

COMPREHENSIVE PLAN SPECIFICATIONS: **In Conformance.** This shows as Agricultural on the County Land Use Plan. The zoning provides a special permit for the institutional use in the agriculture district.

HISTORY: Converted from AA Rural and Public Use to AG Agriculture in the 1979 zoning update.

SPECIFIC INFORMATION:

UTILITIES: Existing well. There is Lancaster County Rural Water #1 available on 148th Street.

TOPOGRAPHY: Rolling, draining to the northwest.

TRAFFIC ANALYSIS: S 148th is a paved county road that connects Hwy #2 to Waverly and Hwy's #6 and #34. Old Cheney is a gravel county road.

PUBLIC SERVICE: This is in the Bennet Rural Fire District. Waverly School District # 145 and Norris Public Power District.

REGIONAL ISSUES: Nonfarm activities.

ENVIRONMENTAL CONCERNS: None known. The soil rating is 5.58 on a scale of 1-10 where 1-4 is prime soil. This is not prime soil. There is a drainage way through the site and an existing farm pond. There is no FEMA floodplain shown.

AESTHETIC CONSIDERATIONS: NA

ALTERNATIVE USES: pasture, agriculture or two residences.

ANALYSIS:

1. This request is for a philanthropic institution (health care facility) under the provisions of Article 13.001(3). The provision provides "that such buildings occupy not over forty (40) percent of the total area of the lot and will not have any serious and depreciating effect upon the value of the surrounding property and provided further, that the buildings shall be set back from all yard lines a distance of not less than one (1) foot for each foot of building height and that adequate off-street parking space will be provided."
2. The applicant describes the proposal as follows;

A residential facility for up to 32 adolescent children.
Four residential units with 8 adolescents per unit.

A live in house couple in each unit.

Parking for staff and a van is in the garage of the residential unit.

Additional visitor and staff parking is provided.

The age of the clients ranges from 8 - 18 years.

This is licensed by the State of Nebraska.

An office building for the Christian Heritage Children's Home, to include up to 16 persons, including administration, fund raising, foster care and supervisory staff in a 7,000 square foot building. 24 parking stalls are provided.

3. Water is proposed to be from the existing well or the Rural Water district if need be.
4. Sewage treatment is proposed to be by septic system unless soils conditions dictate a lagoon.
5. The Health Department notes;

Williams Pipeline is as close as 90 feet from the eastern boundary of the parcel. The residential units of Phase one will be about 400 feet from the pipelines. The LCLCHD requests that, prior to endorsing the project, the applicant submit a hazardous material response/evacuation plan to protect the children.

Wind and water erosion must be controlled during construction.

Off site dust must be controlled according to Air Pollution Regulations and Standard Article 2, Section 32.

Trees should be retained if possible.

Sewage disposal will require a percolation test for each individual sewage system. If connected together in on system, approval of Nebraska Department of Environmental Quality will be required.

Water supply is projected to be on-site well unless inadequate, in which case it is projected that the complex will be connected to Lancaster County Rural Water District #1. LLCHD requests a written statement from the Rural Water District that addresses the capacity to serve this particular complex at this site prior to further review. If ground water is used, quality and quantity must be provided before LLCHD will recommend approval.

6. The County Engineer is requesting that a dedication of 50' of right-of-way along Old Cheney be dedicated. They suggest that landscaping along Old Cheney Road be keep outside the 50 foot line.
7. The County Attorney notes that while the provisions of Article 13.001 3) provide for this use, clarification of the use of the defined term "Health Care Facility" is needed. Text amendments or clarification by the County Board is desirable. Staff will process changes, if required, following action by the County Board.

STAFF RECOMMENDATION:

Conditional Approval

CONDITIONS:

GENERAL CONDITIONS:

1. This approval permits a philanthropic institution for up to 32 children and adolescents in up to four residential buildings, including staff, and one 7,000 square feet office building for up to 16 employees.
2. Prior to the issuance of building permits:
 - 2.1 All buildings shall meet Building and Life Safety Codes.
 - 2.2 All applicable Health codes shall be complied with.
 - 2.3 All applicable State and Local licensing and childcare requirements shall be meet.
 - 2.4 The construction plans shall comply with the approved plans.

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3. Landscaping material shall be kept outside of the Old Cheney 50' line.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:
 - 4.1 Before occupying this institution, all development and construction shall have been completed in compliance with the approved plans.
 - 4.2 Before occupying this philanthropic institution/health care facility, the City-County Health Department shall have approved the water and waste water systems for this use and a Hazardous Material evacuation plan.
 - 4.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 4.4 The County 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.

Prepared by:

Michael V. DeKalb AICP
Planner



Area of Application

S. 148th St.

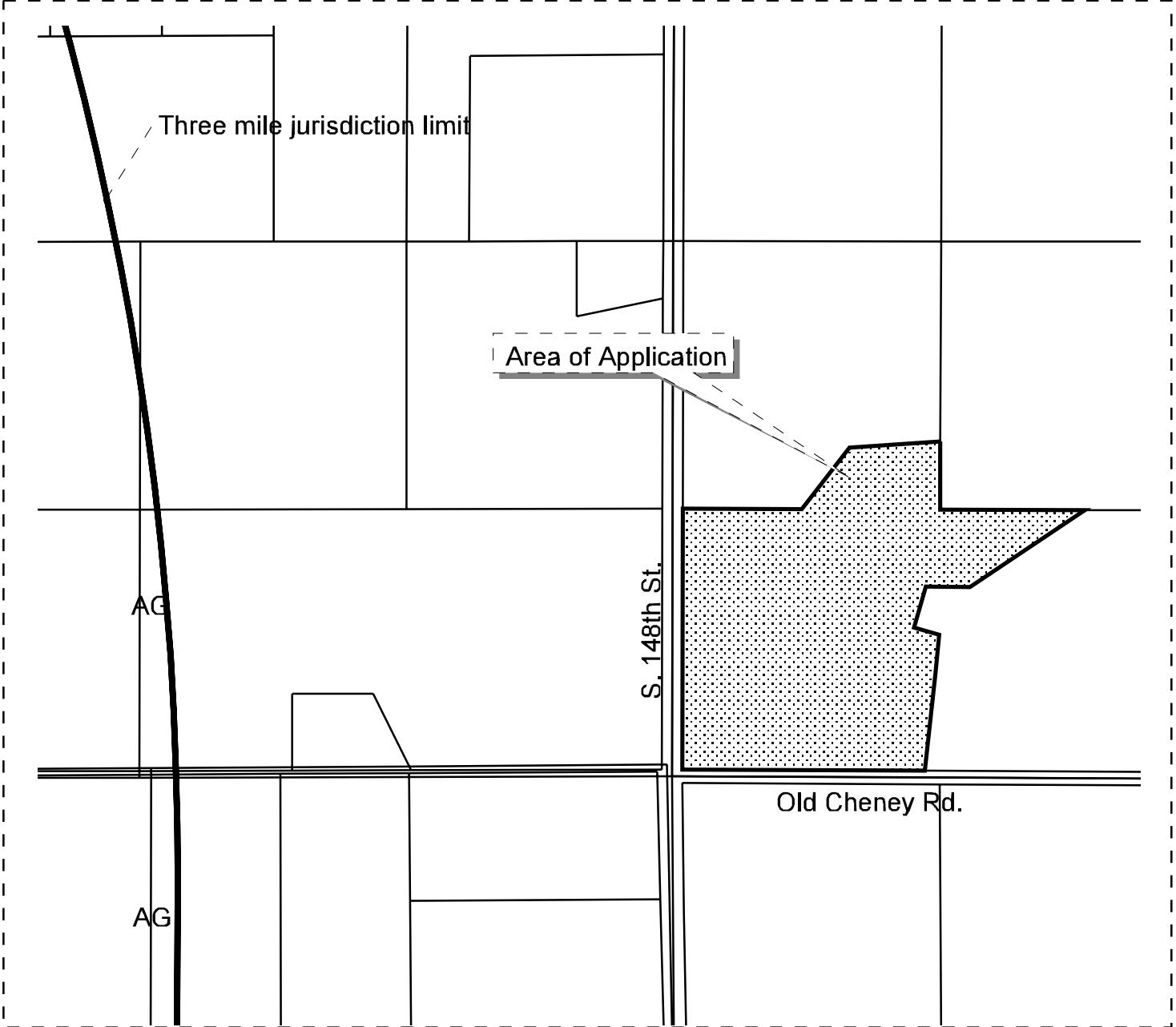
Old Cheney Rd.

**County Special Permit #189
S. 148th & Old Cheney Rd.**



Photograph Date: 1999

Lincoln City - Lancaster County Planning Dept.

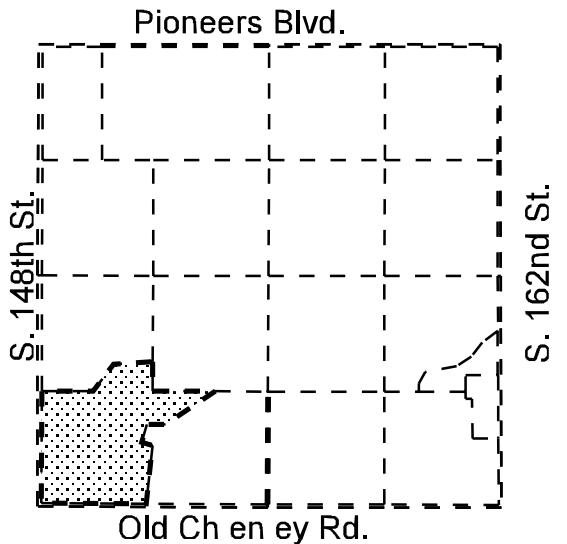


County Special Permit #189 S. 148th & Old Cheney Rd.

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. 10 T9N R8E



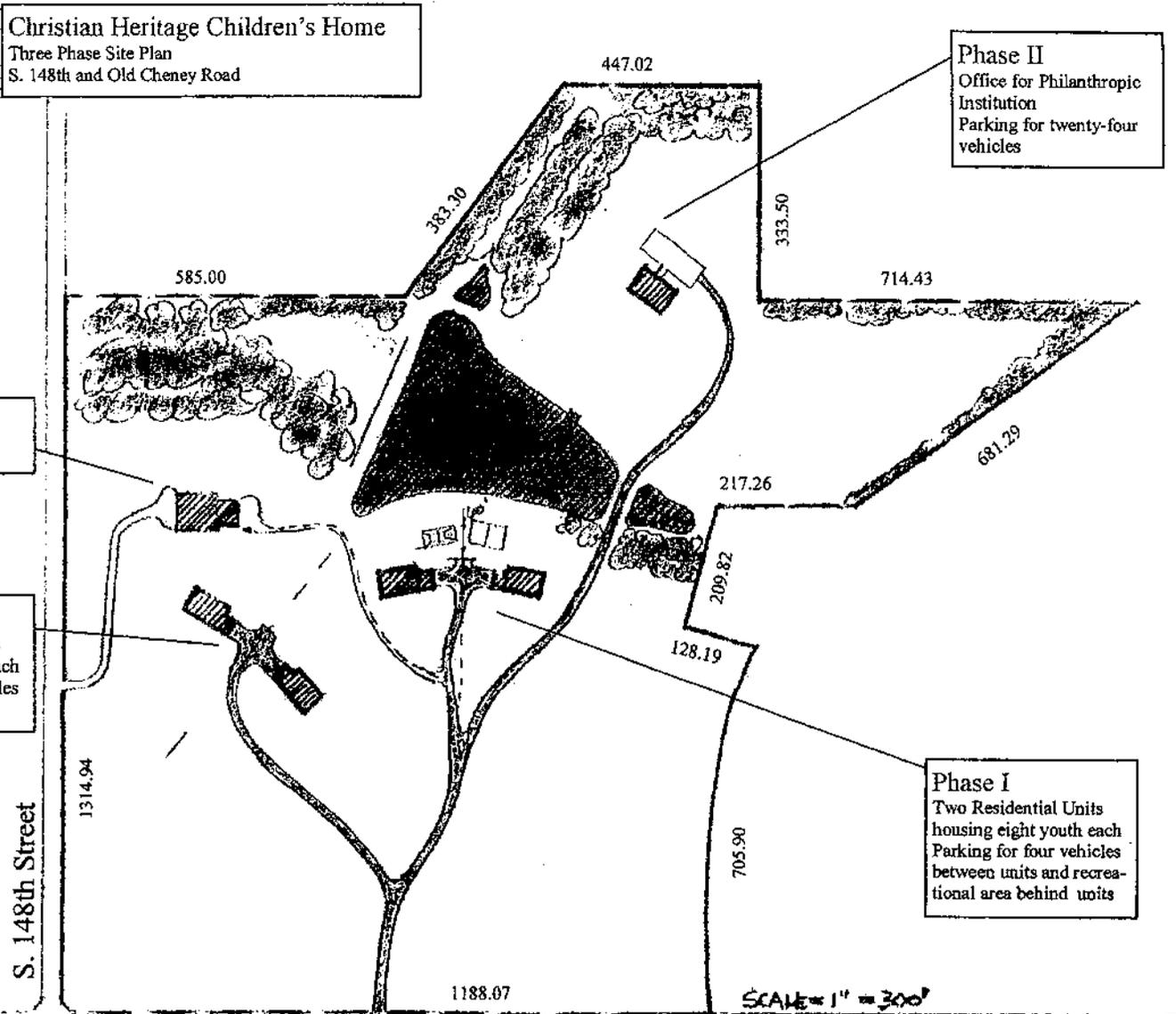
Christian Heritage Children's Home
Three Phase Site Plan
S. 148th and Old Cheney Road

Phase II
Office for Philanthropic
Institution
Parking for twenty-four
vehicles

Existing
Morton Barn

Phase III
Two Residential Units
housing eight youth each
Parking for four vehicles
between units

Phase I
Two Residential Units
housing eight youth each
Parking for four vehicles
between units and recrea-
tional area behind units



Old Cheney Road



County Special Permit #189
S. 148th & Old Cheney Rd.

7-27-01



CHRISTIAN HERITAGE

Serving Children and Families

637 VILLAGE VIEW
HICKMAN, NEBRASKA 68372
(402)792-2961

July 9, 2001

Ms. Kathleen Sellman
Planning Director
Lancaster County Planning Department
City-County Building
555 South 10th Street, Room 203
Lincoln, NE 68508

Dear Ms. Sellman:

On behalf of Christian Heritage Children's Home, I am herein submitting the enclosed application for a Special Permit, which includes two uses. The first use is for a Health Care Facility in which a maximum of thirty-two adolescent children will be served. The youth will reside in homes, each serving a maximum of eight children while receiving therapy or counseling. We will be licensed and approved by the Nebraska Department of Health and Human Services. The second use is for an office building for Christian Heritage Children's Home, a philanthropic institution.

The proposed site for the construction of the residential units and office building is a 45-acre tract located on the northeast corner of 148th and Old Cheney Road. On June 7, 2001 Christian Heritage Children's Home entered into a purchase agreement with Dru and Kyle Lammle to purchase this property contingent upon our receiving this Special Permit.

The legal description of the property is: Lot 23, Irregular Tract located in the Southwest Quarter (SW1/4) of Section 10, Township 9 North, Range 8 East of the 6th P.M., Lancaster County, Nebraska. The property contains 45 acres, more or less.

Christian Heritage Children's Home is a Nebraska non-profit corporation. We received our tax-exempt status from the Internal Revenue Service in June of 1980 under Section 501 (c) (3) of the IRS code as a charitable institution. Documentation of our charitable status is attached.

We are licensed by the Nebraska Department of Health and Human Services as a child caring and child placing organization. The children in our care are referred to us by the Nebraska Department of Health and Human Services, the Lancaster County Separate Juvenile Court and occasionally by the children's parents. Christian Heritage Children's Home has been providing residential care for Lancaster County's children since September of 1981 when we opened our first home for adolescent boys at 8800 Martell Road. In 1985 we opened a second home for adolescent girls at 9200 Wagon Train Road, also in Lancaster County. The children in our care attend the local public schools. We also operate two homes in Buffalo County, to serve the children of central Nebraska.

In addition to operating residential programs for children, Christian Heritage also recruits, trains and places children in foster families. We currently have some thirty licensed foster families in Lincoln and southeast Nebraska providing foster care services for children who are unable to be with their families. Children in our foster care program range in age from infants through adolescents.

In addition to providing residential and foster care services, Christian Heritage Children's Home also assists older youth in their transition from adolescents to adulthood. We rent apartments in Lincoln and Hickman for seventeen and eighteen year old youth who are unable to return to their families and are determined to be too old for foster care. We outline specific goals and objectives to assist these youth in completing their high school education. We assist them in obtaining employment and in learning some thirty-two life-skills, which include: learning to budget, save, manage a check book, shop, prepare nutritious meals, utilize community resources such as the library and public transportation and a number of other skills essential to enable youth to live independently and become a productive member of our community.

In November of 2000 the Nebraska Department of Health and Human Services issued a Request for Proposal for two new residential facilities to be opened within a 25-mile radius of Lincoln to provide care for adolescent children from Lincoln, Lancaster County and southeast Nebraska who are unable to remain with their families. Christian Heritage Children's Home was one of the qualifying organizations to respond. On February 5, 2001 we received notification that we had been selected by the Department to open two new residential units.

We have spent months in search of a site. Given a number of alternatives north, south, east and southwest of Lincoln, our Board of Directors unanimously chose the site at 148th and Old Cheney Road. The rural environment appeals to us. Our homes in southern Lancaster and Buffalo counties are all located in rural settings. The country is a great place for children. The 148th and Old Cheney Road location is an exceptional site for recreational and therapeutic activities for children. There is ample space for outdoor basketball, volleyball, softball, soccer and football as well as an existing Morton building with a concrete floor and basketball goal for indoor recreation. Horse stalls in another section of the Morton building make provision for an equestrian program and the property has a pond stocked with fish. What a wholesome and therapeutic environment for children!

This property, while in the Waverly school district, also provides access to Lincoln schools for those children who have been in the Lincoln School District for two years or longer. We will provide transportation to and from school for those youth who have been attending and wish to continue in the Lincoln Public School District. The close proximity to Lincoln also provides easy access to therapeutic services for the children.

As a site for offices, this location provides access to Lincoln for our fund-raising activities, which include conducting events, speaking engagements and making personal calls on individuals, organizations, foundations and area churches. This site also

provides ease of access to our other residential facilities and to youth and their families from Lincoln, Lancaster County and southeast Nebraska.

I would also share the current property owners have agreed to donate a portion of the property including the Morton building to Christian Heritage Children's Home to assist us in providing care for the children of Lancaster County.

As to our plans, we are proposing the implementation of the project in three phases.

Phase I

This phase includes the construction of two residential units; each unit will be licensed to serve eight children, ranging in age from eight to eighteen. The residential units will be ranch style homes with walkout lower levels. Each unit will have 2,300 square feet per level (a total of 4,600 square feet) and an attached two-stall garage.

The first floor provides a large kitchen and dining area where the children and our staff eat together. A large living room, laundry area and live-in staff quarters are also located on the main level. An office is also located on the first floor for individual therapeutic intervention. Group sessions are conducted in the living room on the main floor.

In the walkout lower level are a recreational area with television and VCR, an exercise/weight room, two bathrooms, four bedrooms and the furnace room. While there are two children in each bedroom, the rooms are architecturally designed to give each youth a sense of personal space and privacy. (Please see the enclosed floor plans.)

Each residential unit is staffed with a live-in houseparent couple and an overnight staff person. With two residential units, one for boys and one for girls, we employ three couples. One couple is the primary couple for the boys' unit, one the primary couple for the girls' unit and the third, a swing couple who work between the two facilities. We also employ three overnight staff members to work between the two units. A Residential Supervisor and a Program Assistant supervise the two facilities.

The individuals who work in and reside in the units are the "teaching parents." From 11:00 p.m. to 7:00 a.m. an awake, overnight staff person is also in each unit. Our Residential Supervisor and Program Assistant do not office in the residential units.

As a general rule, the children placed in our care do not drive, own or operate vehicles. We provide adequate parking in the garage for our staff and a 15-passenger van, which is used to transport the children to church, school, physician and dental appointments and therapy, when conducted out of the residential units. Additional parking for visitors, including family members and outside providers of therapeutic services is available in a designated parking area between the two residential units. (Please refer to the enclosed drawings.)

Attached are: a satellite photograph of the 45-acre tract, a site plan identifying the existing Morton building, and each of the three proposed phases. Also enclosed, for illustrative purposes only, are interior and exterior photographs of our Kearney residential units and floor plans. (While the exterior design of the proposed Lincoln residential units may vary somewhat, the floor plans will be virtually identical to the enclosed plans.)

We will adhere to all set backs. The units will be all electric as natural gas is not available at this site. We would prefer a septic system if the soil permits. If the soil does not meet the percolation tests, we will utilize a lagoon. According to Virgil Dearmont of the Lancaster County Engineering Department this site does not have a 100-year flood plain. To avoid any problems with the pond, we will construct the homes above the level of the dam.

Lancaster County Rural Water District in Bennet has indicated there is a main water line, which runs along 148th Street. There is currently a well on-site with water in the Morton building. It is our desire to use the well if the quality and quantity of the water is acceptable. If the water is unacceptable, we will make application for rural water.

Phase II

The second phase of the project is the construction of an office building for Christian Heritage Children's Home, a philanthropic institution.

The purpose of the building is to house the administrative and fund-raising staff of Christian Heritage, as well as our foster care staff and the Residential Supervisor and Program Assistant of the residential units completed in Phases I and III.

To be more specific, the sixteen individuals who will office in the building include: the Director of Development, Planned Giving Officer, Administrative Director, a Secretary/Receptionist, the President and his Executive Assistant. All of these individuals have some responsibilities pertaining to fund-raising. The program staff members to office in the building include: our Program Director, Independent Living Supervisor and Specialist, Foster Care Supervisor and two Family Specialists and the Residential Supervisor and Program Assistant for the residential units to be constructed in Phase I and Phase III of this project.

The proposed site for the office building is in the northeast corner of the property. We will adhere to all set backs. We are proposing a 75' x 48' building. We will finish all 3,600 square feet on the main level and 3,400 square feet in the walkout lower level for a total of 7,000 square feet.

The main level of office building will provide eight offices, a small conference room, a kitchenette, and two half baths. The lower level will provide ten offices, a larger

conference room, a furnace room and two half baths. A minimum of twenty-four parking spaces will be provided for the office building.

Phase III

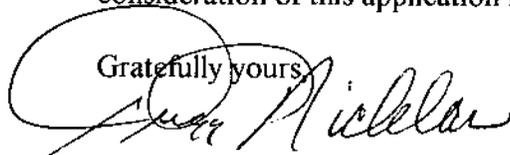
In the future, should the Nebraska Department of Health and Human Services desire additional residential units and issue a Request for Proposal for such services and should Christian Heritage Children's Home be selected to provide these services, we would like to have the permit to construct a third and fourth residential unit on this site. Thus the proposed third phase.

The homes would be similar in terms of floor plan, living arrangements for staff, licensed for eight adolescent youth and staffed with "teaching parents." We believe it prudent to include this phase in the Special Permit to make provision for future growth and expansion.

Please feel free to contact me with any questions you may have and I will be attentive in responding to your request. My cellular number is 540-4859. Our office number is 792-2961. Please call me on my cellular as I am frequently out of the office.

On behalf of Christian Heritage Children's Home and the children of Lincoln and Lancaster County we have the privilege of serving, I want to thank you for your consideration of this application for a Special Permit.

Gratefully yours,

A handwritten signature in cursive script that reads "Gregg Nicklas". The signature is written in black ink and is positioned below the typed name.

Gregg Nicklas
President

P. S. Enclosed for your consideration are: A letter from the current property owner stating awareness and support of this project, a Certificate of Ownership from Nebraska Title Company, a determination letter from the Internal Revenue Service indicating our 501(c) (3) status as a charitable, *philanthropic* institution, a satellite photograph of the 45-acre tract, a site plan identifying the existing Morton building, and each of the three proposed phases. Also enclosed, for illustrative purposes only, are interior and exterior photographs of our Kearney residential units, recreational area and floor plans.

June 29, 2001

Ms. Kathleen Sellman
Planning Director
Lancaster County Planning Department
City-County Building
555 South 10th Street, Room 203
Lincoln, NE 68508

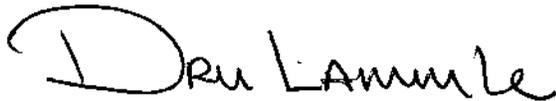
Dear Ms. Sellman:

On June 7, 2001 my wife Kyle and I entered into a purchase agreement with Christian Heritage Children's Home to sell a parcel of ground located at 148th and Old Cheney Road. The legal description is: Lot 23, Irregular Tract in the Southwest Quarter (SW ¼) of Section 10, Township 9 North, Range 8 East of the 6th P.M. Lancaster County, Nebraska. The property contains 45 acres, more or less.

The sale of the property is contingent upon the issuance of a Special Permit to allow Christian Heritage to construct residential facilities to care for adolescent children and an office for their philanthropic institution.

As the owners of record we herein state our awareness of the intent of Christian Heritage and are in full support of their serving children and having an office on this property.

Sincerely yours,

A handwritten signature in black ink that reads "Dru Lammle". The signature is written in a cursive style with a large, looped initial "D".

Dru Lammle
5917 South 72nd Street
Lincoln, NE 68516

Internal Revenue Service
District Director

Department of the Treasury
P.O. Box 1123, Central Station
St. Louis, MO 63188

Date: JUL 21 1981

Employer Identification Number:
47-0632613
Accounting Period Ending:
May 31
Form 990 Required: Yes No

Nebraska Christian Childrens
Home
RR 1 Box 90
Hickman, NE 68372

Person to Contact:
V. McDonald
Contact Telephone Number:
314-425-5651

Dear Applicant:

Based on information supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code.

We have further determined that you are not a private foundation within the meaning of section 509(a) of the Code, because you are an organization described in section 509(a)(1) and 170(b)(1)(A)(vi).

If your sources of support, or your purposes, character, or method of operation change, please let us know so we can consider the effect of the change on your exempt status and foundation status. Also, you should inform us of all changes in your name or address.

Generally, you are not liable for social security (FICA) taxes unless you file a waiver of exemption certificate as provided in the Federal Insurance Contributions Act. If you have paid FICA taxes without filing the waiver, you should contact us. You are not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

Since you are not a private foundation, you are not subject to the excise taxes under Chapter 42 of the Code. However, you are not automatically exempt from other Federal excise taxes. If you have any questions about excise, employment, or other Federal taxes, please let us know.

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

The box checked in the heading of this letter shows whether you must file Form 990, Return of Organization Exempt from Income tax. If Yes is checked, you are required to file Form 990 only if your gross receipts each year are normally more than \$10,000. If a return is required, it must be filed by the 15th day of the fifth month after the end of your annual accounting period. The law imposes a penalty of \$10 a day, up to a maximum of \$5,000, when a return is filed late, unless there is reasonable cause for the delay.

Internal Revenue Service

District
Director

Gregg Nicklas
Christian Heritage
Children's Home
637 Village View
Hickman NE 68372

Department of the Treasury

106 South 15th Street, Stop 9
Omaha, NE 68102

Person to Contact:
Catherine Bombere
Telephone Number:
(402) 221-3503
Refer Reply to:
DIR:OMA:E:EGMB:CB:E92-080
Date:
April 23, 1992

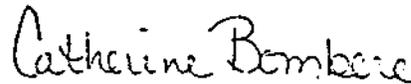
Dear Mr. Nicklas:

This is in response to your request dated April 14, 1992.

Name: Christian Heritage Childrens Home
FEIN: 47-0632613
Subsection and paragraph of IRC 501 under which the organization
has been determined to be exempt from taxation: IRC 501(c)(3)-
Organizations-Charitable, Religious, Educational, Scientific, Etc.
Ruling Date: July 1981

If you have any questions, please give me a call.

Sincerely,



Catherine Bombere
Disclosure Officer

Christian Heritage Children's Home ~ S. 148th and Old Cheney Road Site



S. 148TH ST.

2650.72

89°55'59"

585.00

383.30

447.02

333.50

714.43

33°44'37"

146°15'15"

681.29

146°15'23"

217.26

209.82

106°11'03"

90°00'00"

128.19

86°51'34"

705.90

96°12'49"

83°47'11"

1314.94

90°10'41"

LOT 23

45.00 ± Ac. Total

44.10 ± Ac. Net

- #92-46275
- #97-48020
- #97-48021
- #99-18856

LOT 1

36.97 ± Ac.

35.91 ± Ac

#92-26523

1188.07

2648.0

1389.65

OLD CHENEY RD.