

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for October 11, 2006 PLANNING COMMISSION MEETING

P.A.S.: County Change of Zone #06065 - race track

PROPOSAL: Text amendment to : *County Zoning Resolution*, Article 4.007, AG Permitted Special Uses and Article 13.001 Special Permits; to add a provision to allow race tracks by special permit in the AG District.

CONCLUSION: This amendment will provide language to ask for a county special permit for a drag strip in the AG district of the county. The County Board requested the change and staff supports the request.

RECOMMENDATION:

Approval of attached text

ANALYSIS:

1. On August 31st the Planning Department received a request for a special permit for a “drag strip” under the provision of a “recreation facility” (4.007(b)). Upon consultation with the County Attorney and the County Board it was agreed that the existing provision did not fit the proposed use and new language should be added to the county zoning code.
2. The proposed zoning amendment would provide for the opportunity to request a special permit in the AG Agriculture District for a race track, drag strip or motor sport facility.
3. This amendment is by the Planning Director at the request of the County Board. The language provisions are based on the City of Lincoln special permit language for race tracks for motorized vehicles (27.63.570) as adjusted by consensus of the Board.
4. This change is related to, and provides the mechanism for, the drag strip special permit (#06051) at Hwy 77 and Branched Oak Road. The applicant of that permit agreed to defer their application for two weeks to allow the text amendment to run in tandem.
5. It should be noted that in addition to the text requirements, the County Board can amend or add any reasonably related condition to county special permits as the Board determines the case needs or warrants.

Proposed Language:**ARTICLE 4
AG" AGRICULTURAL DISTRICT**

4.007 Permitted Special Uses. A building or premises may be used for the following purposes in the "AG" Agricultural District if a special permit for such use has been obtained in conformance with the requirements of Article 13:

bb) Race track, drag strip, or motor sport facility;

**ARTICLE 13
SPECIAL PERMIT**

13.001 Special Permit. In addition to uses allowed under other districts, the County Board may by special permit after public hearing, authorize the location of any of the following buildings or uses in any district from which they are prohibited by this resolution, or as limited in this section, any may also permit an increase in the height of any such building and permit a lesser area than required aforesaid in this resolution. The County Board may also grant special permits for variances from the provisions of Article 11 of this resolution.

13.016 Permitted Special Use: Race Tracks, Drag Strips, and Motor Sport Facilities in "AG" District:

Race tracks, drag strips, and motor sport facilities may be allowed by special permit in the AG zoning district in conformance with the following conditions:

(a) The application shall be accompanied by the following information:

(1) A plot plan drawn to an accurate scale showing the layout of the entire site including the track, seating area, restrooms, parking lot, concession stands, lighting facilities, and other pertinent information.

(2) Proposed water and sewer systems.

(3) Drainage and grading plan.

(4) Description of the racing facility, including the type, number and average speed of motorized vehicles and time and frequency of operations.

(5) Landscaping and screening plan.

(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.

(7) Anticipated peak event attendance and parking needs.

(8) Days and hours of operation.

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

(10) Entrances, exits and traffic flow.

(b) the site shall contain at least seventy (70) acres in the AG district.

- (c) The proposed water, sewer and drainage facilities shall be reviewed and approved by the Lincoln Lancaster County Health Department.
- (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. 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 dBA one minute Leq limit shall apply to any dwelling 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.
- (e) The site shall not be located in areas for residential use, rural use/low density residential, schools, parks and open space, and the major ecological and environmental protection areas in accordance with the Comprehensive Plan.
- (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.
- (g) The site shall be readily accessible from a major street or paved road with adequate access for law enforcement and emergency vehicles.
- (h) The site shall be located within reasonable reach of existing fire protection facilities. A report thereon shall be obtained from the fire protection district or authority in which the site is located.
- (i) The events shall not operate between the hours of 10 PM to 10 AM.

The County Board may amend any of the above conditions of the special permit, or impose additional conditions, upon a showing that such conditions are reasonably related to the interest of public health, safety, morals, and the general welfare.

Prepared by:

Mike DeKalb, AICP, 441-6370, mdekalb@ci.lincoln.ne.us
Project Manager

September 21, 2006

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Lancaster

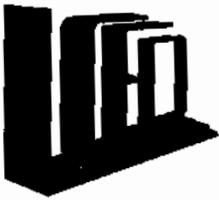
County

Engineering

Department

DON R. THOMAS - COUNTY ENGINEER

DEPUTY- LARRY V. WORRELL
COUNTY SURVEYOR

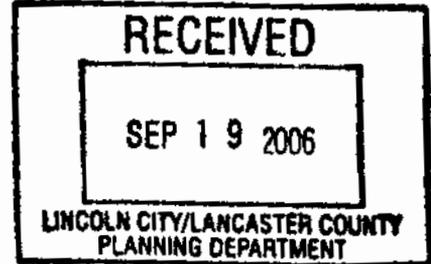


DATE: September 18, 2006

TO: Mike DeKalb
Planning Department

FROM: Larry V. Worrell
County Surveyor

SUBJECT: COUNTY MOTOR SPORTS
CHANGE OF ZONE



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

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

TO: Mike DeKalb **DATE:** September 26, 2006

DEPARTMENT: Planning **FROM:** Chris Schroeder

ATTENTION: **DEPARTMENT:** Health

CARBONS TO: EH File **SUBJECT:** County Motor Sports
EH Administration SP CZ #06065

The Lincoln-Lancaster County Health Department has reviewed the change of zone application with the following noted:

- Add the following language to 13.016 (a) (6): "A noise impact analysis to include the projected noise levels, e.g. one-minute Leqs, at noise sensitive locations. The effects of noise mitigating measures, such as barriers, will be a part of this analysis."
- Under 13.016 (d), add the following modification: "A 65 dB(A) one-minute Leq limit shall apply to any dwelling within the one mile radius of the boundary of the property legally described in the application."

ITEM NO. 6.1a: COUNTY CHANGE OF ZONE NO. 06065
(p.121 - Public Hearing - 10/11/06)



Cstrode1@cs.com
10/04/2006 09:05 PM

To plan@lincoln.ne.gov
cc
bcc
Subject Planning Commision CZ06065 Article 4

Dear County/City Planning Members,

I am writing in regard to your possible text amendment (13.016) providing for drag strips/race tracks; specifically, section F. I am very happy and relieved to see your provision for locating race tracks at least 1 mile from existing cemeteries. Of course, the noise and traffic from a race track would be very detrimental to the somber and reflective mood of funerals and later visitations to the departed. But the thought of laying a departed family member or friend to rest for all eternity while the ground is shaking from the tremendous vibrations from race cars is abhorrent and disrespectful. There is enough grief at the death of a loved one without thinking of their remains being shaken for 12 hours a day. Thank you again for your compassion in this area.

Sincerely,

Teri Nielsen

17330 N. 84th St.

Lincoln, NE 68517



Huskercaps@aol.com
10/09/2006 03:33 PM

To plan@lincoln.ne.gov
cc treesmatzke@alltel.net
bcc

Subject County Change of zone ordinance 06065

Dear Planning Commissioners:

I oppose adding an ordinance that would allow a motorsports complex at the site proposed by permit application #06051, but if it is your intent to adopt an ordinance, then I feel it is imperative that it retain the language that would prohibit any type of drag strip, race track or motorsports complex that would have any boundary of its site within 1 mile of a church or cemetery. **If any language is to be modified, I feel it would be to include the word "school" in addition to church and cemetery.** As a lifelong educator I feel schools should be given buffer zone consideration of at least one mile from such a facility. There are already enough distractions for young people as they learn in class and through CO-curricular activities at their schools.

Most schools also have activities on weekends, evenings and summers as well as the school day when classes are in session. Such activities may include, depending on whether the school be elementary, middle school or high school. PTA/PTO meetings, musical and drama programs, athletics, assemblies for honors recognition, homecoming ceremonies, fund-raisers, practices for drama, music, athletics activities are assemblies for distinguished alumni, summer school, booster events and many other school activities.

Allowing a motorsports complex to be built within 1 mile of a school, I feel, sends absolutely the wrong message of strong support for education and its related activities. Loud engines would be very invasive and distracting even two or three miles away from a school, church or cemetery, therefore, **one mile should be established as the absolute bare minimum** from these critical institutions whose programs and teachings are essential to the full development of young people.

I have taught at Pound middle school and Lincoln East and Northeast high schools in Lincoln, and I know what kind of disruption can be caused by just one (1) car with loud pipes revving it up or speeding by the building. Almost every student turns their attention, at least momentarily, to see "whose car it is" making the noise. Dragsters, hot rods, motocross, tractors, snowmobiles, demolition derbies, go-carts and any other type of motorized vehicle and related activity within 1 mile will certainly be an unwelcome distraction to any type of public or private school.

1. Please consider language that better addresses noise issues:

--That the use will not include noises which are objectionable due to volume, frequency or beat unless muffled or otherwise controlled

--That the establishment of the conditional use will not impede the normal and orderly development of the surrounding property for zoned uses.

--That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, not substantially diminish and impair property values within the area of the county.

2. Include language that would make it clear that any use, including events and activities be prohibited between 10 PM and 10 AM. Be certain to include non-race activities such as "test and tune" and the operation of sound systems that produce noise levels similar to racing.

3. Please include language requiring lights illuminating the racetrack and activity area to be turned off by 10 PM and at any time after dark when events are not taking place.

4. Please prohibit the sale, consumption and promotion of alcohol at the facility.

5. Please include language that respects the right to farm by requiring consideration of whether a proposed facility could be located on nonagricultural land or land that is adjacent to an existing industrial or recreational use. Highly productive farm land should not be removed from production when other sites are available, more appropriately zoned or welcomed by most of the neighbors.

As the ethanol industry in Nebraska continues to grow, we must retain productive farmland for production of crops efficiently utilized for ethanol production.

I thank you greatly for considering my request and protecting the farmland and light residential way of life in these outer tiers in the northern part of the county. Please insure that this area will retain its agricultural integrity as described in the Comprehensive Plan. That is why I moved here.

Sincerely,
Phil Pfeiffer
15400 N 56 ST
LINCOLN, NE 68514