

COMPREHENSIVE PLAN SPECIFICATIONS: In Conformance. The 1994 Lincoln-Lancaster County Comprehensive Plan shows this area as commercial. Soil excavation is a specially permitted use in the H-4 General Commercial zoning district.

HISTORY: Changed from AA Rural and Public Use to AG Agriculture with the adoption of the 1979 Zoning Update. Special Permit 1530 was approved in January 1995 for excavation on the land abutting to the east of this land. The land to the west of this was changed from AG Agriculture to H-4 General Commercial in June 1994. A special permit for soil excavation was approved on this site in February 1996 (SP #1599), after appeal to the City Council. That permit expired on Feb 20th 1999. Special Permit 1778 for soil excavation on this site was approved by Planning Commission on June 30, 1999, for a period of three years.

SPECIFIC INFORMATION:

UTILITIES: Not available. This area is in the future urban service area shown in the Comprehensive Plan.

TOPOGRAPHY: Gently rolling hills, falling of to the south and east, however, prior excavation has leveled part of this site.

TRAFFIC ANALYSIS: Arbor Road was paved during the summer of 2000.

PUBLIC SERVICE: This area is served by the Waverly School District, the Waverly Rural Fire District, and is in the LES service area.

REGIONAL ISSUES: The Ethel S. Abbot Sports Complex is located about ½ mile southeast of this site off of 70th Street. The most direct route to the soccer fields from Interstate 80 is the 56th Street Interchange to Arbor Road to 70th Street. This route goes past the proposed soil excavation site.

ENVIRONMENTAL CONCERNS: The proposed excavation includes issues of dust control, erosion control, restoration of topsoil and vegetation, sedimentation control, and potential groundwater contamination impacts. There are no Historic or Ecological resources identified on or near this site. The soil rating is 6.7. This is not prime agriculture soil and has been disturbed by prior excavation.

AESTHETIC CONSIDERATIONS: This site abuts the Interstate 80 right-of-way and is along an entry-way corridor into the city. Additionally, people accessing the soccer field from 56th Street along Arbor Road will pass this site.

ALTERNATIVE USES: Agricultural or Commercial uses.

ANALYSIS:

1. This is an existing special permit for a sand, gravel, and soil excavation operation on a 17 acre site generally located on the north side of Arbor Road between North 56th and 70th streets.
2. The applicant is requesting that the conditions of the timing of the approval be changed to reflect the paving of the road. No changes to the site plan are requested.
3. Arbor Road was paved during the summer (July-August) of 2000.
4. The permit was approved in June 1999 for a period of three years (ending on June 30, 2002).
5. A prior issue of the operation at this site has been dust, the permit was conditioned on the paving of Arbor Rd. to resolve the issue.
6. The applicant "lost" about one year due to the paving being completed one year after the permit was approved when it had been anticipated it might be paved that same year.
7. The excavation is currently in operation and a request for an administrative one year renewal has been requested.
8. If approved, the language would allow the permit to continue to July 1, 2003.
9. The issues of the County Engineer are addressed in the conditions of the current special permit.

Conclusion: The requested change to the effective start date of the permit will allow a full three years of operation, until July 1, 2003.

STAFF RECOMMENDATION:

Conditional Approval

CONDITIONS:

1. This approval permits a soil, sand and gravel excavation operation for a period of one (1) year, which may be renewed by administrative amendment, on an annual basis, for up to 3 years from the date of completion of the paving of Arbor Road. Regardless of the date of commencement of operations, this permit shall expire not later than July 1, 2003.

General:

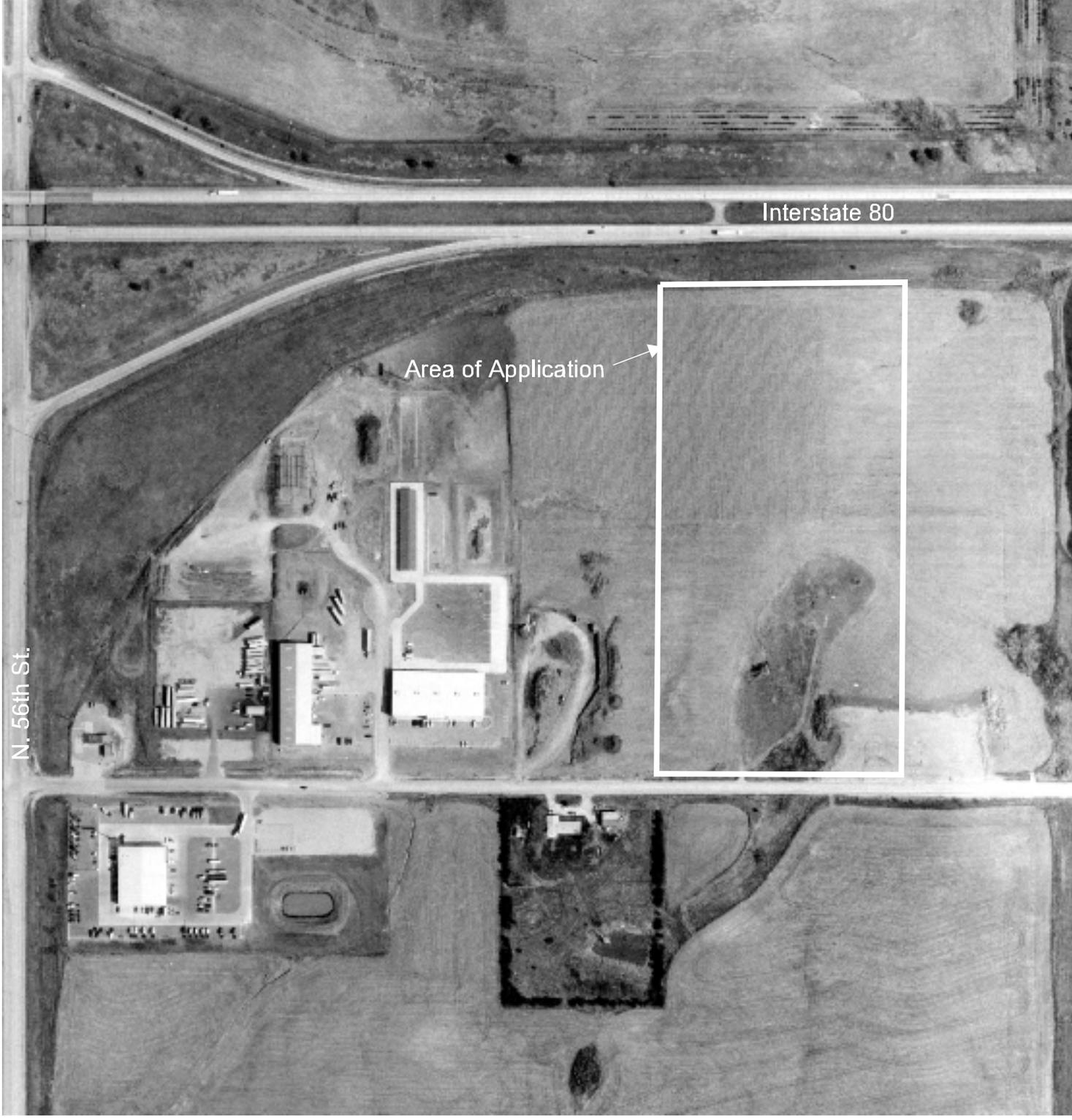
2. Before beginning operations:
 - 2.1 The construction plans shall comply with the approved plans.
 - 2.2 No grading shall occur along the Arbor Road without the written permission of the County Engineer.

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.
4. All resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

Michael V. DeKalb
Planner



**Special Permit #1778A
58th & Arbor Road
Soil Excavation**

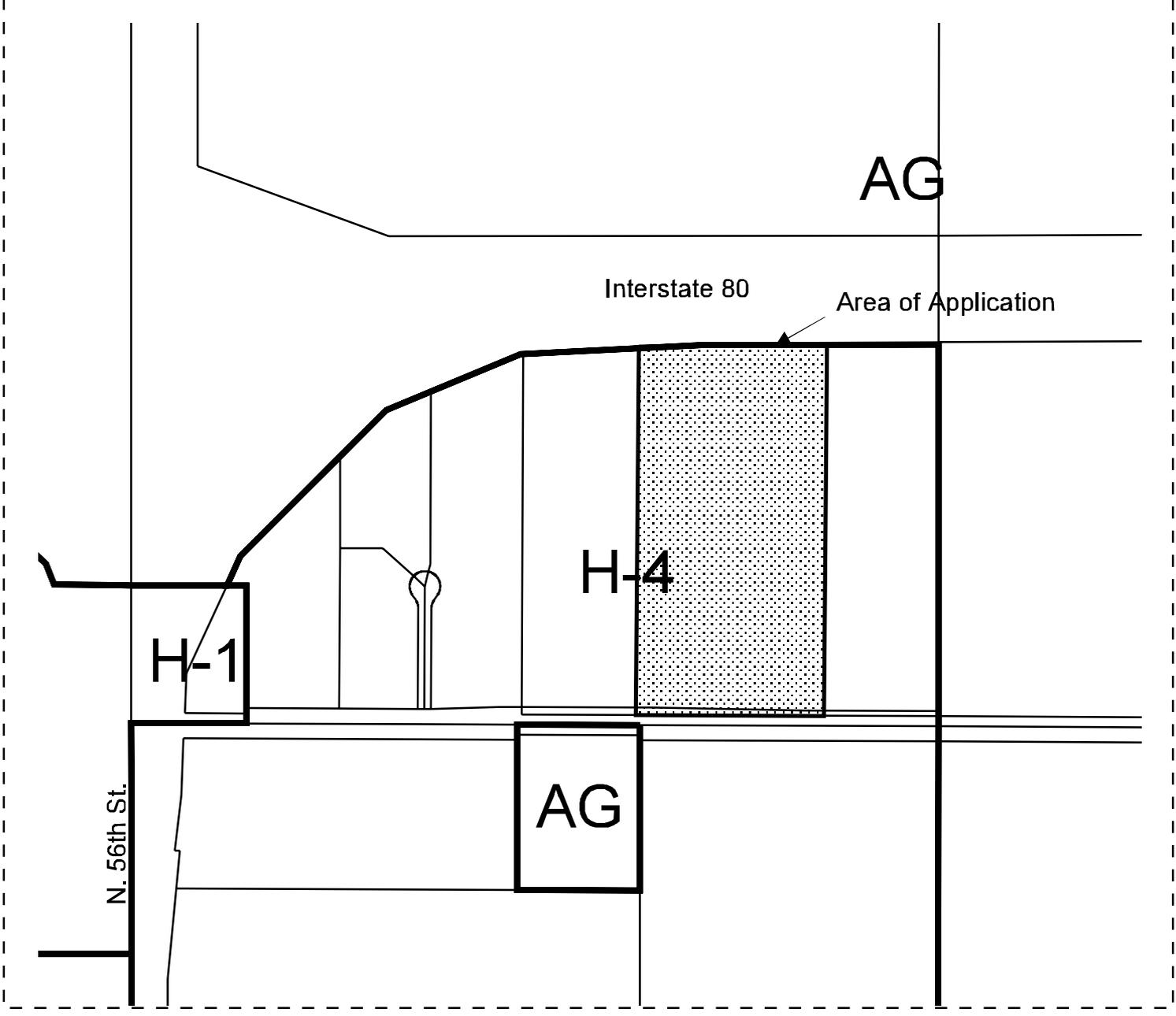


Sheet _____ of _____

Date: _____

Photograph Date: 1997

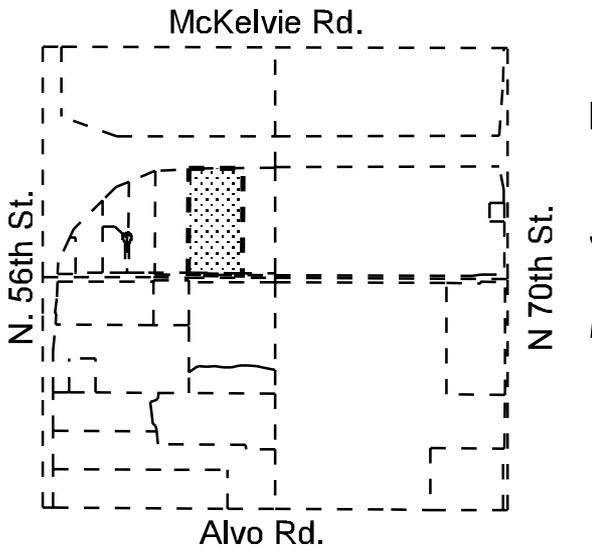
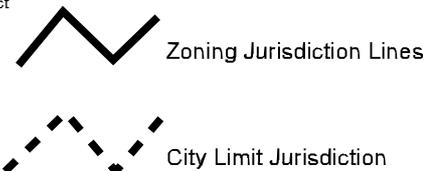
Lincoln City - Lancaster County Planning Dept.



Special Permit #1778A
58th & Arbor Road

- 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. 28 T11N R7E



Sheet ___ of ___
 Date: _____

PIERSON, FITCHETT, HUNZEKER, BLAKE & KATT
Law Firm

Gary L. Aksamit
Thomas J. Fitchett
Mark A. Hunzeker
William G. Blake
Peter W. Katt
William C. Nelson
David P. Thompson
Patrick D. Timmer
Michael T. Johnson

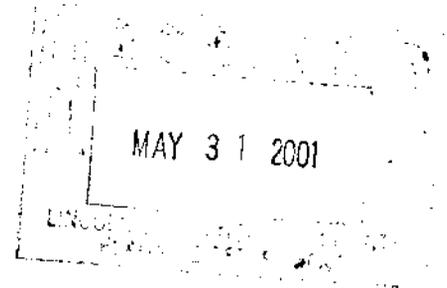
1045 Lincoln Mall, Suite 200
P.O. Box 95109
Lincoln, Nebraska 68509

Fax (402) 476-7465
Telephone (402) 476-7621

April 25, 2001

Kathleen Sellman
Planning Director
555 S. 10th Street
Lincoln, NE 68508

Re: Special Permit No. 1778
Resolution No. PC-00510



Dear Kathleen:

On behalf of the permittee, we request that the above-captioned resolution be amended by changing the language of condition No. 1 to read as follows:

1. This permit approves a soil, sand, and gravel excavation operation for a period of one 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 completion of the paving of Arbor Road. Regardless of the date of commencement of operations, this permit shall expire not later than July 1, 2003.

Because of the timing of the County's improvement of Arbor Road, the permittee was unable to commence operations until nearly a year after the permit was approved. It was only as we began thinking about administrative renewal of the permit this year that we discovered that the language of the permit resolution would have required a request to renew the permit virtually before the permittee was able to proceed.

As we discussed by phone, I am submitting along with this request a request for a one-year renewal of the permit. Thank you very much for placing this matter on the agenda as quickly as possible.

Sincerely,

Mark A. Hunzeker
For the Firm

MAH:la

(G:\WPData\MH\Wapiti - Zoning - Sellman 4-25 ltr.wpd)

Lancaster

DON R. THOMAS - COUNTY ENGINEER

County

Engineering

Department

DEPUTY- LARRY V. WORRELL
COUNTY SURVEYOR

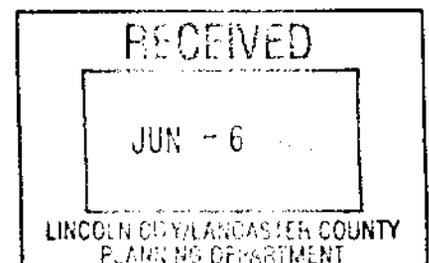
DATE: June 5, 2001
TO: Ray Hill → MIKE D.
Planning Department
FROM: Larry V. Worrell 
County Surveyor
SUBJECT: SPECIAL PERMIT #1778 A
WAPITI ENTERPRISES, INC.

Upon review, this office would have the following comments:

- 1) Arbor Road construction and paving has been completed.
- 2) Any excavating and hauling of material by heavy earth moving equipment via Arbor Road is prohibited.
- 3) Any damages to Arbor Road pavement attributed to hauling of material from this site shall be repaired at the cost of the applicant.
- 4) The applicant shall ensure Arbor Road is kept clean of any and all debris during mining operations.

cc: Dennis Bartels, Public Works

LWW/cm
SPEC-TRP.PMT/#1778 SP (Wapiti).Mem 2



4 legally described to wit:

5 A part of Lot 2, Polivka's Addition, located in the Northwest
6 Quarter of Section 28, Township 11 North, Range 7 East of
7 the 6th P.M., Lancaster County, Nebraska, and particularly
8 described by metes and bounds as follows:

9 Referring to the Center One-Quarter Corner of Section 28,
10 Township 11 North, Range 7 East of the 6th P.M., Lancaster
11 County, Nebraska; thence north 00 degrees 11 minutes 52
12 seconds west (an assumed bearing), and on the east line of
13 the Northwest Quarter of said Section 28, a distance of
14 50.00 feet to a point on the northerly right-of-way line of
15 Arbor Road; thence south 89 degrees 59 minutes 55
16 seconds west, and on the northerly right-of-way line of said
17 Arbor Road and parallel to the south line of the Northwest
18 Quarter of said Section 28, a distance of 374.84 feet to the
19 point of beginning; thence continuing on the last described
20 course, south 89 degrees 59 minutes 55 seconds west, and
21 on the northerly right-of-way line of said Arbor Road and
22 parallel to the south line of the Northwest Quarter of said
23 Section 28, a distance of 61.94 feet; thence north 89
24 degrees 11 minutes 57 seconds west, and on the northerly
25 right-of-way line of said Arbor Road, a distance of 500.02
26 feet; thence south 89 degrees 59 minutes 55 seconds west,
27 and on the northerly right-of-way line of said Arbor Road
28 and parallel to the south line of the Northwest Quarter of
29 said Section 28, a distance of 50.85 feet; thence north 00
30 degrees 00 minutes 00 seconds east, and parallel to the
31 easterly line of Lot 4, Parrott's Addition to the City of Lincoln,
32 located in the Northwest Quarter, Section 28, Township 11
33 North, Range 7 East of the 6th P.M., Lancaster County,
34 Nebraska or the westerly line of the remaining portion of Lot
35 2, Polivka's Addition to the City of Lincoln, located in the
1 Northwest Quarter of said Section 28, a distance of 1181.47
2 feet to a point on the northerly line of the remaining portion
3 of Lot 2 of said Polivka's Addition and also said point is on
4 the southerly right-of-way line of Interstate No. 80; thence
5 north 86 degrees 50 minutes 02 seconds east, and on the
6 northerly line of the remaining portion of Lot 2 of said
7 Polivka's Addition or the southerly right-of-way line of said
8 Interstate No. 80, a distance of 207.28 feet; thence north 89
9 degrees 36 minutes 42 seconds east, and on the northerly
10 line of the remaining portion of Lot 2 of said Polivka's
11 Addition or the southerly right-of-way line of said Interstate
12 No. 80, a distance of 405.81 feet; thence south 00 degrees
13 00 minutes 00 seconds east, and parallel to the easterly line
14 of Lot 4 of said Parrott's Addition or the westerly line of the
15 remaining portion of Lot 2 of said Polivka's Addition, a
16 distance of 1202.67 feet to the point of beginning and
17 containing a calculated area of 732,524.56 square feet or
18 16.816 acres, more or less;

MAY 31 2001

and Excavation
Areas

Geodetic Point To Be
Relocated. (By Others). See Note 2.

INTERSTATE I-80

Benchmark:
Geodetic Point
Elevation: 1250.42

LIMITS OF
MINING PERMIT

LIMITS OF
MINING PERMIT

Rock
Cul-de-Sac

Utility Easement

Found 5/8" Rebar

374.76'

24' Concrete
Curb & Gutter

Rock
Roadway

Existing 18" CMP

ARBOR

Proposed G

Temporary Construction Office Site

Temporary Equipment
Maintenance Area

446" CMP PR

Power Meter

Elec. Transformer Pad

24" Wide Common Use
Access & Utility Easement

Asphalt
Pavement

100' R Grading
Smit Amend
Exist. Wall

Existing 12" CMP

Existing 24" CMP
Proposed Culvert Pipe w/Headwall

Water Hydrant

Well

Telephone Pedestal

Driveway to be constructed upon
completion of Grading of Arbor Rd.
Existing Construction Entrance.
See Details, This Sheet.

Found 5/8" Rebar
Existing Log Chain Entrance G
See Detail, This Sheet.

Limits of
Grading

Existing Field Entrance
(To Be Narrowed)

8" I.D. Steel Standard Filled
With Concrete. Paint With
Yellow Reflective Traffic Paint
High Tensile Strength Ls

Special Permit #1778 58th & Arbor Road Soil Excavation

3/3

NOTES:

1. No grading shall take place within a 100' radius of an existing water well, until the well has been properly abandoned according to State of Nebraska Health Department rules governing well abandonment.
2. The Contractor shall be responsible for contacting the Nebraska Department of Roads prior to any site grading within the general vicinity of the U.S.G.S. Geodetic Point #406-1, so that the Geodetic Point can be relocated by the Department of Roads.
3. The Contractor shall provide a suitable area on-site for the temporary storage of the topsoil that is removed as a result of the mining operation. This storage area shall be located no closer than 300' from the nearest road and shall be protected from erosion and runoff by a Low Porosity Silt Fence Barrier constructed around the stockpiled topsoil. The Contractor shall maintain this barrier until such a time when the topsoil is redistributed to the finished grade as shown on this plan.
4. Temporary Straw Bale Sediment Check Dams shall be constructed at the locations indicated on this Plan. These Check Dams shall be constructed when the mining operation is in the general vicinity of a drainage swale. The Contractor shall be responsible for the maintenance of the Check Dams until such a time that sufficient vegetation has been established to adequately control erosion and runoff.
5. All Trees marked  shall be removed by others, unless otherwise noted.
6. At the end of grading operations each day, all gates shall be closed and locked in order to minimize the possibility of unauthorized entry onto the site.
7. The mining operations to be done according to this plan shall be conducted in phases as determined by the Owner. After the topsoil has been redistributed to the proposed contours as shown on this plan and a suitable cover crop has been planted to control erosion, the Contractor shall be allowed to commence excavation on another phase. No phase shall exceed 10 Acres.
8. To minimize the possibility of contamination the Contractor shall perform equipment maintenance in the area designated on this plan.

FROSS
ENGINEERING, INC.
REGISTERED PROFESSIONAL ENGINEERS



650 J Street
Suite 210
Lincoln, NE 68508
Phone 402-474-7677
FAX 402-474-7678

Revisions	<input checked="" type="checkbox"/>	01/21/97
	<input type="checkbox"/>	
	<input type="checkbox"/>	

Scale 1" = 60'
Drawn LEF
Checked
Approved

-1A
01GP3
16/99
/2/99

WAPITI ENTERPRISES, INC.

5700 ARBOR ROAD

9. All contours on this plan are at two foot intervals and are U.S.G.S. datum. Proposed contours reflect the finished grade AFTER the topsoil has been redistributed.
10. The proposed contours along Arbor Road match into the proposed contours developed by the Lancaster County Engineer's Office. For information concerning the proposed changes call 402-441-7681.
11. DIAL BEFORE YOU DIG: Call 1-800-331-5666 for the location of Underground Telephone, Electric, Gas Mains, Public Wastewater Mains, Public Water Mains, Traffic Signals and Cablevision.
12. No Grading shall take place within the State R.O.W. until an approved permit is obtained from the Nebraska Department of Roads.
13. Proposed Construction Drives shall be in accordance with the Lancaster County Engineers Office, Driveway Access Permit.
14. Temporary Slopes between Proposed Phases of excavation will be at 4:1.
15. Permanent seeding will be placed for erosion upon the completion of each phase of excavation prior to beginning of the next subsequent phase.
16. Permanent seeding will be done in accordance with the Lower Platte South Natural Resource District. A Manual of: Erosion and Sediment Control and Stormwater Management Standards. Standard Specification: No. 6.63 Permanent Seeding.
17. Two handicap parking stalls will be provided at the location of the office site and will conform to the standards of the Americans with Disabilities Act.
18. Dust control will be provided by irrigation of disturbed sites according: Lower Platte South Natural Resource District A Manual of: Erosion and Sediment Control and Stormwater Management Standards. Standard Specification: No. 6.21 Dust Control.
19. A water truck will be available on site to provide the required irrigation to control dust. Permanent seeding will be required of completed phases.
20. No East-West segment of an internal roadway will be no closer than 228 feet North of proposed centerline of Arbor Road, as indicated by — — — — — line. Speed limit on the internal roadway system shall be 10 miles per hour.

20. No East-West segment of an internal roadway will be no closer than 228 feet North of proposed centerline of Arbor Road, as indicated by — — — — — line. Speed limit on the internal roadway system shall be 10 miles per hour.

21. Toilet facilities at the temporary construction office site shall be provided to the satisfaction of the Health Department.

22. Hours of Operation shall be 7 a.m. to 7 p.m., Monday through Friday; 7 a.m. to 12 p.m., Saturday; provided that if operations are closed down before noon on a weekday by adverse weather conditions, operations may continue on the immediately following Saturday until 7 p.m. The operation shall be closed on Sundays and National Holidays.

Mass 23. Phase I of Mining Operation (Special Permit #1599) has finished and is no longer displayed on this Grading Plan.

MINING OPERATION

LINCOLN

Memorandum

To: Ray Hill, Planning Department - *MIKE*
From: Charles W. Baker, Public Works and Utilities *Buff*
Subject: Wapiti Enterprises, Inc. Special Permit # 1778A
Date: June 13, 2001
cc: Roger Figard, Nicole Fleck-Tooze, Public Way Corridor Committee

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the request to extend the time of the mining permit on the property at 5900 Arbor Road for Wapiti Enterprises, Inc. Public Works has no objections.

These plans were reviewed by the Public Way Corridor Committee with no direct objections. The owner needs to be aware that this area of Arbor Road is identified in the Public Way Corridor and future additional right-of-way will be required. The proposed grading in the future right-of-way should not adversely affect the roadway project.

