

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for March 15, 2006 PLANNING COMMISSION MEETING

PROJECT #: Special Permit #1771A

PROPOSAL: To allow soil extraction for fill material to be used in various projects.

LOCATION: North and east of 84th and Adams Streets

LAND AREA: 89 acres, more or less.

CONCLUSION: This special permit merely extends the existing permit, and conforms to the zoning ordinance provided certain conditions are met.

<u>RECOMMENDATION:</u>	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 29, 35, and 36 of Irregular Tracts, located in the SW1/4 of Section 11 T10N R7E, Lancaster County, Nebraska

EXISTING LAND USE AND ZONING: Undeveloped AG Agriculture

SURROUNDING LAND USE AND ZONING:

North:	Lancaster Event Center	AG Agriculture
South:	Undeveloped	AG Agriculture
	Church, Single-family dwellings	R-3 Residential
East:	Agriculture	AG Agriculture
West:	Mahoney Park, cemetery	P Public

HISTORY:

Jul 2005 Change of Zone #05054 and Annexation #05013 submitted for Prairie Village North PUD, a mixed-use development consisting of single- and multiple-family residential, offices, and retail space located both north and south of Adams Street, east of 84th Street. This application is still pending before the City Council.

Jun 1999 Special permit #1771 approved soil excavation at this site for a period of one year to provide fill material for projects in East Lincoln.

Mar 1998 Special Permit #1724 approved soil excavation at this site for a period of one year, in conjunction with the North 84th street project.

May 1979 Changed from AA Rural and Public Use to AG Agriculture with the adoption of the 1979 Zoning Update.

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Plan identifies this area as Urban Residential. (F 25)

TOPOGRAPHY: Gently rolling hills, falling off to the north and south.

TRAFFIC ANALYSIS: The Comprehensive Plan identifies North 84th Street as a Principle Arterial and Adams Street as a Minor Arterial, both now and in the future. (F 49, 103)

ENVIRONMENTAL CONCERNS: The proposed excavation raises issues of dust control, erosion control, restoration of topsoil and vegetation, sedimentation control, and potential groundwater contamination impacts.

ANALYSIS:

1. This is a proposal for a special permit to continue soil excavation within an area previously approved, but not fully excavated. Grading cuts of up to 24 feet are proposed.
2. Pursuant to LMC §27.63.360, mining or extraction of minerals from any portion of the AG and AGR zoning districts, and the storage and processing thereof, may be allowed by special permit in conformance with the standards of §27.63.160, as applicable.
3. The provisions of LMC §27.63.160 require the following conditions:

(a) The application shall include a grading map showing existing contours, proposed excavation contours, and proposed final grade contours;

Grading maps showing the pertinent information have been provided.

(b) The application shall identify the effect of the extraction on the groundwater table of the adjoining properties;

Applicant states that they are removing the top of a hill, and therefore, there will be no change in the water table.

(c) The application shall identify proposed vehicle and equipment storage areas;

Applicant states there will be no on-site vehicle or equipment storage.

(d) Erosion controls, including retention and sediment basins shall be provided during extraction in conformance with standards adopted by resolution of City Council to prevent a change in the character of runoff onto adjacent land;

Applicants states that erosion control measures required by the City of Lincoln will be met.

(e) The surface shall be maintained in such a manner that surface waters do not collect and pond, unless specifically approved by the city. Underground drainage may be supplied if it connects to an existing drainage facility and is satisfactory to the City of Lincoln;

Applicant states that they are removing the top of a hill, and therefore, there will be no ponding water, nor any need for underground drainage.

(f) Topsoil shall be collected and stored for redistribution on the site at the termination of the operation;

Applicant states they will remove topsoil for redistribution once the project is complete, and the property will be returned to its agricultural state.

(g) Excavation shall be conducted in such a way as not to constitute a hazard to any persons, nor to the adjoining property. All cuts shall be returned to a slope of less than three to one as soon as possible. Safety screening shall be required at the outer boundary of the site; visual screening will also be required where said boundary is adjacent to residential or park land;

Applicant has committed to control dust and runoff from entering neighboring property, and to immediately clean any potentially hazardous spills. Finished slopes will be returned to less than 3 to 1. Since this project is not adjacent to residential or park land, no visual screening will be required. Safety fencing should be provided, and vehicular entrances should be gated and marked with signs.

(h) Within nine months after the completion of extraction on any portion of the site, the topography and soils shall be restored and stabilized, and the land shall be graded, seeded, and sodded so as to prevent erosion and siltation, and to protect the health, safety, and general welfare of the public.

Applicant will be required to meet this timeline once the extraction operation is complete.

4. Neither the request nor the zoning ordinance specify a time limit for this type of permit, although the city typically approves these for three year periods. Here, since the Prairie Village North project is close to being acted upon, and since no grading plan for that project has been presented, staff recommends this permit be allowed for one year, with the potential for two administrative one-year extensions, providing up to three years of operation. This should allow staff, the applicant, and the Prairie Village North developer to coordinate plans for grading and drainage on this property.

CONDITIONS OF APPROVAL:

Site Specific:

1. This approval permits soil, sand, and gravel excavation for a period of one (1) year, which may be renewed by administrative amendment, on an annual basis, for up to three years from the date of approval of this special permit. Visual screening is waived, but the entrance shall be gated and marked with signs, and the area fenced for safety.

General:

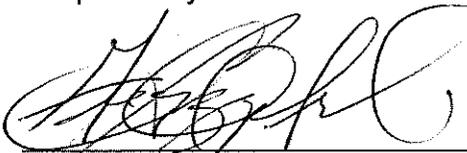
2. Before beginning excavation operations, the permittee shall:
 - 2.1 Provide a plan showing erosion control measures and phased vegetation replacement that is satisfactory to Public Works and the Lower Plat South NRD.
 - 2.2 Provide a dust control plan to the satisfaction of the Health Department.
 - 2.3 Applications for driveways shall be approved by the County Engineer and the Public Works Department. The exit shall include a rumble bar-type system to prevent tracking of dirt and mud off-site. The applicant shall be responsible to maintain the adjacent public street surfaces free from mud and soil from this operation.
 - 2.4 Notice signs shall be posted and gates installed at the truck entrance and exit. The area shall also be fenced for safety.
 - 2.5 Provide an agreement to the satisfaction of the Health Department to immediately clean up any fuel, petroleum product material spills or other potentially hazardous material spills, and clean any resulting contaminated soil or material and properly dispose of the same.
 - 2.6 The excavation operation shall comply with the approved plans.

STANDARD CONDITIONS:

3. The following conditions are applicable to all requests:
 - 3.1 All privately-owned improvements shall be permanently maintained by the owner.

- 3.2 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 3.3 The City Clerk shall file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in advance.
 - 3.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 3.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.
4. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by



Greg Czaplewski, 441-7620, gczaplewski@lincoln.ne.gov

Date: March 1, 2006

**Applicant
and
Contact:** LeGrande Excavating
Brian Gebers
PO Box 22639
Lincoln, NE 68542
423.4076

Owner: Jacoby Farms Limited Partnership
3001 South 51st Street, Suite 550
Lincoln, NE 68542



2005 aerial

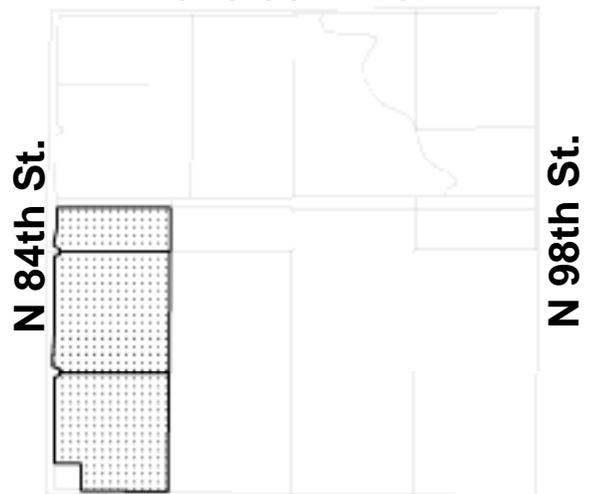
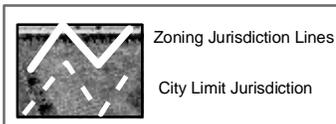
Special Permit #1771A N 84th St & Adams St

Havelock Ave.

Zoning:

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

One Square Mile
Sec. 11 T10N R07E



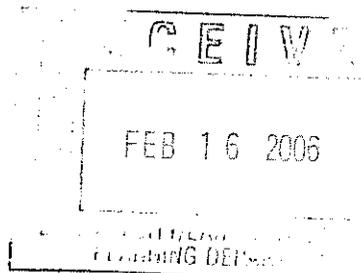
Adams St.

LeGrande *Excavating* Inc.

Box 22639
Lincoln, NE 68542

February 16, 2006

Mike DeKalb
Lincoln/Lancaster County Planning Department
555 South 10th Street Suite 213
Lincoln, NE 68508



RE: Special Permit Application for Soil Mining

Dear Mike,

This letter is to serve as a formal request by LeGrande Excavating Inc. to seek a special use permit for Extraction of Sand, Gravel and Soil, 27.63. This is a reapplication for the same property that Land Construction had permit #1771 issued for in the past. This application is simply a continuation of the same Soil extraction that was applied for in the past but was never completely used.

The property we are seeking the permit for is in the SW Quarter of Section 11, Lots 14, 15, and 29, Township 10 North, Range 7 East of the 6th P.M., Lancaster County, NE. This property is located east of 84th Street between Adams and Havelock Streets.

LeGrande Excavating Inc. will be using borrow from this site for a job we are working on in East Lincoln.

We will be using berms and silt fence (silt fence installed as per City of Lincoln Spec.) to control runoff from the site. These will be placed to contain silt from flowing in the streams and/or onto the adjoining property.

LeGrande Excavating Inc. will access the site using an existing driveway off of Adams Street

LeGrande Excavating Inc. will control dust so that it is not visible beyond the premises where it originates. Dust control measures will include, but are not limited to: planting of and maintenance of vegetative ground cover, and the application of water to reads, driveways, parking lots, the excavation site, site frontage, and adjacent business or residential frontages as needed.

LeGrande Excavating Inc. will immediately clean up any fuel, petroleum product (hydraulic fluid, brake fluid etc.), or other potentially hazardous material spill, and any resulting contaminated soil or material and properly dispose of the same.

Provisions for Special Use Permit (27.63)

- A. There should be no water table change, since we will be working on the top of a hill.
- B. There will be no vehicle or equipment storage on the property.
- C. Erosion Control measures will be installed as needed to keep silt from encroaching on neighboring property.
- D. We will be starting our borrow area on top of a hill, so should eliminate any ponding of water.
- E. Since the property is agricultural in its present state, we will be stripping the topsoil from the site for redistribution when we have completed the excavation.
- F. We are requesting that no visual screening be required since the area we are seeding the permit for, has no residential area near it. All finished slopes will be less than three to one when

February 16, 2006

completed. All truck traffic will be entering and exiting off of Adams Street at an existing driveway approach.

G. The areas that we have cut to proposed elevation will have topsoil installed and returned to agricultural land upon completion of the excavation.

I have enclosed the maps and site plans (existing and proposed), for this property, the application form, a letter from the owner's representative, and a check for \$740.00 which should satisfy the application requirements. Please advise me if there is anything else required for this application.

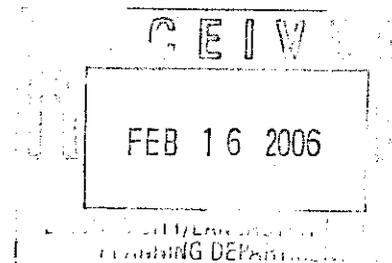
Sincerely,

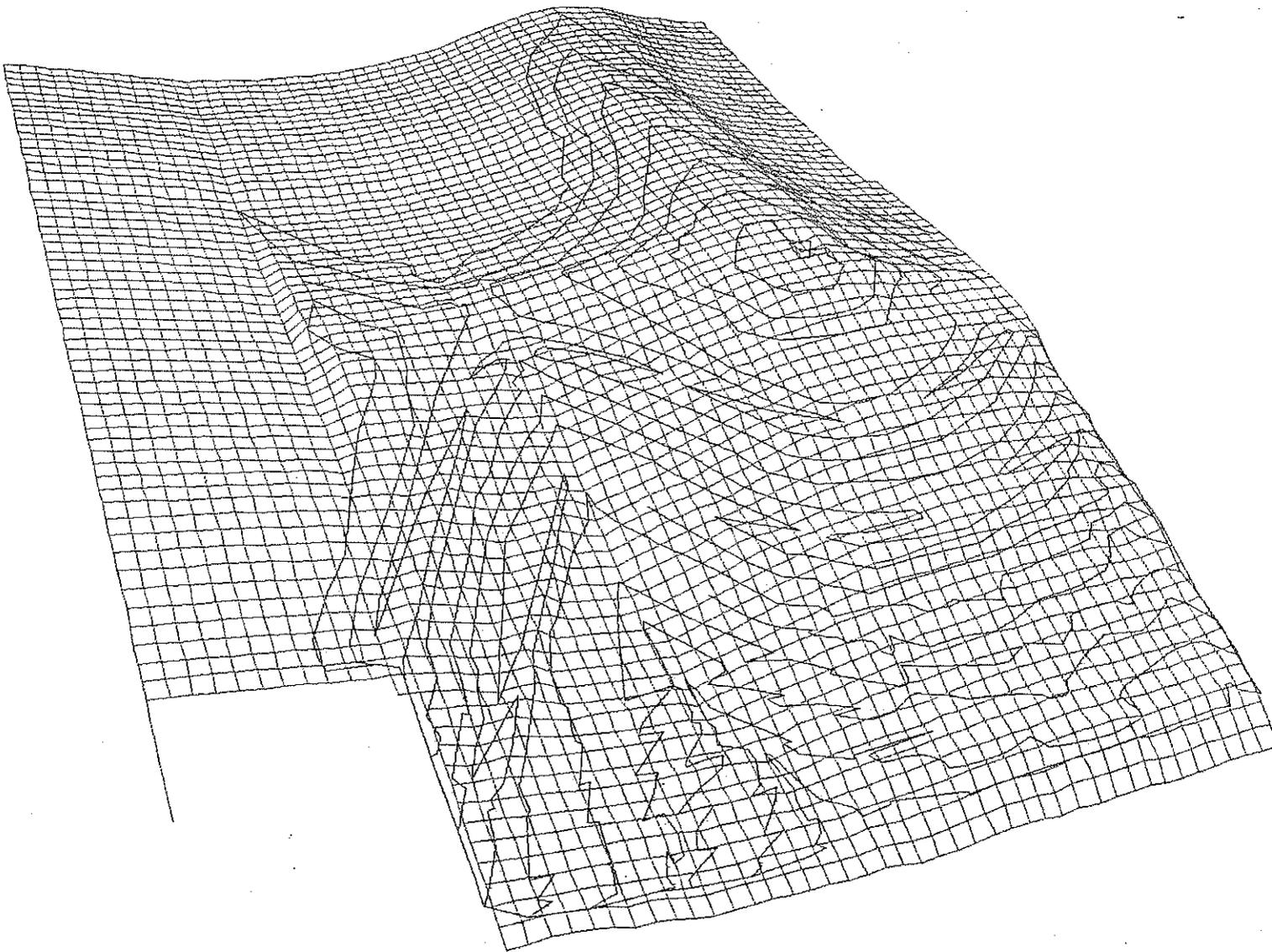


Brian Gebers

Project Manager/Estimator

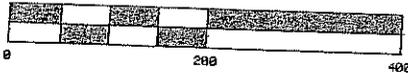
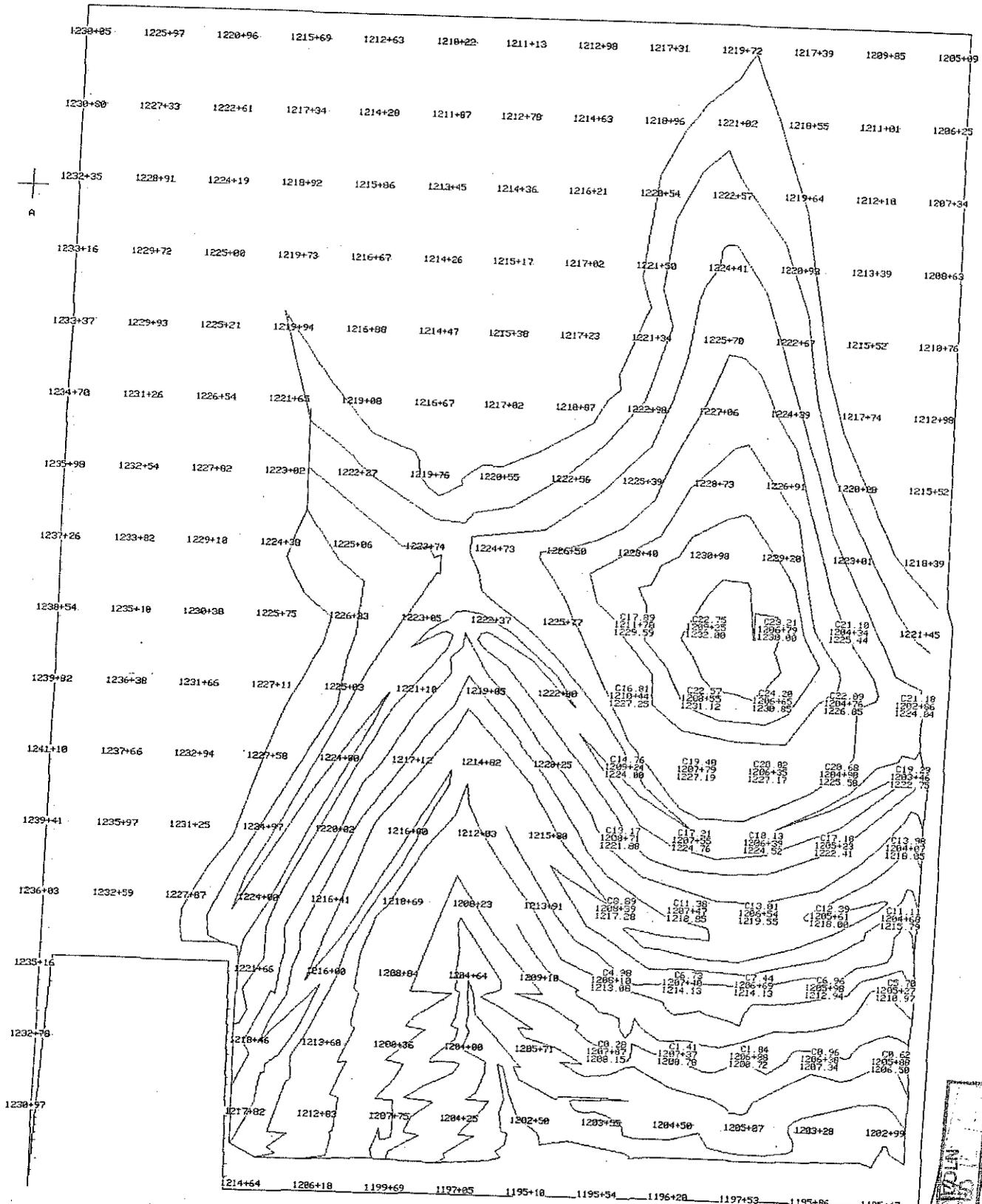
LeGrande Excavating Inc.





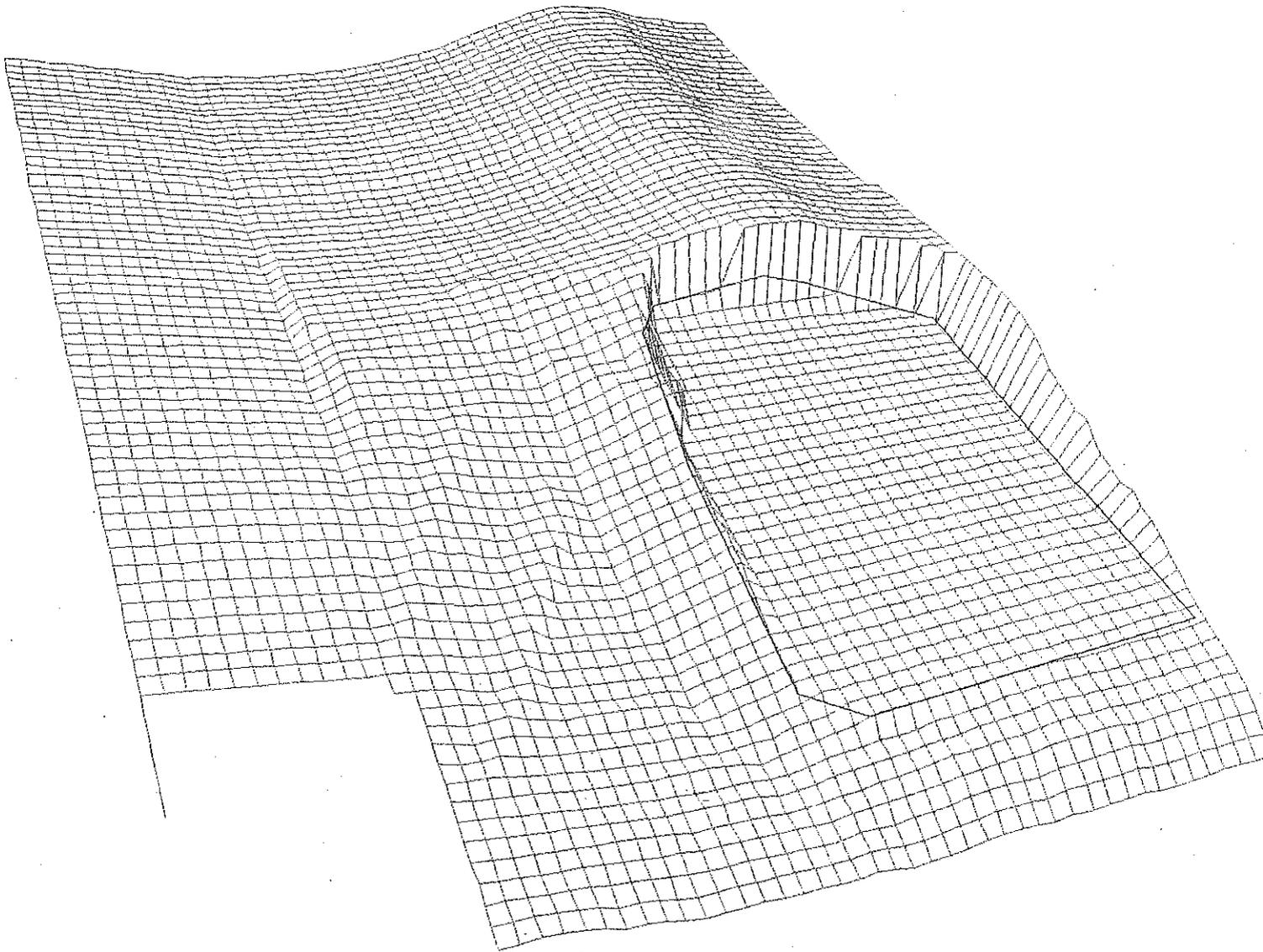
Existing

RECEIVED
FEB 16 2006
MAY
CITY/LANCASTER COUNTY
PLANNING DEPARTMENT



Existing
Contours

CITY OF LONDON
FEB 16 2009
PLANNING DEPARTMENT



Job Name: 84th and Adams

Proposed

