **Section XXVII. APPEAL.** Subsection B. Any person aggrieved by any final decision of the Health Director in the administration or enforcement of this chapter may appeal such decision to the district court as provided by state law. The Health Director's decision shall be final and binding upon the County and upon the person making the request. The Health Director's decision may be appealed to the district court as provided by state law.

Water Provided to the Public
The Nebraska Department of Health and Human Services (NDHHS) regulates public water supplies. It is likely that Hillside Events falls under these regulations. Please contact Ms. Becky Schuerman, NDHHS, at 402-471-0930.

Sincerely Yours,

John J Chess, REHS, MPA
Supervisor
Water Quality Program

CC: Becky Schuerman, Nebraska Department of Health and Human Services
Judith A. Halsted, MS, Health Director
Chad Blahak, Director, Lincoln Building and Safety Department
Mark Bauer, Nebraska Department of Environmental Quality

Enc: County Resolution R-15-004

OPPOSITION

SPECIAL PERMIT NO. 16021
Hillside Events
(PUBLIC HEARING/ACTION 5/25/16)

Subject: FW: SP16021 Hillside Events (12400 West Denton Road) Expanded Home Occupation Permit & Safety Concerns with Location, Etc. & Unregulated Alcohol Serving & Consumption

Attachments: Hillside Events Concerns - Planning Commission.pdf; Lights, Music, and Road Issues - Hillside Events.pdf; Hillside Events Petition - 5-1-16.pdf; zon13.pdf

From: Sean Fintel [mailto:sean.fintel@gmail.com]
Sent: Monday, May 02, 2016 7:27 AM
To: Deb E. Schorr <DSchorr@lancaster.ne.gov>; laura@lauraebke.com; Tom J. Cajka <tcajka@lincoln.ne.gov>; Geri K. Rorabaugh <grorabaugh@lincoln.ne.gov>; Steve S. Henrichsen <shenrichsen@lincoln.ne.gov>; David R. Cary <dcary@lincoln.ne.gov>; sharon.brandt@nebraska.gov; LSO <LSO@lancaster.ne.gov>
Cc: lexiefintel@gmail.com; Sean Fintel <sean.fintel@gmail.com>; crbennetts@gmail.com
Subject: SP16021 Hillside Events (12400 West Denton Road) Expanded Home Occupation Permit & Safety Concerns with Location, Etc. & Unregulated Alcohol Serving & Consumption

To: Commissioner Deb Schorr, Senator Laura Ebke, County Planner Tom Cajka, Other Planning Commission Staff, Nebraska State Fire Marshal, Lancaster County Sheriff, and Nebraska Liquor Control Commission
From: Sean & Alexis Fintel & Other Concerned Citizens In the Area of SW 126th and West Denton Road
Subject: Safety Concerns & Important Issues With Hillside Events Expanded Home Occupation Permit (SP16021) & Current Activities

First of all, thank you for taking time to read this e-mail and to understand the **significant concerns** regarding the safety, health, and general welfare of the residents and our animals that are already being affected by this "event center" that is already holding events **without the proper approvals** against many of the regulations set forth by the **Lancaster county zoning resolutions and more than likely other state statutes**. Some of you may be aware of the application for an expanded home occupation permit at 12400 West Denton Road (which is directly across from our property) and has already disrupted the area and affected our peace and sleep and brought up significant safety concerns with some people leaving the "event center" that have (based on our observations) had too much to drink and people coming and going at all hours of the night. This area is **not** "in the middle of nowhere" and is not the place for an event center **that advertises for up to 300 people (see their website)** where people **bring their own alcohol that is not regulated** and have DJ's playing music too loud and lights that shine directly into our house.

The background on this (based on my understanding) is that the Smiths bought this property in November 2014 with the intention of starting an event center (purchased property under Hillside Events, LLC) at this location by remodeling a horse barn and planning this venture without any of the appropriate permits. The Fintels (Alexis and Sean) moved here prior to that in May of 2014 to live in the peace and quiet of the country with our pets and horses and to raise a family in a peaceful environment. It was first brought to my attention on Friday, May 22, 2016 that they were planning more and regular events there when the zoning change sign was erected and I spoke with Tom Cajka to gather information. They (the Smiths) did not visit with us at all about this prior to that. That is the

unfortunate thing that they did not seek the input of the neighbors before proceeding with this project and making the investment in an area that is not appropriate for this.

See website and facebook page regarding "Hillside Events" below that has already been advertising for events without the proper permits:
•http://hillsideevents.weebly.com/ ; •https://www.facebook.com/HillsideEvents/

For anyone not on the planning commission but involved with rules, statutes, and regulations that protect the citizens in this area, I respectfully ask that you review this information for SP16021 for Hillside Events. Please e-mail Tom Cajka at tcajka@lincoln.ne.gov or call him at 402.441.5662 to express your thoughts, input, and potential opposition to this permit. It is very important that they hear from you also to help protect the health, safety, morals and general welfare of the citizens living in and traveling through this area.

With there being two events last year and already two this year (April 23rd and April 30th), with others booked (every weekend as we understand) through June it is necessary to communicate our concerns and the concerns of others in the area regarding this expanded home occupation permit. The presentation attached (Hillside Events - Planning Commission.pdf) will show various information pertaining to this and that **most all (and gathering more signatures) of the surrounding properties that have occupants already oppose the approval of the expanded home occupation permit** and having events such as these in the area. This is a draft of the information that I will present at the planning commission hearing on May 11th. After you read this information, please ask yourself, "would I be comfortable living right by this and having our lives disrupted because of this" when we live in the country for various reasons including peace, quiet, and tranquility? We definitely are not comfortable with it and others in the area that have signed the petition are not, and we are concerned for our safety and the safety of others and even for our property values that will be adversely affected by this if it were to be approved. Why should they make a profit at the expense of their neighbors?

We have horses and pets and have already had issues with them being spooked by the loud noises and lights. We are expanding our fenced area for horses (we don't need a permit for this of course) and this will be directly on the other side of the road from this "event center" and that brings up significant safety concerns. Denton Road is already over-travelled and another 100 to 150 vehicles per event does not help this at all as today the road conditions are worse than we have ever seen them. You will also see information on the attachment (Lights, Music, and Road Issues - Hillside Events.pdf) when I attempted on 4/30 through 5/1 at night to communicate with those involved with the event center and it is evident that there is not a lot of "give" when it comes to noise at midnight and lights still shining into our house at 1:30 AM. If this is the case, and with different "DJ's" and individuals contracted with to hold events, and they (Smiths) are not even in the building to manage this, why should we have to deal with this weekend after weekend when they are holding events and being continually concerned with our health and safety? We have done all that we can to try to minimize the sound and lights getting into our house with blinds, etc. but it does not keep us from being interrupted.

Mr. Cajka - As stated in "Boards & Commissions Planning Commission Public Hearing Procedures" I am respectfully asking for an extension of time at the hearing on May 11th to 20 minutes. Please let me know if this is possible. We also have more citizens in the area that would like to express their

concerns but having a meeting during the day conflicts with work schedules (May 11th at 1:00 PM). Therefore they have signed the petition and more will be signing when we are able to meet in person. This is a bigger issue than the applicants realize and more disruptive to the area than they think. **My question at this time is, "How can this be allowed to continue in the interim (they are allowed to continue through June is my understanding) with no rules and regulations and they are already breaking items 5, 6, 8, 9, 10, 11, and 14 in Article 13 (attachment zon13.pdf) and detracting from the peace and enjoyment of surrounding properties?" Who is going to be responsible when there is property damage or an injury or death from someone drinking at this unregulated establishment? With it being obvious that the owners are not in the building (at all times) during events managing operations, who is ensuring that people are safe? That under age drinking doesn't occur? That people aren't over-serving themselves?**

Attached you will also find the petition (Hillside Events Petition - 5-1-16.pdf) with signatures so far and there are others in the area that are out of town this weekend that will be signing the petition also. You can compare these names to the adjacent properties shown on the presentation. Thank you for your time and if you have any questions or need any additional information, I can be reached at 402.326.9959 or by e-mail at sean.fintel@gmail.com

Respectfully submitted,

Sean & Alexis Fintel 12401 West Denton Road & Others Concerned In This Area

OPPOSITION

SPECIAL PERMIT NO. 16021
Hillside Events
(PUBLIC HEARING/ACTION 5/25/16)

Spec. Permit 16021

Zoning Issue - 12400 W. Denton RD

I am a neighbor to the North of 12400 W. Denton RD
Here is a list of why to a NO change of Zoning.

Devalues our property due to all the Noise - believe me its Loud!
They Set off fireworks at a party in mid-April.
It is causing problems with the animals.
Big problems with Deer Hunting in this area.
many Close neighbors to their property.
(2) to the South - (2) to the EAST - (1) to the West and (1) to the North.
Thief - We never had a problem before the party's. Now we Do
I have a Thief report on file in April.

Jim + Glenda Ballentine
6550 SW 126th St
Denton, KS 66439

Tom J. Cajka

From: Renee Wulf <renwulf27@gmail.com>
Sent: Sunday, May 08, 2016 7:40 PM
To: Tom J. Cajka
Subject: Opposed to the Denton Rd Permit

Follow Up Flag: Follow up
Flag Status: Flagged

We are writing this letter for the same reasons that were of values to us in purchasing the acreage located at 12300 Denton Rd, closing June 3rd, 2016:

1. To enjoy peace and quiet
2. To get away from people
3. Noise & traffic

On May 7th, I was informed of the neighbors to the west applying for an Expanded Home Occupation Permit. We are against this permit being passed because of the negative impact this would have on us. We are the closest neighbors to the east and feel that this would impact us greatly.

Quiet enjoyment is the right we have to use this property that is secluded by trees and a long lane making it hard to see the house and all buildings until you drive up on the property. This is one of my many concerns with a large crowd going to a rural location. It is feasible that someone or many would pull in our lane (we are on the same side of the road) all hours of the night.

Secondly, noise is a huge concern, bands playing late into the night and early morning hours takes away from the peace and quiet we are seeking and the safety of our horses and animals.

Thirdly, our safety and safety of our neighbors is a concern with so many cars going in and out all hours of the night. Please do not pass this permit for it is our right as well to have and enjoy peace and quiet.

Respectfully,

Renee Wulf
Courtney Wulf
Zach Kaup

LINCOLN MPO / LINCOLN-LANCASTER COUNTY PLANNING DEPARTMENT STAFF REPORT

Date: May 17, 2016

Proposal: Review of ***FY 2017-2020 Transportation Improvement Program***
Review of the draft Transportation Improvement Program (TIP) for compliance with the current Lincoln Metropolitan Planning Organization (MPO) Long Range Transportation Plan.

RECOMMENDATION: Finding that the TIP is in general conformance with the *2040 Lincoln MPO Long Range Transportation Plan, as amended*.

General Information

Federal regulations require that a region's urban transportation planning process include the cooperative development of the Transportation Improvement Program (TIP), a staged multi-year program of transportation improvement projects expected to use federal or state funds, require federal review or have significant system impacts. The TIP is developed cooperatively by the MPO Technical Committee and agencies within the Metropolitan Planning Area, which includes all of Lancaster County. Transportation agencies involved include the City of Lincoln, Lancaster County, the Nebraska Department of Roads (NDOR), the local transit agency (StarTran), Lincoln Airport Authority, Railroad Transportation Safety District (RTSD), other public and private agencies utilizing federal funding sources.

The Metropolitan Planning Organization

The governor designates the MPOs for the urban areas in the state to carry out the urban transportation planning process through the development of a Transportation Plan and TIP. The MPO consists of elected and appointed officials representing local, state and federal governments and agencies that have an interest or responsibility in transportation planning.

The City of Lincoln, as the designated MPO, is responsible for conducting the urban transportation planning process pursuant to federal requirements and assigning work as necessary to carry out this process. There are five primary participant groups in the MPO planning and decision-making process. These include: 1) the MPO Officials Committee comprised of the Mayor and the chairs and vice chairs of the City Council and County Board, plus the Nebraska Department of Roads Director, 2) MPO Technical Advisory Committee, 3) Lincoln-Lancaster Planning Commission, 4) various Citizen Task Forces and Advisory Committees, and 5) MPO staff (Planning and Public Works).

The Transportation Improvement Program (TIP)

The TIP is a programming document that identifies the timing and funding of all highway, bridge, public transportation, bicycle, pedestrian and enhancement projects scheduled for implementation in the MPO planning area which will use federal funds, require federal review or be regionally significant resulting in substantial functional changes to the transportation system. According to federal regulations, the TIP is to be a staged multiyear program of transportation improvement projects that "shall cover a period of not less than four years and be consistent with the urban area transportation plan"

The TIP is directly related to the City's, County's, and State's Capital Improvement Programs which are approved by their respective agencies either annually (County and State) or biennially, once every second year, (City) . The TIP identifies funding amounts by source of funding, jurisdictional responsibility, types of projects, and year of funding for these projects. This program contains a listing of priority projects for which there is sufficient funding to be carried out, FY 2016-17 through FY 2019-20.

The TIP is part of the MPO's effort to establish and maintain a planning process required by the federal government as a condition for receipt of federal transportation funding. Projects in the TIP directly reflect the priorities and are consistent with the goals and objectives identified in the *Long Range Transportation Plan* (LRTP) and *Lincoln-Lancaster Comprehensive Plans*. The MPO's official public participation plan calls for the City-County Planning Commission to hold a public hearing each year on the TIP and review it for concurrence to the adopted LRTP. The Planning Commission finding and comments are included in the TIP and forwarded to the MPO Technical Committee and MPO Officials Committee for execution and transmittal to the State where it is included in the State-TIP.

Lincoln's TIP will become part of the State Transportation Improvement Program (STIP), a comprehensive list of all highway (state or local) and all transit (capital or operating) projects in urban and rural areas that propose to use federal funds. Like the TIP, the STIP is updated every year to include a minimum four-year listing of federal-aid projects for approval by the FHWA and FTA.

Long Range Transportation Plan
The current *2040 Long Range Transportation Plan* for the Lincoln MPO was coordinated with the Lincoln City and Lancaster County land use and future growth plans and transportation planning documents. The current *Transportation Plan* was reviewed at a series of public hearings by the Lincoln-Lancaster Planning Commission and adopted by the Lincoln MPO on December 1, 2011 and amended in 2013 to include funding for the Lincoln South Beltway project. To see that this program of transportation projects is working in accord with the transportation plan, staff reviewed these projects and found them to be consistent with the transportation element of the current Transportation Plan.

Project Review

State of Nebraska: Department of Roads: The State program includes 14 programmed projects which has a focus on the Lincoln South Beltway and rehab/resurfacing, system maintenance and safety projects. Listed below are 3 safety and system operations upgrades, 2 major maintenance projects, 8 repair/resurfacing projects and 1 major system upgrade. These projects are considered to be in general conformance with the 2040 LRTP.

Safety and Operation Improvement Program of Projects
- District 1, Highway Closed-Circuit Television (CCTV) Cameras installed
- N-33 at Denton Road, Turn lanes and lighting, 0.4 Miles
- I-180/I-80 Interchange, Replace guide signs and structures

Roadway and Bridge Rehabilitation

- Nebraska Highway N-79, Agnew to Valparaiso and to Raymond Spur (S-55J) – resurfacing roadway and add 8' shoulder, 8.5 Miles.
- US-6, Emerald West 3.6 Miles, resurfacing roadway and bridge repair.
- Nebraska Highway Spur-55A, Denton Spur (S-55A) from US-6 to Denton, widen and resurface roadway from 24' to 28' with 4' earth shoulder, 5.1 Miles.
- Other Rehabilitation Projects
  – I-80, 27th Street Interchange Ramp reconstruction, 1.1 Miles
  – L55-W, Warlick Blvd, US-77 to N-2, pavement, median & bridge repairs
  – US-77, Princeton to Lincoln, pavement & bridge repair, 11.8 miles
  – N-43, N-41 north to Bennet, resurfacing roadway and bridge repair
  – US-77, Davey Spur (S55E) north to Ceresco, concrete repair, 4.6 Miles

Maintenance Projects

- I-180,Cornhusker Hwy, Oak Creek to US-34, Crack seal, 1.1 Miles
- I-80, Lincoln to Greenwood, Joint seal, 13.4 miles

Road Construction

- N-2, Lincoln South Beltway: Engineering, ROW, utility work and construction for a new 4-lane divided expressway to become the future N-2 alignment south of Lincoln, 11.0 Miles. This project is being coordinated with the City of Lincoln and Lancaster County.

Lancaster County – County Engineering: The Lancaster County improvement program does not include federal funds at this time. All county project are considered to be in general conformance with the 2040 LRTP.

- Continuing Operations & Maintenance of the County and Federal Aid System

City of Lincoln Public Works & Utilities – Streets & Highways Projects: This program includes significant resources for projects that focus on traffic management, traffic signal timing and equipment replacement and Intelligent Transportation System (ITS) projects that are needed to improve traffic flow. Other focus areas are for traffic safety and operations for intersection projects, sidewalk maintenance and roadway and bridge infrastructure rehabilitation or improvements. Below are the major intersection, and roadway and bridge infrastructure improvement projects.

Traffic Optimization and Management Program: Projects to meet the needs of a specific location that include improving traffic signalization, Intelligent Transportation System (ITS) projects, traffic monitoring programs and travel delay studies.

Safety and Operation Improvement Program of Projects

- Coddington & West Van Dorn Street intersection improvements
- 14th Street & Cornhusker Highway intersection improvements
- 66th Street & Freemont Street intersection improvements

- South 56th Street and Yankee Hill Road intersection improvements
- North 27th Street, Adaptive Signal Control Project

Roadway and Bridge Rehabilitation
Resurfacing and repairing of roadways and bridges city-wide to maintain their longevity and serviceability economically through resurfacing, reconstruction, two plus center turn lane projects, intersection capacity improvements, subsidies for paving districts, bikeway/trails improvements in conjunction with other improvement projects and Capital expenditure for pedestrian facilities such as new ADA compliant curb ramps built as a part of projects. Current projects include:

a. 70th Street, Van Dorn to Eastborough, Lincoln, Concrete Repair Project
b. 27th Street & Fairfield and West "O" Street Bridges over Salt Creek
c. Superior Street from 27th Street to Cornhusker Hwy
d. Old Cheney Road from 40th Street to Hwy 2
e. 27th Street from Holdrege Street to Fletcher Ave.
f. Rosa Parks Way Bridge Preservation

Sidewalk Maintenance and Repair: City funds are allocated for maintenance and repair of sidewalks. This assists in meeting LRTP goals to support both the maintenance and rehabilitation and the Capital expenditures for Pedestrian and Bicycle Facilities as the existing infrastructure is improved or repaired and for Capital expenditure when new amenities, such as curb ramps, are constructed.

Road Construction
Below is a list that includes four projects carried over from the previous year TIP and three new projects for this program.

- East Beltway: Design, right-of-way and corridor protection to allow for the future construction of a four lane freeway between Hwy 2 and I-80.
- 14th Street / Warlick Blvd. / Old Cheney Road intersection: Design and construction of a multi-lane elevated roundabout.
- Rokeby Road, 70th Street to 84th Street: Construction of a 2-lane urban collector.
- Pine Lake Road, 61st Street to Hwy 2: Reconstructed and widening to four lanes with turn lanes. This project increases capacity of this roadway to accommodate increasing development in southeast Lincoln.
- Yankee Hill Road, 70th Street to Hwy 2: Construction of a new two lane urban facility between 70th Street and 91st Street with turn lanes.
- West "A" Street, SW 40th Street to Folsom Street: Construction/reconstruction of a two lane urban facility with intersection improvements and turn lanes.
- North 10th Street & Military Bridge: Replacement of an existing bridge over Salt Creek to include a turn lane and pedestrian facilities.

Railroad Transportation Safety District (RTSD) Study: This is for a Railroad crossing Grade Separation Study at the 33rd Street and BNSF (South of Cornhusker) railroad crossing to identify safety improvements and the elimination of at-grade vehicular-train conflicts that enhance safety, reduce delays, and improve emergency access.

City of Lincoln Public Works & Utilities – StarTran: The Public Transportation Element of the TIP includes operational and capital improvement programs for the City of Lincoln Public Transportation projects that are typically funded through the Federal Transit Administration (FTA) and local funds. The main thrust of this program originates from maintaining current StarTran services and the StarTran's Vehicle Replacement Program.

- Biogas Renewable Fuel Fueling Station: This project involves the recovery, treatment and fuel station distribution of renewable natural gas (biogas) as the primary fuel source for the City of Lincoln StarTran bus fleet, as well as other City vehicles. Biogas is produced from the anaerobic digestion process at the Theresa Street Wastewater treatment facility. This includes land acquisition, environmental study, design and construction.
- Maintenance Facility Construction / Relocation: Funds are to be appropriated beginning in FY 2017-18 through 2019-20 to construct a new bus maintenance facility. Costs include design, construction and relocation.
- Multi Modal Center - Feasibility Study: This is a study to determine the feasibility of constructing a new multi-modal center and bus transfer center. Topics to study include site selection, environmental issues and funding.

Federal Transit Program: The Federal Transit Administration Grants assist in the development and support of intercity bus transportation and enhance the access of people to employment, health care, shopping, education, public services, and recreation.

- NDOR Vanpool Project: Vendor vanpool services are to be developed to provide statewide contracted services for a) Metro vanpool service for Lancaster, Sarpy & Douglas counties between Lincoln and Omaha (LCLC & MAPA) and b) Statewide, Rural Nebraska vanpool service.

Ped, Bike & Trails: The projects located in this section of the TIP are generally funded with a combination of local and federal funds that comes from either the Transportation Alternatives Program (TAP), or Recreational Trails Program (RTP) funds. Projects listed have advanced from previous programming with two new project entering the program.

Lower Platte South Natural Resource District

- Rosa Parks Way Trail Construction: Railroad Under-crossing trail west of 1st and J Street with a 10 feet wide concrete surface and 900 feet long.

City of Lincoln Parks & Recreation Department

- Beal Slough Trail Project: Trail project to extend southeasterly along the Beal Slough Channel from 56th Street & London Road to 70th Street and & Yankee Hill Road. The trail will be on city owned property to Pine Lake Road where it will connect with an underpass at Pine Lake Road (included with the street project). This is for a ten-foot wide trail that will continue southeast parallel to the railroad and the Beal Slough Channel, connecting to 70th Street.
- Wilderness Park Bridges: Replace Saltillo Pedestrian Bridge with other bridges to be addressed in the future that include the arched bridge over Salt Creek south of Calvert in the Epworth Park area; bridge over an unnamed Salt Creek tributary near

Hwy 77 / Rokeby Rd.; bridge over the Horizon Tributary south of the Rock Island Corridor; and bridge accessing the Octagon Bldg. over the old creek channel.

- Fletcher Landmark Trail: Trail project for concrete trail to follow primarily alongside Fletcher Street from N. 14th Street to N. 27th Street.
- Woodland Trail: Trail project for concrete trail extending generally in a north-south direction from 70th St. and Yankee Hill Road to 80th St. and Rokeby Road
- Stonebridge Trail: Design and construction of a 10' wide, concrete bicycle/ pedestrian trail connecting the North 14th Street Trail with the Alvo Road Trail. This trail will begin at North 14th Street and Humphrey Avenue and proceed through the Stonebridge neighborhood and end at the north entrance of Kooser Elementary at Alvo Road. Total length of 1.25 miles.
- Lincoln Bike Share System: Phase 1 of the Lincoln Bike Shared Project will install 15 stations and purchase 100 bikes. All stations will include solar panels and be located in the public ROW.

City of Hickman

- Hickman Road Trail Connections, West connection: Eight-foot wide concrete bicycle/pedestrian trail to link existing north and south sides of Hickman Road and include pedestrian crossing signals and drainage improvements. East connection: Approximately 3,600 linear foot, 8 foot wide concrete bicycle/pedestrian trail from 6th & Locust to Hickman Road & Larkspur Drive, including two traffic crossings and a new 10 foot wide trail bridge.

Prepared by:

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LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for May 25, 2016 PLANNING COMMISSION MEETING

PROJECT #: Comprehensive Plan Conformance No. 16004

PROPOSAL: To review as to conformance with the 2040 Lincoln-Lancaster County Comprehensive Plan, the City of Lincoln's Six Year Capital Improvements Program (CIP) for FY 2016/2017 - 2021/2022.

CONCLUSION: The CIP is the City of Lincoln's six year program that plans for significant public improvements across the City. The projects in the FY 2016/17 - 2021/22 CIP are in character with the Comprehensive Plan because they are specifically listed in or are implied by the text in the Comprehensive Plan. The CIP is therefore found to be in full or general conformance with the 2040 Comprehensive Plan.

RECOMMENDATION: In full or general conformance with the Comprehensive Plan.

GENERAL INFORMATION:

HISTORY:

August 2015	The Planning Department initiated the Future Infrastructure Request Evaluation (FIRE) Process with the purpose of evaluating qualified growth and development proposals in need of Water and Wastewater funds.
December 2015	The Planning Department distributed CIP materials to City Departments.
February 2016	City Departments submitted their CIP requests to the Planning Department.
March/April 2016	The Capital Improvement Advisory Committee (CIAC) reviewed the CIP. Representatives from each City Department presented to the CIAC and explained their capital budget.
May 2016	The CIP was presented at the Planning Commission briefing, followed by the public hearing on May 25.

CITY CHARTER:

The City Charter defines "capital improvements" as consisting of the following:

"...the acquisition of real property; the acquisition, construction, reconstruction, improvement, extension, equipping, or furnishing of any physical improvements, but not routine

maintenance work thereon; and equipment with a probable useful life of fifteen or more years."

The City Charter's discussion of Comprehensive Plan conformity relative to the capital improvement program is twofold. First, on several occasions the Charter stresses the importance of ensuring that Comprehensive Plan conformity is determined before capital projects are approved by the City Council. One entire section of the Charter (i.e., Article IX-B, Section 6) deals exclusively with this issue. It states in part:

> "No ordinance, or resolution, which deals with the acquisition, extension, widening, narrowing, removal, vacation, abandonment, sale or other change relating to any public way, transportation route, ground, open space, building or structure, or other public improvement of a character included in the comprehensive plan, shall be adopted by the council until such ordinance or resolution shall first have been referred to the planning department and that department has reported regarding conformity of the proposed action to the comprehensive plan."

COMPREHENSIVE PLAN:
Historically, the Planning Commission and Planning staff have utilized a four tiered system in defining "character and degree of conformity or nonconformity" with the Comprehensive Plan:

- In Conformance with Plan
- Generally Conforms with Plan
- Not In Conformance with Plan
- Not in Plan

The range of factors that is used by staff in formulating a recommendation of conformity or nonconformity generally includes:

Explicit Reference and Plan Intent - Many of the projects proposed in the CIP are explicitly identified in the Comprehensive Plan, either on a map and/or in the text. In such cases, a finding of Plan Conformity -- assuming other criteria are met -- is easily established. An even larger number, however, are not shown, but their desirability, and thus assumed conformity, is implied. For example, the Comprehensive Plan does not get into such detail as the installation of a water fountain or play equipment in a specific City park. The park may be shown on a map in the Plan and the intent of maintaining such a park is implicit in the Plan's goals and textual descriptions. Thus, at a minimum, a finding of general conformity would be proposed.

Location - The vast majority of capital improvements are site specific. Streets, water mains, fire stations, and sewer treatment facilities are all examples of capital projects where an expressed location can be determined. Firefighting equipment, on the other hand, is mobile and its use cannot as easily be tied to a physical site within the City.

The importance of location as a criterion has increased as we attempt to be more explicit in how we show public improvements in the Comprehensive Plan. In most cases, it is extremely helpful to have this level of detail for purposes of comparison. Conversely, such detail can become a liability as the exact location and dimensions of many capital improvements are justifiably altered as a project is refined for eventual construction.

A further element of judgement is then introduced as to the "degree" to which a proposed project may vary from how it is shown or described in the approved Plan. Is the proposed project in the exact location expressed in the Plan? If not, how and why is it different? And is that difference significant enough to render it "Not in Conformance" with the Plan? Or was some degree of modification of such a project implied (i.e., accepted) as part of the Plan's approval?

Size, Scale and Scope - The Plan's descriptions of capital projects can vary from the very explicit (i.e., four through lane roadway, left turn lanes, raised medians, 100 ft. ROW), to the very general (i.e., a community park within a sector of the city.) Once again, as the Plan becomes more detailed, those charged with the responsibility of recommending findings of Plan conformity will find both benefits and liabilities in the Plan's level of specificity.

Timing - With the incorporation of the phasing element (Tiers) into the Plan, the issue of when a public capital improvement is brought forward for development becomes increasingly significant. The availability of public infrastructure (e.g., sewer services, roads, water, and fire protection) plays a pivotal role in determining where and when private capital investment might occur. Added to this is the lengthy lead time often needed in planning for and constructing public improvements.

If a department proposes a project that explicitly varies from a development schedule outlined in the Plan, then a status of "Not in Conformance" is implied. Where such information is less explicit (i.e., no detailed schedule is included), then the timing issue must be related to the phasing plan and the project's impact on maintaining the integrity of that element of the Comprehensive Plan.

Project Definition and Description - A last factor used in reviewing Plan conformity is the representation that the department makes of the specific project. This is typically done within the CIP in the project title and the project description. This, in combination with information such as that outlined above, helps the reviewer form a broader understanding of the content and context of the proposed capital improvements. This in turn can be used in assessing conformity with the policies and directives contained in the Comprehensive Plan.

ANALYSIS:

1. The Analysis Section of this report is divided into the following two major sections: (I) Background and Introduction, including consideration of the City Charter specified tasks of the Planning Commission in review of the proposed CIP, and review of other factors

regarding the development of the proposed CIP; and, (II) Capital Improvements Program Departmental Review, including a department by department examination of projects and Comprehensive Plan conformity.

Also, Federal guidelines require that projects included in the local area Transportation Improvement Program (TIP) be consistent with the region's Long Range Transportation Plan (LRTP). This adds substantial meaning to the Commission's findings of conformity for transportation projects since many CIP projects are included in the local MPO and State TIP for Federal planning and funding purposes. If a project is determined to be "not in conformance," Federal standards will require that it be dropped from the TIP until the project is modified and its status changed to be in conformance, or the LRTP is amended to incorporate the project.

2. In accordance with Article IX-B, Section 7, of the Lincoln Charter, City departments and agencies have submitted their six year capital improvement requests to the Planning Director for compilation into the attached CIP document. The Planning Commission's task is to now review these individual capital requests to determine their conformity with the approved Comprehensive Plan. Your comments will then be forwarded to the Mayor's Capital Improvement Advisory Committee (CIAC), and then to the City Council for consideration during their upcoming budget deliberations.

   The Planning Commission's conformity finding is advisory. Regardless of the Commission's recommendation, the City Council can approve -- through ordinance or resolution -- any capital improvement, provided that other Charter budgetary requirements and processes are met.

3. While the City Charter calls for a six year capital improvement program, the City Council only approves a two year capital budget. Although it is designed to express the City's longer term capital funding intent, the CIP document is never adopted in full. (The City Charter was amended to enable adoption of two year budgets.)

   This is not, however, to suggest that the Commission's findings on the remaining years of the CIP are not without significance. Projects in the third through sixth years that have been reviewed for conformity may be added to the Council's Two Year Capital Budget by amendment. Projects in the third through sixth year are used by elected officials and staff in the formulation of future CIPs and other departmental level capital programming documents. The private sector also considers the six year CIP in making investment and development decisions.

4. **CAPITAL IMPROVEMENTS PROGRAM DEPARTMENTAL REVIEW:**

   This section presents a department by department review of capital programs for the FY 2016/17-2021/22 time period. This includes a general discussion of recommended Comprehensive Plan conformity status for each department. The actual project-by-project recommendations will be identified in the detailed Project Summary report by

department in the CIP document and will be used by the City Council for consideration during the budget process. As with past CIP reviews, the four categories of conformity status mentioned previously are used in this year's CIP development.

In the CIP document, Table 1 on page 1 displays the total proposed capital funding by departments over the six year programming period. Total dollar amounts by funding source are shown in Table 2 on page 2. General Revenue funding use is presented in Table 3 on page 4, while projected General Obligation (GO) bonds are presented in Table 4 on page 9. After these Tables, detailed project summaries by department are provided.

This year's CIP totals over $1.2 billion in projects for all departments using various funding sources. This amount is larger than the previous CIP which amounted to nearly $941 million in projects. An inflation factor of 5% has been budgeted into the CIP which accounts for much of this increase.

The balance of this report considers the requested six year capital programs of each department. They are presented below in the same order as in the draft CIP document that was provided previously and is available online.

A. LINCOLN CITY LIBRARIES

The Lincoln City Libraries program includes five projects in the six year CIP. The largest single project in the Library program is the proposed replacement of the Bennett Martin Library with a new Headquarters Library in FY 2017/18 using a planned General Obligation bond issue and Other Financing likely to include private funds. The General Obligation bond in Year 2 also includes upgrades to Anderson, Eiseley and Walt Branch Libraries in addition to Radio Frequency Identification (RFID) tags at all branch locations. General Revenue funding is proposed for other critical projects including the South Branch Parking Lot and Bethany Branch Roof Replacement in Year 2016/17 and Gere Branch HVAC replacement in Year 2017/18.

All of the projects included in the Library CIP are found to be in conformance or in general conformance with the Comprehensive Plan.

B. LINCOLN ELECTRIC SYSTEM

The Lincoln Electric System's (L.E.S.) proposed $451 million capital program embodies a substantial investment in electrical power supply and distribution for the community over the six year period. This investment is more than the previous CIP LES by approximately $169 million due mainly to the new Operations Center in the southern area of the City and more funding for generation. 9,400 L.E.S. customers have been added over the past six years, and this program plans for continued growth. Underground distribution, with the majority going to new residential and commercial development, new transformers and meters, extensions, rebuilds, relocations, power

supply investment in the Laramie River Station and the new Operations Center account for the largest portions of the program. L.E.S. has budgeted funding to bury overhead lines in conjunction with federal, state, county or city projects. Attention is being paid to replacement of aging transformers and addition of transformers to existing substations.

The Lincoln Electric System CIP is found to be in general conformance with the Comprehensive Plan.

C. PARKS AND RECREATION

Proposed capital improvements to the City's parks and recreation system are projected to cost approximately $55 million over the six year period. General Obligation (GO) bonds, general revenue, Keno funds, impact fees, tennis fees, the Parks & Rec repair/replacement fund account, advance acquisition, federal program funds, other financing (grants, donations, Lincoln Cares program, Two for Trees, and other sources) and unknown funding provide the majority of funds programmed for the CIP. Funds from private sources are also being shown for a substantial portion of the six year improvement program.

New projects in the Parks & Recreation Program include the Emerald Ash Borer Treatment and Recovery and the Cornhusker Highway Entryway Corridor. The Emerald Ash Borer Project would provide for new replacement trees and treatment of existing trees. The Parks & Recreation Department has estimated that treatment and recovery due to the Emerald Ash Borer will cost around $29 million over a 15 year period. The General Obligation Funds shown in Years 2 and 5 would be used for the Emerald Ash Borer Treatment and Recovery project and would be requested in conjunction with the Watershed Management bond request. The Cornhusker Highway Entryway Corridor is a project shown in Year 4 and was prioritized as the next entryway corridor project. This project would enhance the streetscape in the entryway corridor along Cornhusker Highway from I-80 to N. 48th Street.

The Parks & Recreation CIP is found to be in full or general conformance with the Comprehensive Plan.

D. PUBLIC SAFETY

1. Lincoln Police Department

The proposed capital program for the Lincoln Police Department involves one project - the replacement of the Garage, Maintenance and Repair Facility. The project is proposed in Year 6 and is shown to be funded with General Obligation Bonds. The bond in Year 6 would be a Public Safety Bond and is in the same year as the proposed bond request for Lincoln Fire & Rescue. The current garage, maintenance and repair facility on J Street is inadequate and in poor condition.

The LPD Radio System Upgrade project is funded with the 1/4 cent sales tax that was previously approved. The 1/4 cent sales tax is projected to end in Year 3 in the Draft CIP.

All of the projects included in the Lincoln Police Department CIP are found to be in general conformance with the Comprehensive Plan.

2. Lincoln Fire & Rescue Department

The Lincoln Fire and Rescue Department's proposed program includes six projects. These projects involve two new fire stations, a general fire station modification and repairs program, and replacement of 6 pumpers, 2 aerial ladders and purchasing a hazmat response vehicle. These projects are shown in Year 6 and are proposed to be funded with General Obligation Bonds. The bond in Year 6 would be a Public Safety Bond and is the same year as the proposed bond request for Lincoln Police Department.

Fire Stations 10, 12, 15 & 16 have been funded with the 1/4 cent sales tax that was previously approved. The 1/4 cent sales tax is projected to end in Year 3 of the Draft CIP.

All of the projects included in the Fire Department’s CIP are found to be in general conformance with the Comprehensive Plan.

E. PUBLIC WORKS AND UTILITIES

The Public Works and Utilities Department's capital program includes projects for eight divisions: (1) Broadband Infrastructure; (2) Solid Waste Operations; (3) StarTran; (4) Street Maintenance Operations; (5) Streets and Highways; (6) Wastewater; (7) Water Supply and Distribution; and, (8) Watershed Management.

1. Broadband Infrastructure

This Broadband Infrastructure program continues to replace, update and expand its infrastructure in support of the Lincoln Technology Improvement System. The ongoing projgram will implement a coordinated system of broadband infrastructure designed for use by public and private broadband service providers. Examples of projects include new and updated backbone conduit, innerduct, manholes, handholds, fiber optic cables and other equipment. The funding source for these projects is shown as Lease Purchase Financing.

Projects in the Broadband Infrastructure CIP are found to be in general conformance with the Comprehensive Plan.

2. Solid Waste Operations

Proposed capital improvements for the Solid Waste Operations program include several projects related to the Bluff Road Sanitary Landfill, the North 48th Street Landfill and Transfer Station, the Solid Waste Management System and Recycling Drop-Off Sites. The CIP totals approximately $17 million over the six year period which is an increase of $1 million from the previous CIP.

Notable projects include leachate management strategies, ongoing permitting, for the Bluff Road landfill, Access Roadway Repair, a Truck/Wheel Wash and Site Maintenance at the Bluff Road Landfill, Compost Site Improvements and Enhancements at the N. 48th Street transfer station and Recycling Drop-off Maintenance and Improvements. The Closure/End of Use of the N. 48th Street landfill is continued and also recognizes opportunities available to use the property for passive recreational activities. A new project in the Solid Waste program is the Gas System Expansion and Improvements for electrical energy production. This project will allow for expansion and improvements in order to ensure regulatory requirements are met and the system is optimized for the production of electrical energy.

The Solid Waste Operations CIP is found to be in general conformance with the Comprehensive Plan.

3. StarTran

StarTran's six year, $59.6 million proposed capital improvement program is funded largely through Federal transportation funding with $43 million in funds, with the balance coming from City General Revenue funds, Special Reserves and State Revenue or Aid. The bulk of this capital program is planned for the Maintenance Facility Construction/Relocation and a new Multi Modal Center. The StarTran program is also budgeting funds for the replacement of 8 buses in 2018 and the replacement of 9 buses in 2020.

The Maintenance Facility Construction/Relocation plans to relocate the bus maintenance facility from its current location on J Street. $16.4 million of this project is shown as Federal Aid. The Multi Modal Center would be a new facility for a bus transfer station. Costs shown in this project include environmental study, design and construction. $19.3 million of this project is shown as Federal Aid.

Another notable project in the StarTran program is the Biogas Renewable Fuel project and is a joint effort with Wastewater. This project involves the recovery, treatment and fuel station distribution for StarTran busses and other City vehicles. The StarTran portion of the project would design and construct equipment needed to dispense the fuel for the City fleet.

A new project in the StarTran program is for design services and installation of new bus shelters. The project shows the first phase of funding will pay for approximately 6 new shelters around Downtown.

The StarTran CIP is found to be in full or general conformance with the Comprehensive Plan.

4. Street Maintenance Operations

The Street Maintenance Operations CIP includes seven projects over the six year program. The total request for funding is $3.7 million and includes General Revenue and Other Financing. Projects included in the Street Maintenance Operations include upgrades to the Brine Facility and additional sander hopper frames, both at 3200 Baldwin Avenue. These projects will improve the City's responsiveness to winter events. A regular Facility Repairs program is planned for each year using a combination of General Fund financing and Other funds. A few other projects to increase the safety of the facilities are planned in the first two years including floor drains, electrical upgrades and replacement of fuel site fill containment systems. This program maintains and repairs the facilities at 3200 Baldwin Street, 3180 South Street facilities and the Municipal Services Center.

The Street Maintenance Operations CIP is found to be in general conformance with the Comprehensive Plan.

5. Streets and Highways

The Streets and Highways capital program proposed by Public Works & Utilities identifies a program totaling $229 million over the six year programming period, a decrease of $15 million from the previous CIP. These projects range from resurfacing projects to pedestrian facilities to system management programs to the construction of new roadway facilities.

With the adoption of the 2040 Comprehensive Plan in October of 2011, a list and map of street projects and programs were included as part of the new Plan. The "Streets and Highways" CIP submittal has been coordinated with the 2040 Comprehensive Plan which was used in determining Comprehensive Plan conformity. The 2040 update of the Comprehensive Plan along with the fiscally constrained 2040 Long Range Transportation Plan included changes in the priorities of the transportation plan. These changes are acknowledged in the capital programming for this six year program.

A variety of Federal, State and City revenues are utilized to fund the Streets and Highways program, including Impact Fees, City Wheel Tax revenues, State Highway Allocation gas tax funds, Railroad Transportation Safety District funds, and Federal transportation funds. The Public Works & Utilities Department anticipates project

costs to increase faster than revenues over the next six years which will reduce the City's ability to meet the needs of the transportation system. The Long Range Transportation Plan notes that rehabilitation should be a priority and funded at $15 million per year. The proposed CIP provides a total of $57.3 million over the six year period or $9.55 million per year. $56.1 million was programmed in the last CIP so this is a small increase of just over $1 million. The CIP proposes to increase the amount of funding in the Traffic Optimization and Management Program in order to stretch dollars further. The amount proposed for the six year CIP is increased from $14.5 million in the last CIP to $19.5 in the proposed CIP.

Notable projects in the program include funding for the arterial Roadway and Bridge Rehabilitation and Residential Rehabilitation & Intersection programs ($57 million combined), the improvement of Yankee Hill Road from 70th to Highway 2 ($9.9 million), pedestrian improvements related to new Lincoln Public School sites in southeast Lincoln, funding for widening Pine Lake Road from 61st to Highway 2 ($9.4 million), Traffic Optimization and Management Program projects ($19.5 million), Safety and Operation Improvement Program projects ($14 million), continued funding of the Sidewalk Maintenance and Repair Program projects ($6 million) and impact fee funding for various arterial street projects within impact fee districts. West A Street from SW 40th to S. Folsom is funded in Year 2 of the budget with funds shown through Year 6. 33rd and Cornhusker is programmed with funds in Years 1-5 using RTSD funding ($13.8 million) and the South Beltway is programmed with funding through the six year program ($25 million). The South Beltway is a state project, but the City is contributing a 20% match to the project.

The Streets and Highways CIP is found to be in full or general conformance with the Comprehensive Plan.

6. Wastewater

The proposed Lincoln Wastewater CIP contains approximately $99 million in projects. The CIP has been prepared based on information and recommendations contained in the 2040 Comprehensive Plan and the adopted Lincoln Wastewater Facilities Master Plan. Funding sources for projects include Revenue Bonds, Utility Revenues, and Impact Fees. This proposed CIP assumes a 5% annual revenue increase in wastewater utility revenues in the six year program. With this CIP, all developer commitments through annexation agreements are being met.

To help meet the continuing growing need to replace and repair the aging wastewater equipment, facilities, and collectors, the Selected Repair/Replacement of Wastewater Facilities/Collectors program is funded at $11.8 million over the 6 years of the program.

Of note are anticipated NPDES Nutrient Removal studies at both Theresa Street and the Northeast Treatment Plants in the later years of the CIP, and the Biogas to

Vehicle Fuel Renewable Energy Project that is a joint effort with StarTran. This project involves the recovery, treatment and fuel station distribution for StarTran busses and other City vehicles. The Wastewater portion of the project would refine the gas, compress it and deliver it to the fueling stations.

Continued in this year's program is more general programming of projects intended to serve growth in the community. A total of $8 million in Impact Fees, Revenue Bonds and Utility Revenues is programmed for these projects in the 6 year period, $250,000 of which is specified each year for an economic development fund. Sewer infrastructure projects have been developed through the Future Infrastructure Request Evaluation (FIRE) process and during other discussions with landowners and developers as part of the update to the 2040 Comprehensive Plan. Two projects to note are the Stevens Creek trunk sewer extension and the Salt Creek trunk sewer extension. The Stevens Creek sewer extension would be extended from Holdrege Street to south of A Street and is shown in FY 2017/18 - 2018/19. Sub-basin mains are also proposed in conjunction with this extension. The Salt Creek sewer extension would extend west of Highway 77 near S.W. 12th and W. Old Cheney Road.

The areas in Stevens Creek and near S.W. 12th and W. Old Cheney Road are currently in Tier I, Priority C. Land in Priority C is anticipated to be developed beyond the year 2025 because they lack almost all infrastructure to support urban development. The proposed sewer and water infrastructure in both areas would change that and would make the land available to develop to urban densities prior to 2025. Along with the utilities, the land in both areas is contiguous to the City limits and land owners are interested in developing. This makes it appropriate to support these efforts with a finding of general conformance with the Comprehensive Plan. Both areas are also under consideration to amend the priority areas from Tier I, C to B with the Comprehensive Plan Update that is currently underway. These projects are not in the capital budget in the first two years of the CIP and will not be under construction prior FY 2018/19.

The Wastewater CIP is found to be in full or general conformance with the Comprehensive Plan.

7. Water Supply and Distribution

The proposed Lincoln Water System CIP contains approximately $138.7 million in water supply, treatment, storage and distribution improvements over the six year period. This is a higher total amount compared to last year's CIP by $37 million. Included in this year's submittal are projects intended to enhance water services to the existing City, while others will serve developing areas of Lincoln. The CIP has been prepared based upon information and recommendations contained in the 2040 Comprehensive Plan and the Lincoln Water System Facilities Master Plan. Funding sources for projects include Revenue Bonds, Utility Revenues, Impact Fees and

Community Improvement Financing. This proposed CIP assumes a 5% annual increase in water utility revenues.

Continued in this year's program is general programming of projects intended to serve growth in the community. A total of $6.5 million in Utility Revenues is programmed for specific improvements associated with new growth in the 6 year CIP period. Water main extension projects have been developed through the Future Infrastructure Request Evaluation (FIRE) process and other discussions with landowners and developers as part of the update to the 2040 Comprehensive Plan. Water service would be coordinated with the Stevens Creek trunk sewer extension and looping of the system would be coordinated with the Salt Creek trunk sewer extension. The Stevens Creek extension would be extended from 98th Street to 105th Street as the area develops. The Salt Creek looping project would be completed as future phases of development occur. Additional programming of funding for these projects will be identified as planning and need become more apparent in future years. Additionally, $250,000 per year is designated for an economic development project fund and $130,000 to $160,000 per year is projected for new water meters associated with growth and development projects. Specific developer commitments are identified and funded in the program per annexation agreement requirements as well.

The New Source of Water Supply project continues in this CIP with a six year level of funding of $6.7 million. This project evaluates potential water supply sources independent from the Platte River supply. The project anticipates developing a new water supply source in the period 2040-2050.

To help meet the continuing growing need to replace the aging water main system, the Infrastructure - Water Mains and Meters project is funded over the 6 year program at $49.2 million, with $6 million and $6.8 million respectively in the first two years.

The Water Supply and Distribution CIP is found to be in general conformance with the Comprehensive Plan.

8. Watershed Management

The proposed Watershed Management CIP contains approximately $25.8 million in improvements over the six year period. The request for two general obligation (GO) bond issues (FY 2017/18, and FY 2020/21) constitute the bulk of the funding for these improvements. The remaining Watershed Management funding includes Other Financing including funding from the Lower Platte South Natural Resource District. Projects include Water Quality Projects, Stream Rehabilitation on Parks Property, Floodplain/Floodprone Area Engineering Projects, Urban Storm Drainage Projects, Implementation of Watershed Master Plan Projects, and the continued development of Comprehensive Watershed Master Plans. With this CIP, all developer commitments through annexation agreements are being met.

The Watershed Management CIP is found to be in full or general conformance with the Comprehensive Plan.

F. URBAN DEVELOPMENT

The Urban Development Department's proposed CIP includes ten projects totaling approximately $31.8 million over the six year period. The majority of this total is for a new public parking garage in Downtown at $24 million. A new project in the Urban Development program is the Parking Operations Command Center. The facility would convert the parking system from a cashier-based model to a command center-based model and is proposed to be located in existing space at 1317 Q Street. The Parking Operations Command Center is shown with $800,000. Public parking program projects (ongoing repairs, lighting and elevator improvements, and new facilities) comprise $6.7 million of the budget. A new project included in the first two years is the Plant and Street Tree Replacement on South Street, in College View and in Havelock. Ongoing annual efforts included are the Low-Moderate Income Area Park Improvements program and the Downtown Street Tree Replacement program.

Funding for the program consists of Community Development Block Grants, General Revenue funds, Revenue Bonds and User Fees.

The Urban Development CIP is found to be in general conformance with the Comprehensive Plan.

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