

## MEETING RECORD

**NAME OF GROUP:** PLANNING COMMISSION

**DATE, TIME AND PLACE OF MEETING:** Wednesday, October 11, 2006, 1:00 p.m., City Council Chambers, First Floor, County-City Building, 555 S. 10<sup>th</sup> Street, Lincoln, Nebraska

**MEMBERS IN ATTENDANCE:** Jon Carlson, Gene Carroll, Michael Cornelius, Dick Esseks, Gerry Krieser, Roger Larson, Mary Strand, Lynn Sunderman and Tommy Taylor. Marvin Krout, Ray Hill, Mike DeKalb, Steve Henrichsen, Brian Will, Brandon Garrett, Jean Walker and Teresa McKinstry of the Planning Department; media and other interested citizens.

**STATED PURPOSE OF MEETING:** Regular Planning Commission Meeting

Chair Jon Carlson called the meeting to order and requested a motion approving the minutes for the regular meeting held September 27, 2006. Motion for approval made by Carroll, seconded by Krieser and carried 8-0: Carlson, Carroll, Cornelius, Esseks, Krieser, Larson, Strand and Sunderman voting 'yes'; Taylor absent at time of vote.

**CONSENT AGENDA**  
**PUBLIC HEARING & ADMINISTRATIVE ACTION**  
**BEFORE PLANNING COMMISSION:**

October 11, 2006

Members present: Carlson, Carroll, Cornelius, Esseks, Krieser, Larson, Strand and Sunderman; Taylor absent.

The Consent Agenda consisted of the following items: **USE PERMIT NO. 146B, SPECIAL PERMIT NO. 1393B, SPECIAL PERMIT NO. 06053 AND COMPREHENSIVE PLAN CONFORMANCE NO. 06013.**

Ex Parte Communications: None.

**Item No. 1.4, Comprehensive Plan Conformance No. 06013** was removed from the Consent Agenda and scheduled for a separate public hearing at the request of city staff. Larson moved approval of the remaining Consent Agenda, seconded by Strand and carried 8-0: Carlson, Carroll, Cornelius, Esseks, Krieser, Larson, Strand and Sunderman voting 'yes'; Taylor absent.

Note: This is final action on Special Permit No. 1393B and Special Permit No. 06053, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.

**REQUESTS FOR DEFERRAL:**

**CHANGE OF ZONE NO. 06060**  
**FROM AG AGRICULTURAL DISTRICT**  
**TO AGR AGRICULTURAL RESIDENTIAL DISTRICT**  
**and**  
**SPECIAL PERMIT NO. 06052,**  
**WEST VAN DORN HEIGHTS COMMUNITY UNIT PLAN,**  
**ON PROPERTY GENERALLY LOCATED**  
**AT S.W. 70<sup>TH</sup> STREET AND WEST VAN DORN STREET.**

**CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:**      October 11, 2006

Members present: Cornelius, Larson, Taylor, Esseks, Strand, Krieser, Carroll, Sunderman and Carlson.

Staff recommendation: Denial.

Ex Parte Communications: None.

The Clerk announced that the attorney for the applicant, Kent Seacrest, has submitted a request for an additional two-week deferral due to illness.

Strand moved to defer two weeks, with continued public hearing and action scheduled for October 25, 2006, seconded by Sunderman and carried 9-0: Cornelius, Larson, Taylor, Esseks, Strand, Krieser, Carroll, Sunderman and Carlson voting 'yes'.

**COMPREHENSIVE PLAN CONFORMANCE NO. 06013**  
**NORTHWEST CORRIDORS REDEVELOPMENT PLAN.**  
**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

October 11, 2006

Members present: Cornelius, Larson, Taylor, Esseks, Strand, Krieser, Carroll, Sunderman and Carlson.

Staff recommendation: A finding of conformance with the Comprehensive Plan.

Ex Parte Communications: None.

This application was removed from the Consent Agenda and had separate public hearing at the request of staff.

Additional information for the record and staff presentation: Steve Henrichsen of Planning staff submitted a memorandum from Kathy Northrup of the Urban Development Department making two minor corrections to the proposed Redevelopment Plan.

There was no testimony in opposition.

**ACTION BY PLANNING COMMISSION:** October 11, 2006

Taylor moved a finding of conformance with the Comprehensive Plan, as corrected, seconded by Esseks and carried 9-0: Cornelius, Larson, Taylor, Esseks, Strand, Krieser, Carroll, Sunderman and Carlson voting 'yes'.

**CHANGE OF ZONE NO. 06063,  
NORTH 40 PLAZA PLANNED UNIT DEVELOPMENT,  
ON PROPERTY GENERALLY LOCATED  
AT N. 84<sup>TH</sup> STREET AND ADAMS STREET.  
PUBLIC HEARING BEFORE PLANNING COMMISSION:**

October 11, 2006

Members present: Cornelius, Larson, Taylor, Esseks, Strand, Krieser, Carroll, Sunderman and Carlson.

Staff recommendation: Denial.

Ex Parte Communications: None.

Staff presentation: **Brian Will of Planning staff** presented the proposal and the staff recommendation. This is a request for change of zone from AG to R-3 Residential and B-2 Planned Neighborhood Business District with a PUD designation to allow 74 residential lots in the underlying R-3 District and 140,000 sq. ft. of commercial uses in the underlying B-2 District. The staff has recommended denial based on a finding that the commercial floor area is not in conformance with the Comprehensive Plan.

As noted in staff report, the primary objection to the commercial floor area is the amount of already approved commercial floor area in this area today and the lack of justification for any more commercial floor area at this location. There is approximately 2,230,000 sq. ft. of commercial floor area north of 84<sup>th</sup> & O Streets. A vast majority of that floor area is actually between Holdrege Street and Adams Street, i.e. approximately 1.6 million square feet. Given that amount of floor area, staff finds no justification for an additional neighborhood center. The Northern Lights Commercial Center contains approximately 300,000 square feet of commercial floor area and serves as a commercial center for this area and as a neighborhood center for this square mile.

In addition to lack of need for an additional neighborhood center, there are concerns relative to access and traffic in this area. Will noted that Adams Street to the north of this

development is currently a two-lane asphalt roadway and staff does not believe it is able to accommodate additional commercial development at this point. Staff would suggest that if this project is approved, the applicant should be required to make whatever necessary improvements are required in Adams Street, and that those improvements be advanced and the applicant reimbursed from directed impact fees.

Will pointed out that next week, the Planning Commission will be considering an update to the Comprehensive Plan. That update is going to include two things that staff believes impact this development: a Comprehensive Plan Amendment for the northeast corner of 84<sup>th</sup> & Adams to increase the amount of commercial floor area, and an amendment that affects this property. The staff suggests that the Planning Commission may want to consider delaying this application two weeks to allow the Commission to consider it in the broader context of that Comprehensive Plan Amendment and its implications.

Strand inquired what road improvements are anticipated. Will responded, stating that right now, Adams Street is improved to approximately 75<sup>th</sup> Street, so initially the staff would be suggesting 75<sup>th</sup> Street to 84<sup>th</sup> Street. The traffic study has been submitted but has not yet been accepted by the city. The Public Works Department is going to discuss potentially updating the City's transportation plan that may also impact this proposal, but today, it is difficult to be terribly specific.

Carroll inquired as to the size of the proposed grocery store on Holdrege. Will stated that the location of that grocery store is just north of Holdrege Street, west of the intersection of Holdrege and 84<sup>th</sup>. He did not recall the exact size of the grocery store, but he assumes it would be typical of the other HyVee stores. There is approximately 300,000+ square feet of commercial floor area just in that location alone. It was suggested that the grocery store would be about 80,000 square feet.

Will confirmed that the other commercial floor area to which he refers is already approved and zoned. Esseks wondered whether there could be a neighborhood commercial center on either side of 84<sup>th</sup> Street. Will agreed that could be possible, but the thought process for neighborhood center is to serve internal to that square mile. Staff is suggesting that the commercial center at the intersection to the south would serve this square mile. A neighborhood commercial center is anticipated to accommodate the uses and the residential uses within that square mile. Staff did not find that the proposal commercial center met the incentive criteria for an additional center.

Strand referred to all of the commercial uses between 40<sup>th</sup> on Pine Lake Road, half way up 27<sup>th</sup> Street, and all the way down to Yankee Hill Road, and asked for an explanation for that commercial development and how it is different. Will believes that gets to the broader issue of where we designate community and regional centers. Those are in areas of a

regional center, i.e. South Pointe. The floor area being requested in this PUD is already within the square mile. The Comprehensive Plan directs us to the incentive criteria, and this case does not meet the test to justify another center.

Proponents

1. **Peter Katt** appeared on behalf of the applicant. He indicated that they began working on this project in the spring of this year. One of the long time investors in the North Forty Golf Course decided that it was time to stop the golf course and make the property available for development. The access points proposed are relocated Windmill Drive; right-in right-out drive off 84<sup>th</sup> midway between Adams and Windmill Drive; and approximately 83<sup>rd</sup> Street, the location of which was chosen to match up with the existing access drive for the city's golf course maintenance shop. It is a mix of low intensity development on the corner of approximately 140,000 sq. ft. buffering the existing neighborhood with a relatively low intensity residential development. There are two green space areas built into the design – a 60' green space buffer which they expect to deed to the adjacent lot owners on the south, and a 20' green space on the west side. The other design consideration we worked with has to do with relocation of Windmill Drive, which is proposed as the main intersection to this development. The current location of Windmill Drive on 84<sup>th</sup> Street, which is approved for a full commercial traffic signal, would dump out directly and put headlights and traffic into the back yard of those homes on the corner.

Katt noted that the staff is requesting 9' spacing between the bike path and the street, which is currently not there.

Katt advised that the applicant has met extensively with the neighbors, and they like this design and layout. The staff is envisioning 300 plus dwelling units and apparently no access to 84<sup>th</sup> or Adams, which would force all that residential traffic to the existing neighborhood.

Katt proposed amendments to Conditions #4.1.1.1 and #4.1.1.8 as follows:

- 4.1.1.1       Revise Note #33 to state “Site layout is conceptual. All information for a preliminary plat may be required to be submitted, including street and lot layout, street centerline profiles, grading plan, drainage study, utility plan, and landscaping, to be approved by administrative amendment prior to final plat approval, and may result in modifications to the site layout. This includes the location and ~~number~~ of street intersections and driveway entrances onto North 84<sup>th</sup> Street and Adams Streets.”
  
- 4.1.1.8       Show the existing trail along North 84<sup>th</sup> Street and provide 9' separation between ~~the~~ any relocated curb and trail including turn lanes.

Condition #4.1.1.1 has to do with intersection access.

Condition #4.1.1.8 deals with the trail location. The applicant has no objection to the 9' separation, if and where we move 84<sup>th</sup> Street, but the applicant should not be required to incur the expense of relocating the trail.

Katt gave examples of 27<sup>th</sup> and Superior and 27<sup>th</sup> and Pine Lake Road with like intersections with right-in/right-out. Therefore, Katt does not believe the request for access being made in this development is unreasonable based on what else has been approved throughout the community. The applicant has no objection to further refining the location, but the number is not something about which they want to argue with staff.

**2. Steve Oss**, 8156 Wemsha Street (the street bordering to the south), testified on behalf of the neighbors in support of the proposal. The issues that Mr. Katt addressed are real concerns of the neighbors and the willingness of the applicant to work with the neighbors has led them to believe that this proposal as requested is in the best interest of the neighborhood. The improvement of the access is something that is a very real concern for the neighbors as to where that will be located in the future, as well as the traffic patterns with the limited access to the development if a different development plan is pursued. The neighbors appreciate the developer listening to their concerns, and this is demonstrated by the green space areas provided. He believes that a good partnership could be formed in maintaining the needs of the neighborhood with future uses.

From a neighborhood perspective, having been a resident for eight years, Oss stated that he is convinced that the developer is interested in pursuing this development in an aggressive manner to get it accomplished, unlike the other approved developments that have not come to fruition. He believes that this developer is interested in making it happen.

Esseks asked how many neighbors have been consulted, and how many households Mr. Oss is representing. Oss could not say how many households. There has been intense interest from all the neighbors that border the golf course; there has been a Web site formed; there have been several neighborhood-wide meetings held with somewhere between 60-70 people attending; there has been continuing ongoing dialog with the staff and with the developers, so the neighbors have been very active throughout the summer since the purchase of the property was announced. Of course, their preference would be that the golf course would stay, but they know and understand that is not going to happen. The neighbors believe this to be the best plan and they believe the developer will work with the neighborhood. There is no opposition amongst the neighbors on Wemsha bordering the golf course. The vast majority are in support.

Strand asked Mr. Oss whether he is comfortable with the amount of commercial space in the area. Oss answered in the affirmative, adding that it is a concern and has been a concern, but with 84<sup>th</sup> and the traffic level that is there already, they believe that it is

inevitable and that the green space is going to buffer the traffic. The neighbors believe that they have a say going forward with this developer on that issue.

**3. Jason Hall**, 8260 Wemsha Street (adjacent on the south side, backing up to the proposal commercial) testified in support, stating that the developers have been very up-front and open for discussion about their neighborhood concerns. He also believes this developer will help with some of the water and noise issues from 84<sup>th</sup> Street. He lives one house off of 84<sup>th</sup> and it is quite noisy now.

**4. Randy Williams**, 8236 Wemsha, inquired about the zoning on the land which is proposed to be deeded to the lot owners behind the golf course.

Opposition

**1. Randy Hoskins, Assistant City Engineer**, referred to the memorandum which the Planning Commission received from Karl Fredrickson, the Director of Public Works and Utilities. He noted that typically, the access issue being discussed with this development is not something that would be decided at this stage. The access makes a big difference in the decision of how the property should be zoned. Public Works and Utilities is opposed to any accesses to 84<sup>th</sup> Street, both the relocation of Windmill Drive as well as the proposed right-in/right-out. There is a controlled access that has been purchased for this property. Perhaps the relocation of Windmill is not as big an issue, but as far as the right-in/right-out is concerned, breaking the controlled access already purchased sets a bad precedent.

Another concern is the low volume of traffic proposed to use that driveway. That traffic could easily be handled by another location.

The next major concern of Public Works is in regard to the traffic on Adams. The staff has been trying to update the Long Range Transportation Plan, which shows a future 2+a for Adams as opposed to the two-lane street. Using the numbers of the traffic impact study prepared by the developer, in the year 2016 there would be nearly 2200 cars in the peak hour on Adams Street. To give you an example of what that might mean, 27<sup>th</sup> Street between South and Sheridan carries about 1800 cars in the peak hour, so we are already talking about an additional 400 trips that would be present if this proposal is approved. The Planning Commission is also going to be looking at a request to further increase the amount of commercial on the northeast corner of this intersection which could add another 300 cars per day onto this piece of Adams. By doing that, with 2500 cars in the peak hour, you are talking about the same volume that exists on 27<sup>th</sup> Street just south of Superior where there are six lanes. It probably could be handled with four lanes. As the Planning Commission reviews the LRTP, it is important to understand that 2+1 is not going to work under this scenario.

Public Works has requested to maintain accesses at 1/4 mile spacing. The 1/4 mile spacing could be done along Adams Street. Public Works is opposed to access on 84<sup>th</sup> Street. Hoskins does not believe this development has any right to access on 84<sup>th</sup> Street. The Windmill Drive location on the east side of 84<sup>th</sup> Street is roughly 1/4 mile. Hoskins believes Public Works “could give a little bit on that”, but they are trying not to get too far off of the 1/4 mile spacing. Dennis Bartels of Public Works clarified that the south line of this development is the 1/4 mile line. Public Works definitely does not want the northern access, and the preference is neither one.

Staff response

Will clarified that the proposed zoning for the portion adjacent to the houses on the south is R-3 Residential, which is consistent with the zoning to the south. There is R-2 Residential zoning to the west.

Staff did propose conditions of approval, should the Planning Commission choose to recommend approval. Condition #4.1.1.1 is written such that all of the detail is left to be approved administratively – site layout, road connections, etc. The motion to amend deleted one item from that relative to the number of street intersections.

Carroll inquired whether staff supports the motion to amend concerning the bike trail. Will believes that amendment is reasonable and acceptable to the staff. The intent would be that any future development or changes associated with this would meet the standard.

Carroll inquired whether it is the staff’s position that this would be better as a mixed used development. Will suggested that the incentive criteria in the Comprehensive Plan suggests just that. The criteria includes pedestrian accessibility and orientation to the adjacent neighborhood. As it is, a specific mix of uses is not shown or proposed.

Carroll inquired whether the proposed grocery store (retail) next to residential is really not preferred. Will suggested that the intent would be for a neighborhood center to provide the services that serve the adjacent neighborhood, e.g. dry cleaner, video store, etc. Carroll suggested that there would usually be a buffer. Will concurred.

Esseks observed that it looks as though widening Adams west of 84<sup>th</sup> is a significant constraint on this commercial development. Is it the staff’s understanding that the developer would finance the widening? Will indicated that staff is suggesting that that would be appropriate. If commercial development goes into this location, that would be what requires additional improvements in Adams Street.

Esseks also observed that the issue would be that the city would have to reimburse the developer for everything, or only a certain proportion? Will could not answer the question specifically. Those improvements that we would find necessary to support this

development would be the responsibility of the developer. We are asking for those improvements to be made at the time this property develops.

Esseks noted that the LRTP calls for this stretch of Adams to be 2+1. If it ends up being four lanes, then that would mean that the city would have to spend some money here that they couldn't spend elsewhere. Will stated that the staff is anticipating that this would be a 3-lane urban facility. That is why Public Works is suggesting that this development, in the context of what may be approved across the street, may change. That is why the staff was suggesting that the approval of this proposal might be premature. The staff is suggesting that this application be delayed and wait for the Comprehensive Plan update. Then the applicant could come forward with a comprehensive plan amendment so that it can be viewed in its entirety.

Response by the Applicant

Katt suggested that no matter how this parcel is developed, it will need an access point on 84<sup>th</sup> Street. This developer has reached agreement with adjacent landowners. There will be a traffic signal; the distance moves from 1320 feet to 1158 feet from Adams, so it is less than 200 feet. It would be theoretically possible to move it closer to the south lot line, but then you get competing interest with the homeowners and the drainage area. We are trying to identify a location that accomplishes a lot of things. It is a good improvement.

With regard to Adams Street, the developer had requested and met with city Staff on June 21<sup>st</sup>. They did not like it and they did not want to talk to us anymore. With regard to the Adams Street improvements, when he met with his clients, he advised them that if they were expecting commercial to be approved, Adams Street would need to be improved and they are willing to do that. We have a fairly definitive roadway design cross-section for that roadway. There is a big added benefit to this property coming in today. His clients are willing to improve the Adams Street roadway to 2+1 up to their entrance point to their center. 83<sup>rd</sup> to 84<sup>th</sup> will need thought as to the design and what needs to happen. All of those are impact fee facilities and entitled to be reimbursed.

With regard to the Comprehensive Plan issues, staff originally said this could not go forward with the Comprehensive Plan Update. Katt did not agree that a comprehensive plan amendment was necessary, but he filed one nonetheless. There are changes in this area on the Comprehensive Plan. We are going up to two neighborhood centers, but the proposal on the east side is to convert the commercial center on the south side to an office mixed use center and modify that so there is less retail and more office, and then modify the community size center designation to the northeast so that it becomes a community size center capable of supporting two facilities. Katt suggested that, given those definitions, having a neighborhood center in that mix would meet the revised language in the proposed comprehensive plan amendment. Staff is apparently supporting the change in adding the traffic northeast of this site, and you have heard from neighbors that living next to 84<sup>th</sup> is not a very good experience. This is a good, blended mixed use project.

Katt would not object to include the requirement to pave Adams as 2+1.

Esseks thought that staff was saying that they needed it to be more than 2+1. He is sympathetic to giving the private sector more flexibility for commercial enterprises, but not if it is going to get choked up with traffic. This developer has to take some responsibility for expanding Adams beyond 2+1. Katt stated that the developer will pay the impact fee and will also build the improvements for the city at a higher level and get reimbursed over time. With this proposal, Katt believes that the developer is going above and beyond their responsibility that they have for the arterial street improvements necessitated by this development. The 2+1 design for Adams is in the Comprehensive Plan and that is the constraint for this development. The City Council has continued to affirm that the appropriate configuration for Adams is 2+1. That is a decision that the elected officials have made.

Carroll confirmed that the developer does not want to delay to catch up with the comprehensive plan amendment. Katt stated that he does not think a comprehensive plan amendment is needed. That is the Planning Commission's decision. The staff report does not indicate the need for a comprehensive plan amendment. The Comprehensive Plan says that neighborhood centers (150,000 square feet) are appropriate to come in as neighborhoods come forward.

Carroll sought whether the green space would be deeded to the owners of the lots on the south side. Katt acknowledged that the details have not been flushed out. They have made the offer to either deed it to them or maintain it as a common space. The neighbors have indicated that their preference would be that that space be added to their lots. Katt sees some potential width-to-depth issues that might require a waiver. But he does not know exactly how it will be handled at this point. He suggested condo-ing those back areas and adding it into their lots. Staff has been willing to be creative in the past. He does not believe this will be a serious problem. The adjacent landowners to the south want to be in control of their own destiny. The staff report indicates a waiver of the rear yard setback to 15'.

Carroll inquired as to why the development has not pursued more mixed use in the development versus mostly retail. Katt stated that the plan is conceptual at this point. Given the huge opposition from the staff, it was decided to move this forward to see if the neighbors, the Planning Commission and the elected officials would have the same vision. Therefore, specific uses have not been identified or targeted yet. It is a conceptual site plan. Those are issues that will be discussed in going back through on the administrative amendments.

Strand wondered whether a more mixed use development would change the zoning request. Katt did not know. The PUD provides a mix of commercial and the definition of that mix is not defined. He does not think it would need to be changed.

Strand inquired whether Katt would consider Adams Street from 84<sup>th</sup> to 83<sup>rd</sup> Street to be a residential area. Could that be four lanes in there and stop at 83<sup>rd</sup>? Hoskins stated that Public Works is already looking at that section as being 4 lanes. But the pieces he was talking about earlier are basically just east of 70<sup>th</sup> Street. Those will be too high to be handled by a 2+1.

Esseks inquired whether there needs to be at least four lanes between 70<sup>th</sup> and 84<sup>th</sup>. Hoskins suggested that, based on the volumes in the traffic study, we are at or above what 2+1 can handle. And Esseks confirmed that this is necessitated in part by the additional cars going to and from the proposed commercial areas. Hoskins agreed.

Strand believes that there will be traffic coming over from 70th Street anyway because there is not a grocery store in northeast Lincoln. It's going to be higher than we want anyway. Hoskins confirmed that the City Council has said they want 2+1. He is just stating that based on what the numbers have shown, and the types of traffic and volume that we are adding, we could be going beyond what a 2-lane road can carry.

Katt clarified that the Adams Street traffic study is based on the traffic volume if this all develops with 300+ dwelling units. The difference in trip counts is not a material number. You can't say that this development is driving all those trips on Adams.

**ACTION BY PLANNING COMMISSION:**

October 11, 2006

Carroll moved to delay for two weeks, with continued public hearing and action on October 25, 2006, seconded by Larson.

Carroll believes this will be discussed in the context of a comprehensive plan amendment next week. He would like to discuss them at the same time to allow the Commission to investigate the whole thing before voting yes or no.

Strand thinks this looks like a quality development. They have worked with the neighborhoods. It could not have been easy. The fact that they worked so diligently to reach a change of value and make a situation that the neighbors are happy with says a lot. Regardless of what is going to happen to the northeast section of 84<sup>th</sup> & Adams, Strand believes this is a neighborhood that feels strongly about this change and she sees no reason not to go ahead and get it moving. It may change what she wants to put at the northeast corner.

Esseks wanted to know how much of the paving from 75<sup>th</sup> east will be the responsibility of this developer. Strand believes that they will have to work that out with Public Works. Esseks wondered whether the Comprehensive Plan update might call for 4+1. Strand does not believe this needs to wait for the Long Range Transportation Plan update.

Taylor believes that a two-week deferral is appropriate to allow staff as well as the developer to get together and reach a compromise.

Carlson supported the deferral. If there is some sentiment for allowing some commercial, he is interested in the delay. Even the staff report indicates that the staff would allow for some commercial area if it meets some criteria. He would prefer to see those things come before the Commission rather than being approved administratively.

Cornelius concurred with Carlson.

Esseks commented that this whole area is a hot spot. Let's look at it again as a whole. He is sympathetic to the developer and is impressed with the development.

Larson wants to look at the whole intersection. The commercial development on the east side of 84<sup>th</sup> has not been figured into the increased traffic along Adams Street and that is why he wants to amend the Comprehensive Plan to make it 4+1. Adams obviously is going to go on east and it will be a major arterial.

Marvin Krout, the Director of Planning, pointed out that a two week delay will be the same meeting at which the Planning Commission will be expected to take action on the Comprehensive Plan Update. In the meantime, the staff will work with the applicant on some of these issues. If the desire is to tie down commercial to something that is more mixed use, that is one of the fundamental issues that needs to be determined now.

Sunderman stated that he is in favor of the plan as it stands, but would like a better idea of what's going on with the traffic. He would prefer that this come up on the agenda before the one on the northeast corner. Krout noted that the northeast corner would be part of the Comprehensive Plan Update and the Commission would be designating something on this corner. The applicant wanted to move forward because there is certain language in the current plan that is not in the proposed Comprehensive Plan, but there can be some kind of coordinated decisions two weeks from today.

Motion to defer, with continued public hearing and action on October 25, 2006, carried 8-1: Cornelius, Larson, Taylor, Esseks, Krieser, Carroll, Sunderman and Carlson voting 'yes'; Strand voting 'no'.

\*\*\* Break \*\*\*

**COUNTY CHANGE OF ZONE NO. 06065**  
**TEXT AMENDMENT**  
**and**  
**COUNTY SPECIAL PERMIT NO. 06051,**  
**FOR A DRAG STRIP,**  
**ON PROPERTY GENERALLY LOCATED**  
**AT HIGHWAY 77 AND BRANCHED OAK ROAD.**  
**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

October 11, 2006

Members present: Cornelius, Larson, Taylor, Esseks, Strand, Krieser, Carroll, Sunderman and Carlson.

Staff recommendation: Approval of the text amendment and denial of the special permit.

Ex Parte Communications: None.

Strand made a motion to waive the Planning Commission rules to limit the time for testimony to three minutes unless additional time is requested and granted, seconded by Carroll and carried 9-0: Cornelius, Larson, Taylor, Esseks, Strand, Krieser, Carroll, Sunderman and Carlson voting 'yes'.

Staff presentation: **Mike DeKalb of Planning staff** explained that the proposed text amendment was initiated at the request of the Lancaster County Board to provide for race tracks, drag strips and motor sport facilities by special permit in the AG district. The proposed text must be in place before the special permit may be applied for and granted. There is no provision in the county zoning regulations for the proposed special permit today. The proposed text amendment was reviewed by the Lancaster County Board and is based on the existing language in the City zoning ordinance for special permit for motorized vehicles. Staff is recommending approval of the text amendment.

The second application is the special permit requested by Mark Hunzeker on behalf of Greg Sanford for a drag strip operation on 159 acres at North 56<sup>th</sup> and Hwy 77/Davey Road to Branched Oak Road. The property is shown as AG in the Comprehensive Plan. The application was submitted under the "recreational facilities" language, which was previously used by Dr. Sumani. It was determined by the County Board and the County Attorney that the "drag strip" did not fit the definition of a recreational facility.

DeKalb further explained that the staff recommendation to deny the special permit is based on lack of information provided in the application. The applicant did submit additional information on October 2<sup>nd</sup>, the day before the staff report went to press. The additional information indicates that the drag strip would generally be running Thursday through Sunday; the number of spectators could vary from 150 to 20,000; the hours of operation proposed vary from 9:00 a.m. to midnight; and the facility is proposed to be lighted.

DeKalb advised that as of about noon today, there have been approximately 49 e-mails and letters submitted in opposition and approximately 69 e-mails and letters submitted in support.

**Marvin Krout, Director of Planning**, apologized to the Commission for what they are faced with this afternoon. In retrospect, there probably was a better way to go about it. This case seems clumsier than it needed to be and reminds him more of a negative election campaign with all of the lack of facts and disregard for facts. In retrospect, the staff should have recommended something else to the County Board several weeks ago when they were being told that this special permit would require an amendment to the zoning resolution. Krout believes that was probably the time for him to have said – “we ought to be doing some planning first and then talking about zoning later.”

More specifically, Krout stated that he would have recommended that there be a new or reconstituted motor sports task force in order to look at this issue in a more holistic way. In looking back, Lincoln and Lancaster County have done their best work where they have gotten out in front of issues and have involved the public in a more meaningful way. We should have researched other communities to avoid reinventing the wheel. That process would have allowed there to be more facts in front of the Commission to make a decision. And, hopefully in that process, there would have been some kind of consensus about what kind of facilities the community needs and wants and the best places to put them.

Krout noted that the previous task force was mostly focused on motorcycles, and when there was a feeling that they found their home, that task force discontinued its work. There were no conclusions, no facts, and no research in order to help that task force. It was not a complete kind of study that would tell you what you need to know.

Krout went on to state that those success stories that we hear about are much different than what is in front of you today. They are much larger and broader in scope and scale and are doing a better job in taking advantage of the opportunities. Those success stories are also examples of public/private partnerships. More planning should have preceded this moment in time when we are looking at a specific site and a specific use.

Krout acknowledged that a lot of good points have been made by the supporters as far as bringing dollars into the community, but he is not sure that the Planning Commission should be forced to lurch into a decision about whether or not this is the best we can do for Lancaster County in terms of offering motor sports entertainment and recreation or in terms of the best location as far as impacting the rest of the community.

In the absence of having good advance planning, Krout advised that the staff did try to contact other departments and asked them to respond, but frankly, these other departments and agencies are not accustomed to dealing with these kinds of issues, and there is not much time once the case is filed to respond to questions that are not usually answered.

Krout also suggested that the Planning Commission should feel perfectly free to lay the blame for where we are and the lack of information on the applicant and his agent. When a proposed land use is in conformance with the Comprehensive Plan, the Planning Commission should be able to presume that it is acceptable unless proven otherwise. That is not the situation here. This is clearly contrary to lots of principles of the Comprehensive Plan about the rural parts of Lancaster County. It is clearly a movement in a different direction. It is interesting that we are not requiring a comprehensive plan amendment to allow 160 acres in the middle of a rural area to be zoned to allow this kind of use. When you have a situation like this, it is the applicant's burden to overcome the concerns that they are hearing from the affected neighbors and community. The Department has received little information from the applicant and that is why the staff has recommended denial.

Krout further commented that it is not just enough to say "it won't always be a big problem." It doesn't matter how many supporters say that. Quoting from philosopher Bertrand Russell, "The fact that an opinion has been widely held is no evidence whatever that it is not utterly absurd."

### Proponents

**1. Mark Hunzeker** appeared on behalf of the applicant and requested additional time for his presentation, which was granted.

Before his client purchased the land, he went and met with the members of the Motor Sports Task Force, and the consensus of that group was that it was a great site. Mr. Sanford was promised a letter saying just that, which he has yet to receive. After purchasing the property, Mr. Sanford received several contacts from people requesting to remove dirt from the property to fulfill contracts for various things. The plan at that time was to use that process and those contracts to remove some excess dirt from the site over a period of three years while the applicant made contacts with staff, neighbors, etc., to develop a plan for a race track facility. And thereafter, he would apply for a special permit. However, the dirt mining permit application turned into a slug fest of opposition to a race track. The applicant was completely defenseless in the application for the dirt permit because the applicant played by the rules and did not allow the race track supporters to come forward. The applicant played by the rules during the mining permit process and the opposition did not.

Hunzeker then stated that Mr. Sanford felt obligated to bring this application forward to demonstrate the need in this community and to find out whether it is even possible to have a motor sports facility in this county. So far the level of support has been encouraging; however, the response of County government has not.

This application was made under existing zoning regulations, the same under which the application for a motocross track facility was made. When this application was made, the staff requested the amendment to the text and this applicant was not given a single

opportunity to provide any input into the proposed text. The only opportunity this applicant had was to sit quietly in a County Board staff meeting and listen to the staff make a presentation about it. The proposed ordinance is generally just drafted from the existing city ordinance, which is extremely onerous. The additions and amendments to the city ordinance make it even worse. If this proposed ordinance had been in place prior to the time the application for this special permit was filed, Mr. Sanford would not be here today and the application would not have been filed. The location criteria alone is a complete joke. The proposal requires essentially a five-square-mile area, devoid of residential uses, schools, cemeteries, parks, designated open space, environmental protection areas, etc. That equates to something twice the size of Branched Oak Lake, for example. "If you can find on your County maps any place that even resembles that or even half that size, without any of those uses, let me know."

Hunzeker suggested that the sound levels included in the proposed text amendment are absolutely "library like". 50 decibels on a one minute LEQ is twice as restrictive as the city's ordinance. The proposed text amendment arbitrarily picks a sound level of 65 decibels for within one mile of residential uses. The 65 decibels is being imposed arbitrarily, not only on existing uses but on anybody who happens to come along and build within that one-mile radius in the future.

Hunzeker pointed out that the applicant offered to pay the expenses of Health Department personnel to travel to Heartland Park raceway in Topeka, Kansas, during an event to take actual noise meter readings from an actual event, and the Health Department declined and indicated that it would be a conflict of interest. The County Attorney then determined that it was not a conflict of interest and the Health Department still refused to do it. And then they turn around and suggest that the applicant should supply his own expert to conduct a computer-generated noise footprint for this area. Hunzeker suspects that the applicant would then be attacked for that study being tainted by the fact that the expert was controlled by the applicant.

"And finally, they throw in the fig leaf". The County Board can amend these conditions. Which is to say the staff doesn't have to make any professional judgments about the appropriateness of this land. They simply go down the checklist, but then the County Board can take responsibility and override what is written in the code. It is a stark contrast to those ordinances that apply in Cass County and Shawnee County, Kansas, where race tracks are characterized as family entertainment and are available as a conditional use. There is no specific criteria involved in either one of those codes that exclude a use like these proposed noise regulations or like throwing in cemeteries as a new prohibition when the staff and County Board knew this site had a cemetery across the street. That restriction doesn't even exist in the city's ordinance.

Hunzeker urged that the economic impact is very positive for Lancaster County. Heartland Park in Topeka has an annual economic impact of about 35 million dollars and an increase in annual household income impact of about 13.5 million dollars. A one three-day event

at the Brainard, Minnesota, track is about a 9.5 million dollar impact. This kind of a use takes space. It takes some vision and it takes some courage. We need to recognize that every change generates some opposition. The Planning Commission deals with opposition to change every day and you all know that the concern about the change is ordinarily exaggerated. The positive impacts of this can be very impressive.

“Please don’t drive this off.” We need this kind of facility. There is tremendous support for it.

Hunzeker submitted motions to amend the text change and the special permit, which he believes demonstrate the good faith of the applicant. The applicant is trying to eliminate conditions which his facility cannot live with, and adding a condition which allows for a sound mitigation plan to be approved by the Health Department. This applicant does intend to be a good neighbor. But, in Hunzeker’s opinion, the proposed ordinance is designed to exclude this kind of facility. The applicant is simply asking the Commission to amend it in such a way as to make the possibility of the proposed special permit a reality.

Applicant’s proposed amendments to County Change of Zone No. 06065:

13.016(a)(6) Proposed measures to mitigate potential adverse environmental impacts, such as air quality, hazardous liquids and glare. A noise impact analysis to include the projected noise levels, e.g. one-minute Leqs, at noise sensitive locations. The effects of the noise mitigating measures, such as barriers, will be part of this analysis.

13.016(a)(8) Days and hours of operation.

13.016(a)(9) Description, type, and frequency of other anticipated events or uses incidental to the racing facility described above.

13.016(d) The operation of the facility shall not create an A-weighted sound level (dBA) which exceeds 50 dBA, measured as a one minute equivalent A-weighted sound level (Leq) at any point beyond one mile from the boundary of the property legally described in the application, between the hours of 10:00 p.m. and 10:00 a.m. Longer or shorter Leq periods may be used that are appropriate to the type of racing event involved after consultation with the track operator. A 65 75 dBA one minute Leq limit shall apply during the same time period to any dwelling in existence on the date of approval of the special permit within the one mile radius of the boundary of the property legally described in the application. To determine any noise level, a laboratory certified noise level meter meeting American National Standards Institute (ANSI) standards shall be used. A sound mitigation plan shall be approved by the Lancaster County Health Department.

13.016(f) The boundary of the property legally described in the application shall be

~~located at least one mile away from existing cemeteries, hospitals and churches, and residential areas, rural use/acreage areas, schools and parks and open space as designated by the Comprehensive Plan.~~

13.016(h) The site shall be located within reasonable reach of existing fire protection facilities, or fire protection may be provided on site. A report thereon shall be obtained from the fire protection district or authority in which the site is located.

~~13.016(i)The events shall not operate between the hours of 10 PM to 10 AM.~~

Applicant's proposed amendments to County Special Permit No. 06051:

1.(g) Note the days and hours of operation. ~~These shall be limited to Friday through Sunday, and Holidays. Hours of racing and practice operation shall be 10 AM to 10 PM.~~

k) The operation of the facility shall not create an A-weighted sound level (dBA) which exceeds 50 dBA, measured as a one minute equivalent A-weighted sound level (Leq) at any point beyond one mile from the boundary of the property legally described in the application, between the hours of 10:00 p.m. and 10:00 a.m. Longer or shorter Leq periods may be used that are appropriate to the type of racing event involved after consultation with the track operator. A ~~65~~ 75 dBA one minute Leq limit shall apply during the same time period to any dwelling in existence on the date of approval of the special permit within the one mile radius of the boundary of the property legally described in the application. To determine any noise level, a laboratory certified noise level meter meeting American National Standards Institute (ANSI) standards shall be used. A sound mitigation plan shall be approved by the Lancaster County Health Department.

Strand noted that the proposed amendments on the special permit do not address (e) with reference to site location and uses around it. Hunzeker concurred. He did not address (e) because that provision says the site shall not be located in areas for residential use, rural use, low density residential, schools, parks and open space, etc., in accordance with the Comprehensive Plan. Hunzeker submitted that this application meets that criteria. This location is in an agricultural area of the Comprehensive Plan.

Strand wondered whether the applicant would desire a delay to have input into the proposed text. Hunzeker did not know whether four weeks would be sufficient. The real question is, do we or don't we have a desire on the part of the county or the staff to draft an ordinance that will permit this kind of use? If the concern is that we are not going to ever be willing to have this kind of facility, then it would be a waste of time to delay the

proposal and try to work out a compromise. It is Hunzeker's opinion that the proposed text goes in the direction of not allowing this kind of facility. "If we could throw it away and start over, there might be some hope."

Esseks suggested that a delay may be useful because the central issue is noise. If you could demonstrate that your industry has been able to develop the various sound reducing techniques, both in terms of construction of the facility and how the vehicles are operated, it would certainly satisfy him. He is impressed by the economic return to the community and the real pleasure enjoyed by individuals and entire families. The problem is noise. He finds indications of very high decibels. "I have put myself into the shoes of the 33 households that live within a mile, and I find on the internet that the average person cannot sleep with 45 decibels of noise." The real issue is, what are people going to hear and how frequently? If the applicant can persuade us that the growing industry has dealt with that problem, then his concerns are addressed and he can support it. But, he does not have that information here. Unless it is well documented, some of us will just reject it. This is a real problem of persuasive evidence.

Hunzeker suggested that if the standard the community wants to apply is 45 decibels, then he is not sure that it is even possible. But, Esseks further stated that there must be some convincing evidence that these people living in their homes now can sleep. If not, the whole thing is unsuitable because we have to protect the health and welfare of our people.

Hunzeker does not know all of the technical noise data for all the classes of vehicles, but there are maybe three classes of vehicles that are even close to the range that has been discussed. They have discussed the possibility of arranging scheduling so that those vehicles are only run from 10 a.m. to 10 p.m., or some other schedule, but the amendment which Hunzeker has submitted basically accepts the standard that the staff imposed, but only after 10 p.m. and until 10 a.m., and allows that standard to be exceeded between 10 a.m. and 10 p.m. Is that perfect? No, it is somewhat arbitrary, but no less arbitrary than the staff recommendation. If we have to impose these kinds of rigid arbitrary numbers, then at least let's talk about numbers that can be met. The Health Department is pretty sure that this applicant cannot meet the standard imposed by the proposed text with probably three of the top kind of cars that run. The cars that are below that in class and that are slower and street legal don't make that much noise and the standards can be met with those classes, except for some of these areas that are closer than a mile, and the possibility existing of someone building a house after the track is in place. The proposed amendments indicate that the applicant will meet those standards during those nighttime hours. Maybe that's not quite good enough but frankly, it is still more restrictive than any of the regulations from Shawnee County, Kansas, or Cass County. For example, there are a lot of houses that have been built within a mile of the Eagle Raceway since it was established.

**2. Greg Sanford** gave testimony as the applicant and owner of the land for the proposed motor sports facility. His intent is to develop a top-notch facility bringing in a lot of racers

and spectators. He also owns Nebraska Motor Plex in Scribner, which is not now operating. That track was shut down in 1999. He purchased it in 2000. He upgraded that facility to make it more racer and fan friendly, such as new electrical, plumbing, lighting, computer system, handicap assistant seating, etc. He tore up concrete on the starting line and made other safety improvements. The challenge was to try to get the road paved to the facility, and he continued that challenge in 2001-02. He was denied authority to pave the road. That is part of the reason it is shut down.

Sanford believes that the County Commissioners have let him down. Had he known about the text change, he would not be here today.

Public Testimony:

**1. Andy Barry** testified in **opposition** on behalf of **CPR Life (Citizens to Preserve Rural Life)**, composed primarily of residents and landowners in and around the proposed drag strip. There are about 70 households in this group, many of which stood in the audience, and there are more than just these 70 households opposed. Some members of the group have been gathering petitions consisting of about 550 names in opposition.

Barry provided an overview of the opposition issues. He had previously submitted proposed amendments to the text amendment proposal, as set forth on Exhibit "A" attached hereto and incorporated herein by this reference. In addition to common sense, the restriction on location in close proximity to churches and cemeteries is covered by the Religious Land Use and Institutionalized Persons Act that prohibits any land use that imposes a substantial burden on the exercise of religion unless there is a compelling state interest in that land use. A race track would not meet those requirements and federal law would prohibit locating a race track in close proximity to a cemetery.

The CPR Life members believe that the noise restrictions are reasonable in the current draft language. The decibel levels are reasonable. It is important to have measurable standards in the ordinance. Based on the current application, it is unclear what, if any, effect the provision for berms, concrete barriers, etc. might have on the noise issue.

This proposed race track will have a major impact on this part of the County. It will substantially disrupt what is going on in northeast Lancaster County now. It will be a substantial disruption to the neighbors, the planned development of property in that area, and property values will be negatively impacted. There will be a disruption to the environment and to public safety. Under these circumstances, the Planning Commission needs to have really convincing evidence to give a conviction that this facility is one that is really needed and one for which all reasonable measures have been taken to insure that the lives of the people are not going to be unnecessarily burdened.

**2. George Anderson**, President of the new motor park in Hastings, testified in **support**. The new facility in Hastings is on 150 acres, with 4 million dollars worth of asphalt, buildings

and infrastructure. It is located right on the edge of Hastings and they are able to make it work. What is most important about a facility like this is finding a sanctioning body you can trust and count on. There is a lot of infrastructure in Lincoln, including hotels and restaurants, tire stores, etc., that other communities do not have. Lincoln has so much to offer to races. Tens of thousands of people will come to Lincoln, and they are great people. They drive nice cars. The legislature and NDEQ worked with Hastings to pass emergency legislation to allow Hastings to have 20,000 tires to help make the track safe. You have to find a place for it.

**3. Dr. Julie Marshall**, 7130 Anna Place, Davey, testified in **opposition** as an agricultural land owner within one-mile. She is also the secretary of the Danish Cemetery Association. The Danish Cemetery, which sits on top of a hill adjacent to the proposed site, was founded in 1884 by her great grandfather. It is an active non-denominational cemetery. The ancestors of those who homesteaded this land are buried there. The concerns include increased traffic with the cemetery located directly across the road. The applicant estimates up to 20,000 people attending this venue. Consider how this will affect the people who visit a cemetery regularly. The noise from the engines and public address system will destroy the tranquility of a cemetery and interferes with the community's right to practice their religious beliefs.

She questions the adequacy of the design in terms of berms and landscaping because the cemetery will always be in the line of sight of potential race cars. How will Lancaster County finance supervising compliance and enforcement of these concerns? What is the process? What will be the process that will provide immediate action? This is the wrong location. "Would you, individually, be willing to sacrifice the sanctity of the burial spot of your children, husband, your wife, or your parents in order have this sort of development next door?"

The Danish Cemetery has probably four to five funeral services every year.

**4. Joe Dyrda**, 10610 N. 180<sup>th</sup>, Bennington, testified in **support**. He runs a GMC show near Gretna every year, with 250-300 cars from 14 states. They added racing to the show this year, which made more people want to come to Nebraska. The economic impact and entertainment value needs to be considered. He has brought a lot of business to the shopping mall and the motels. He spends money on t-shirts, awards, equipment, food, and advertising – all locally. This is a family-oriented event. The nearest tracks we have are Kearney or Glenwood. The proposed area is fantastic. It will attract people state-wide and there will be national interests. He cannot see any downside to this if the needs of the residents are addressed.

**5. Rev. Rhonda Bostrom**, 217 Edwin Street, Ceresco, Nebraska, testified in **opposition** on behalf of the Bethlehem Lutheran Church community in Davey. It is their hope that this drag strip will not be built because of sound pollution on Sunday morning during worship services and Sunday School. The church building is located on the far east side of Davey,

the side closest to Hwy 77 and closest to the drag strip. Loud drag racing on Sunday morning will intrude on the Sunday School instruction and worship, including funerals, weddings and wedding rehearsals. The church does not have a microphone system and there is no sound-proofing insulation in the building. She believes that the prayers that we pray and worship are important and are worth defending against noise intrusion. She believes that the instruction and faith formation of our children is important and worth defending against noise intrusion. She believes that the preaching of God's love and grace is so important and she will publicly defend this good news against any kind of noise intrusion.

Rev. Bostrom is also opposed personally because she lived on a farm approximately 8 miles west of the former Scribner Motor Plex. She could hear the engines 8 miles away. In 1993, she was asked to sing the national anthem for a race event there. The motoring and accelerating was so loud that she plugged her ears for the entire event and her ears rang for days following the event. A former neighbor of the Scribner Motor Plex gave her permission to share his store living 1 1/4 miles from the Scribner Motor Plex. He had a feedlot of 700 head of cattle. Each weekend the cattle would begin to circle in fear. Eventually, they would stampede through the lot and they would spend hours and days rounding the cattle back into the pen.

The noise level from this drag strip will absolutely disturb the peace that currently exists on the site and in the surrounding neighborhood.

**6. Randy Moore**, 5635 Huntington Avenue, testified in **support**. He has been involved in drag racing for over 35 years. He supports building a first class facility in this area, preferably by an individual such as Mr. Sanford, with the least amount of government intervention as possible. The racers spend hundreds of hours maintaining the vehicles and thousands of dollars are going outside the city to buy parts and services. With the current locations, he is required to drive 3-7 hours just to compete. Consequently, with the fuel prices, it has cut into their budgets. A race track will generate more income in the area. There will be jobs created initially for the construction, maintenance and upgrades. The track will utilize services such as graphics, video and television promotions. It is an excellent tool for advertising for local businesses.

**7. Erin McGovern**, 15986 N. 40<sup>th</sup>, less than one mile away, testified in **opposition**. She purchased 17 acres in May and enjoys the peacefulness. She would not have purchased had she known about this proposal. Roaring noise all day and night every weekend and the trials during the week would be devastating to those living within several miles, including their pets and wildlife. She cited two case laws, both suits against owners of motor cross tracks, where the court found for the plaintiffs, finding that the sound level of 65 decibels would be difficult for conversation and found that the track was a nuisance. A finding of common law nuisance is not dependent upon the existence of zoning laws. Another case found that the track interfered with the plaintiff's ability to enjoy their property due to the dirt and noise; it interferes with plaintiff's ability to listen to radio and television

and to study. The court also found that it would negatively impact the value of the property. This drag strip will be detrimental to the use and enjoyment of the neighboring properties.

**8. Bill Lorenzen**, 3515 N. 3<sup>rd</sup>, testified in **support** from a racer's point of view. He travels 120 miles just to run on a 1/4 mile track, which means extra fuel expense. That revenue could be spent right out here on North 77. The possibilities include the need for another motel, gas stations, and restaurants. This could mean millions of dollars coming into the community on a national event. He believes that the noise issue can be worked out. There are hundreds of people that want this track. There are probably over 1000 names on the petition in support.

Esseks inquired as to the compromises Mr. Lorenzen has in mind regarding noise. Lorenzen suggested that a study could be made of the other tracks as far as what noise levels are being dealt with. You need to know the noise levels and how close or how far you have to be before that decibel reading goes down. If this track is built right and recessed in the ground with noise barriers on each side and probably trees, that decibel level will go way down.

**9. Phyllis Larsen**, 17575 N. 70<sup>th</sup> (within one mile), testified in **opposition**. She submitted petitions of concerned citizens from all over Lancaster County as well as those 568 signatures living near the site. They went door-to-door and talked to people face-to-face. 85% living within one mile are firmly opposed. The other 15% include people who they were not able to reach or those that chose to remain neutral or in some cases in favor. 85% living within 1 1/4 mile, which includes Davey, are opposed. There are hundreds of households opposed to this plan. A vast majority of the people in the area are opposed. This applicant has not worked with the neighborhood. Contacts from the supporters has been divisive and offensive. Some last minute efforts were made a few days ago with a letter being mailed to the residents within one mile. There have been no neighborhood meetings. Why would you ignore the hundreds of people who simply want to preserve their health, safety and their property value? The applicant's motive is profit – not the well-being of the community or the well-being of the environment. The proposed location just isn't the right one.

**10. Kevin Neth**, 2101 S.W. 14<sup>th</sup>, testified in **support**. He grew up three miles from the proposed track site. He has raced and attended race events in Indiana, Colorado, Kansas, South Dakota, Minnesota, Kearney and Scribner. He has been friends with the applicant and has helped run his events. The applicant is passionate about the sport. The applicant has demonstrated the ability, passion and drive to run this facility in a professional manner and it would be a great addition for Nebraska tourism.

**11. Ally Milligan**, 15986 N. 40<sup>th</sup> (within one mile), testified in **opposition**. She relayed her experiences living near a race track in Ohio. She lost sleep on the weekends. The races were extremely loud from Thursday through Sunday, with helicopters circling the area at the same time. It increases the traffic in the area, with tail-gaters, campers and

weekenders walking the secondary roads to the residential area. The racing season is long and loud with live bands, helicopter noise, and bumper to bumper traffic. The race track in Ohio is built in a bowl and the residents were falsely assured that they would not hear the noise from the track and that the noise would be contained. She believes she has a right to a peaceful and quiet life. She moved to Nebraska to enjoy the good life and moved to the country to enjoy the quiet life.

**12. Cory Neth**, 2101 S.W. 14<sup>th</sup>, testified in **support** based upon a passion for drag racing. She is a member and attends Bethlehem Covenant Church located three miles from the drag strip. She has been crew chief for her husband since 1997. They raced at Scribner and found a firm commitment to the track, safety and friendly environment. The racing community is very family friendly. She eventually became a racer herself and raced on Mr. Sanford's track and found it to be very safe and smooth. Please consider the passion of the racers and the economic impact for the whole county and state.

**13. Chris Collins**, 1805 Davey Road, testified in **opposition**. There is no good reason to put the race track in the wrong place. One of the core objections is the matter of noise pollution. Experts define noise as unwanted sound. Noise is so subjective. A top fuel race track is a curse to the families nearby who are force-fed the unwanted pollution in their ears. Top fuelers have a sound signature more familiar to a rocket than anything else. When is there ever a respite from the noise? Weather also affects sound travel in Nebraska where we frequently have temperature inversions. Under normal weather conditions, sound goes upward and outward, but when there is a temperature inversion, the sound goes up and bounces back down. This helps to explain why people at distant locations are able to hear loud sounds. He challenged to try to settle this in a way that is favorable to both parties – "Tell the neighbors that we can have our peace and quiet and tell Mr. Sanford he can have his race track just as soon as he finds the right location."

**14. Dave Halvorsen**, 9920 Van Dorn, testified in **support**. He asked those in support to stand in the audience. He has been a realtor for 14 years. He went to the race track at Eagle on Saturday and drove around the track and counted the houses that are built there. When the track was built, there were 11 homes within one mile; 16 homes between 1 and 2 miles; 110 homes between 2 and 3 miles; and another 5 homes between 3 and 4 miles. Since the track was built, additional new homes have been built -- 16 within 1 to 2 miles; 75 within 2 to 3 miles; and 74 within 3 to 4 miles. We need to be realistic about the noise issue. There is a subdivision within two miles of Eagle with 25 homes; there are two more proposed building additions within two miles of the track. He does not believe it will adversely affect the property values.

There is a commercial property across the street valued at \$40,000 dollars an acre. There is also a cemetery right across the street. There is an agreement between the race track and the cemetery to accommodate the cemetery when there are services going on.

Esseks inquired as to the frequency of the races at Eagle. Halvorsen stated that since 1963, they have run one- or two-night programs, Friday and Saturday. In 1975-80, they ran a Sunday night program; and since it has been redeveloped, they occasionally will run a Wednesday night show four times a year. They generally start the second week of May and end the weekend before Labor Day.

Larson inquired as to the noise level of a drag strip when compared to an oval track. Halvorsen stated that a top fuel car is louder so you probably have three classes of cars that will make more noise. Those cars run the course in 4.5 seconds.

Esseks inquired of the applicant as to how many separate races he will have. Sanford stated that there will be two cars running down the strip at once.

**15. Mark Blowers**, 17850 N. 3<sup>rd</sup> Street, Davey, testified in **opposition**. He has lived 1 1/4 miles from the proposed site for 22 years. He recited from the Comprehensive Plan, which is our community's common vision for the (p89). He believes that this application is in conflict with the guiding principles for rural areas set forth in the Comprehensive Plan. The Comprehensive Plan states that there is strong consumer demand for country style living and the need for integrating acreages with traditional agricultural land uses. If the Lancaster County population is projected to increase to 360,000 by 2025, this is no Hastings. Where will the balance of the people go? They are expected to reside in smaller cities or villages, in farms and in rural areas on acreages. This land for the proposed site is just beyond the Tier III designation in the Comprehensive Plan. It is now being used for rural residential and agricultural. 90% of this site is designated as either prime agricultural land or farm land. It is highly productive land. Ag land, particularly improved agricultural land, should be protected and preserved in large contiguous blocks in order to maintain a critical mass of farms. A drag strip is clearly not an agricultural venture. It is a commercial one.

Blowers showed pictures taken between August and September at the Scribner track, which he believes depict an "out of control" commercial venture. The proposed drag strip does not fit within the guidelines of the Comprehensive Plan for rural land use or commercial industrial development. It will represent haphazard commercial sprawl.

**16. Karen Svehla**, 2800 N.W. 7<sup>th</sup>, testified in **support**. Both she and her husband had cars in Americruise. It is a sense of pride and accomplishment. There is a lot of time and money invested in these cars. It is a very enjoyable experience. A venue like this would provide great community fellowship for all generations.

**17. Karen Kurbis**, 17500 N. 84<sup>th</sup> (1.7 miles from the track site), testified in **opposition**. She and some of her neighbors went to the Topeka track to observe. Every 60 seconds two cars took off and raced down the track from 8-13 seconds. They found the noise to be highly obnoxious.

With regard to the Motor Sports Task Force, Kurbis believes that we were all done a great injustice. Things were promised and said, but nothing was recommended. We do not know why. It was not fair for the government to put all of us at odds against one another. GS Motor Sports will never have the option to be a Topeka at this location due to the restriction of the land. He is only talking about a drag strip, so comparing the potential economic impact to Topeka is like comparing UNL basketball to UNL football. There is no comparison. Why were there no economic impact statements from a more similar track? What about attendance? 29% of the events he is proposing are Friday night street races, which will provide very minimal economic impact. 38% are one-day events. There are too many unanswered questions. The Commission needs more information. We dream of living our lives in the peace and quiet of the country. Mr. Sanford has failed to do his long term planning.

**18. Ed Bowes**, 15401 N. 14<sup>th</sup> Street, Raymond, testified in **support**. His property is about 4 miles from the race track. He stated that he is also speaking on behalf of Todd Duncan. He highly recommends approval. We need it. We need to get the kids off the streets. He raced at Eagle Raceway from 1965 to about two years ago. There are a lot of professionals out there. Many of the Duncan Aviation employees would enjoy this racing venue. Mr. Sanford has run a professional facility in Scribner.

With regard to loss of farmland, Bowes suggested that people get paid a lot of money not to grow crops in this county. There are people building houses near the Lincoln Airport where there is noise and it doesn't seem to be an issue. Doctors, lawyers, professional pilots, engineers, and business owners are involved in this sport and will be at this race track. You can't put this track in the middle of town. We tried to put a drag strip at the Lincoln Airport and a noise study was done. A lot of the cars run mufflers. The top fuel cars would only run once a year.

**19. John Baumgartner**, 6030 Davey Road (right across the road from the proposed drag strip) testified in **opposition**. He and his wife are both chemical engineers, moving to Lincoln in 2001. They moved to this area because it is in a rural setting and it is quiet. He sees no positive impact. The area of severe negative development impact will be two miles surrounding the section of land being proposed, or 25 square miles. He testified as to the value of the land and the home sites within 3 miles. He believes there will be a 30% drop in valuation within one mile; a 20% valuation drop within 2 miles, and a 10% valuation drop within three miles – a total immediate negative impact to the landowners totalling 11.53 million dollars. If the desire for a drag strip is so strong, why did he fail at Scribner?

**20. Jim McNeil**, 515 C Street, testified in **support**. He relayed his experience living by a railroad since 1972. He is in support of decreasing the amount of street racing. All of their cars have mufflers.

**21. Marlene Tracy**, 17500 N. 84<sup>th</sup> (1.75 miles from the proposed site), testified in **opposition**. She has lived on this acreage for 16 years and chose to move away from the noise of the city. This property is in the Ceresco Fire District; however, it is pretty much on

the edge of the Waverly District and Raymond District. Waverly and Raymond would be mutual aided in, if needed. This property is approximately 5 miles from Ceresco, 11 miles from Waverly and 12 miles from Raymond. She served as an EMT on a local rescue squad and they only have the ability to do basic life support. There are no paramedics on any of these three rescue squads. Lincoln Fire is the nearest department with paramedics. The greatest concern is from increased traffic on Hwy 77 and the surrounding gravel roads. There will be an increased desire for spectators to seek back roads to return to their homes. This will create a greater hazard for the families who live and travel in this area. The sale and consumption of alcohol should be prohibited. If allowed, this creates another concern for impaired drivers coupled with inexperienced drivers on the gravel road. This will also place an undue burden on the volunteer fire and rescue squads. They have limited people available to do standbys. If there is an accident in the area, and they pull Ceresco, someone else will have to be mutual aided, resulting in longer response times. She requested that the Commission place the safety of the citizens at the top of the priority list.

Strand noted that Ceresco is in Saunders County. Tracy concurred, but their service area goes down to Raymond Road.

**22. Rob Park**, a third generation farmer and director for National Hot Rod Association, testified in **support**. The NHRA was founded in 1951 to eradicate illegal street racing. He represents over 150 race tracks across the United States, with 80,000 plus members and 55,000 competitors. NHRA is excited about coming to Lincoln. Lincoln is a central location. It is the place for us. Lincoln has the amenities that they need -- access, hotels, restaurants. He appreciates country living, but he also appreciates drag racing. No one will want it in their bak yard. There is a place for it. Motor sports is the number one spectator sport in the world.

Park submitted that it is a proven face that property values increase once a race track comes in, whether or not it is residential.

With regard to fire rescue, the race track in Cordova, Illinois, had a similar problem and formed their own state certified fire rescue team at the race track. The track operator funded it.

With regard to noise abatement, you will readily hear a drag car one to two miles away because it is a different sound, but it is not a higher decibel. A grain bin dryer is a higher decibel than a drag strip ever will be. He has been involved in a lot of noise studies. When you talk about "sound", it doesn't double with two cars side by side. The number of decibels stays the same. Noise decreases in half every thousand feet. He would be willing to help in any kind of noise study. He has the resources to go to any noise specialist in the country. We can prove that the sound is no different than a car passing down the road or a lawnmower running in their yard.

**23. Greg Sanford**, 18000 N. 98<sup>th</sup> (three miles from the proposed site), testified in **opposition**. His concern is with traffic and safety. The intersection at Branched Oak Road and Hwy 77 is a very dangerous intersection. He showed photographs of the intersection which runs into the race track in Topeka. Do they plan to widen the Hwy 77 right-of-way? Is that going to be a necessity? There are no comments from the NDOR about the line of sight, but he is very concerned about the safety of the vehicles, including school buses and other events, such as state basketball and other events that may coincide with events at the facility. At Topeka, the intersections are allowing for such additional activities. He does not believe that the proposal is providing sufficient parking. Approximately 250 cars could be parked in a lineal line on a country road, which is the next option, and he would then need four miles of roadway to park these vehicles on one side of the road. If they park on both sides of the road, it narrows the road to a single lane. Mr. Sanford must not believe that he will have that 5,000 in attendance or else he would have purchased more land. He spoke of events up to 20,000 people, which would mean 8,000 extra vehicles. He is also concerned about trash and litter on the roads.

\*\*\* Break \*\*\*

Taylor and Larson left during the break.

**24. Jeff Atkinson**, 1800 Branched Oak Road, Davey (2 3/4 miles west of the proposed facility), testified in **support**. There has been tremendous growth in this area and as the growth approaches the residents, they have learned to adapt. He welcomes another great opportunity which could benefit himself, his neighbors and our community. He is not concerned about the sound. This will bring out-of-state and in-state tourism dollars to Lincoln. Tourism is Nebraska's third largest earner of revenue. He submitted two letters in support, one from Bob Workman, County Commissioner, addressed to John Wood of the Airport Authority, and a letter from Michael Collins of the Nebraska Department of Tourism.

Denial of this application could deny 290,000 people the benefit of sales tax revenue, economic revenue, tourism revenue, entertainment revenue and tax relief for our community.

**25. Tom Keep**, 8601 Davey Road, testified in **opposition**. The applicant states that the on-site drainage will be maintained in the same direction of flow as exists today. However, the site plan shows a site grading plan and analysis which clearly shows that the on-site drainage is significantly affected. This proposal changes the drainage. It is troublesome that the applicant would state that the drainage area would not be changed but show something completely different on the site plan. It is completely untrue that the drainage does not change.

Keep then suggested that a detention pond to reduce the runoff rate would have to be over an acre in surface area and 8 feet deep. There are no detention ponds shown on the site plan. And there is no room for a detention pond.

It has been stated that berms will be used to abate noise and that the track will be in a bowl. Keep pointed out that the site plan shows no berms, and the burnout area and starting line of the track are on 20' of fill, which would project the noise to the south.

**26. Paul Steyer**, 6272 Agnew Road, Ceresco, testified in **support**. He has lived in the Davey area for four years and knows that the proposed site is a good one. It has a major four-lane highway going by it. He lives two miles north of the site. Football traffic on a Saturday creates a lot of traffic and the road handles the traffic just fine. Some say the noise will be too much, but have they been to a drag race facility? Local Scribner people have said that the corn crop during the summer made it such that they could hardly hear the racing on a Sunday afternoon. Plus at the entrance of the Scribner facility, a farmer had cows and pigs and they never had any problem with the noise. Steyer submitted that noise from the highway is as great or greater during rush hour than the track will produce. Top fuel cars probably will not be at this race track for a long time. Sanford is dealing with local racers who have cars with mufflers. People living along the highway have grown accustomed to the traffic noise as everyday noise. There are not usually schools or funerals going on during the weekend. It is time for the local government to bring new prospects to the surrounding Lincoln area instead of letting it go to Omaha. We have lost American Stores, Cushmans, and Goodyear. We have a golden opportunity. Mr. Sanford is willing to invest millions of dollars in a top notch facility and put money back into our community. He will provide jobs.

In addition, Steyer observed that a drag race facility does not use much water, certainly no more than irrigation pumps.

He advised that the NHRA has a junior drag strip program for ages 8-17. It is a true family affair.

This will be a facility for the next generation – the youth. We do have a problem with street racing in this community. Drag racing is good, clean family fun. We need to work together to overcome the obstacles.

**27. Phil Pfeiffer**, 15746 N. 56<sup>th</sup>, testified in **opposition**. His family moved to their farm for the good life. They have spent a great deal of resources developing a wildlife habitat and soil and water conservation model. He focused on the issue of runoff. There is one area that was expanded from 13.5 acres to 55 acres in the watershed. Two large forested drainage ways run directly on this property. The petroleum chemicals would be oils, gasoline, alcohol, fuel, transmission fluid, antifreeze, lubricants and solvents. Four quarts (one gallon) of oil that falls on the ground would leave a visible film on one million gallons of water. He is concerned about that flowing onto his property.

**28. Joel Ludwig**, 219 4<sup>th</sup> Street, Garland, testified in **support**. He observed that the photos previously shown of the Scribner facility were taken when the track was being dismantled. They would have been trespassing when taking the photos. All of the noise is directed south of the proposed facility. Atlanta, Denver, and Joliet, Illinois, are the only drag race facilities that hold national events. They are all on property about the same size or smaller. The big volume events do apply to those facilities. Joliet and Denver were either brand new or remodeled in the last decade. Where are the jobs going to come for the houses that might be built on these sites? A race track is a oil stream for other economic activity. Other people make money because Sanford is operating. There are clean-up crews at the track that contain all of the spills. He has raced since he was 17. The demand for the sport is higher than ever.

With regard to pollution, Ludwig noted that the ground is now farm ground. The nitrates, pesticides and herbicides go away with the race track. It is not going to harm the phantom beetle that no one can find. Eastern Nebraska is prime agricultural land. Anything built in this community was built on prime agricultural land. This property was classified as highly erosive. Do you know that Lincoln has the equivalent of top fuel racers passing through the city everyday, i.e. freight trains? The horns on the freight train are louder than a top fuel car. 65 decibels already exist at the gate of the cemetery. The noise part of the ordinance is ridiculous and disingenuous. It was written to scare an applicant away after the fact. The track location has a hill ridge to the east and to the west. It will be excavated below the current contour. It will be 60-100 feet below the natural ridge line of those hills. The neighbors will hear some sounds, but hearing it does not make it a nuisance.

Ludwig pointed out that a typical sportsman race car will be below 100 decibels. This can be built in a way that it will mitigate the noise impact. Drag racing is a technical sport. It is a problem solving skill.

If the Commission is interested in growth and development, this is the right location.

**29. Dave Nielsen**, 7100 Raymond Road, testified in **opposition**. His family has farmed in this area since the 1890's. He has a large grain handling system and he seriously doubts that his 10 hp grain drying fans are the same as a 500-600 hp car. His family farms about 1800 acres within a 5-mile radius of the area. There is not much water underneath the ground. According to the American Farmland Trust, America loses two acres of farmland every minute per day. We lost farm and ranch land 51% faster in the 1990's than previously. We are losing this finest land to development.

**30. Kristine Steyer**, 6272 Agnew Road, Ceresco, testified in **support**. She has lived in the area for 20 years, just two miles north of the proposed site. She has been around drag racing her whole life. It is a family event. Racing would benefit our youth in many ways. NHRA has a youth and education service program, with classes on and off drag sites to promote and focus on the demand for continuing education. A track can get the racing off the streets.

**31. Carl Fitzke**, 1740 N. 84<sup>th</sup>, testified in **opposition**. There are no assurances that this will reduce the street racing. He recited from a letter by Tom Casady, Police Chief, agreeing that providing some outlet for street racers might reduce illegal street racing. From a safety standpoint, he would rather see the crowd at a sanctioned strip. Some street racers might be able to get their need for speed fulfilled if the costs were reasonable. However, rather than reducing street racing, a drag strip could be an attraction to even more illegal racers because they don't want to pay entry fees, etc. We experienced this during Americruise. So, will the drag strip increase street racing, or will it decrease it?

**32. Shannon McGovern**, 3821 Madison Avenue, testified in **support**. He believes that Mr. Sanford needs to be given the chance to do this. They are willing to work to make this work with everyone.

**33. Scott Johnson**, 6333 Rock Creek, Ceresco, testified in **opposition**, with concerns about debris, trash, and litter. A gas station owner said he had more drive-offs on race day weekends than any other time. This proposed facility does not have off-site parking. There are no restrooms. He suggested that there are a lot of people who are drag racers who did not sign a petition either way because they did not know if Greg Sanford was the man who could manage this track. It will take 3-5 years to get this developed. There are a lot of people who ride that road on bicycles as a means of transportation. If it was such a great venue for people, then why did he have to close down Scribner?

Johnson also pointed out that once or twice year is not an economic reason to bring it out there. The growth that is going to happen on Hwy 77 and I-80 is economic growth and will draw people in. Going 8 miles north to this track is not going to draw people back into Lincoln. If those kids don't trailer their cars, they are going to get a free run down the highway. It is not a safe environment when the fire and rescue people leave.

Johnson wants to see a race track, but first and foremost, he is the son of a farmer and his great grandfather homesteaded the land. The buffers on a race track will absolutely stop the growth in northeast Lincoln.

Johnson agrees that commercial land is worth more money, but all of the farmers are not selling for commercial venues because they have heritage on the land as well. The Tiger Beetle just got a grant on 200 square miles to protect it. There are things that are growing there and a race track will not help it grow.

**34. Roger Neemann**, 7848 Creek View Drive, testified in **support**. He is a resident of Lincoln and auto enthusiast. He is a member of the Nebraska Corvette Association in Lincoln. They pick up trash on the highway and on the first mile north of the drag strip area. The trash beat the drag strip there. The Association has a car show once a year and they have been four different places in Lincoln. Mr. Sanford has assured that this facility would be open for their car shows, which do not make noise like drag races. They have given all of their proceeds to the Food Bank. He is past president of the Eastern Nebraska,

Western Iowa Car Council, covering car clubs from Grand Island to Des Moines and Missouri. They do a swap meet at the fairgrounds, but they are fearful that the fairgrounds is going to get moved. Mr. Sanford has assured that his facility will be open for a swap meet, and that is a function that would not create any noise. This is more than a drag strip – it is a facility for car enthusiasts.

Neemann also advised that NHRA is two cars every 5-15 seconds. NASCAR runs 43 cars for a three-hour race. He also noted that they are building condos on top of the grandstands at NASCAR facilities.

**35. Matt Schernikau**, 12301 Emma Walter Road (3 miles south), testified in **opposition**. He grew up at 2200 Rock Creek Road, about 2 miles west, and he made a conscious decision to move back to the rural area. He has young children. Friday night, Saturday and Sunday are his family time. The last thing he wants is the family time interrupted by the noise of a drag strip. The Comprehensive Plan is to control growth and protect what is already in place. He is not necessarily opposed to a drag strip if located in the appropriate area. This is about language in an ordinance that he supports. But as far as the location, it is not appropriate for the Comprehensive Plan and for the families that live there. This is a family area. We need to protect what is already there.

**36. Rich Cummings**, 10740 N. 137<sup>th</sup>, Waverly, testified in **support**. He represents 50 members of the Heartland Chevelle Club, which is looking for venues to have activities and events. This would be a great location for it. He lives 1.5 miles from a race track and he has to try real hard to hear the track or the loud speakers in his front yard. We all spent a great deal of money developing Hwy 77. He believes there is a reason that highway was developed to the extent that it was. If not for development, why was it done? We need to remember that Hwy 77 is an avenue for development.

**37. Martha Minchow**, 8181 Davey Road, testified in **opposition**. Is this race track really a need? Or is it a want? Why is he applying for a drag strip? She thinks there is a place for a drag strip. The proposed language is in front of the Commission to give that direction. No, the applicant did not have input in drafting the ordinance, but the neighboring property owners also did not have input.

**38. Tom Dingwell**, 6410 S. 56<sup>th</sup> Street, testified in **support**. He is associated with four car clubs and the Car Council. He has known Mr. Sanford for 15 of those years and he has done everything that he said he was going to do. There are educational benefits and it is advantageous to the youth.

**39. Adam Steffen**, 4418 Knox, testified in **support**. He comes from a farm background. He sees Lincoln as a city that has a good chance for growth and yet maintain the small community standards. He is a member of the National Shelby Automotive Club which

holds a three-day national event each year, including car shows, barbecues, awards meeting and a drag race. Last year it was in Cincinnati, Ohio. Every year they look for a more centralized location and Nebraska would be perfect.

Steffen lives 4 ½ blocks north of a railroad crossing intersection. The whistle on a train is 110 decibels at close range and the engine running is 85 decibels. It is not that big of a nuisance. You get used to it real quick. This is a request for a small sacrifice for the greater good of the entire county, surrounding counties and the entire state.

**40. David Newman**, 1120 Salisbury Court, testified in **support**. The unofficial racing that happens in the County has been discussed and talked about on the radio and by law enforcement. His Web site does have some footage of some of the unofficial racing that does happen in our County. Street racing is real, it is in our town, it is on the outskirts of the County. There are probably 10-15 guys to 400-500 spectators on dark roads. It is organized in a manner to avoid local law enforcement and it happens every weekend. Sanford is offering an opportunity to remove these individuals from the street. It will help eliminate the street racing by imposing this track.

**41. Ryan Sisel**, 2908 N. 57<sup>th</sup>, testified in **support**. He has lived in Lincoln for two years, and grew up in a small town and farming community. We can't smoke. We can't gamble. Let's do something. Put Lincoln on the map.

**42. Eric Kinghorn**, 1800 N. 57<sup>th</sup>, testified in **support**. Shutting down the Scribner track was a choice between Sanford and a few people because the infrastructure was no longer there and with high gas prices people weren't traveling as much. Yes, there is room for about 1,000 cars. You could shuttle people to the race. He worked for Sanford for crowd control and safety. He worked on the starting line for him. He stood between the cars without ear protection. He has not lost any hearing. There were several times when they were racing and they had deers crossing the track. There are birds sitting on the lights. Thus, he does not believe the noise is a factor.

**43. Kevin Lippold**, 5421 W. Saint Paul, testified in **support**. He is a 39-year old father and husband with two young children that race junior dragsters. It is very important to him to see this approved. Drag racing is something that his children can continue far beyond high school. It is something his children can do with him. We work on our cars all week long so that we can make those trips. He would never disrespect any of his neighbors. We help each other out.

**44. Charles Neth**, 17100 N. 98<sup>th</sup>, Waverly, testified in **support**. He has known the applicant for some time. His sons have raced at his track in Scribner. He will build a first class track.

**45. Blair Neth**, 4035 Adams, testified in **support**. He has lived in Lancaster County for 37 years. His parents live three miles from the proposed site and they are in favor. He

guarantees that his lawnmower is over 65 decibels and he mowed the cemetery across the street. This track would be a great addition to the County. It would keep kids off the street. Sanford will produce a high quality track.

**46. Art Reddish**, 4250 Teri Lane, testified in **support**. He owns a body shop. Approval of this race track will help his business as well as other body shops and businesses. Mr. Sanford needs the opportunity to grow and be given a chance.

**47. Kent Wells**, 7600 Rutledge Avenue, testified in **support**. He has raced at Mr. Sanford's track. He believes there are many routes to attenuate the noise with the technology we have today.

**48. Carrie Marquis**, 3323 Melrose Avenue, testified on behalf of the Lincoln Lodging Association in **support**. The Association tabled this issue until its next meeting; however, she provided data collected from hotels in the Topeka area, including Super 8, Holiday Inn Express, Best Western and Country Inn. They are all seeing full hotels due to the race track incorporated in that vicinity, with 5-50% increases in their room rates. She supports the proposal based on the numbers she is seeing and the rave reviews being presented by the hotels.

**49. Melissa Steyer**, 6272 Agnew Road, testified in **support**. She has six children, ages 3-20, and they do some racing as well as a lot of other sports. Her children are able to take naps in the motor home at the race track, even with the noise. They sleep through it. They've gotten used to it. A lot of people wear ear plugs for the top fuel dragsters. All of their cars have mufflers to ground out the noise. There is nothing on the north side of Lincoln. There is a proposed site off Hwy 77 and the Interstate which would be a great location. Lincoln is in the middle of the County and it's going to grow in all directions.

**50. Bob Stern**, 529 Eastborough Lane, testified in **support**. He has worked with youth groups, mostly automotive-related, and believes this would be a nice addition.

**51. Jack McGovern**, 6800 Havelock, testified in **support**. He is addicted to drag racing and has been doing street racing since he was 16. "Get me off the street."

**52. Joe Guenther**, 410 S. 19<sup>th</sup>, testified in **support**. He is 16 and a junior in high school. On a Friday or Saturday night he and his friends want to do something and he lives downtown. They get kicked out of everywhere at 9:00 at night. They would love to have a spot to go with their cars, work on their cars and see them run. This is five miles out of town, easy to find. They work at fast food restaurants at minimum wage, but they don't have to worry about bills and rent so they can spend money to go to the drag strip. He believes that over time the opposition could learn to live with the noise. The racers will do their part to try to cut down the sound.

He also agrees that racing involves problem solving skills. Tearing down and rebuilding an engine is a good education.

**53. Jason Chapin**, 6145 N.W. 2<sup>nd</sup>, testified in **support** on behalf of his dad, Jeff Chapin.

**54. Jeff Meier**, 1800 Dixie Trail, testified in **support**. He is a 33 year resident of Lancaster County, 25-year LES employee, registered voter, and president of a local car club.

**55. Marion Jarniska**, 5940 Glade Street, testified in **support**.

**56. Karen Thuman**, 2632 N.W. Chambers Drive, testified in **support**. She raced with her father. She has to leave Lincoln and drive 330-500 miles away to race in another community.

**57. David Hall**, 530 W. Sally Street, testified in **support**. He restores high performance cars. They need a place to run these cars and be able to test them. This is a car-oriented community. This is a plan that can be developed, changed or modified to make it fit everyone's needs.

Esseks left at this point in the meeting.

**58. Carol Brown**, 2201 Elba Circle, testified in **support**. She served on the defunct Motor Sports Task Force, which was the most disgusting task force she has ever been on. Meetings were canceled. People became discouraged and they dropped off. An economic impact study was done and there is supposed to be a report on it. There are supposedly minutes of the meetings. She has asked for the minutes and she has asked for the maps. She cannot get her hands on anything. It was a wasted effort for a lot of people. She believes in this drag strip and she believes in Greg Sanford. Whenever the Comprehensive Plan is altered, we are always told that it is a fluid document. We need to make it fluid because we are a changing and growing community. We are building into different tiers that weren't even in this timing.

There are several drag strips around the country that have agricultural land around them with trees around them.

We need to make this happen. The task force was given special criteria to find a site and it was difficult because of the different acreages. The task force did find this site and another one in south Lincoln, which would not work because of the montessori school. This land was designated by the task force as an appropriate area for a motor sports facility.

We need to have different things in our community. The Angelou study suggested that we need to provide varied activities and entertainment opportunities for our community and we need to look at those opportunities for our young children. There are no barriers in the drag racing. It is a great activity.

Don't study this to death. Don't put the applicant off. Don't make him jump through hoops. This is good for our community, it is good for our state, and it is good for our tax base. It will bring in more sales tax.

Cornelius asked Brown to confirm that the task force did a study and this was determined to be the prime site in the county. Brown suggested that Darl Naumann is not very cooperative when it comes to getting the reports back from different task forces. She is disappointed in the way he dealt with this. It was not a top priority for him and he was specifically designated to put this task force together by the County Board. The meetings were constantly canceled and he did not share information. Anytime we volunteer to encourage things in our community, we should be able to have those reports. She does not have a report from this task force.

**59. Jeremy Williams, Design Associates**, 1609 N Street, commented on the drainage issues pointed out. In the existing condition, there are 84 acres in that overall basin and it is being proposed with an increase to 90.75 acres. They have, however, incorporated some detention into the track layout itself. There are 60' drain spaces in between the strip itself and the return lanes on the other side. Some of that area is being brought back further to the north to accommodate bringing some of that water back around to slope it down. Some small detention cells will have to be incorporated that were not shown over in the southwest corner. One area drains to the south. The drainage computations were not on the drawings that were submitted.

**60. Ryan Dunn** testified in **support**. There is a group of 45 people that might street race that are going to Kansas City this weekend in order to get some times and numbers on their cars which they can't do on the street. He just returned from Branson where he could stand 40 feet away from the track and have a conversation. Generally, the cars that will be racing here are not loud enough to make a big impact in the noise.

**61. Dr. Randy Fox** testified in **support**. Lincoln needs to realize that attractions do bring revenue into our city and county. Lincoln formed a special committee and we got Americruise back, which brought in 2 million dollars. This facility could bring huge revenues into our community. Roughly 1/3 of the cars at Americruise were from Nebraska. They want to race their cars as well. The facility would allow them to run their cars in a safe environment and provide entertainment and revenue for our city and county. It would allow teen drivers a place for a controlled environment. He has attended NHRA, NASCAR, Americruise and Good Guy Car Shows in many states. They offer huge revenues for their communities.

\*\*\* break \*\*\*

**62. Scott Tanderup**, 1920 Holdrege Street, testified in **support**. He believes the race track will provide wholesome entertainment for young people. It will be educational because they will learn a lot about technology. Most of our technology - the spinoffs - comes from auto racing, such as ethanol. It teaches youth about competition, just like football.

There was no further public testimony.

Chair Carlson explained that typically, at this point, the staff would give feedback and the applicant would be given an opportunity for rebuttal, followed by a vote by the Planning Commission. With the late hour and three Commissioners now absent, it appears that the Commission will vote to delay and continue the discussion on October 25<sup>th</sup>.

Strand wants a response in two weeks in regard to the Motor Sports Task Force. She served on the Task Force and would like some reports as to what conclusions were reached.

Cornelius noted that there were comments suggesting that the proposed zoning text is hostile to this special permit. And we've had testimony to the effect that there is little or no land in Lancaster County that meets the requirements put forth in the zoning change. He wants to know if there is land available which will comply with the proposed text, where it is, and how much there is.

Strand recalled that the Health Department did some noise testing on a previous application. Is it possible to get something done or cooperate with another venue in these other communities? Gary Walsh of the Health Department explained that Scott Holmes, who is the Program Manager and Environmental Health Division Manager determined that it was not appropriate. The Health Department is certainly willing to accept data from other people. He did receive data from the NHRA consultant about the facility in Laverne, California, and the Health Department did the best they could in trying to evaluate it. It is a different approach than what we use. We will evaluate whatever data is submitted. But as far as going out and trying to do a test, he does not know how to do that. Strand suggested that it is difficult for the Commissioners, who do not understand this terminology, to figure out what is and what is not reasonable in a text amendment.

Carroll suggested that the Health Department contact Mr. Park, who testified on behalf of the NHRA, who said he had seen studies on sound, to see if he can supply some information.

Sunderman commented that the Commission previously participated in the sound testing and he was surprised how fast the sound dropped off as he drove away. How does that relate to this application? Walsh suggested that the decibel levels associated with that

situation are different than what we are talking about here. He realizes that we are talking about a limited number of top fuel cars. He looked at what NHRA had done at Pamona and those maximum levels measured at 400 feet and again at 1200 feet were very high with those kinds of cars. It was 114 and 115 decibels, which dropped into the low 90's when you got 1200 feet away. So we are talking about some pretty intense levels. The Health Department would like to see some mitigation measures and then do an evaluation. You have to evaluate those measures to see what they can achieve.

Carlson senses that it would be helpful to see a map that shows the decibel levels and different measurements under different mitigation techniques. Walsh and DeKalb concurred that to be something that the Health Department and Planning Department cannot do. Walsh believes an acoustical consulting firm has the capability. The Health Department's business is air quality, not noise. It is not uncommon at all to request an evaluation from the applicant. Carlson wants this information.

Strand moved to defer, with continued public hearing and action on October 25, 2006, seconded by Carroll and carried 6-0: Cornelius, Krieser, Carroll, Sunderman, Strand and Carlson voting 'yes'; Esseks, Taylor and Larson absent.

There being no further business, the meeting was adjourned at 7:30 p.m.

Please note: These minutes will not be formally approved until the next regular meeting of the Planning Commission on October 25, 2006.