

Lincoln City - Lancaster County

PLANNING COMMISSION AGENDA

PLANNING COMMISSION

Dennis Scheer: Chair
Tracy Corr: Vice-Chair
Tom Beckius
Dick Campbell
Tracy Edgerton
Deane Finnegan
Cristy Joy

PLANNING STAFF

David R. Cary: Director
Geri Rorabaugh: Administrative Officer
Rhonda Haas: Office Specialist

August 7, 2019

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, August 7, 2019, 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.

****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, AUGUST 7, 2019

Election of Chair and Vice Chair for a 2-year term.

Approval of minutes of the regular meeting held July 24, 2019.

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

USE PERMIT:

Page 01 1.1 USE PERMIT 133A, to allow for the addition of residential uses, and reduce commercial square footage from 40,000 to 24,600 square feet with requested waivers to the side- and rear-yard setbacks, on property generally located at South Coddington Avenue and West Van Dorn Street.
Staff recommendation: Conditional Approval
Staff Planner: Dessie Redmond, 402-441-6373, dredmond@lincoln.ne.gov

Page 15 1.2 USE PERMIT 19009, to allow for office and other small scale commercial uses and related improvements, with waiver to allow light trespass across interior lot lines, on property generally located at 5601 N Street. ***** FINAL ACTION *****
Staff recommendation: Conditional Approval
Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

2. **REQUESTS FOR DEFERRAL:**

3. **ITEMS REMOVED FROM CONSENT AGENDA:**

4. **PUBLIC HEARING AND ADMINISTRATIVE ACTION:**

SPECIAL PERMIT:

4.1 SPECIAL PERMIT 19035, to allow for the construction of a commercial feedlot, on
Property located at NW 27th Street and Ashland Road. *** **FINAL ACTION** ***
Page 31 **Staff recommendation: Conditional Approval**
Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov

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

Adjournment

PENDING LIST: *Special Permit 18045, to allow for a County AG (Agricultural District) CUP (Community Unit Plan), consisting of 148.49 acres, more or less, for 9 single family acreage lots on property generally located at North 14th Street and Rock Creek Road.*

Preliminary Plat 18002, to add 430 residential lots on approximately 152.1 acres, more or less, on property generally located at the SW corner of West Old Cheney Road and South Folsom Street.

Planning Department Staff Contacts:

David Cary, *Director*..... 402-441-6364.. dcary@lincoln.ne.gov
Stephen Henrichsen, *Development Review Manager*..... 402-441-6374 .. shenrichsen@lincoln.ne.gov
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Brian Will, *Planner*..... 402-441-6362.. bwill@lincoln.ne.gov
Kellee Van Bruggen, *Transportation Planner*..... 402-441-6363.. kvanbruggen@lincoln.ne.gov
Allan Zafft, *Transportation Planner*..... 402-441-6369.. azafft@lincoln.ne.gov
Ed Zimmer, *Historic Preservation Planner* . 402-441-6360.. ezimmer@lincoln.ne.gov

**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.**

**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.

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, July 24, 2019, 1:00 p.m., Hearing Room 112, on the first floor of the County-City Building, 555 S. 10th Street, Lincoln, Nebraska

MEMBERS IN ATTENDANCE Tom Beckius, Cristy Joy, Dick Campbell, Tracy Edgerton, Dennis Scheer and Deanne Finnegan; (Tracy Corr absent). David Cary, Steve Henrichsen, George Wesselhoft, Rachel Jones, Geri Rorabaugh and Rhonda Haas of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Regular Planning Commission Hearing

Chair Scheer called the meeting to order and acknowledged the posting of the Open Meetings Act in the room.

Scheer requested a motion approving the minutes for the regular meeting held July 10, 2019.

Motion for approval of the minutes made by Campbell, seconded by Beckius and carried 6-0: Beckius, Corr, Edgerton, Joy, Finnegan and Scheer voting 'yes'; Corr absent.

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

July 24, 2019

Members present: Beckius, Joy, Scheer, Campbell, Edgerton and Finnegan; Corr absent.

The Consent Agenda consisted of the following items: **Change of Zone 19019 and Use Permit 19007.**

There were no ex parte communications disclosed.

Scheer declared a Conflict of Interest on items Change of Zone 19019 and Use Permit 19007 and, therefore, appointed Beckius as Temporary Chair; Scheer exited the chambers. Beckius took over as Chair.

Change of Zone 19019 and Use Permit 19007 were removed from the Consent Agenda to have a separate public hearing.

**CHANGE OF ZONE 19019, FROM R-4 (RESIDENTIAL DISTRICT) TO O-3 (OFFICE PARK DISTRICT),
ON PROPERTY GENERALLY LOCATED AT 643 NORTH 45TH STREET**

AND

**USE PERMIT 19007, TO ALLOW FOR OFFICE USES AND RELATED IMPROVEMENTS, WITH
WAIVERS, ON PROPERTY GENERALLY LOCATED AT 643 NORTH 45TH STREET**

PUBLIC HEARING:

July 24, 2019

Members present: Beckius, Joy, Campbell, Scheer, Edgerton and Finnegan; Corr absent.

There were no ex parte communications disclosed.

Staff Recommendation: Approval of Change of Zone 19019
Conditional Approval of Use Permit 19007

Staff Presentation: George Wesselhoft, Planning Department, stated the proposed change of zone and use permit is for 2.25 acres of vacant property located at the southwest corner of Vine and N. 45th Streets. He stated the proposed zoning change is from R-4 Residential District to O-3 Office District. The proposals would include 2 buildings and a 24-foot access easement that would provide access to a planned 193-unit apartment development to the west. He stated this access easement would allow a connection from N. 45th Street, which is the only street access for the site. O-3 zoning is appropriate in this area. He explained that as part of this development pursuant to the Access Management Plan, there would be a requirement for a right turn lane off North 45th Street. Currently, there is a pending application, a deviation request, which is related and is for a left turn lane off North 45th Street. He stated the waivers that have been requested include 0-foot setbacks for the two commercial lots on the internal lot lines for Lot 1, Lot 2 and for Outlot A and the adjacent commercial lot.

Edgerton asked if this was not county property, would it be still be O-3 zoning. Wesselhoft stated most likely yes, it would be office zoning.

Joy asked if there was a turn lane required there. Wesselhoft said yes, because in the Access Management Plan, North 45th Street is identified as an arterial and would require a right turn lane and a northbound left turn lane, which there is a pending deviation request for.

Finnegan inquired if the larger of the two buildings is the plasma center. Wesselhoft stated he believes that is correct. Finnegan asked if what is going in the smaller build is still unknown. Wesselhoft stated it may be another user and the applicant could confirm that for her.

Edgerton stated that the right-of-way will give access to the development that is on the west side, and asked if there would be an additional access to the property once it is developed. Wesselhoft said correct, that the Wyuka CUP allows it to direct access to Vine Street.

Joy asked if access would be off the existing access that is there or if there would be a new access road. Wesselhoft stated he thinks it would be a new access road on the north side of the property for the Wyuka CUP.

APPLICANT:

Tom Huston, 233 South 13th Street, Suite 1900, came forward on behalf of Stough Real Estate Holding, LLC, who is the applicant of this development. Stough Real Estate develops and leases plasma centers across the country and had identified this as an appropriate site in the City of Lincoln. The use permit would seek a total of 25,000 sq. ft. between the 2 buildings. Lot 1 would be the plasma center and Lot 2 would be a speculative building with no user identified and would be sold. He stated that the real concern has been that this site will not have sufficient parking. The Lincoln Municipal Zoning Code requires that Office Park District have 1 stall per 300 sq. ft. and the site plan shows 78 stalls adjacent to Lot 1, which is 156% of the required parking of 50 stalls. If the building is limited to 11,000 sq. ft., this would be 200% of the required parking stalls. Lot 2 has a sufficient number of parking spaces based upon a maximum of a 10,000 sq. ft. building, although we don't know what size building will be built on the site. He stated he also wanted to point out the grading plan for this development. The driveway easement is approximately four feet higher than the adjacent property without sidewalk access. This driveway is not designed for pedestrian access back and forth and it is required under the Access Management Code for both properties use permits. The connected driveway that is required is used to limit the number of outlets and number of driveways onto Vine Street.

Proponents:

Kent Seacrest, 1128 Lincoln Mall, Suite 105, came forward on behalf of Stuart Development Partnership who is the current land owner. He stated they have a purchase agreement to sell this property to Stough Development Company for their plasma center. Pointing out, this would just be a continuation of offices that are currently up and down this corridor, with some retail to the east. He stated that it is logical to go from office to retail and then to residential. He then mentioned with this site plan it is important to be able to get out onto Vine Street at 42nd Street. He stated it is important for our community to have more than one plasma center in the City of Lincoln.

Edgerton asked if his client would continue to own to the property to the west. Seacrest said no, a real estate developer in Omaha does.

Opponents:

Jerry Kavan, Slosburg Real Property, 10040 Regency Circle, Omaha, came forward and gave Planning Commission members a handout (Exhibit 1) and stated they own the property to the

west. He stated they have been approved for 193 apartment units on this site and are in the process of interviewing architects to design the buildings. When approved, the city required an access easement through the property. This access goes from Vine Street through the Slosburg property to the proposed site and then connects to 45th Street. He explained this is to allow cross access for everyone. He stated they are not opposed to this development, but they feel that the parking will not be adequate during peak hours of operation for this type of facility. He stated with the cross connection to the plasma center, the overflow parking from donors will end up in the apartment parking spots. This will cause problems with our apartment residents if they are unable to find parking. He stated they will be posting signs for apartment parking only and would like to put up a gate between the properties. This would be a motorized gate for residents and would have a Knox Lock installed for emergency vehicles to come and go as needed. He stated they are not asking that this be denied, they are asking for permission in the event there is a parking issue they would be allowed to install a motorized gate across the access easement.

Campbell asked if a gate is something that could be done at a later time if parking becomes an issue. Kavan said yes it could be done later. Campbell asked if there was a need to address this concern today or could this be addressed when parking problems start occurring. Kavan stated they are here today because the Planning Department has been against gating anything for a long time, so they were wanting to make an appeal to the Planning Commission and City Council in hopes of getting this settled.

Staff questions:

Finnegan asked about the opposition to the gate. Wesselhoft stated this access easement is not unique, they are throughout the city and generally don't have a gate, with the intent of a mutual access both directions.

Edgerton asked about the parking for the plasma centers downtown. Wesselhoft stated he could not speak specifically to the plasma centers, but the use falls under office. The zoning ordinance does not make a distinction between medical office versus office and it is a general standard. Edgerton stated when talking about a medical office you think of the office being open during business hours, and asked if plasma centers have extended hours. Wesselhoft stated that he could not speak to the plasma center specifically, but a medical office would fall under the general office category. Edgerton asked if the O-3 has a requirement for business hours of operation. Wesselhoft stated he is not aware of any.

Joy asked about the rules on the hours of the adjacent public building to the south and if they were an 8 to 5 building. Wesselhoft stated he did not know the hours of the Lancaster County Government Building, but said it is in P zoning and would not be subject to the same zoning regulations. Joy asked if there are rules about parking there after hours. Wesselhoft stated that he was unsure.

Campbell stated it was mentioned that there was a 4-foot grade separation on the driveway and asked how that is being transitioned between the two projects. Wesselhoft stated it was part of the site Wyuka's plan for the stormwater and grading.

Beckius asked what recourse Slosburg would have if their parking lot was impacted years down the road. Wesselhoft stated not speaking as legal counsel, but as any property owner, if there was a trespassing situation they would be able to address that. Beckius asked if a use permit was granted by the Planning Department and if there is any recourse there? Wesselhoft stated he was not aware that they could retroactively go back to this use permit once approved.

Applicant Rebuttal:

Huston stated if in the future there are problems with the parking, a conversation would go a long way to solve them. He stated his client has vast experience developing plasma centers around the country and they are comfortable with the number of parking stalls based on their experience nationwide, with a facility of this size. On the gate, this was to be a reciprocal easement providing connectivity for both parties.

CHANGE OF ZONE 19019

ACTION BY PLANNING COMMISSION:

July 24, 2019

Campbell moved approval, seconded by Finnegan.

Edgerton stated the change of zone makes sense with the zoning that is already in place in the area. She stated it's a great buffer between the residential and the business areas on the west and it makes a lot of sense with the pending development.

Beckius stated the access is a mutual benefit for both and should remain as it stands today.

Motion for Approval carried, 5-0: Beckius, Campbell, Edgerton, Finnegan and Joy 'yes'; Scheer abstained; Corr absent.

USE PERMIT 19007

ACTION BY PLANNING COMMISSION:

July 24, 2019

Campbell moved approval, seconded by Joy.

Joy stated she is in support of the use permit and the parking that is required and that it is based on Lincoln's history.

Campbell stated he is in support of the use permit, believing there should be access both ways. He stated if there is an issue in the future it can be addressed in the future with communication between the two parties.

Motion of Conditional Approval carried, 5-0: Beckius, Campbell, Edgerton, Finnegan and Joy 'yes'; Scheer abstained; Corr absent.

Scheer returned to the chambers.

Chair Scheer stated no Requests for Deferral.

COMPREHENSIVE PLAN AMENDMENT 19003, TO AMEND THE 2040 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN, TO CHANGE THE FUTURE LAND USE DESIGNATION FROM COMMERCIAL TO INDUSTRIAL ON APPROXIMATELY 135 ACRES, ON PROPERTY GENERALLY BOUNDED BY INTERSTATE 80 ON THE SOUTH, HIGHWAY 77 TO THE EAST, BLUFF ROAD TO THE NORTH, AND N. 40TH STREET TO THE WEST

AND

ANNEXATION 19007, TO ANNEX APPROXIMATELY 576 ACRES, ON PROPERTY GENERALLY LOCATED AT HIGHWAY 77 AND INTERSTATE 80

AND

CHANGE OF ZONE 19020, FROM AG (AGRICULTURE DISTRICT) TO I-3 (EMPLOYMENT CENTER DISTRICT) ON APPROXIMATELY 590 ACRES, ON PROPERTY GENERALLY LOCATED AT HIGHWAY 77 AND INTERSTATE 80

AND

USE PERMIT 19008, TO ALLOW FOR THE DEVELOPMENT OF UP TO 2,000,000 SQUARE FEET FOR A DATA CENTER AND ASSOCIATED USES, INCLUDING WAIVERS TO SCREENING AND DESIGN STANDARDS, HEIGHT AND LOT REGULATIONS, AND SPECIFIC USE REGULATIONS OF THE I-3 ZONING DISTRICT, ON PROPERTY GENERALLY LOCATED AT HIGHWAY 77 AND INTERSTATE 80

PUBLIC HEARING: **July 24, 2019**

Members present: Beckius, Joy, Scheer, Campbell, Edgerton and Finnegan; Corr absent.

Staff recommendation: Approval of Comprehensive Plan Amendment 19003
 Conditional Approval of Annexation 19007
 Approval of Change of Zone 19020
 Conditional Approval of Use Permit 19008

Rorabaugh stated that staff submitted a motion to amend adding an additional condition of approval as requested by the Transportation & Utilities Department, to revise the right-of-way and paving for the proposed street.

There were no ex parte communications disclosed on this item.

Staff Presentation: **David Cary, Planning Department Director**, stated that this is being viewed as a unique opportunity for this type of project. In the context of the Comprehensive Plan, this project is the fruition of that vision and is what we would like to see happen on this property. The Comprehensive Plan was updated in 2006 and, in that update, we identified this area for an economic employment center. He stated the City has made an effort to provide water and sewer service to the property in the hopes of having something significant happening at this location. **Tim Sieh, City Attorney**, came forward and stated the proposal is to amend the 2040 Future Land Use Plan to revise approximately 145 acres from "Commercial" future land use to "Industrial" land use on property located northwest of Highway 77 and Interstate 80. This application represents a single user for the entire site. This proposal includes a 573-acre annexation and a change of zone for 590 acres. He stated the City will maintain 40th Street, a portion of Bluff Road and additional sections within Interstate 80 and Highway 77 as a result of annexing the property. The applicant is waiting these actions to be approved before they purchase the property. The change relates to the proposed Change of Zone from AG Agriculture District to I-3 Employment Center District. The Use Permit is requesting approval of a data center and associated uses. He stated the site plan is conceptual and is just a concept for what will be on the property if approved. He stated that this site will also be a secure site and not open to the public.

Finnegan asked if the buyer already has contracts with all the property owners in the area. Sieh stated that it is his understanding that they do have contracts to purchase all of the property within the site area. Finnegan asked for an example of what 2 million square feet would look like. Sieh said that would be the maximum on the site, but he does not have an example. Finnegan stated she is wanting to make sure the public was well informed that this is a data center and not a call center. Sieh said that was true. Finnegan asked about chemicals and if a discussion on chemicals was part of the industrial zoning. Sieh said the note about chemicals is standard for industrial zoning and he has not heard there will be hazardous chemicals on this site.

Campbell asked if there will be a left turn lane and a right deceleration lane for this site. Sieh stated yes there will be some turn lanes installed to accommodate traffic in and out of the site.

Edgerton asked about Sunshine Hills Community Unit Plan and the impact the zoning would have on the CUP, with the proposed condition. Sieh stated the CUP was approved based on the ag zoning and there would be a density requirement with that. Edgerton asked what if the current owner is not associated with the CUP. Sieh said no, that there is a number of residents

but they don't have any interest in the CUP. Edgerton asked if that would be driven by staff. Sieh said yes.

Finnegan asked about the owners of the homes on Bluffs Road and if they have been involved in the discussion. Sieh stated he doesn't think they have been talked to yet.

Joy asked about the Capitol View Corridor and how it is being addressed. Sieh stated it is mentioned in the Comprehensive Plan with three levels of protection. Capitol View, which is what is being talked about today, is in the Comprehensive Plan. It is the idea that the view of the State Capitol Building will be impacted as you drive in from Highway 77 and we should take steps to consider and protect the view.

Beckius stated that he was unsure of where the Capitol was in the photos without the staff showing him, because of the distance. Cary stated a lot will depend on what is developed on the site and it may or may not be impacted. Beckius asked if it was at the end of the corridor. Cary said yes. Beckius asked about the height waiver to 75 feet and if there was anticipation that buildings would be built to 75 feet on the site. Sieh said that is not something that he knows.

APPLICANT:

Joe Shields, HDR Engineering, 1917 South 67th Street, Omaha, came forward to answer questions. Beckius asked what could potentially be 75 feet tall. Shields stated that he was unsure and that it could be cooling towers.

Proponents:

Pat Haverty, Vice President of Lincoln Partnership for Economic Development, 1128 Lincoln Mall, Suite 100, came forward and stated there is a nondisclosure agreement so he is unable to discuss any more than what is in the documents. He stated in answering Finnegan's question on the size of the data center would be close in comparison to Kawasaki and the State of Nebraska has other data centers of this size. He stated this is a great investment and opportunity to Lincoln.

There was no testimony in support or opposition.

Staff Questions:

Edgerton asked about the area on the north side that could be a substation and if this was a definitive need or just dependent of how it develops and what the effect would be on the area

to the north. Sieh stated conceptually speaking, there is a transmission line from LES that runs through this parcel. A substation would be needed to convert the power from the lines to something that could be used. Edgerton asked about the waiver for screening related to the substation and the residential area. Sieh stated that the site plan shows a 300 ft. buffer from the edge of the property. Edgerton stating that the substation is farther than the 300 ft. Sieh said correct. Edgerton questioned what this means to the residents that already live in the area and how switching to AGR might affect the residents, because of new requirements that might be required in terms of the size and limitations. **Steve Henrichsen, Planning Department,** stated basically these properties are operating under AGR type rules. The AGR will simply reflect the use pattern that they have today and this is not viewed as negative on those properties. If for some reason, the residents decided they did not want to be zoned AGR, but this use permit and change of zone had already been approved, they would be basically non-conforming. Edgerton asked if it is relevant to the properties that are there now. Henrichsen said yes they reflect the AGR character.

Finnegan asked how many homes were already built in the CUP. Henrichsen stated four. Finnegan asked if they were all on Bluff Road. Henrichsen stated they are located on a separate road that comes off of Bluff Road.

Applicant Rebuttal:

There was no applicant Rebuttal.

COMPREHENSIVE PLAN AMENDMENT 19003,

ACTION BY PLANNING COMMISSION:

July 24, 2019

Beckius moved approval, seconded by Campbell.

Finnegan stated she feels it is an appropriate change.

Beckius stated this is the kind of development that Cities often dream of and he is excited to see the possibility of what will be developed. He stated this site is well positioned for this development and the impact to the existing neighbors will be minimal and feels the Comprehensive Plan is appropriate for this area and supports this project.

Finnegan stated she, too, is in support and thinks this is an incredible opportunity that doesn't come along often.

Joy stated she is in support and believes it is really what we are looking for as a City. She stated with the Highway protection and more access in and out of the site. She stated it is a very positive move forward.

Edgerton stated she agrees, saying this is a really exciting project. She stated perhaps there is less definition compared to a lot of items that go to the Planning Commission, but it doesn't take away from this being a great opportunity for the community.

Campbell stated he would like to echo what has been said.

Scheer stated he is in support of this and feels as the Comprehensive Plan is updated periodically this project meets many, many goals, as we go through the process. He stated this use is very appropriate for this site and this is a very unique opportunity that we need to seize on to as a community. He shared that he is very impressed that we will have something of this size in the City once Annexed. This is an opportunity to let the process work the way it is intended to.

Motion of Approval carried 6-0: Beckius, Campbell, Edgerton, Finnegan, Joy and Scheer 'yes'; Corr absent.

ANNEXATION 19007,

ACTION BY PLANNING COMMISSION:

July 24, 2019

Campbell moved Conditional Approval, seconded by Edgerton carried 6-0: Beckius, Campbell, Edgerton, Finnegan, Joy and Scheer 'yes'; Corr absent.

CHANGE OF ZONE 19020,

ACTION BY PLANNING COMMISSION:

July 24, 2019

Beckius moved Approval, seconded by Campbell carried 6-0: Beckius, Campbell, Edgerton, Finnegan, Joy and Scheer 'yes'; Corr absent.

USE PERMIT 19008,

ACTION BY PLANNING COMMISSION:

July 24, 2019

Joy moved Conditional Approval, seconded by Finnegan.

Rorabaugh stated there is a proposed amendment.

Joy moved Conditional Approval as amended, seconded by Finnegan.

Motion of Conditional Approval as amended carried 6-0: Beckius, Campbell, Edgerton, Finnegan, Joy and Scheer 'yes'; Corr absent.

There being no further business to come before the Commission, the meeting was adjourned at 2:11 p.m.

Note: These minutes will not be formally approved by the Planning Commission until their next regular meeting on Wednesday, August 7, 2019.

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10040 Regency Circle
Omaha, NE 68114
(402) 391-7900

July 23, 2019

Lincoln/Lancaster County Planning Commission
c/o Lincoln/Lancaster County Planning Department
555 S. 10th Street, Suite 213
Lincoln, NE 68508

Re: Zoning Case CZ19019 and Use Permit UP19007

Planning Department:

Our company owns the future apartment development known as the Wyuka Vine Street CUP, which property is located directly adjacent to and west of the referenced Change of Zone and Use Permit Application. We intend to build 140 apartment units in two buildings in the very near future on our property. We have reviewed the entire submittal package from the applicant and have the following comments.

The total floor area of medical office being requested is 25,000 square feet. This would require onsite parking of 83 spaces based on the city ordinance ratio of one space per 300 square feet. The site plan currently shows 112 parking spaces. Our concern is this; the developers have stated that the 15,000 square foot building will be a Plasma Center where hundreds of donors come to donate plasma and receive compensation. This operation will be identical to the two current plasma donation centers in downtown Lincoln [300 South 17th and 2200 N Streets]. We have past experience with plasma donation facilities in other cities and know that they generate extremely large parking demands, especially in the evening hours of operation. It is very unlikely that the provided parking will be adequate for this type of facility. In the event their parking is overloaded, the next place donors will look for parking is in the apartment parking lots next door, on our property. This would be a serious imposition on the apartment development and will clash with our resident's need to park their cars when they return home from work. Because of the required connecting driveway on the Access Easement between the apartment development and the office development, it will be very easy for donors to come into the apartment parking at any time.

Without some type of deterrent, we foresee that our residents will be coming home to find the parking spaces full and call our manager for help. Then we will be forced to order tow trucks to remove the violators, which in turn will make several donors very unhappy. We would prefer a different solution should this problem emerge.

Our request is that in the event the parking situation for the office development does indeed cause serious overflow into the apartment community parking, that the apartment community would be allowed to gate the Access Easement connection between the properties [See attached Site Plan]. This gate would be motorized and set up to electronically open allowing residents to enter or exit using a key fob transmitter. The gate would also be equipped with a Knox Lock device acceptable to the Fire Department and other emergency services in the event they needed to gain access to the apartment community from this direction. We have used this arrangement in many other apartment communities we own with great success and full blessing of the various fire departments.

Without this provision we foresee serious issues with preserving the parking needed for our apartment residents during the peak hours of operation at the Plasma Center.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Jerry Kavan".

Jerry Kavan
Senior Project Manager

R-2 ZONING

**SITE PLAN EXHIBIT
SLOSBURG LETTER
7-23-19**

VINE STREET

N. 42ND STREET

**FUTURE GATE
IF NECESSARY**

R-4 ZONING

24' COMMON ACCESS EASEMENT

**70 UNIT APARTMENT
BUILDING**

24' COMMON ACCESS EASEMENT

**70 UNIT APARTMENT
BUILDING**

**PLASMA
CENTER**

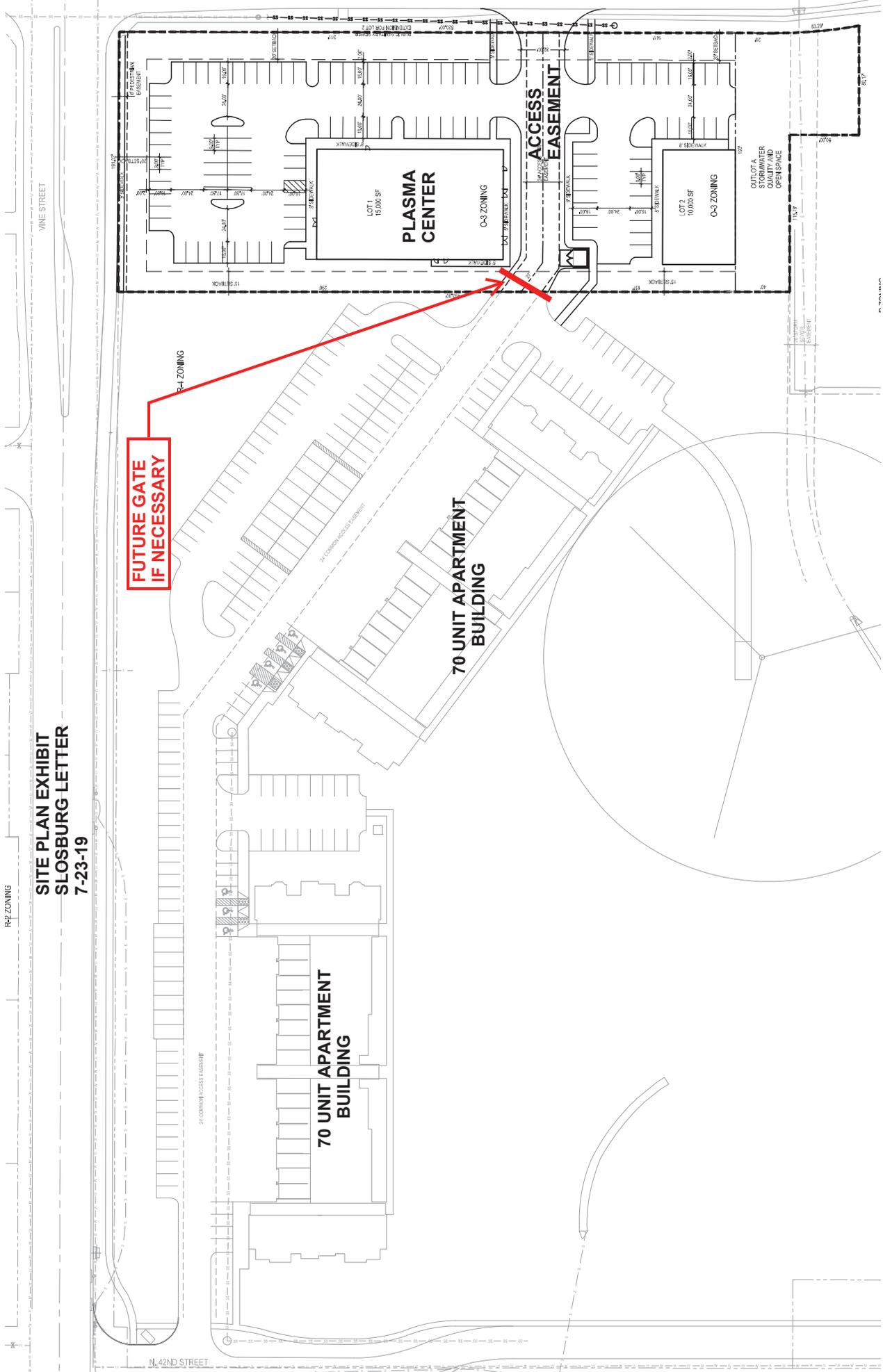
LOT 1
15,000 SF

**ACCESS
EASEMENT**

LOT 2
10,000 SF

OUTLET FOR
STORMWATER
QUALITY AND
OPEN SPACE

P ZONING



LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

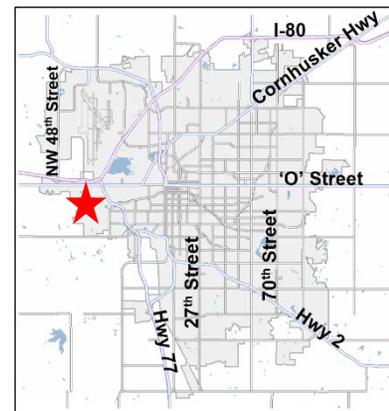
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Use Permit UP133A	FINAL ACTION? No	DEVELOPER/OWNER BCLINC LLC
PLANNING COMMISSION HEARING DATE August 7, 2019	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION S. Coddington Ave & W. Van Dorn Street

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request to amend an existing Use Permit to allow for the addition of 39 residential units and to reduce the allowed commercial square footage from 40,000 to 24,600 square feet. Waivers to reduce the rear and side yard setbacks are also being requested, as well as a few previously approved waivers.



JUSTIFICATION FOR RECOMMENDATION

The B-2 zoning district is designed for sites bounded by major roadways, but also those that are adjacent to neighborhoods or include residential uses. The subject property abuts a major arterial street on the north (W. Van Dorn Street) and west (S. Coddington Avenue) boundaries. There is a residential neighborhood north of W. Van Dorn Street and this request proposes to also add residential units. The allowed uses in the B-2 Planned Neighborhood Business zoning district can help provide goods and services to the existing and proposed residences.

APPLICATION CONTACT

Matt Langston, Olsson
(402) 458-5013
mlangston@olsson.com

STAFF CONTACT

Dessie E. Redmond, Planner
(402) 441-6373
dredmond@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan encourages development in a manner that is consistent and compatible with surrounding land uses that can meet the requirements of the Zoning and Subdivision Ordinances.

WAIVERS

1. To the preliminary plat process. (Not Applicable, no longer a requirement)
2. To the minimum lot frontage required for a ground sign. (Not Applicable, no longer a requirement).
3. To allow signs in the front yard. (Not Applicable, no longer a requirement)
4. To allow signage to be located more than 30' from pad site buildings. (Previously Approved)
5. To the internal setbacks to 0'. (Previously Approved)
6. To the requirement that all lots have frontage and access to a public street or private roadway. (Previously Approved)

7. To the requirement of street improvements including paving and curb and gutter along S. Coddington Avenue and W. Van Dorn Street. (Previously Approved)
8. To the requirement of street trees along S. Coddington Avenue and W. Van Dorn Street. (Previously Approved)
9. To reduce the side yard setback from 20' to 10' on the east boundary. (Recommend Approval)
10. To reduce the rear yard setback from 50' to 0' on the south boundary (Recommend Approval).

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - This site is shown as future Commercial on the 2040 Lincoln Area Future Land Use Plan.

P. 12.4 - Commercial. Areas of retail, office, service and residential mixed uses. Commercial uses may vary widely in their intensity of use and impact. Individual areas designated as commercial in the land use plan may not be appropriate for every commercial zoning district.

P. 1.2 - Quality of Life Assets:

- The community continues its commitment to strong, diverse neighborhoods. Neighborhoods remain one of Lincoln's great strengths and their conservation is fundamental to this plan. The health of Lincoln's varied neighborhoods and districts depends on implementing appropriate and individualized policies.
- LPlan 2040 is the basis for zoning and land development decisions. It guides decisions that will maintain the quality and character of the community's new and established neighborhoods.

P. 6.6 - In proximity to planned or existing neighborhoods and community services, to facilitate access to existing community services or to address a deficiency by providing services such as grocery stores, childcare centers, and restaurants.

P. 5.1-5.2 - Business & Economy Guiding Principles

- Focus primarily on retention and expansion of existing businesses; attracting new businesses should also be encouraged.
- Promote and foster appropriate, balanced, and focused future economic growth that maintains the quality of life of the community.
- Strive for predictability for neighborhoods and developers.
- Encourage and provide incentives for mixed uses in future developments.
- Encourage commercial areas and limited industrial areas to make available opportunities for individuals and/or organizations to raise and market local food.
- Encourage commercial centers to encompass a broad range of land uses with the integration of compatible land use types.

P. 5.6 - Based on the projected population growth rates, the Plan identifies the potential for 58.6 million square feet of occupied retail, office, and service uses by 2040. A substantial portion of this future commercial capacity will be accommodated on sites already zoned or approved for commercial development or that have been identified in the Plan for future commercial land use.

P. 5.5-5.6 - Commercial and Industrial Development Strategies

- It is the policy that Commercial and Industrial Centers in Lancaster County be located:
 - Within the City of Lincoln or incorporated villages.
 - Outside of saline wetlands, signature habitat areas, native prairie and floodplain areas (except for areas of existing commercial and industrial zoning).
 - Where urban services and infrastructure are available or planned for in the near term.
 - In sites supported by adequate road capacity – commercial development should be linked to the implementation of the transportation plan.
 - In areas compatible with existing or planned residential uses.
 - In areas accessible by various modes of transportation (i.e. automobile, bicycle, transit, and pedestrian).
 - In a manner that supports the creation and maintenance of green space as indicated in the environmental resources section of this Plan.

- o Encourage public-private partnerships, strategic alliances, and collaborative efforts as a means to accomplish future economic objectives.

P. 6.1 - 1,000 dwelling units are slated for existing residentially-zoned land throughout the existing city, primarily on vacant lots. The remaining 4,000 dwelling units are anticipated to be located primarily in Mixed Use Redevelopment Nodes and Corridors including existing commercial centers and along major transportation corridors.

P. 6.2 - Increasing residential densities by adding new dwelling units to existing commercial areas in the form of mixed use centers also strengthens the buying power of adjacent neighborhoods by adding more "rooftops." Strengthened buying power may be able to improve the quality and quantity of localized private businesses and services.

P. 6.2-6.3 - Guiding Principles for Mixed Use Redevelopment

- Mixed Use Redevelopment Should:
 - o Occur on sites supported by adequate road and utility capacity.
 - o Be located and designed in a manner compatible with existing or planned land uses.
 - o Enhance entryways when developing adjacent to these corridors.
 - o Encourage substantial connectivity and convenient access to neighborhood services (stores, schools, parks) from nearby residential areas.
 - o Promote activities of daily living within walking distance, and provide sidewalks on both sides of all streets, or in alternative locations as allowed through design standards or review process.
 - o Develop with substantial connectivity between developing or existing neighborhoods and developing or redeveloping commercial centers.
 - o Be encouraged to make available opportunities for individuals and/or organizations to raise and market local food.

ANALYSIS

1. This is a request to amend an existing Use Permit to allow for the addition of 39 residential units and to reduce the allowed commercial square footage from 40,000 to 24,600 square feet.
2. The original Use Permit was approved for 40,000 square feet of commercial area and no residential uses in 2005; however, this property has remained vacant.
3. There is parkland (Bison Park) abutting the subject property to the south and east. The Bison Trail runs diagonally through the parkland. Currently this land is undeveloped but there are plans for a future community park. While there is not a timeline established for the development of the park, it could be improved with community park amenities such as ballfields that will require development of off-street/on-site parking.
4. UP133 showed SW 19th Street taking access off of W. Van Dorn and being built on parkland that gave direct access to Bison Trail and the parkland to the south. There was also an access point off S. Coddington Avenue but it did not provide access to the trail or park.
5. Administrative Amendment (AA19040) was approved that changed the site layout including removing the access point off of W. Van Dorn Street. The access point off S. Coddington Avenue remained as the only access point into the property and it provided direct access to the trail and park. In exchange for moving the access point and driveway off of parkland and onto the subject property, the applicant is requesting to reduce the side yard setback from 20' to 10' on the east boundary and the rear yard setback from 50' to 0' on south boundary and also requesting to place landscape screen on adjacent parkland. The Parks & Recreation Department is in support of this exchange as it will increase the amount of usable parkland while still providing vehicle access to the park.
6. The following were requested Waivers but are no longer applicable.
 - To the preliminary plat process.
 - To the minimum lot frontage required for a ground sign.

- To allow signs in the front yard.
7. The following are Waivers that were previously approved with UP133 and are still applicable.
 - Waiver #1. To allow signage to be located more than 30' from pad site buildings.
 - Waiver #2. To the internal setbacks to 0'.
 - Waiver #3. To the requirement that all lots have frontage and access to a public street or private roadway.
 - Waiver #4. To the requirement of street improvements including paving and curb and gutter along S. Coddington Avenue and W. Van Dorn Street.
 - Waiver #5. To the requirement of street trees along S. Coddington Avenue and W. Van Dorn Street.
 8. The following Waivers are requested with amendment UP133A
 - Waiver #6. To reduce the side yard setback from 20' to 10' on the east boundary.
 - This is justifiable as the W. Van Dorn Plaza Annexation and Zoning Agreement from 2005, included a provision that the dedication of SW 19th Street occur on the adjacent parkland to the east and the city would have to convey a piece of land to the developer in exchange for the developer constructing SW 19th Street. The developer is now proposing that they no longer build the access on parkland but through the development. Therefore, the City keeps its parkland in exchange for allowing the developer to plant their required landscape screen on City parkland.
 - Waiver #7. To reduce the rear yard setback from 50' to 0' on the south boundary.
 - Currently, the site plan shows that the proposed building in Lot 4 would exceed the 50' rear yard setback. Additionally, parking in the rear yard is permitted in B-2. Therefore, as the site plan is shown now, this setback waiver is not required. However, the applicant is requesting the flexibility to administratively revise their site plan should they need to relocate the building. Lot 4 further south on the property and therefore, utilize a reduced rear yard setback. This is justifiable as the City gains back parkland that would have otherwise been developed into a road and the developer is agreeing to still build access to the parkland and permanently maintain that access.
 9. A pedestrian connection off of W. Van Dorn Street to the development will be maintained but not vehicular access.

CONDITIONS OF APPROVAL: See attached

EXISTING LAND USE & ZONING: undeveloped; B-2

SURROUNDING LAND USE & ZONING:

North: commercial; B-2

South: undeveloped/parkland; B-2/AG

East: undeveloped/parkland; B-2/AG

West: commercial/residential; B-2/AGR

APPLICATION HISTORY:

June 13, 2005 City Council approved UP133 to develop 40,000 square feet of office and commercial floor area, including waivers to the preliminary plat process, reduced setbacks, paving and sidewalks requirements, frontage and access, signs, street trees and landscaping, and to allow parking the front yard.

July 9, 2019 AA19040 was approved to revise the building and lot layout, sanitary sewer location and remove the vehicular access point off of W. Van Dorn Street (a pedestrian connection remains).

APPROXIMATE LAND AREA: 4.36 acres

LEGAL DESCRIPTION: Lot 44, located in the NE 1/4 of Section 4-9-6, Lincoln, Lancaster County, Nebraska

Prepared by:

Dessie E. Redmond, Planner
(402) 441-6373

Date: July 30, 2019

Applicant/Contact: Matt Langston
Olsson
601 P Street, Suite 201
Lincoln, NE 68508

Owner: BCLINC, LLC
245 S. 84th Street, Suite 316
Lincoln, NE 68510

F:\DevReview\UP\UP133A W. Van Dorn Plaza.dr.docx

CONDITIONS OF APPROVAL - USE PERMIT 133A

This approval permits a total of 24,600 square feet of commercial area and 39 dwelling units, including waivers for:

- To allow signage to be located more than 30' from pad site buildings.
- To the internal setbacks to 0'.
- To the requirement that all lots have frontage and access to a public street or private roadway.
- To the requirement of street improvements including paving and curb and gutter along S. Coddington Avenue and W. Van Dorn Street.
- To the requirement of street trees along S. Coddington Avenue and W. Van Dorn Street.
- To reduce the side yard setback from 20' to 10' on the east boundary.
- To reduce the rear yard setback from 50' to 0' on the south boundary.

Site Specific Conditions:

1. The permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 2 copies with all required revisions and documents as listed below upon approval before a final plat is approved:
 - 1.1 In the Parking/Site Data table, in the "Description" row, delete "office" as shown in the July 16, 2019 markup.
 - 1.2 Under the General Notes, delete the unnecessary notes as shown in the July 16, 2019 markup.
 - 1.3 Delete the following Waivers in regards to: the preliminary plat process, the minimum lot frontage required for a ground sign and to allow signs in the front yard.
 - 1.4 Revise the following Waivers on the site plan to state:
 - 1.4.1 Waiver #1. To allow signage to be located more than 30' from pad site buildings.
 - 1.4.2 Waiver #2. To the internal setbacks to 0'.
 - 1.4.3 Waiver #3. To the requirement that all lots have frontage and access to a public street or private roadway.
 - 1.4.4 Waiver #4. To the requirement of street improvements including paving and curb and gutter along S. Coddington Avenue and W. Van Dorn Street.
 - 1.4.5 Waiver #5. To the requirement of street trees along S. Coddington Avenue and W. Van Dorn Street.
 - 1.4.6 Waiver #6. To reduce the side yard setback from 20' to 10' on the east boundary.
 - 1.4.7 Waiver #7. To reduce the rear yard setback from 50' to 0' on the south boundary.
 - 1.5 Revise General Note 25 to say, "A landscape easement abutting the southern property boundary will be granted by the Parks and Recreation Department to the property owner to meet landscaping requirements. The property owner is responsible for the plantings and the maintenance within the easement."
 - 1.6 Revise General Note 21 to say, "Signs need not be shown on this site plan, but need to be in compliance with chapter 27.69 of the Lincoln Zoning Ordinance, except as otherwise stated in the Waivers, and must be approved by the Building & Safety Department prior to installation".
 - 1.7 Add the easements as requested by Lincoln Electric System (LES).

- 1.8 Submit a revised grading and drainage plan to the satisfaction of the Watershed Management Department.
- 1.9 Provide documentation from the Register of Deeds that the letter of acceptance as required by the approval of the Use Permit has been recorded.
- 1.10 A landscape plan approved by the Director of Planning.
- 1.11 Provide documentation that an avigation and noise easement to the Lincoln Airport Authority on all or that part of the land located within the Airport Environs Noise District has been received by the Lincoln Airport Authority.
- 1.12 Provide proof of recordation of the landscape easement and the addendum to the annexation agreement that references the UP133A plans.
- 1.13 An Executive Order is required for the intersection improvements for the access off of S. Coddington Avenue that are authorized under the partially granted deviation request. Amount of surety to be determined.

2. Prior to building permits and final plat(s) are approved by the City.

If any final plat on all or a portion of the approved Use Permit is submitted five (5) years or more after the approval of the use permit, the city may require that a new use permit be submitted, pursuant to all the provisions of section 26.31.015. A new use permit 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 use permit 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.

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

to complete the public water distribution system to serve this plat within two (2) 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 the enclosed public drainage facilities shown on the approved drainage study 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 landscape screen within this plat 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 Lincoln Transportation and Utilities 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 Use Permit plans.

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

to maintain the outlots and private improvements in a condition as near as practical to the original construction on a permanent and continuous basis.

to maintain the street trees and landscape screens on a permanent and continuous basis.

to maintain the sidewalks and all of its elements in a condition as near as practical to the original or as constructed condition in order to provide the user with a safe and convenient facility on a permanent and continuous basis.

to maintain and supervise the private facilities which have common use or benefit in a condition as near as practical to the original construction on a permanent and continuous basis, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development and that these are the responsibility of the land owner.

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

to pay all design, engineering, labor, material, inspection, and other improvement costs except those cost the City Council specifically subsidizes as follow:

to protect the trees that are indicated to remain during construction and development.

to relinquish the right of direct vehicular access from S. Coddington Avenue and W. Van Dorn Street except as shown.

to inform all prospective purchasers and users that the land is located within the Airport Environs Noise District, that the land is subject to an avigation and noise easement granted to Lincoln Airport Authority, and that the land is potentially subject to aircraft noise levels which may affect users of the property and interfere with its use.

Standard Conditions:

3. The following conditions are applicable to all requests:
 - 3.1 Before occupying the dwelling units or buildings all development and construction is to substantially comply with the approved plans.
 - 3.2 All privately-owned improvements, including landscaping and recreational facilities, are to be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.
 - 3.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.
 - 3.4 This resolution's terms, conditions, and requirements bind and obligate 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 Use Permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.
 - 3.6 The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions/ordinances approving previous permits remain in force unless specifically amended by this resolution.



City of Lincoln/Lancaster County, NE

2018 aerial

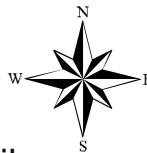
Use Permit #: UP133A
West Van Dorn Plaza
S Coddington Ave & W Van Dorn St

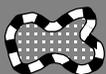
Zoning:

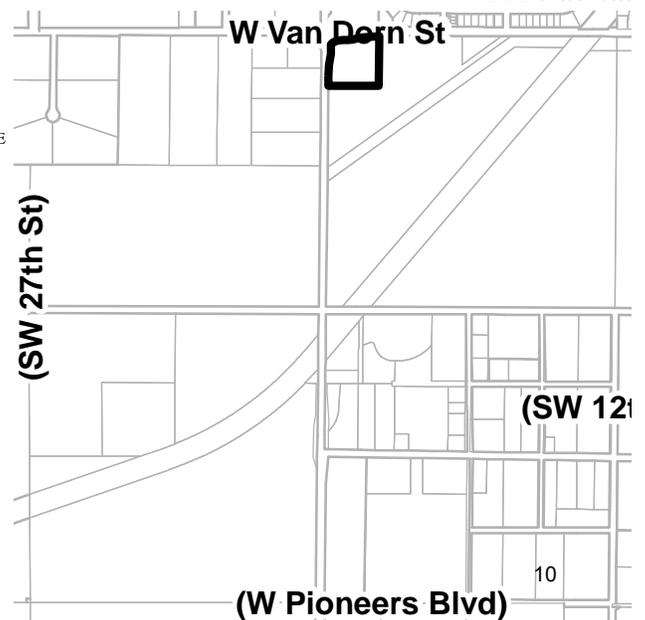
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial 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

PDF: F:\Boards\PC\Internet\out\

One Square Mile:
Sec.04 T09N R06E



	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



GENERAL NOTES

1. ALL ELEVATIONS AND CONTOURS ARE NAVD 88.
2. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
3. ALL DIMENSIONS ARE TO BACK OF CURB UNLESS NOTED OTHERWISE.
4. EASEMENTS SHOWN THEREON SHALL BE GRANTED IN PERPETUITY TO THE CITY OF LINCOLN NEBRASKA, A MUNICIPAL CORPORATION, THEIR SUCCESSORS, ASSIGNS AND PERMITTEES, TO ALLOW ENTRY FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, REPLACEMENT, REPAIR, OPERATION, AND MAINTENANCE OF WIRES, CABLES, CONDUITS, FIXTURES, POLES, TOWERS, PIPES, AND EQUIPMENT FOR DISTRIBUTION OF ELECTRICITY, GAS, TELEPHONE, CABLE, TELEVISION, WASTEWATER COLLECTORS, STORM DRAINS, WATER MAINS, AND ALL APPURTENANCES THERETO OVER UPON OR UNDER ANY EASEMENTS SHOWN ON THE FOREGOING PLAT. THE CONSTRUCTION OR LOCATION OF ANY BUILDING OR STRUCTURE EXCLUDING FENCES OVER UPON OR UNDER ANY EASEMENT SHOWN THEREON SHALL BE PROHIBITED.
5. A BLANKET EASEMENT SHALL BE GRANTED IN THE FINAL PLAT OVER OUTLOTS A AND B TO LINCOLN ELECTRIC SYSTEM, THEIR SUCCESSORS, ASSIGNS AND PERMITTEES.
6. ANY CONSTRUCTION OR GRADE CHANGES IN LINCOLN ELECTRIC SYSTEM TRANSMISSION LINE EASEMENT CORRIDORS ARE SUBJECT TO LES APPROVAL AND MUST BE IN ACCORDANCE WITH LES DESIGN AND SAFETY STANDARDS.
7. TEMPORARY LEFT AND RIGHT TURN LANE IMPROVEMENTS AT SITE ACCESSES TO BE INSTALLED BY THE DEVELOPER.
8. FINAL DESIGN OF LEFT TURN LANES AND TRANSITION AREAS TO BE COMPLETED AS PART OF EXECUTIVE ORDER PROCESS.
9. A MINIMUM SIX FOOT SIDEWALK SHALL BE BUILT AROUND ALL PARKING AND BUILDING AREAS AS SHOWN.
10. TWO WAY DRIVEWAYS SHALL BE 24 FEET MIN. IN WIDTH WITH 10 FEET MINIMUM RADII UNLESS OTHERWISE SHOWN.
11. AN APPROVED BARRIER ALONG BOTH SIDES OF ALL DRIVEWAY AND ALONG THE PERIMETER OF ALL PARKING AREAS SHALL BE PROVIDED.
12. SANITARY SEWER SERVICE IS TO BE PROVIDED BY THE SANITARY SEWER LOCATED ALONG THE NORTH SIDE OF WEST VAN DORN.
13. WATER SERVICE SHALL BE PROVIDED BY A PUBLIC WATER MAIN TO BE CONSTRUCTED IN A 30 FEET WIDE PUBLIC UTILITY EASEMENT LOCATED ALONG THE EAST/WEST DRIVING AISLE LOCATED IN OUTLOT A.
14. SANITARY SEWER AND WATER LINES TO BE 8 INCH AND 6 INCH RESPECTIVELY UNLESS OTHERWISE SHOWN AND TO BE BUILT TO CITY OF LINCOLN SPECIFICATIONS.
15. WETLAND DELINEATION/MITIGATION PLANS SHALL BE PROVIDED WITH FINAL DEVELOPMENT PLANS DETENTION CELL WETLANDS TO BE DESIGNED WITH SPECIALIZED PLANTINGS ADAPTED TO HIGH CHEMICAL CONTENT ENVIRONMENTS.
16. RIGHT OF WAY SHALL BE DEDICATED TO PROVIDE 60 FEET AS MEASURED FROM THE CENTERLINE OF SOUTH CODDINGTON AVENUE, 65 FEET AS MEASURED FROM THE CENTERLINE OF WEST VAN DORN STREET.
17. THE DEVELOPER RESERVES THE RIGHT TO CONSTRUCT BUILDINGS WITHIN THE BUILDING ENVELOPES SHOWN.
18. A COMMON ACCESS EASEMENT SHALL BE DEDICATED OVER OUTLOT B TO PROVIDE ACCESS TO LOTS 1, 2, 3, AND 4.
19. A PUBLIC ACCESS EASEMENT SHALL BE DEDICATED ON OUTLOT B, AS SHOWN.
20. A COMMON PARKING EASEMENT SHALL BE DEDICATED OVER OUTLOT B FOR THE BENEFIT OF LOTS 1, 2, 3, AND 4.
21. ALL SIGNS SHALL BE IN COMPLIANCE WITH CHAPTER 27.69 OF THE LMC, EXCEPT SIGNAGE MAY BE LOCATED MORE THAN 30 FEET FROM PAD SITE BUILDINGS.
22. THE GRANT OF AN AVIGATION AND NOISE EASEMENT TO THE LINCOLN AIRPORT AUTHORITY IS A CONDITION OF APPROVAL FOR THIS USE PERMIT AS ALL OR PART OF THE LAND IS LOCATED WITHIN THE AIRPORT ENVIRONS NOISE DISTRICT AND POTENTIALLY SUBJECTS THE LAND TO AIRCRAFT NOISE LEVELS HIGH ENOUGH TO ANNOY USES OF THE PROPERTY AND INTERFERE WITH ITS UNRESTRICTED USE.
23. ALL REQUIRED LANDSCAPING FOR INDIVIDUAL LOTS WILL BE REVIEWED AT THE TIME OF BUILDING PERMITS. ALL LANDSCAPING WILL BE PROVIDED IN COMPLIANCE WITH CITY OF LINCOLN DESIGN STANDARDS.
24. A BLANKET UTILITY EASEMENT SHALL BE GRANTED IN THE FINAL PLAT OVER OUTLOT A AND B FOR THE CITY OF LINCOLN NEBRASKA, A MUNICIPAL CORPORATION, THEIR SUCCESSORS, ASSIGNS AND PERMITTEES.
25. A LANDSCAPE EASEMENT SHALL BE GRANTED TO THE CITY OF LINCOLN TO ALLOW PLANTING AND MAINTENANCE OF LANDSCAPE SCREENS ABUTTING SOUTH CODDINGTON AVENUE AND WEST VAN DORN STREET AS APPROVED BY CITY COUNCIL.
26. ALL OFF-SITE PARKING LOT SCREENING WILL BE THE RESPONSIBILITY OF THE COMMON OWNERS ASSOCIATION.



July 09, 2019

Mrs. Dessie Redmond
Lincoln Lancaster Planning Department
County-City Building
555 South 10th Street, Suite 213
Lincoln, NE 68508

Re: W. Van Dorn Plaza
Amendment to Use Permit #133

Dear Mrs. Redmond,

On behalf of the Owners, BIC Construction, LLC, Olsson is requesting an Amendment to the Use Permit #133 for S4, T9, R6th P.M. Lot 44 NE for the following items:

1. Change approved uses from all commercial/office space for lots 3 and 4 to residential/commercial/office mixed use with up to 39 dwelling units.
2. Adjust allowable commercial/office space from to 40,000 square feet to 24,600 square feet.
3. A waiver to reduce the rear yard setback along the southern Use Permit boundary to zero and allow parking lot screening to be located in a landscape easement on City property. The approved Use Permit includes angled parking on a one-way drive south of the building on Lot 4.
4. A reduction of the setback to zero in this area allows for perpendicular parking with a two-way drive, allowing for enhanced traffic flow through the development.

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

- City of Lincoln Planning Department Application Form (Use Permit Amendment)
- Application Fee, \$1,707.40
- Reduced 11 x 17 copy of the Site Plan

Please contact me if you have any questions or require additional information.

Sincerely,

Matt Langston

Enclosure

cc: File

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

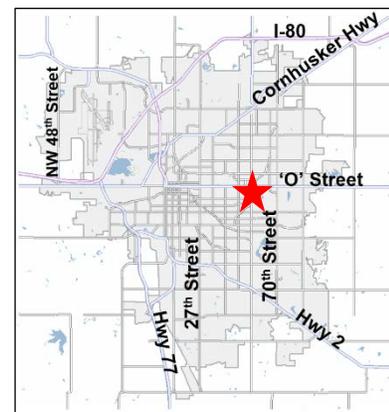
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Use Permit 19009	FINAL ACTION? Yes	DEVELOPER Taylor Investment Company
PLANNING COMMISSION HEARING DATE August 7, 2019	RELATED APPLICATIONS None	PROPERTY LOCATION 5601 N Street

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a Use Permit to develop the property located at the southeast corner of S. 56th and N Street into office and small scale commercial uses. The proposed commercial uses would include three buildings, each 4,960 square feet in size for a total proposed commercial floor area square footage of 14,880 square feet. The property is R-T Residential Transition District and is 1.37 acres in size. Presently the property is being used as a parking lot as approved by Special Permit in 1971. Change of Zone 17007 approved in 2017 rezoned the property from R-2 Residential to R-T Residential Transition District. One waiver is requested to allow parking lot light trespass across lot lines between the lots internal to the development.



JUSTIFICATION FOR RECOMMENDATION

This Use Permit is appropriate as it meets the intent of the R-T Zoning District as the proposal will provide for a transitional area consisting of office and other types of small-scale commercial uses. The one waiver requested for light trespass will not be detrimental to the neighborhood as it will be internal to the development.

APPLICATION CONTACT

Matt Gimple, (402) 484-7342 or matt@regaeng.com

STAFF CONTACT

George Wesselhoft, (402) 441-6366 or gwesselhoft@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposal, subject to the conditions is compatible with the Comprehensive Plan as it will provide for a transition from the commercial uses to the north along O Street and the residential uses to the south.

WAIVERS

1. Design Standards for Outdoor Lighting 3.100(9.) to allow parking lot light trespass across lot lines between the lots included in the Use Permit. (Recommend Approval)

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

- P. 1.9 This site is shown as residential-urban density on the 2040 Lincoln Area Future Land Use Plan.
- p. 5.2 Seek to efficiently utilize investments in existing and future public infrastructure to advance economic development opportunities.
- p. 5.2 Provide flexibility to the marketplace in siting future commercial and industrial locations.
- p. 5.2 Strive for predictability for neighborhoods and developers.

ANALYSIS

1. This is a request for a Use Permit to develop the property at the southeast corner of S. 56th Street and N Street. The development includes three proposed buildings with office/retail uses, each 4,960 square feet in size for a total proposed commercial floor area square footage of 14,880 square feet. The property is 1.37 acres in size.
2. Change of Zone No. 17007 approved by City Council in July, 2017 changed the zoning for this property along with the two existing residential properties to the east from R-2 Residential to R-T Residential Transition District. This change of zone included a Development and Conditional Zoning Agreement to address motor vehicle access, grading and drainage requirements, planting of street trees and installation of sidewalks to make the development of the property compatible with the surrounding neighborhood. Access to the property from S. Cotner Boulevard and S. 56th Street is relinquished as part of the agreement except that the two existing houses located at 205 and 215 S. Cotner Boulevard may continue to keep their existing access to S. Cotner as a temporary access until each respective property is redeveloped.
3. The R-T Residential Transition District is intended to provide a transitional area consisting of primarily office and other types of small-scale commercial uses in close proximity to residential uses. This district is intended to provide a buffer between neighborhoods and more intensive commercial or industrial uses, stressing compatibility with nearby residential areas. In this case, this R-T District property provides a buffer between the commercial uses to the north along O Street and the single family residential uses to the south.
4. Presently the property is being used as a parking lot, which was approved by Special Permit No. 560 in 1971. The approval was for the parking lot to extend across the entire parcel, however, only the eastern 2/3 of the parking lot was ever constructed.
5. Access to the site is only proposed via N Street in accordance with the above mentioned Development and Conditional Zoning Agreement. Two driveway entrances are proposed off N Street. A minimum 25' access easement will be provided to allow future access to the adjoining residential lots to the east for when these properties are redeveloped. These residential properties are not included in the current Use Permit proposal and may continue to use their existing driveways off S. Cotner Blvd.
6. All public utilities are available for the site. An underground storm water detention area will be provided which will address storm water runoff due to increased impervious area. The majority of the property drains to the west to S. 56th Street while the two adjoining residential lots to the east drain to the northeast.
7. A waiver from the Design Standards for Outdoor Lighting is requested to allow parking lot light trespass across lot lines for the parking lots internal to the site. This request is appropriate as it will not affect properties beyond the boundary of the Use Permit and will allow for consistent lighting of the parking area. The proposed site plan meets the zoning setback requirements including a 10' front yard setback along N Street, 25' front yard setback along N. 56th Street since there is adjacent R-2 zoning to the south, 10' rear yard setback to the south, and 10' side yard setback to the east.
8. Subject to the recommended conditions of approval, this request complies with the Zoning Ordinance and Comprehensive Plan.

9. One of the conditions of approval is to final plat prior to the first building permit. This is justified because the Use Permit is not reviewed by all utility companies and so additional utility easements may be required at time of final plat. The final plat would also include any other easements such as the access easement along the east side of the property for the two adjoining residential lots when those lots are redeveloped in the future.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Parking Lot; R-T Residential Transition District

SURROUNDING LAND USE & ZONING

North: Commercial; H-2
South: Single Family Residential; R-2
East: Single Family Residential; R-T
West: Single Family Residential, Office; R-2, R-T

APPLICATION HISTORY:

- March, 1942 The Final Plat for Blocks 3 and 4 of Eastmont Addition was approved.
- March, 1958 The Final Plat for Blocks 11 and 12 of Eastmont Addition was approved.
- July, 1971 The Planning Commission approved Special Permit No. 560 to construct and operate an off-street parking lot on Lots 1 thru 6, Block 11, Eastmont Addition.
- July, 2017 The City Council approved Change of Zone 17007 which rezoned the property along with the two adjoining residential properties to the east from R-2 Residential to R-T Residential Transition District.

APPROXIMATE LAND AREA: 1.37 acres

LEGAL DESCRIPTION: Lots 1-6, Block 11, Eastmont

Prepared by

George Wesselhoft, Planner

Date: July 25, 2019

Owner/Applicant: Taylor Investment Company
PO Box 5711
Lincoln, NE 68505

Contact: Matt Gimple
601 Old Cheney Road, Ste A
Lincoln, NE 68512
(402) 484-7342
matt@regaeng.com

F:\DevReview\UP\19000\UP19009 S 56th & N Street Business Park.gjw.docx

CONDITIONS OF APPROVAL - USE PERMIT 19009

This approval permits 15,000 square feet of commercial with waiver to Design Standards for Outdoor Lighting to allow light trespass across lot lines associated with parking lot lighting between the lots interior to the Use Permit.

Site Specific Conditions:

1. The permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 2 copies with all required revisions and documents as listed below upon approval before receiving building permits.
 - 1.1 Remove Waiver 1 pertaining to the front yard setback from the list of waivers.
 - 1.2 Modify Waiver 2 to state Design Standards to allow light trespass relative to interior lot lines within the Use Permit associated with parking lot lighting.
 - 1.3 Extend the 25' Access Easement further to the south for the two adjacent residential properties and remove building, door swing and dumpster encroachment from said easement area.
 - 1.4 Identify potential future access connections for the two adjacent residential properties and provide for Lot 2, Block 3 to have access to a driveway to at least the center of their lot.
 - 1.5 Widen access easement at north end of property to match the driveway width.
 - 1.6 Correct address for 215 S. Cotner Blvd. property.
 - 1.7 Replace Note 2 with the following: Direct vehicular access to S. 56th Street will be relinquished at time of final plat. When houses along Cotner Blvd are added to the Use Permit for redevelopment, they shall relinquish access to Cotner Blvd and take access from the access easement provided within this Use Permit. The houses at 205 and 215 S. Cotner Blvd may continue to keep their existing access to S. Cotner Blvd as a temporary access until each respective property is redeveloped.
 - 1.8 Dimension building envelopes.
 - 1.9 Identify line along south and southeast part of the property which is next to the 10' setback.
 - 1.10 Move Building #3 to the west so that it is not immediately adjacent to the driveway along the east property line.
 - 1.11 Change Note 10 to read "Final Plat will be completed prior to first building permit."
 - 1.12 Delete Note 3.
 - 1.13 Revise Note 5 to state at the end of note: "Sidewalk adjacent to Lot 1, Block 3, Eastmont on the south side of 'N' Street shall be installed as part of the first building permit within the Use Permit" instead of as part of this Use Permit.
 - 1.14 Change Note 4 on Site Plan to read, "All required landscaping and screening, per the Lincoln Municipal Code and Design Standards, shall be submitted for review at the time of building permit. Street trees shall be planted per required city spacing standards, as found in Chapter 2.35 of the Design Standards, on S 56th Street, S Cotner Boulevard, and 'N' Street."
 - 1.15 Add 19009 after Use Permit in title block.
 - 1.16 Show the requested LES utility easements.

1.17 Submit revisions per LTU-Watershed Management 7/19/19 comments.

2. Before receiving building permits, a final plat is approved by the City.

If any final plat on all or a portion of the approved use permit is submitted five (5) years or more after the approval of the use permit, the city may require that a new use permit be submitted, pursuant to all the provisions of section 26.31.015. A new use permit 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 use permit 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.

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 paving of private roadway, *and temporary turnarounds and barricades located at the temporary dead-end of the private roadways* shown on the final plat within two (2) years following the approval of this final plat.

to complete the public water distribution system to serve this plat within two (2) 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 the enclosed public drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.

to complete the enclosed private drainage facilities shown on the approved drainage study 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 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 Lincoln Transportation and Utilities 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 *Use Permit*.

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

to maintain the outlots and private improvements in a condition as near as practical to the original construction on a permanent and continuous basis.

to maintain and supervise the private facilities which have common use or benefit in a condition as near as practical to the original construction on a permanent and continuous basis, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development and that these are the responsibility of the land owner.

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:

3. The following conditions are applicable to all requests:
 - 3.1 Before occupying the buildings all development and construction is to substantially comply with the approved plans.
 - 3.2 All privately-owned improvements, including landscaping and recreational facilities, are to be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.
 - 3.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.
 - 3.4 This resolution's terms, conditions, and requirements bind and obligate 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 therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.
- 3.6 The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions/ordinances approving previous permits remain in force unless specifically amended by this resolution.



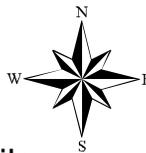
2018 aerial

Use Permit #: UP19009
S 56th & N Street Business Park
S 56th St & N 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.28 T10N R07E



	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



REGA File No. 191089
July 10, 2019

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

RE: SOUTH 56TH AND 'N' STREET BUSINESS PARK
USE PERMIT
5601 'N' Street

Dear David,

On behalf of Taylor Investment Company, we are submitting an application for a Use Permit at 5601 'N' Street for your review.

The development is following the Development and Conditional Zoning Agreement as contained in Resolution No. A-90578, adopted by City Council on July 17, 2017 and approved by the Mayor on July 21, 2017. Conditions outlined in the agreement are noted in the general notes on Sheet 1 of 2.

We are requesting that the proposed buildings, parking, and sidewalks be allowed across existing property lines along with the property to remain currently platted as individual lots. We are showing a 78' wide pedestrian, access, and cross parking easement on the north portion of the development as shown on the Use Permit drawing. A separate document for this easement will be filed at the Register of Deeds.

A drainage report is also included with this Use Permit. The drainage report shows the analysis of the pre-development and post-development drainage areas and water quality. Lots 1-2, Block 3 Eastmont Addition are included in the drainage report but will not require water quality until future re-development.

The following waiver is being requested with this Use Permit:

1. *Design Standards to Allow Parking Lot Light Trespass across Lot Lines (Lincoln Design Standards, Chapter 3.8)*

A waiver to allow parking lot light trespass is being requesting to allow for improved illumination of the proposed parking lot for safety reasons between the lots.

Please contact me if you have any questions or comments.

Sincerely,



Matt Gimple

Cc: Rick Taylor

Enclosures: Application Form
Application Fee \$1214.05

PROJECT 191089

REGA
ENGINEERING GROUP, INC.
181 S.D. PARKWAY, SUITE A
LINCOLN, NEBRASKA, 68502
 ● ENGINEERING
 ● PLANNING
 ● LANDSCAPE ARCHITECTURE
 ● LAND SURVEYING

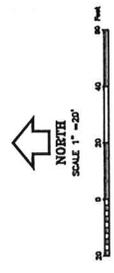
SOUTH 56TH AND N STREET BUSINESS PARK
USE PERMIT
LINCOLN, NEBRASKA
GRADING PLAN

DATE: 07/10/2019
DESIGNED BY: REGA
DRAWN BY: REGA
CHECKED BY: REGA

NOT FOR CONSTRUCTION
PRELIMINARY PLAN

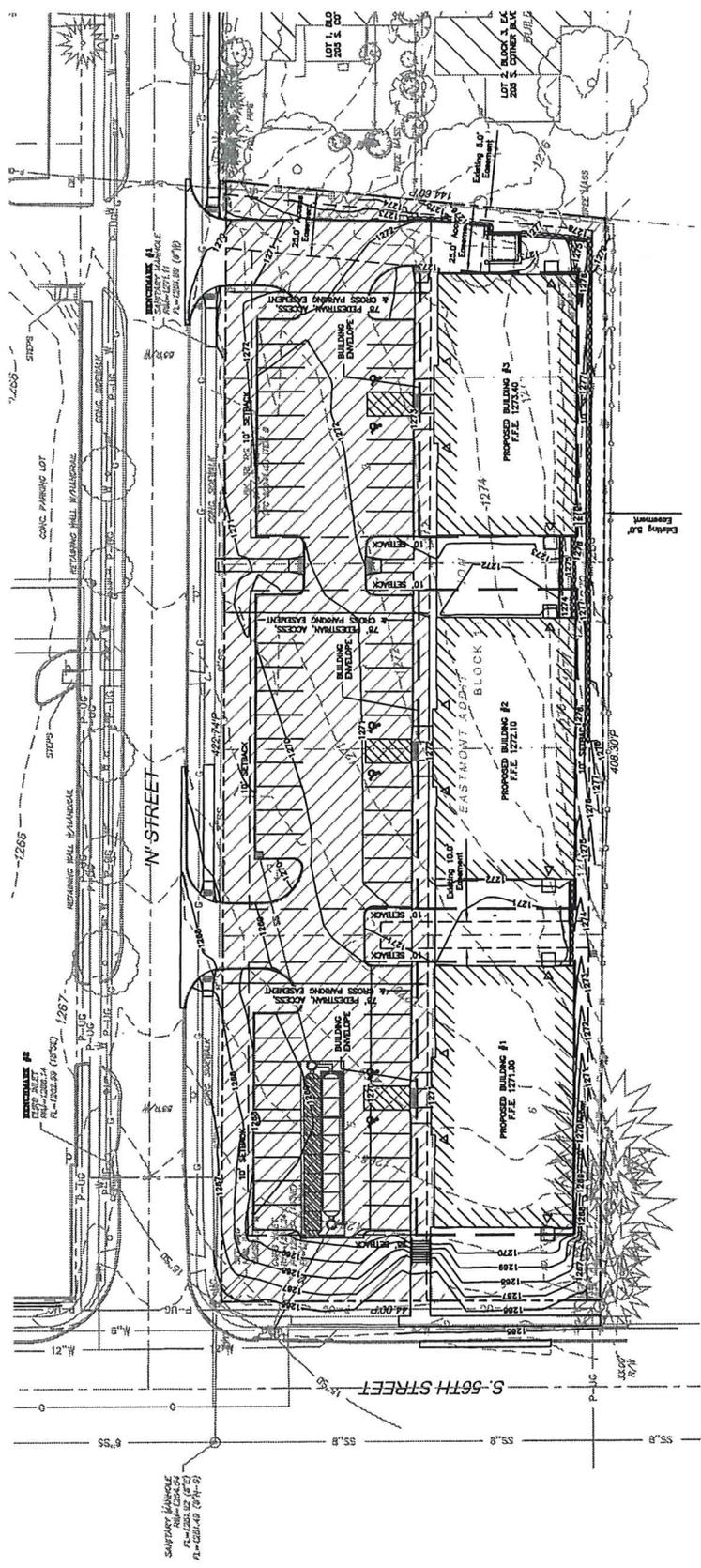
SHEET NO.
2 of 2

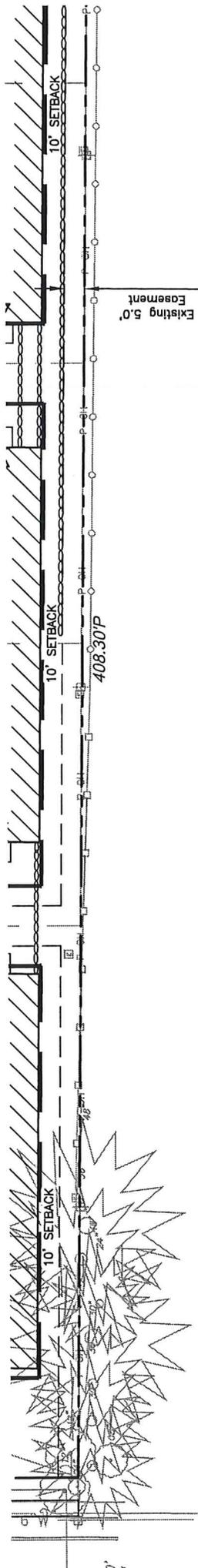
NO.	REVISIONS	DATE	BY



LEGEND

--- PROPERTY LINE
 --- EXISTING CONTOURS
 --- 1273
 --- 1275 --- PROPOSED CONTOURS





LEGAL DESCRIPTION

LOTS 1 THROUGH 6, BLOCK 11, EASTMONT ADDITION, LOCATED IN SECTION 28, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., LINCOLN, LANCASTER COUNTY, NEBRASKA, CONTAINING 59,858.39 SQ. FT. OR 1.37 ACRES.

GENERAL NOTES:

1. EXISTING TOPOGRAPHICAL CONTOURS ARE IN NORTH AMERICA VERTICAL DATUM (NAVD) 1988.
2. DIRECT VEHICULAR ACCESS TO S. COTNER BLVD. AND S. 56TH STREET IS HEREBY RELINQUISHED. THE TWO EXISTING HOUSES LOCATED AT 205 AND 215 S. COTNER BLVD. MAY CONTINUE TO KEEP THEIR EXISTING ACCESS TO S. COTNER BLVD. AS A TEMPORARY ACCESS UNTIL EACH RESPECTIVE PROPERTY IS REDEVELOPED.
3. A 25 FOOT ACCESS EASEMENT IS SHOWN ALONG THE EAST LINE OF THE DEVELOPMENT, ADJACENT TO LOTS 1-2, BLOCK 3, EASTMONT.
4. ALL LANDSCAPING AND SCREENING TO BE PROVIDED AT THE TIME OF BUILDING PERMIT PER LINCOLN MUNICIPAL CODE AND DESIGN STANDARDS. STREET TREES SHALL BE PLANTED PER CITY SPACING ON S. 56TH STREET, S. COTNER BLVD., AND 'N' STREET.
5. SIDEWALK ADJACENT TO LOT 1, BLOCK 3, EASTMONT ON THE SOUTH SIDE OF 'N' STREET SHALL BE INSTALLED AS PART OF THIS USE PERMIT.
6. THE OWNER/DEVELOPER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE BUILDING ENVELOPE SHOWN ON THIS USE PERMIT.
7. 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.
8. PARKING CALCULATIONS ARE PROVIDED FOR REFERENCE ONLY. PARKING TO BE PROVIDED IN COMPLIANCE WITH THE ZONING ORDINANCE AT THE TIME OF BUILDING PERMIT.
9. EACH BUILDING SHALL BE VIEWED AS INDIVIDUAL BUILDINGS AND NOT COLLECTIVELY WHEN ADDRESSING LANDSCAPE REQUIREMENTS AT TIME OF BUILDING PERMITS.
10. THE APPLICABLE BUILDING CODE VARIES WITH RESPECT TO THE CONNECTION OF THE BUILDINGS ACROSS A LOT LINE. IF THE BUILDINGS EVER FALL UNDER SEPARATE OWNERSHIP, HEIGHTENED BUILDING CODE STANDARDS MAY APPLY TO THE AREA WHERE THE BUILDINGS ARE CONNECTED.

WAIVERS:

1. FRONT YARD SETBACK FROM 25' TO 10' ALONG 'N' STREET TO ALLOW PARKING TO BE WITHIN REQUIRED YARD AS SHOWN ON THE PLANS.
2. DESIGN STANDARDS TO ALLOW LIGHT TRESPASS ACROSS LOT LINES ASSOCIATED WITH PARKING LOT LIGHTING.

BUILDING SQ FOOTAGE: (FOLLOWING AREAS EXCLUDE EXTERIOR BUILDING WALL AND MECHANICAL AREAS)	
ALLOWABLE BY THIS USE PERMIT	= 15,000 SQ.FT.
SHOWN:	
PROPOSED BUILDING #1	= 4,960 SQ.FT.
PROPOSED BUILDING #2	= 4,960 SQ.FT.
PROPOSED BUILDING #3	= 4,960 SQ.FT.
TOTAL SHOWN	= 14,880 SQ.FT.

PARKING SUMMARY: (PARKING TO BE PROVIDED AS PER TITLE 27 ZONING ORDINANCE)	
ZONING:	R-T
BUILDING USE:	OFFICE/RETAIL
TOTAL BUILDING SQUARE FOOTAGE	= 14,880 SQ.FT.
PARKING RATIO	= 1 PER 300 SQ.FT.
TOTAL SPACES REQUIRED	= 50
ACTUAL SPACES PROVIDED	= 59



Department Review Status Report

Project Name: UP19009

Workflow Started: 07/10/2019 11:36 AM

Report Generated: 07/23/2019 06:47 AM

Cycle	Department	Reviewer	Email	Status	Reviewer Comments	Applicant Comments
1	Allo Communications	Brec Wishusen	bwiishusen@allophones.net	Recommend Approval	Good use of storm runoff chambers.	
	County Assessor	Chris Ladegard	cladegard@lancaster.ne.gov	No Review Required		
	County Health	Chris Schroeder	cschroeder@lincoln.ne.gov	Recommend Approval	The LLCHD does not object to the approval of this use permit.	
	Development Review Manager	Stephen Henrichsen	shenrichsen@lincoln.ne.gov	Corrections Required		
	LES	LES Reviews	edreviewer@les.com	Corrections Required	7/19/19 Customer to install conduit from meter locations to LES pedestal. ZV See requested easements JM	
Planner Review	George Wesselhoff	gwesselhoff@lincoln.ne.gov	Corrections Required	1) Add 19009 after Use Permit in Title Block 2) Remove Waiver 1, as required R-1 setback is 10' for N Street already 3) Correct address label for 219 S. Corner Blvd.		

1	<p>LTU - Watershed Management</p>	<p>Justin Cermak</p>	<p>jcermak@lincoln.ne.gov</p>	<p>Corrections Required</p>	<p>[Drainage Plan Comments] (1) Upload pre- and post-development drainage plan sheets with project Application Plans. (2) Add 2-, 10-, and 100-yr pre- and post-development discharges to plans. (3) Show existing offset contours to the south. (4) Move delineation line between sub-areas 1 and 2 north to coincide with curb inlet location and outlet for chamber system (pre- and post-). (5) Pre- and post-development sub-area delineations should be perpendicular to contours. Review and correct as necessary. (6) Show flow path arrows in valleys where drainage is not perpendicular to contours. Post-development contours suggest that a larger portion of the parking lot may drain offsite to sub-areas 2a and 3. (7) Add note stating that building eaves shall drain to the sub-surface storage system. (8) Provide detail(s) showing design elevations for MC-3500 chamber system (outlet works, underdrain, location of inspection ports, etc...). [Drainage Report Comments] (9) CN or 74 used for pervious surfaces is low for type D/ Urban soils. Raise to 80. (10) Include sub-area 2 combined discharge for post-development flows (Hydratflow #11) in Table 5. (11) Provide information for the MC-3500 Chamber system: Stage-storage-discharge rating information used in detention analysis, and drawdown calculations and retention time of WQCCV. [Water Quality Control Volume form] (12) Calculate Water Quality Control Volume using the 70th percentile storm for re-development. (13) The following items are missing on the form: Person responsible for Maintenance, Design Plans (Refer to DCM 8.4.3 part 1), Maintenance Plan and other relevant information. (Refer to DCM section 8.4.10 & Appendix 8.10).</p>
Windstream	County Assessor Survey	Matthew Hudson	mhudson@lancaster.ne.gov	No Review Required	Nothing to compare CAD against. Will review once this gets to Final Plat status.
Building and Safety		Terry Kalhe	tkathe@lincoln.ne.gov	Corrections Required	I would suggest changing the waiver statement involving lighting to state... Waiver of light trespass design standards relative to interior lot lines within this Use Permit boundaries. (or something like that).



Department Review Status Report

1	LTU - Engineering Services	Bob Simmering	rsimmering@lincoln.ne.gov	Recommend Approval	<p>Closure of drive and installation of curb section on 56th street required-will be included as cost of curb cut permit. Adjustment of access on N street will be addressed on curb cut permit also. Access easement for property on East side shown and required.</p> <p>Change note #4 on Site Plan to read: "All required landscaping and screening, per the Lincoln Municipal Code and Design Standards, shall be submitted for review at the time of building permit. Specifically, submittals shall address Sections 7.1, 7.10 and 7.14 of Chapter 3.50 of the Design Standards. Street trees shall be planted per required city spacing standards, as found in Chapter 2.35 of the Design Standards, on S 56th Street, S Corner Boulevard, and 'N' Street."</p>	
	Planning Review	Collin Christopher	cchristopher@lincoln.ne.gov	Corrections Required		

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

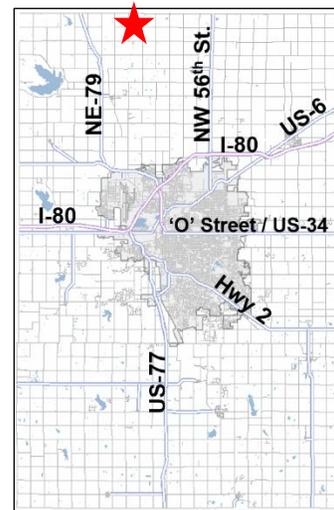
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Special Permit #19035	FINAL ACTION? Yes	DEVELOPER/OWNER Wayne & Charlene Greve
PLANNING COMMISSION HEARING DATE August 7, 2019	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION Approximately ¼ mile east of NW 27 th St. and W. Ashland Rd.

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a Commercial Feedlot for up to 380,000 chickens in 8 barns. Each barn is roughly 63' wide by 600' long. The area of the special permit is approximately 20 acres within an 80 acre lot. The area of the special permit is in the east half of the lot.



JUSTIFICATION FOR RECOMMENDATION

This application is in conformance with the goals of the 2040 Lincoln-Lancaster County Comprehensive Plan and should not have a negative impact on the surrounding area. There is one house within a quarter mile and only 5 houses within one-half mile of the boundaries of the special permit. The nearest house should not be negatively impacted by the proposal as it is approximately ¼ mile from the site and is the owner's house.

APPLICATION CONTACT
Sunset Poultry, LLC, 402-326-3152
bussardj@gmail.com

The proposed conditions will address any impact of the proposal. The increase in traffic is relatively minor and the applicant will be required to improve West Ashland Road. The special permit application was reviewed by Lower Platte South Natural Resource District and Lincoln-Lancaster County Health Department and they did not object to this application. The Nebraska Department of Environmental Quality (NDEQ) reviewed the applicant's permit for the concentrated animal feeding operation and did not object. Even though this is an enclosed "dry litter" operation without any outdoor waste storage, a permit from NDEQ is still being required to ensure compliance and prevent impact to ground water and reduce odors.

STAFF CONTACT
Tom Cajka, (402) 441-5662 or
tcajka@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan identifies the area of application as agricultural. A commercial feedlot is a type of agricultural land use, which given the proposed conditions, is appropriate at this location. The goals of the Comprehensive Plan encourage more diversified agribusiness ventures, local food production and to preserve land for agricultural purposes. The Plan also encourages compatibility of businesses with residential uses. The proposed conditions address the

potential impact from traffic, odor, and noise on nearby residences and the larger community.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 2.7- 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 - Ensure that acreage and rural development preserve and protect environmentally sensitive areas, and maximize the preservation of our nonrenewable resources, such as land and fossil fuels.

P. 3.1- Surface water is susceptible to pollution in the form of sedimentation and contamination from runoff. Fertilizers and sediment are the most common water quality problems in the County's streams and lakes.

p. 3.2 - High salinity in the northern part of the county makes groundwater more difficult to acquire. Groundwater contamination includes infiltration of agricultural chemicals into supplies.

P. 3.11- Agricultural lands refers to land-about 90.3% of the county- utilized for growing crops, raising livestock, or producing other agricultural products.

P. 3.12 - Production of food closer to the urban center, if not within it, reduces the distance food must be transported, increase the freshness of food available, supports the local agricultural economy, and provides nutritious food to those who might not otherwise be able to obtain it.

P. 3.12 - Local food may be produced in the rural area of the county, or counties nearby; or it may also be produced within the urban area itself.

P. 5.4 - Agriculture is the dominant land use in Lancaster County, accounting for roughly ¾ of all land. While this land is largely considered "undeveloped," it is still an important economic factor in the county's future. Agriculture's impact on the local economy goes beyond the sale at the end of production. Farms of all sizes make purchase of goods and services in the city and county throughout the year, which contributes to the local tax base and sustain growth for other business in the agriculture industry.

P. 5.5 - Continue efforts to preserve the viability of the county's agriculture industry through zoning, easements and other means.

P. 7.2- Encourage acreages to develop in appropriate areas and preserve farmland.

P. 7.12- LPlan 2040 supports the preservation of land in the bulk of the County for agricultural and natural resource purposes.

P. 7.13 - 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. 12.3 - this site is shown as future agriculture on the 2040 Lincoln Area Future Land Use Plan.

P. 12.4 - Agricultural. Land principally in use for agricultural production. Agricultural land may be in transition to more diversified agribusiness ventures such as growing and marketing of products (eg., horticulture, silvaculture, aquaculture) on site.

ANALYSIS

1. This is a request for a special permit under Article 13.035 Commercial Feedlot of the Lancaster County Zoning Regulations. The proposal is for 8 barns each housing up to 47,500 chickens for a total of 380,000 chickens. Each barn will be approximately 63' x 600' in size.
2. Article 13.035 does not have specific conditions for commercial feedlots other than a statement from Nebraska Department of Environmental Quality (NDEQ) addressing anti-pollution controls is required. (see attached statement from NDEQ) Although there are no specific conditions listed, Articles 13.001 and 13.002 offers guidance to the Planning Commission in reviewing special permits; "The Planning Commission may modify or waive or add conditions of approval to the listed conditions in this Article as deemed appropriate to maintain the health, safety

and general welfare of the surrounding properties." "The Planning Commission shall hold a public hearing and shall consider the effect of such proposed building or uses upon the character of the neighborhood, traffic conditions, public utility facilities, the Comprehensive Plan and other matters relating to the public health, safety and general welfare."

3. The current parcel is 80 acres. The special permit is for approximately 20 acre within the 80 acre lot on the east half of the property. The site plan shows the proposed area for the special permit. All barns and other related buildings associated with the commercial feedlot must be within the special permit boundary.
4. This site is shown as agriculture in the Comprehensive Plan, a feedlot is an agricultural use. The definition of Agriculture in the zoning regulations is, "Agriculture shall mean the use of land for the purpose of raising and harvesting crops; or for the raising, breeding, or management of livestock, poultry, fish or honeybees; or for dairying, truck gardening, forestry, nurseries or orchards; for the non-commercial on-farm storage or processing of agricultural products produced on the premises; or for any other similar agricultural, horticultural, or silvicultural or aquacultural use.
5. The Lancaster County Zoning Regulations state that the Agricultural District is designated for agricultural use and is intended to encourage a vigorous agricultural industry throughout the county and to preserve and protect agricultural production by limiting urban sprawl as typified by urban or acreage development.
6. Raymond Central School is located approximately one mile to the south of the most southern barn. The Lower Platte South Natural Resource District (NRD) confirmed that the school has a well north of the intersection of W. Ashland Rd. and County Road 23, approximately three-fourths of a mile from the barns. The school also has 2 additional wells located on school property approximately 1 mile south of the proposed poultry barns. Approximately one-half mile to the east is an area shown as Environmental Resources in the 2040 Comprehensive Plan. The area is shown as having native hay and pasture.
7. The NRD submitted ground water information for the proposed site. (See attached) The report identifies 11 registered wells within a one mile radius of the proposed facility. Nine of the wells are domestic, one irrigation and one is classified as other. The irrigation and "other" wells are inactive. The active wells show a pumping rate ranging from 7 to 30 gallons per minute which is fairly typical for domestic and stock wells in southeast Nebraska.

The nearest well the NRD has sampled is located about 1 ½ miles northwest of the proposed site. The report states that in agricultural areas, the primary concern is the level of nitrate-nitrogen in ground water due to infiltration of fertilizers and animal waste applied to the landscape. However, the NRD's ground water sampling in this area has indicated no elevated levels of nitrate; all samples taken for the well indicated showed no detectable levels of nitrate. The report concludes that the overall vulnerability of ground water to contamination from surface sources in this area is fairly low.
8. NRD also noted that they anticipate the owners will need to obtain permits from this NRD for installing ground water wells. The ground water supply appears to be somewhat limited. Test holes, pump tests, and water quality sampling will likely be required before issuing a well permit. The NRD recommends the operators of the facility agree to follow the Nebraska Department of Environment & Energy's permitting requirements and properly manage the facility and wastes generated. During construction of the facility, the owners will also need to install adequate erosion and sediment control practices.
9. Nebraska Department of Environmental Quality (NDEQ) has inspected the site. NDEQ has determined that this facility is not required to construct a livestock waste control facility or obtain a Construction and Operating Permit or a National Pollutant Discharge Elimination System permit. While the operation is exempt from the Title 130 permitting requirements, any construction activity that disturbs a land area of one acre or more must obtain coverage under the Construction Storm water General Permit Number NER 160000, which authorizes storm water discharges from construction sites.

The proposed operation would handle waste using a "dry litter" system. Per information from the applicant about typical operations, chicken waste would not be stored outside. Instead, it would be composted after the chickens are removed. The operation is designed to reduce the amount of water within the buildings so to reduce odors. After several times of composting, the remaining product would be removed for field application as a fertilizer.
10. Since the proposal is for a dry litter operation with no outside waste NDEQ doesn't require a Construction and Operating Permit (COP). The COP includes a requirement for a Nutrient Management Plan to address how the waste product would be handled and field applied. In previous special permits for chicken farms (SP18025 and SP14044A)

the approval required the submittal of the Nutrient Management Plan or COP prior to building permit for the chicken barns. This is recommended by the Lincoln/ Lancaster County Health Department in this case as well.

A COP specifies maximums for headcount and confinement structures. It requires that construction be completed as approved in the application. It requires among other items, land application training for large operations, proper management of mortalities, protocols for appropriate testing of manure and protocols to land apply manure.

As there is not any outside waste storage, the regulating state agencies are not concerned about this proposal having a negative impact via water runoff contaminating adjacent properties or the surrounding area. The site plan does not show any outside waste storage, only small compost sheds to handle dead chicken, which will be covered with litter and composted.

11. The nationwide literature about odor concerns from chicken farms have primarily been about facilities with barns that are partially open and may include outside waste storage. This proposal is for an enclosed barn without any outside waste storage. Thus, the concerns about odors are significantly reduced. A quarter mile setback (1,320 feet) is recommended in order to minimize potential odor concerns on adjacent properties.
12. There are 20 houses within one mile of the proposed site. Four houses are between $\frac{1}{4}$ to $\frac{1}{2}$ miles of the barns. Seven houses are between $\frac{1}{2}$ and $\frac{3}{4}$ miles from the barns. Eight houses are between $\frac{3}{4}$ and 1 mile from the proposed barns. There is one house within $\frac{1}{4}$ mile of the barns, but this is the owner's house. (see attached map)
13. Lincoln-Lancaster County Health Department (LLCHD) has reviewed this application and recommends that the applicant obtain a Construction and Operating Permit from NDEQ. The owner/operator is responsible for controlling dust from the site. All chicken barns must be located a minimum of 100 feet from any well.
14. This application was reviewed by Valparaiso Rural Fire Department. The fire department has concerns with the condition of West Ashland Road and potential health impacts if one of the barns has a fire. The rural fire department would like a sprinkler suppression system and a clean water hookup for fire suppression since it is so far out in the district.
15. The applicant's letter states that there will be 20 trucks per week on average serving this site. Some weeks there will be as few as 4 trucks. The most trucks in one week will be when the chickens are ready to be transported to the processing facility. The site will use 62 trucks in this week.
16. West Ashland Road is a minimum maintenance dirt road for approximately one -quarter mile from this site before there is gravel. Improvements to the road to accommodate truck traffic is required. The Saunders County Board of Supervisors determined that the road should be improved to the next minimum standards design because of the new traffic due to the poultry farm if built. The developer should provide the cost for the improvements. Lancaster County and Saunders County have a joint agreement for maintenance of this County line road. Saunders County, specifically Rockcreek Township, is responsible for maintenance of W. Ashland Rd. from the subject property to NW 12th St.
17. The chickens from this proposed site will be transported to Fremont for processing. The most probable route would be for trucks to leave the site go east on West Ashland Rd for about one-half mile and then drive one mile north on County Road 23 in Saunders County before heading east on County Road A. County Road A becomes Main Street in Ceresco. Ceresco Elementary and several houses abut Main Street. County Road A/ Main Street carries a mix of truck and personal vehicles every day. There are grain elevators are located south of Main Street and the Ceresco Business District is located two blocks south of Main Street.
18. The site has significant slope to it with a drop of over 30 feet from west to east. There is also a minor drainage way in the southern portion of the special permit boundary. The Lancaster County Engineering Department has requested that a drainage study and grading plan be provided.
19. This proposal is part of an overall system which will utilize feed grown in Nebraska with processing in Fremont, Nebraska. The final product will be sold locally, as well as to a larger market. The Comprehensive Plan encourages local food production. It states "Local food production is encouraged, building a stronger relationship between city and rural communities and greater security for our food supplies. "The economy provides opportunities for local food production and sales, renewable energy production, and the benefit of natural resources produced in the area and integrates them into the land use pattern." (Page 1.5)
20. The Comprehensive Plan also encourages keeping the public engaged and informed about planning matters. In this case the applicant met with nearby owners, but did not hold any public meetings to inform the larger public about

the proposal. This unfortunately led to great concern about the application due to the limited information. While the applicant did not hold public information meetings, that is not a reason for denial of this application. It is unfortunate, but the proposal must be judged on the facts of the application.

21. The Lancaster County Board of Commissioners established the CAFO working group of 10 members of varied interest to work with County staff to review state and other community regulations in order to advise on potential changes to the existing zoning. The working group has met nine times from March through July 2019. The group is currently reviewing draft of proposed zoning revisions. The draft and additional information from the Working Group meetings can be found on the Planning Department website. The Working Group is scheduled to meet again on August 8th.

This application will be reviewed using the current regulation as well as being informed by past practices on previous commercial feedlot special permits. It is not appropriate to use the Working Groups draft document in order to review this application.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: AG-Agriculture Farm ground

SURROUNDING LAND USE & ZONING

North:	A-1 Agriculture Saunders County	Farm ground
South:	AG Agricultural	Farm ground
East:	AG Agricultural	Farm ground
West:	AG Agricultural	Farm ground and 3 houses

APPROXIMATE LAND AREA: 20 acres, more or less

LEGAL DESCRIPTION: A portion of the E1/2, NW ¼ of Section 4, Township 12 North, Range 6 East; Lancaster County, Nebraska

Prepared by

Tom Cajka, Planner

Date: July 30, 2019

Applicant: Sunset Poultry, LLC
3045 W. Rock Creek Rd.
Raymond, NE 68428
402-326-3152
bussardj@gmail.com

Contact: Nutrient Advisors
449 E. Deere Street
West Point, NE 68788
402-372-2236
info@nutrientadvisors.com

Wayne Greve
2342 Ashland Rd.
Cresco, NE 68017
402-326-0830

Owner: Wayne Greve
2342 Ashland Rd.
Ceresco, NE 68017
402-326-0830
Cgreve.66@gmail.com

CONDITIONS OF APPROVAL - SPECIAL PERMIT #19035

Per Article 13.035 this approval permits a Commercial Feedlot for 8 barns and up to 380,000 chickens.

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 On the site plan below the name Sunset Poultry add Special Permit #19035.
 - 1.2 Add the legal description to the site plan.
 - 1.3 Add a note to the site plan that any chicken barn and compost shed shall be located a minimum of a quarter mile (1,320 feet) from any existing house, except for the house at 2342 Ashland Road (currently owned by the applicant).
 - 1.4 Add a note that all buildings shall be setback a minimum of 100 feet from any lot line.
 - 1.5 Submit a grading plan to the satisfaction of the Lancaster County Engineering Department.
 - 1.6 Submit a drainage study of the site to the satisfaction of Lancaster County Engineering Department that will confirm that the change in land use shall not adversely affect runoff to adjacent properties and the county right-of-way.
 - 1.7 Identify the distance from the special permit boundary at the northeast corner to the east lot line and from the southeast corner to the east lot line.
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.
- 2.2 Before beginning the operation, the permittee shall:
 - 2.2.1 Obtain a Construction and Operating Permit and Nutrient Management Plan from Nebraska Department of Environmental Quality.
 - 2.2.2 Improve West Ashland Road to the satisfaction of the Saunders County Highway Superintendent.

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 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 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.



W ASHLAND RD

AG

City of Lincoln/Lancaster County, NE

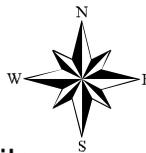
2018 aerial

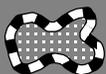
Special Permit #: SP19035
Sunset Poultry
NW 27th St & W Ashland Rd

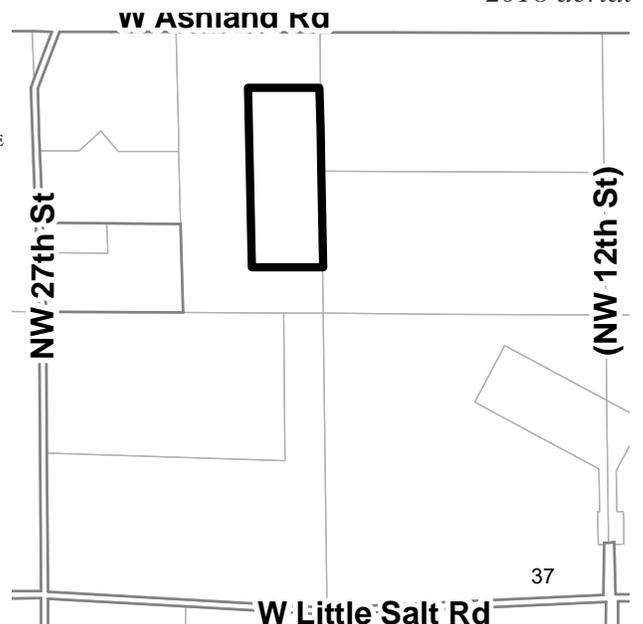
Zoning:

- 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 T12N R06E



	Area of Application
	Zoning Jurisdiction Lines
	City of Lincoln Jurisdiction



W Ashland Rd

NW 27th St

(NW 12th St)

W Little Salt Rd

37

Sunset Poultry, LLC

Site Map

Key

- Parcel Boundary
- Special Permit Boundary 20.5 acres

NW 1/4 Sec 16, T12N, R10W

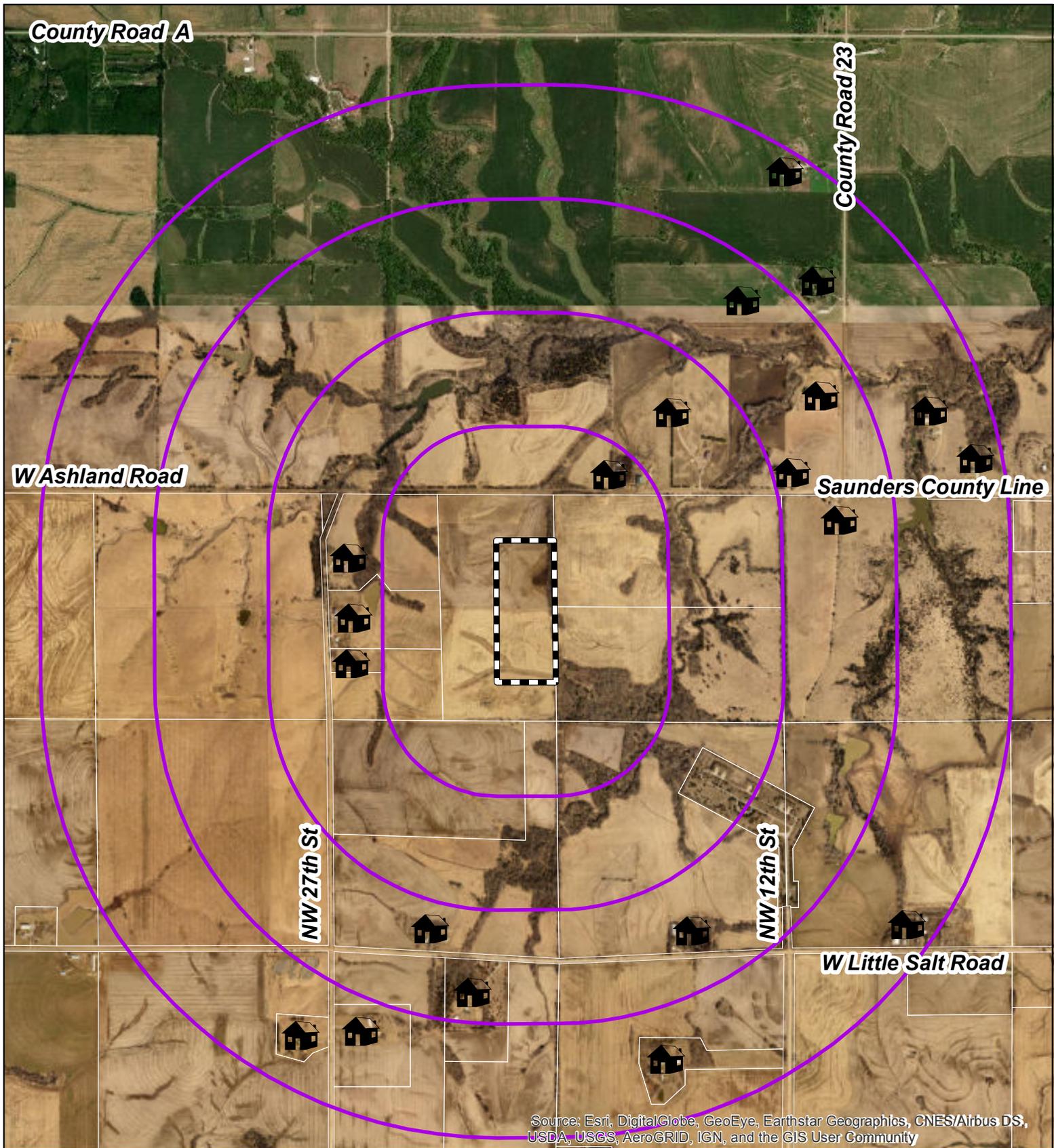


Google Earth

© 2018 Google

1000 ft





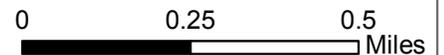
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Dwellings within 1 Mile

- 1/4 Mile Buffer = 1 (Applicant's House)
- 1/4 to 1/2 Mile Buffer = 4 Du's
- 1/2 to 3/4 Mile Buffer = 7 Du's
- 3/4 to 1 Mile Buffer = 8 Du's
- Total Du's = 20**

Date: 7/19/2019



Document Path: F:\ITS\ITS_Requests\Tom\Sunset3.mxd

Geological and Ground Water Background Information
Proposed Sunset Poultry LLC Facility Near NW 27th St. and W. Ashland Rd.
E ½ of NW ¼, Sec. 4, T12N, R6E, Lancaster County

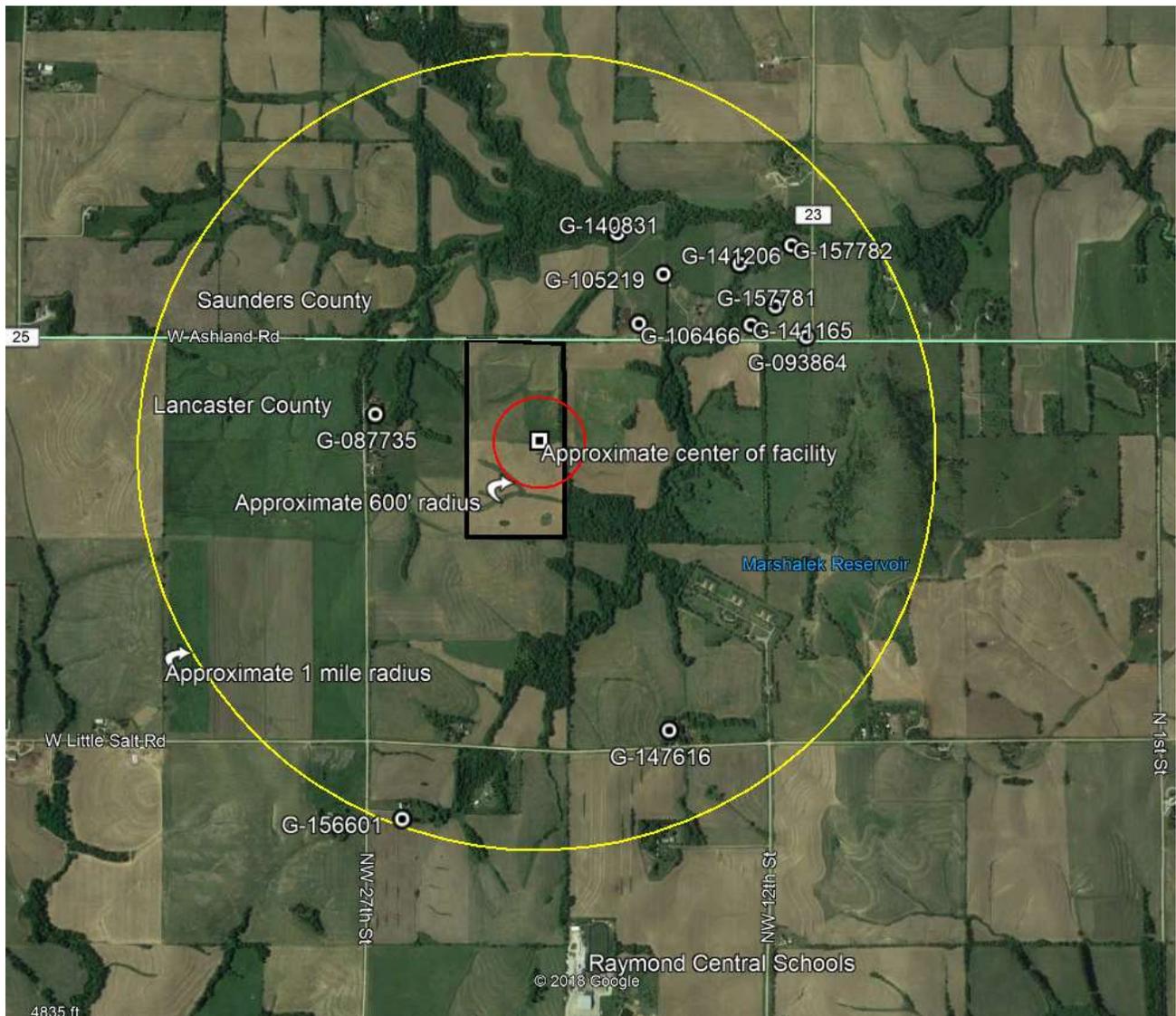
Dick Ehrman, Water Resources Specialist
Lower Platte South Natural Resources District

General Geological and Ground Water Background

The site is located in far northern Lancaster County (the northern property boundary is the Lancaster-Saunders County line) in the Rolling Hills topographic region. In general, the area is underlain by windblown silt (loess) and glacial till (a poorly-sorted mixture of clay, silt, sand and gravel but often characterized by thick sequences of clay) and ancient sand and gravel deposits which can yield variable amounts of ground water. Additionally, the Dakota Group bedrock sandstones can produce ground water but if wells are drilled too deep into the Dakota, poor water quality from high salt levels can be a concern.

Within a one-mile radius of the proposed facility, the Nebraska Department of Natural Resources' well registration database lists a total of 11 registered wells, nine of these being domestic wells, one being an irrigation well, and one falling into the "other" category. Note that four of these wells are currently listed as inactive (two of the domestics, and each of the irrigation and "other" wells). The table below summarizes the basic characteristics of those wells; the map on the following page shows their locations in relation to the proposed facility:

Well Registration Number	Use	Completion Date	Land Surface Elevation	Static Water Level	Water Table Elevation	Well Depth	Screen Interval	Pump Rate (gpm)
G-087735	Domestic	1995	1357	63	1294	155	145-155	10
G-093864	Domestic	1997	1295	61	1234	200	190-200	30
G-105219	Domestic (Inactive)	1999	1309	Unk.	Unk.	190	180-190	N/A
G-106466	Domestic	2000	1325	66	1259	210	200-210	25
G-140831	Irrigation (Inactive)	2005	1307	30	1277	167	147-167	N/A
G-141165	Domestic	2005	1303	59	1244	190	180-190	10
G-141206	Other (Inactive)	2005	1269	13	1256	65	60-65	N/A
G-147616	Domestic	2007	1339	28	1311	90	50-90	7
G-156601	Domestic	2010	1378	67	1311	190	175-190	15
G-157781	Domestic	2010	1284	20	1264	163	153-163	20
G-157782	Domestic (Inactive)	2010	1258	60	1198	140	130-140	N/A



In general, the geologic logs for the above wells show a few tens of feet of brown silt and clay, then several tens of feet of alternating sand, silt, and clay, then a few tens of feet of blue silty clay, and finally sandstone and shale at around 200 feet below the land surface. Note that this is only a summary; each of the above wells' logs is slightly different. It appears that two of the above wells are screened in the shallower sand units around 60-90 feet below the surface, while the remainder of the wells are screened considerably deeper, between 140 and 210 feet below the surface. All of the wells are registered as pumping between 7 and 30 gallons per minute (gpm), which is fairly typical for domestic and stock wells in southeast Nebraska.

Ground Water Quality

The Lower Platte South NRD has not sampled any wells in the area indicated on this map. The nearest wells that the NRD has sampled is an irrigation well approximately 1 ½ miles northwest of the proposed facility. In agricultural areas, the primary concern is the level of nitrate-nitrogen in ground water due to infiltration of fertilizers and animal waste applied to the landscape. However, the NRD's ground water sampling in this area has indicated no elevated levels of nitrate; all samples taken for the well indicated above showed no detectable levels of nitrate. For reference, the US Environmental Protection Agency's maximum contaminant level (MCL) for nitrate-nitrogen in drinking water is 10 ppm. Therefore, the Lower Platte South NRD has no indication of widespread nitrate contamination in the area surrounding the proposed facility. As already mentioned, some results from some sampling events have shown slightly elevated levels of dissolved salts (particularly sodium), but these are attributed to natural sources associated with the bedrock units in the area, and are generally considered a nuisance. All other parameters in the NRD's database for samples from this area have been well within associated guidelines for drinking water.

Water Quality Considerations

As noted above, the subsurface materials in this area consist of a variety of silt and clay materials, under which occur different kinds of aquifer materials. As a general rule, the greater the distance from the surface to the ground water, and the more fine-grained the materials that make up this zone (generally known as the unsaturated or vadose zone), the less likely the leaching of materials applied to the surface. That being the case, most of the wells listed that are screened in the deeper aquifer units, especially where there are significant thicknesses of glacial till or clay, appear to be at comparatively low risk from surface contamination. The wells that are constructed and screened at a shallower depth would have a higher vulnerability to contamination from the surface, but even so the fine-grained materials near the surface offer some protection from widespread ground water pollution. Therefore, the overall vulnerability of ground water to contamination from surface sources in this area is fairly low, especially compared to areas with coarse, sandy soils and shallow depths to ground water. However, as with any applied fertilizer materials, careful application and management is necessary to minimize any risks to water quality. Given that this area is characterized by sloping land surfaces, this is especially important to protect surface water from runoff which might contain high amounts of nutrients which can negatively impact water quality in streams and lakes.

Helpful References:

Korus, J.T., L.M. Howard, A.R. Young, D.P. Divine, M.E. Burbach, J.M. Jess, and D.R. Hallum. 2013. *The Groundwater Atlas of Nebraska*. Conservation and Survey Division, University of Nebraska-Lincoln. Resources Atlas # 4b/2013. 64 p.

Divine, D.P. 2014. *The Groundwater Atlas of Lancaster County, Nebraska*. Conservation and Survey Division, University of Nebraska-Lincoln. Resources Atlas #7. 39 p.

LANCASTER COUNTY ENGINEERING DEPARTMENT

Upon review, this office would offer the following comments for "SUNSET POULTRY" Special Permit "SP19035" submittal dated 7-9-2019 (V1) in the NW ¼ of Section 4, T12N, R6E, located along Ashland Road approximately ½ mile east of NW 27th Street.

1. Please provide a grading plan for the site area and access driveway for our review.
2. Provide a drainage study of the site that will confirm that the change in land use shall not adversely affect runoff to adjacent properties and county right-of-way. The study should include at a minimum a topographical map showing existing drainage areas and resulting runoff from all land lying outside the limits of the proposed construction which discharge storm water runoff into or through the area; a topographical map showing proposed contour lines, all sub drainage areas, and resulting runoff; and a copy of the drainage computations. Post-development flows should be less than or equal to pre-development flows.
3. Install necessary erosion and sediment control (ESC) measures to stabilize any disturbed lands.
4. It should be noted that West Ashland Road adjacent to proposed Special Permit is currently an unimproved dirt roadway and is within the maintenance jurisdiction of adjoining Saunders County. This unimproved dirt road would need to be reviewed by adjacent Saunders County Highway Department for comments/concerns/procedures/costs, etc., to upgrade roadway grading, surfacing and drainage to accommodate the anticipated traffic use proposed by this Special Permit.
5. Applicant to make access permit application with Lancaster County Engineering Department at 444 Cherrycreek Road Building 'C', Lincoln, NE for entrance to proposed site from West Ashland Road. Access permit application information can be found on the Lancaster County Engineer's website at <http://lancaster.ne.gov/engineer/driveway.htm> NOTE: Access permit guidelines along Lancaster County's boundary in this area is as follows: • Adjoining County's road maintenance with property access coming from Lancaster County --- Applicant to take out drive permit from Lancaster County Engineering Department so we can check sight distance and locate for addressing and address sign installation if applicable. Also, LCED will forward a copy of access permit to adjoining County for their review and approval. Landowner and applicant to receive processed access permit from adjoining County.

LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT

The application indicates the use of a back-up generator. Prior to installation, the applicant should contact the Lincoln-Lancaster County Health Department's (LLCHD) Air Quality Program at (402) 441-8040. The owner/operator will be responsible for controlling off-site dust emissions in accordance with Article 2, Section 32 of the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards. LLCHD recommends that the applicant obtain a construction/operating permit from NDEQ in accordance with Nebraska Administrative Code Title 130-Livestock Waste Control Regulations. This would require the submittal of a Nutrient Management Plan approved by NDEQ. The proposed chicken barns must be located a minimum of 100 feet from any water well.

LOWER PLATTE SOUTH NATURAL RESOURCE DISTRICT

NRD staff has reviewed the application, and anticipate the owners will need to obtain permits from this NRD for installing ground water wells. The ground water supply appears to be somewhat limited. Test holes, pump tests, and water quality sampling will likely be required before issuing a well permit. We

recommend the operators of the facility agree to follow the Nebraska Department of Environment & Energy's permitting requirements and properly manage the facility and wastes generated. During construction of the facility, the owners will also need to install adequate erosion and sediment control practices.

VALPARAISO RURAL FIRE

As a rural Fire department we feel there are too many hazards and risk with this project location.

DEPT. OF ENVIRONMENT AND ENERGY

Joshua L. Bussard
Sunset Poultry, LLC
3045 West Rock Creek Road
Raymond, NE 68428-4454

RE: Sunset Poultry, LLC Concentrated Animal Feeding Operation
NDEQID: 112920
Program ID: LWC 2-1089
Subject: Construction & Operating or NPDES Permit Not Required
E 1/2, NW 1/4, Section 04, Township 12N, Range 06E, Lancaster County

JUL 12 2019



Pete Ricketts, Governor

Dear Mr. Bussard:

Your proposed concentrated animal feeding operation (CAFO) is not required to construct a livestock waste control facility (LWCF) or obtain a Construction and Operating Permit or a National Pollutant Discharge Elimination System (NPDES) Permit for CAFOs. This determination is based on the July 11, 2019 inspection conducted by Kevin Franzluebbers from the Nebraska Department of Environment and Energy (Department), according to the Livestock Waste Management Act and Title 130, *Livestock Waste Control Regulations*.

While your operation is exempt from the Title 130 permitting requirements described above, please be aware that any construction activity that disturbs a land area of one (1) acre or more must still obtain coverage under the Construction Storm Water General Permit Number NER160000, which authorizes storm water discharges from construction sites (Title 119). This permit may be obtained by the operation's authorized representative, the contractor or other party responsible for the construction project. Application for permit coverage can be made by accessing the following website: <https://ecmp.nebraska.gov/DEQ-CSW>.

At the time of the inspection, the Department considered your operation a large CAFO that proposed the following:

Livestock Species	Maximum No. of Head Capacity	Existing or Proposed?
Chickens (Broilers)	380,000	Proposed

Type of Structure	Number of Each Type	Existing or Proposed?
Dry Litter Barns	8	Proposed

If you desire to receive a Construction and Operating Permit for your operation, please refer to the minimum application requirements outlined in Title 130, Chapter 4, 001. These include, but are not limited to, the submission of a Nutrient Management Plan and a \$200 application fee. It may take the Department up to 110 days from the receipt of a complete application to approve or deny the application.

Please remember, you are responsible for complying with any Natural Resources District, county or local zoning requirements and for preventing any discharge of livestock waste to waters of the State. If you plan to expand or modify the operating style of your operation in the future, you must request an inspection by the Department prior to starting construction or modifications. Failure to request an inspection could result in late fees or other penalties. Enclosed is a copy of Title 130 for your information. If you have any questions, please contact Kevin Franzluebbbers at (402) 471-6687 or myself at (402) 471-4239.

Sincerely,

A handwritten signature in black ink that reads "Benjamin Miller". The signature is written in a cursive style with a large initial "B".

for

Cay Ewoldt, Supervisor
Agriculture Section
Water Permits Division
cay.ewoldt@nebraska.gov

Enclosure
cc: Nutrient Advisors



July 22, 2019

Lincoln/Lancaster County Planning Commission
555 S 10th St, Ste 213
Lincoln, NE 68508

Subject: Special Use Permit Request

To whom it may concern,

Please accept this application and request for a special use permit on behalf of Josh & Tonya Bussard and Wayne & Charlene Greve. The purpose of this permit is to take a portion of land out of crop production and construct eight barns for broiler chickens. Each building will house approximately 47,500 chickens. The buildings will roughly be 63' wide by 600' long with 50' pathways between buildings. In front of the building there will be 50' rock for semi-trucks to be able to maneuver and turn around to load and unload chickens. Throughout the year, there will be six flocks of birds that will be brought to the site. There will be an average of twenty trucks per week that serve the site and is broken down as follows: Two weeks before the birds are placed, twenty loads of bedding will be brought and spread out in the barns. One week before bird placement, two loads of propane will be brought to the site (This is dependent on the time of year. If the propane is not needed, it will not be brought to the site) along with four loads of feed. The week that birds are scheduled to be placed in the barns there will be four trucks bringing in the chicks. The week after bird placement, four loads of feed will be delivered. In the second and third weeks after bird placement, eight loads of feed will be brought each of week, along with two loads of propane in the second week (if necessary). The fourth week after bird placement, twelve loads of feed will be delivered. In the fifth and sixth weeks after bird placement, fourteen loads of feed will be delivered each week. In the final week of the flock, week seven, sixty-two trucks will be used to pick up the birds and deliver them to the processing center in Fremont, NE. This process will be performed six times throughout the year. All trucks will be covered to help eliminate dust, odor, and for the health and safety of the birds. There will also be two maintenance buildings for housing tools, equipment, and a backup generator. The manure produced from the chickens will be applied to fields listed in the Nutrient Management Plan in place of commercial fertilizer. The manure will be removed once a year and applied to the fields in a timely manner. No waivers are requested.

Sincerely,

Trevor Enstrom

