

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for September 1, 2004 PLANNING COMMISSION MEETING

P.A.S.: County Special Permit # 04043

PROPOSAL: Audubon Nebraska has requested a special permit to construct and operate an educational philanthropic institution to be used as a nature center.

LOCATION: Generally located at SW 100th Street and Saltillo Road

LAND AREA: A 639.63 acres, more or less

CONCLUSION: This request complies with the requirements of the Zoning Regulations and the Comprehensive Plan.

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

LEGAL DESCRIPTION: Lots 8, 11, 15, 16, and 17 I.T and the E ½ of the NE 1/4, SW 1/4 of the NE 1/4, the E ½ of the SW 1/4, and the SE 1/4, all in Section 3, Township 8 North, Range 5 East of the 6th P.M., Lancaster County.

EXISTING ZONING: AG Agriculture

EXISTING LAND USE: Farm house/office and prairie.

SURROUNDING LAND USE AND ZONING:

Agriculture on all sides. County gravel storage to the northwest. Zoned AG Agriculture on all sides.

COMPREHENSIVE PLAN SPECIFICATIONS: In Conformance. This shows as Environmental Resources on the County Land Use Plan. The zoning provides a special permit for the educational philanthropic use in the agriculture district.

The language of the Plan states;

**MAINTAIN THE RICHNESS AND DIVERSITY OF THE COUNTY'S
URBAN AND RURAL ENVIRONMENTS**

Lancaster County boasts a diverse set of environmental resources and landscape types that should be respected and maintained.

Lancaster County is home to a distinctive association of threatened and endangered species of plants and animals that represents a highly valued environmental legacy. Environmental resources reside within a broad range of settings that should be considered as policy and development decisions are made. (Pg F 51)

As a Comprehensive Plan land use category, “environmental resource features” represent an important part of today’s urban and rural landscapes. Such features need to be valued and sustained as part of the overall planning process if they are to remain as vital parts of the natural heritage left for succeeding generations. These features help to define the County’s unique sense of place — geographically, culturally, and temporally. The Plan fully recognizes the harmony and connections that exist within and between these features. (Pg F 52)

Native Prairie – This feature refers to the tallgrass prairie areas that are dominated by big bluestem, little bluestem, indiangrass, and sideoats grama grass species. Numerous wildflowers and forbs are also found in these prairies, including purple coneflower, purple prairie clover, and black-eyed susan. Though historically they were the region’s prevailing natural condition, native prairies are an increasingly rare feature on the Nebraska landscape. Lancaster County is fortunate to have about 8,640 acres of native prairie remaining, although they are scattered throughout the county in patches of land that must remain whole if their integrity as a natural resource feature is to continue. Nine Mile Prairie and Spring Creek Prairie are two of the larger massings of native grasslands in the county. (Pg F 52)

The “Core Resource Imperatives” uniquely contribute to the natural resource heritage of the region and whose safeguarding for future generations is indispensable. The other features remain important to the long term environmental and economic viability of the community and should not be inordinately discounted.

Native Prairies – Prior to the European settlement period, tallgrass prairies dominated the Nebraska landscape. Native prairie remnants remain scattered throughout the County, providing a home to numerous grasses, wildflowers and forbs. The remaining native prairies are becoming rarer and thus are increasing in value as an ecological amenity. The prairies are a key component of the signature landscape the first Europeans encountered when they settled in Nebraska and remain a visual clue to Lincoln and Lancaster County’s “sense of place.” (pg F 54-55)

Preserve ecological protection areas

Protect areas that are biologically interconnected to support bird, animal, and insect migration and supporting vegetation. Examples are stream beds and wooded corridors, prairie land, and saline wetlands. (F56)

Native Prairies and Grasslands

Develop planning guidelines, management techniques and supporting policies for preserving native prairies and grassland. For example, these areas remain healthiest when periodic burning is done to support plant regeneration. Notification to adjacent property owners of possible burnings and smoke occurrences must occur as title to property changes. Research into such issues should examine how the implementation of necessary management guidelines can best occur; particularly options for balancing the inherent needs of natural resources features (such as grasslands) with surrounding properties.

Investigate means for encouraging native prairie restoration by private entities. (F 59)

HISTORY: Changed from AA Rural and Public use to AG in the 1979 zoning update

TOPOGRAPHY: Rolling and wooded. Draining to the north.

TRAFFIC ANALYSIS: SW 96th/100th Street abutting on the west is paved, connecting Denton to Hwy 33 and Crete to the south and southwest. W. Saltillo Road and W Bennet Road are gravel county roads that do not go all the way through. SW 86th is dirt.

PUBLIC SERVICE: This is in the Southwest Rural Fire District and the Crete and Rokeby School Districts. This is served by the Lancaster County Sheriff's Department.

REGIONAL ISSUES: Location of activity centers. Preservation of native prairie.

ENVIRONMENTAL CONCERNS: The Historic and Ecological Resources survey shows native hay on this site. The Historic 1868 Nebraska City Fort Kearney Cut - off trail crosses this site. The soil rating on this land is 8.4 on a scale of 1 to 10 where 1 is the highest and a rating of 1-4 is prime agriculture land. This is not prime ag land. This land has creek bottoms and wooded riparian areas, wetlands and native prairie. Some flood plain is noted on the bottom land. There were no feed lots or other potential hazards noted in the area.

AESTHETIC CONSIDERATIONS: Native Prairie, view of the Capitol.

ALTERNATIVE USES: All uses permitted by the AG district. Dwellings at one per 20 acres (31 dwellings).

ANALYSIS:

1. This request is for a special permit under Article 13.001 (3) which states;

3) Hospitals, clinics and institutions, including educational, religious and philanthropic institutions; provided, however, 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;
 - ! An educational visitor center
 - ! Events for twenty to 40 persons and school groups of up to 120 students
 - ! Up to four festivals per year with an expected draw of about 600 attendees
 - ! Three on site staff expanding to eight
 - ! A new nature center building of up to 10,000 square feet
 - ! Parking for 36 vehicles and overflow for an additional 300 cars
3. Water is proposed to be by well.
4. Sewage treatment is to be by lagoon. Restrooms are to be provided.
5. The County Engineer notes no objections

STAFF RECOMMENDATION:

Conditional Approval

GENERAL CONDITIONS:

1. This approval permits an educational philanthropic institution being used as a nature center. The facility shall be limited to the following:
 - a) A main building of up to 10,000 square feet.
 - b) No more than 8 full time persons employed on the premise.
 - c) No more than four "events" of more then 50 participants per calendar year.
 - d) Access shall be limited to SW 100th street

- e) The grounds shall be non - illuminated except for necessary security.
- f) Parking shall be provided for 36 cars with overflow for an additional 300 cars.
- g) All parking shall be on the site.

2. Prior to the issuance of building permits:

- 2.1 All buildings shall meet building code and have permits.
- 2.2 All applicable Health codes shall be complied with.
- 2.3 All applicable State and Local health codes shall be complied with.
- 2.4 The construction plans shall comply with the approved plans.

STANDARD CONDITIONS:

3. The following conditions are applicable to all requests:

- 3.1 Before occupying/operating this educational philanthropic institution all development and construction shall have been completed in compliance with the approved plans.
- 3.2 Before occupying/operating this educational philanthropic institution, the City-County Health Department shall have approved the water and waste water systems for this use.
- 3.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 3.4 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:

Mike DeKalb AICP, 441-6370, mdekalb@lincoln.ne.gov
Planner
August 15, 2004

APPLICANT: Mr. Don Helmuth, Audubon Nebraska
5000 Center Park Drive, Suite 101
Lincoln, NE 68504
(402) 466-1220

OWNER: National Audubon Society
700 Broadway,
New York, NY 10003
(212) 979-3108

CONTACT: Ms. Marian Langan
Audubon Spring Creek Prairie
11700 SW 100th Street
P.O. Box 117
Denton, NE 68339
(402) 797-2301

Purpose Statement for the Spring Creek Prairie Audubon Center

The mission of the Spring Creek Prairie Audubon Center is to foster the understanding, appreciation and conservation of Nebraska's prairie ecosystems by engaging people in the site's natural and cultural resources.

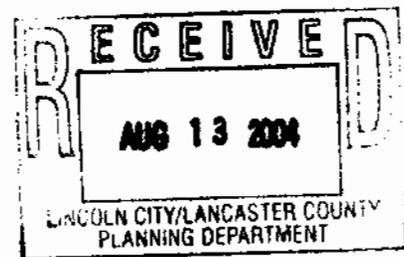
The education and visitor center described in this permit will help us realize this mission. Local citizens will be able to learn more about their prairie heritage during their visits and tourists will be able to learn more about our area. The building will also provide indoor education spaces for groups during inclement weather, as well as accessible restrooms.

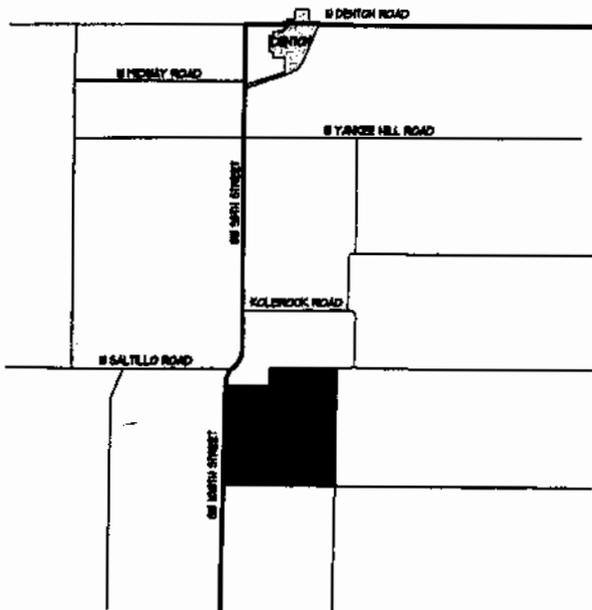
Events that will be held at the center include regular public and family programs attended by approximately twenty to forty people, and regular school programs for up to one hundred twenty students that will arrive in up to four school buses at a time.

Currently there is one festival a year, the annual prairie festival held in September. It is a half-day educational community event that draws up to 600 attendees. Up to four festivals will be held each year in the future; these may run over two days if the demand warrants. Overflow parking for this type of event will be accommodated for up to 300 vehicles in the mown, non-native grass area near the building site (see the approximate location on the maps). This parking area may need to slide closer to the building in the final design to provide proper ADA access to the building. These events will continue into the evening, but no sound or light from our events will be disruptive of neighboring activities.

Three people currently work at the site, though we expect this to increase gradually over time to a maximum of eight people.

The existing, deteriorated agricultural shed will eventually be replaced elsewhere on the site with subordinate agricultural outbuildings as needed. Up to four, small outdoor shelters (open-air classrooms) are provisionally anticipated for the future; these would occupy space in the festival area east of the new building and west of the existing pond.



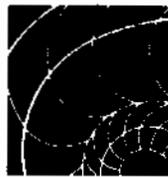


LOCATION MAP

NTS

LEGAL DESCRIPTION:

- LOT 14, IRREGULAR TRACTS, LOCATED IN THE NORTH HALF OF SECTION 3, TOWNSHIP 8 NORTH, RANGE 5 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA.
- LOT 7, IRREGULAR TRACTS, LOCATED IN THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 8 NORTH, RANGE 5 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA.
- THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 8 NORTH, RANGE 5 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA.
- LOT 8, IRREGULAR TRACTS, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 8 NORTH, RANGE 5 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA.
- THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 8 NORTH, RANGE 5 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA.
- THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 8 NORTH, RANGE 5 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA.
- THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 8 NORTH, RANGE 5 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA.
- THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 8 NORTH, RANGE 5 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA.
- LOT 11, IRREGULAR TRACTS, IN THE NORTH HALF OF SECTION 3, TOWNSHIP 8 NORTH, RANGE 5 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA.
- EXCEPTING THEREFROM, AN IRREGULAR TRACT OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 8 NORTH, RANGE 5 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: REFERRING TO THE NORTHWEST CORNER OF SECTION 3, TOWNSHIP 8 NORTH, RANGE 5 EAST OF THE 6TH P.M., THENCE SOUTH ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 3, A DISTANCE OF 1200.00 FEET TO THE TRUE POINT OF BEGINNING, THENCE CONTINUING ON THE LAST DESCRIBED LINE, A DISTANCE OF 695.00 FEET, THENCE EAST PERPENDICULAR TO THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1465.00 FEET, THENCE NORTH PARALLEL TO THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 695.00 FEET, THENCE WEST PERPENDICULAR TO THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1465.00 FEET TO THE TRUE POINT OF BEGINNING, EXCEPT THAT PORTION, BEING A STRIP OF LAND 50.00 FEET WIDE, ALONG THE WEST SIDE OF THE DESCRIBED TRACT, DEEDED TO THE PUBLIC FOR ROAD RIGHT OF WAY.



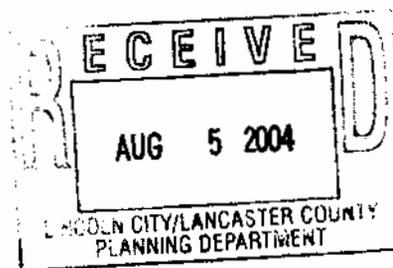
The
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Lincoln, Nebraska
1010 Lincoln Mall, Suite 200
Lincoln, NE 68508-2883
402 477.9291 Fax 402 477.6542

Kansas City, Missouri



Audubon Spring Creek
Denton, Nebraska
TCEP No.: 587-002-01
August 5, 2004

Use Permit Drawing
Site Location

L0.1



2002 aerial

County Special Permit #04043 SW 100th & W. Saltillo Rd.

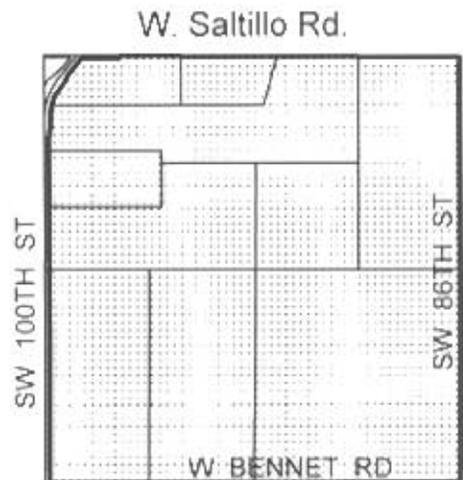
Zoning:

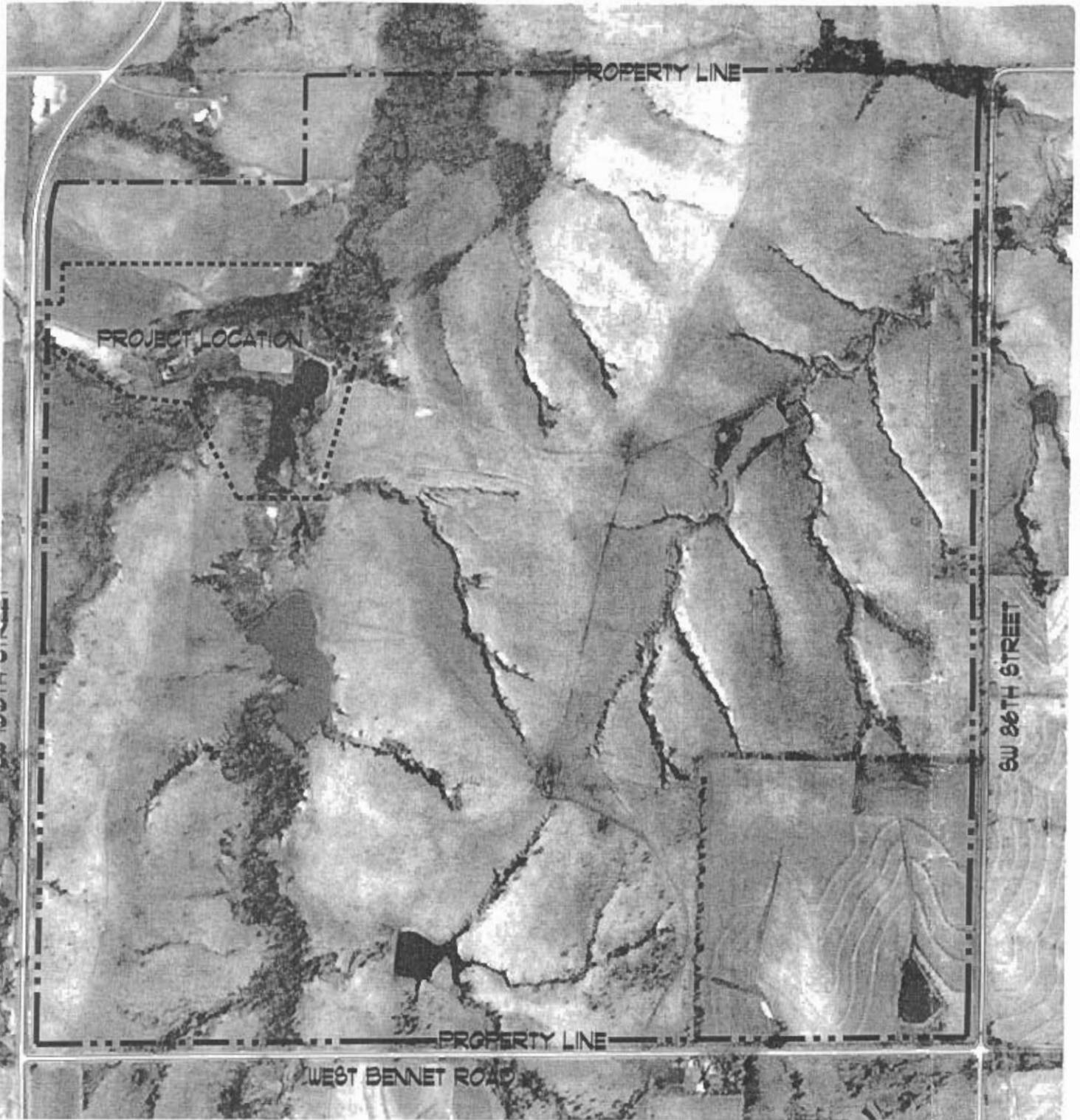
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- LB-1 Local Business District
- B-2 Planned 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. 3 T8N R5E



Zoning Jurisdiction Lines
City Limit Jurisdiction

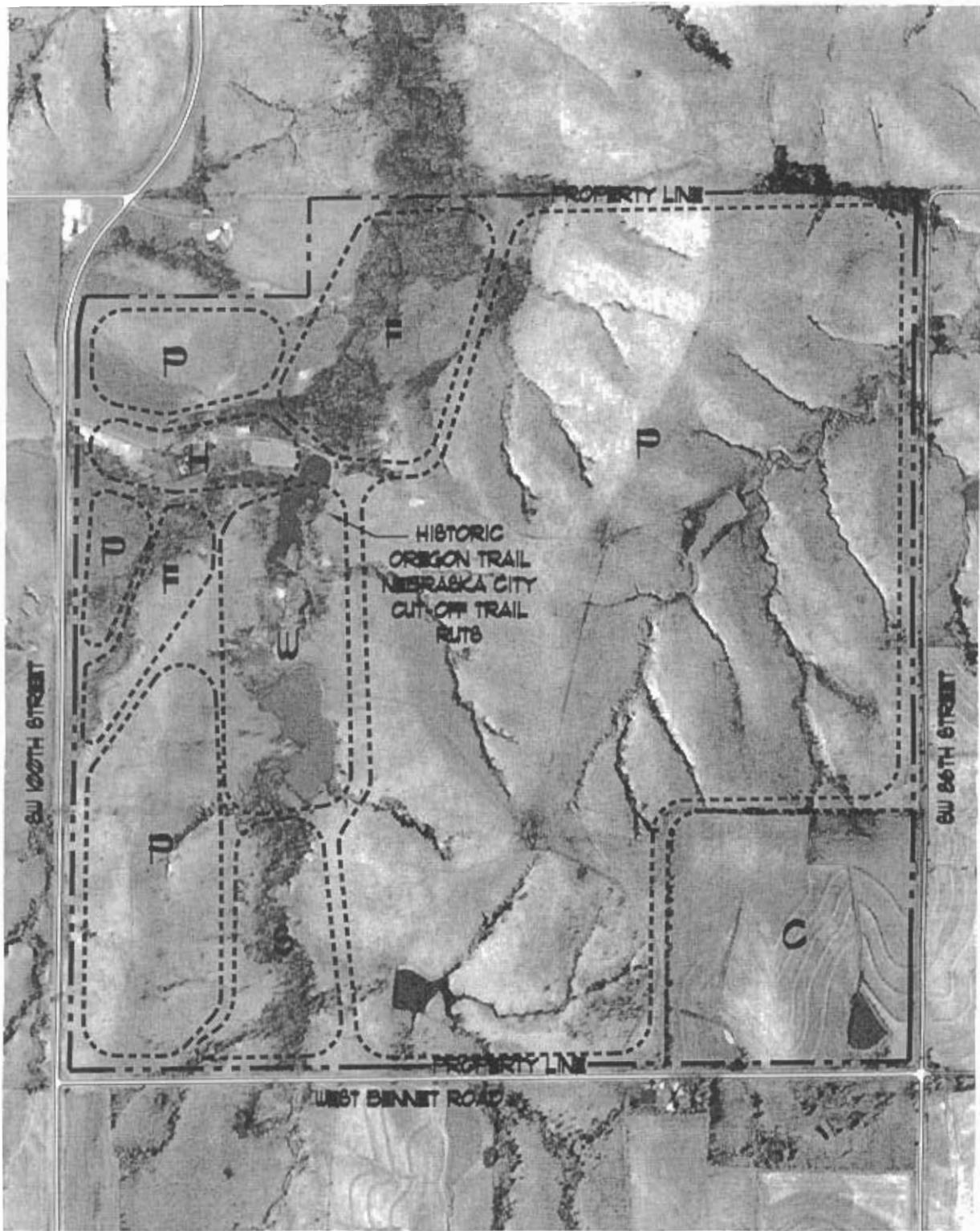




PROJECT LOCATION

NT5

County Special Permit #04043
SW 100th & W. Saltillo Rd.



LAND USE ZONE LEGEND:

- P: PRAIRIE TO BE MAINTAINED & PRESERVED
- F: RIPARIAN WOODLAND TO BE MAINTAINED & PRESERVED
- W: WETLANDS AND PONDS TO BE MAINTAINED & PRESERVED
- S: RIPARIAN SAVANNAH TO BE MAINTAINED & PRESERVED
- C: CROPLAND
- H: HEADQUARTERS



LAND USE ZONES

NTS



- HABITAT MANAGEMENT ZONE LEGEND:**
- A: MOST INTENSE HUMAN USE
 - B: TRANSITION ZONE (TRAILS)
 - C: TO BE MAINTAINED AS NATIVE PRAIRIE
 - D: CURRENTLY IN CROP USE



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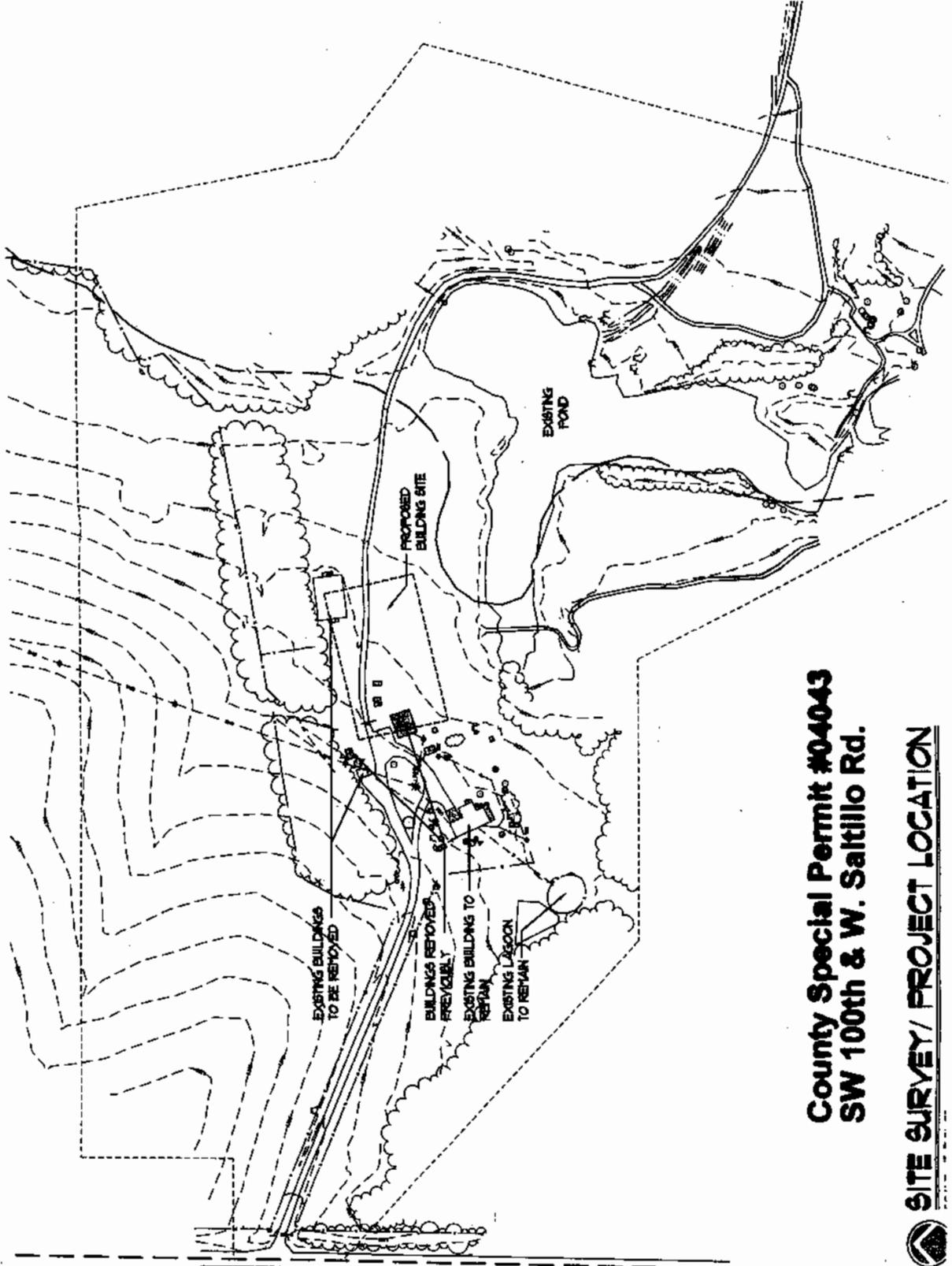
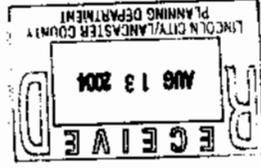
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HABITAT MANAGEMENT ZONES

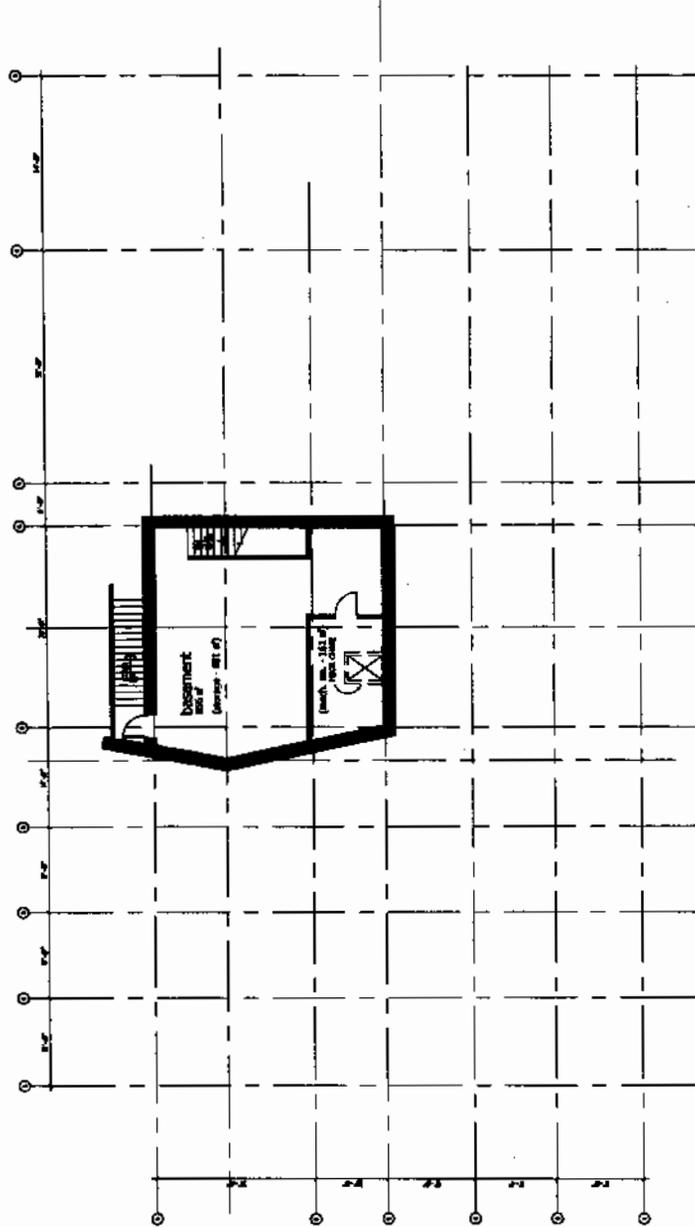
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**County Special Permit #04043
SW 100th & W. Saltillo Rd.**





FLOOR PLAN - BASEMENT
SCALE 1/4" = 1'-0"

Lancaster

DON R. THOMAS - COUNTY ENGINEER

County

Engineering

DEPUTY - LARRY V. WORRELL
COUNTY SURVEYOR

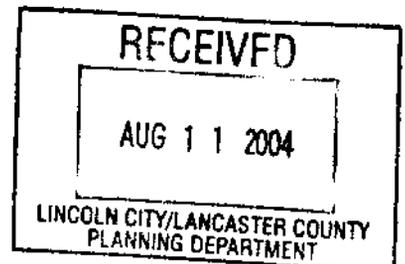
Department



DATE: August 10, 2004
TO: Mike DeKalb
Planning Department
FROM: Larry V. Worrell 
County Surveyor
SUBJECT: AUDUBON SPRING CREEK PRAIRIE NATURE CENTER
DENTON, NEBRASKA

Upon review, this office has no objections to this submittal.

LWV/cm



**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Mike DeKalb

DATE: August 23, 2004

DEPARTMENT: Planning

FROM: Chris Schroeder

ATTENTION:

DEPARTMENT: Health

CARBONS TO: EH File

SUBJECT: Audubon Nature Center

EH Administration

SP #04043

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the proposed development with the following noted:

- The property is served by a private well. The well construction appears to be satisfactory. The water system is considered to be a public water system based on the number of people served. The system is in compliance with water standards and sampling frequency based on the Nebraska Safe Drinking Water Act.
- The lagoon currently serving the house/office is overgrown with trees and other vegetation. The vegetation must be removed, lagoon resealed as needed, and the fence reconstructed.
- The on-site wastewater system for the proposed building will be a lagoon. A construction permit will be required from the LLCHD and possibly the Nebraska Department of Environmental Quality depending on the projected effluent production.
- The applicant is giving consideration to abandoning the existing lagoon and piping effluent from the existing house/office to the new lagoon. This is an acceptable alternative to refurbishing the existing lagoon.
- All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter.
- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.

9500 S.W. 84th St.
Denton NE 68339
August 20, 2004

Lincoln/Lancaster County Planning Commissioners
c/o Mike DeKalb, Planning Department
555 S. 10th Street, Room 213
Lincoln NE 68508

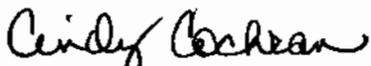
Dear Planning Commissioners:

We are writing in support of Special Permit #403 for the Audubon Spring Creek Prairie.

Spring Creek Prairie is a wonderful part of this neighborhood and we feel very lucky to have it in such close proximity to our own home. The educational programs they offer have touched the lives of thousands of children. They can show people our prairie heritage and the new education center will only enhance this activity.

Many of their activities are conducted outdoors but it will be very helpful to have the education center when the weather is bad. Spring Creek Prairie should be supported and encouraged in its endeavors and we are more than happy to lend our support.

Sincerely,


Cindy Cochran


David J. Cochran

