

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for June 22, 2005 PLANNING COMMISSION MEETING

- PROJECT #:** Special Permit No. 05030
- PROPOSAL:** The applicant is requesting a special permit for the storage and sale of agricultural chemicals.
- LOCATION:** Generally located at N56th and Fletcher Boulevard. Addressed as 6100 N. 56th Street.
- LAND AREA:** Approximately 1.57 acres
- CONCLUSION:** The proposed use is in conformance with the comprehensive plan and zoning ordinance.

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

- LEGAL DESCRIPTION:** Lot 33 I. T., located in the SW 1/4 of Section 33, Township 11 North, Range 7 East, Lancaster County, NE
- EXISTING ZONING:** I-1 Industrial
- EXISTING LAND USE:** Industrial

SURROUNDING LAND USE AND ZONING:

- | | | |
|--------|----------------|-------------------------------------|
| North: | I-1 Industrial | Industrial |
| South: | I-1 Industrial | Industrial |
| East: | I-1 Industrial | Industrial |
| West: | P Public | Boosalis Park, closed old land fill |

COMPREHENSIVE PLAN SPECIFICATIONS:

This shows as Industrial in the Lincoln/Lancaster County Land Use Plan

HISTORY:

This area changed from "L" Heavy Industrial District to I-1, Industrial in the 1979 Zoning update.

TRAFFIC ANALYSIS: North 56th Street (formally Hwy 77) is a Principle Arterial. Fletcher Road is a Minor Arterial. A service road off of N. 56th Street serves this and abutting lots.

ENVIRONMENTAL CONCERNS:

The proper storage and containment of chemicals.

ANALYSIS:

1. This is a request to store and sell farm chemicals in the existing building.
2. Chapters 27.47.030 a) and 27.63.290 provide for a special permit for "... distribution and storage of toxic...flammable.... chemicals."
3. The Lincoln-Lancaster County Health Department recommends installation and use of secondary containment and a sprinkler system.
4. The fire review notes this change in occupancy of the existing building may require a secondary containment system and a sprinkler system.
5. It is staffs' understanding that Federal EPA and Nebraska Department of Environmental Quality standards will apply.
6. A similar request was made by the applicant at Hwy. 77 and Mill Road (Co SP 04059) but was denied by the County Board due to proximity to and concerns of neighbors. There are no dwellings in the immediate area of this application.

CONDITIONS:

Site Specific:

1. This approval permits the sale and storage of agricultural chemicals

General:

2. Before initiating the agricultural chemical storage and sales:
 - 2.1. All buildings shall meet Building, Fire and Life Safety Codes.
 - 2.2. All applicable Federal, State and Local Environmental codes shall be met.
 - 2.3. All applicable State and Local requirements shall be met.
 - 2.4. The construction plans comply with the approved plans.

STANDARD CONDITIONS:

3. The following conditions are applicable to all requests:
 - 3.1 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 3.2 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 3.3 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.

Prepared by

Mike DeKalb, 441-6370, mdekalb@lincoln.ne.gov
Planner

DATE: June 6, 2005

APPLICANT: David Benes Farms, LLC
2389 County Road 23
Valparaiso, NE 68065
402-784-6901

OWNER: Under contract sale from
Sampson Construction Company
3730 S. 14th St
Lincoln, NE 68502

CONTACT: Mark Hunzeker/Shana Cole
1045 Lincoln Mall Suite 200
Lincoln, NE 68508
(402) 476-7621



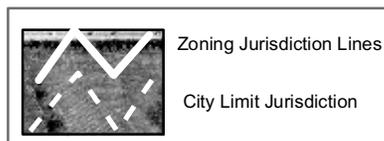
2002 aerial

Special Permit #05030 N. 56th & Fletcher Blvd

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. 33 T11N R7E



MAY 26 2005

Official Survey Record

LANCASTER County, Nebraska

Allied Surveying & Mapping, Inc.
Land Surveyors

6120 South 58th Street - Suite "A" - Lincoln, Nebraska 68516

Phone (402) 434-2686
FAX (402) 434-2687

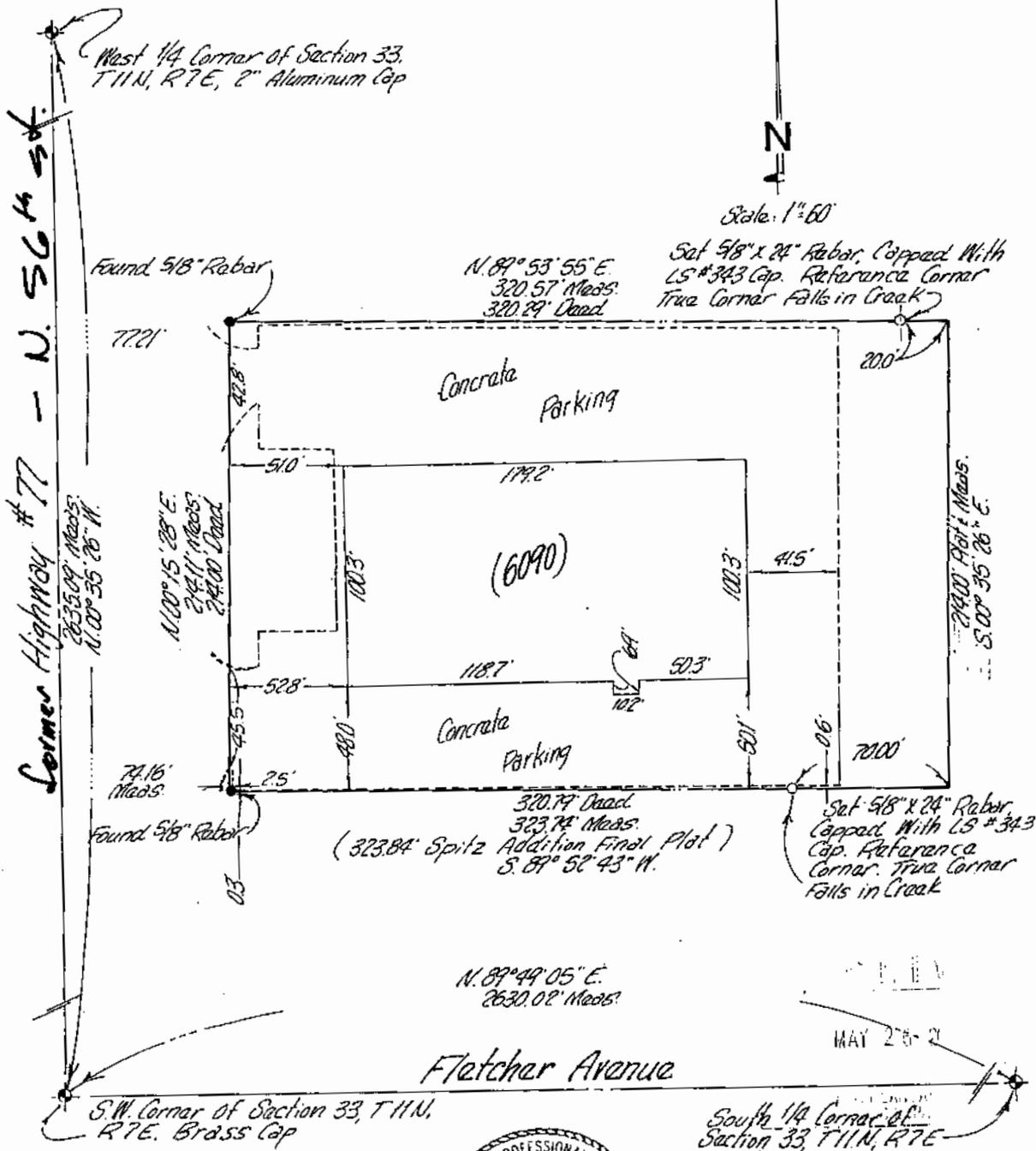
Sheet 1 of 1

Lot 33 of Irregular Tracts located in the Southwest Quarter

of Section 33 T 11 N, R 7 E of the 6th P.M.

Job No. 34212

April, 2005



Set 5/8" x 24" Capped Rebar
SURVEYORS CERTIFICATE

I hereby certify that I have accurately surveyed the property in the above plat.
Rebar were set at points marked o. All dimensions are in feet and decimals of a foot.



Special Permit #06030

(SBAL)

Pierson|Fitchett
LAW FIRM

1045 Lincoln Mall
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P.O. Box 95109
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Patrick D. Timmer
Randy R. Ewing
Shanna L. Cole
Jason L. Scott

May 25, 2005

Gary L. Aksamit
of Counsel

Marvin Krout
Planning Department
555 South 10th Street
Lincoln, NE 68508

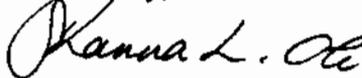
Re: *David Benes - Application for Special Permit on Property located at 6100 N. 56th St.*

Dear Mr. Krout:

This letter is to certify that the owner of the property located at 6100 N. 56th Street, Lincoln, Nebraska, which is legally described as Lot 33 of Irregular Tracts located in the Southwest Quarter of Section 33, Township 11 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, is currently Sampson Construction Company. My client, David Benes, has entered into a Purchase Agreement with Sampson Construction Company for purchase of this property pending approval of this special permit. The purpose of this special permit is for use of the property for the commercial storage and sale of agricultural chemicals.

Please advise should you need further information.

Sincerely,



Shanna L. Cole
For the Firm
scole@pierson-law.com

SLC:lt

(G:\WPData\MH\Benes 5500.001\Krout 5-25.ltr.wpd)

Pierson|Fitchett
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May 25, 2005

Gary L. Aksamit
of Counsel

Marvin Krout
Planning Department
555 South 10th Street
Lincoln, NE 68508

Re: *David Benes - Application for Special Permit on Property located at 6100 N. 56th St.*

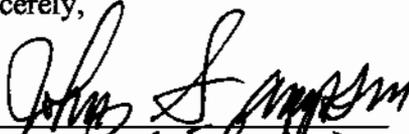
Dear Mr. Krout:

Please be advised that I have authority to sign on behalf of Sampson Construction Company which currently is the record owner of property described as Lot 33 of Irregular Tracts located in the Southwest Quarter of Section 33, Township 11 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska and commonly known as 6100 N. 56th Street.

It is my understanding that David Benes, the future owner of this property, is applying to your office for a special permit to store and sell agricultural chemicals on this property. Sampson Construction Company consents to this application for special permit by Mr. Benes.

Thank you for your consideration of this matter.

Sincerely,



Title President
Sampson Construction Company

(G:\WPData\MH\Benes 5500.001\Krout 5-25 #2.ltr.wpd)



IMPORTANT



Return this report with two sets of corrected plans. The corrections noted below are required to be made to the plans prior to issuance of a permit. Please indicate under each item where the correction is made by plan sheet number or plan detail number.

A separate set of plans for review and final approval must be submitted by the licensed installing contractor/s if fire suppression systems, sprinklers, dry powder, fire alarm systems or underground tanks are installed.



Permit # **DRF05099**

Address

Job Description: Development Review - Fire

Location: 6100 N 56TH STREET

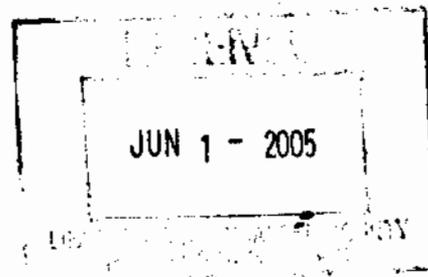
Special Permit: Y 05099

Preliminary Plat:

Use Permit:

CUP/PUD:

Requested By **MIKE DEKALB**



Status of Review: Denied

05/31/2005 5:53:00 PM

Reviewer: FIRE PREVENTION/LIFE SAFETY CODE

BOB FIEDLER

Comments: change of use of this building will require a change of occupancy.
Storage of agricultural chemicals may require secondary containment & a sprinkler system

Current Codes In Use Relating to Construction Development in the City of Lincoln:

- 2000 International Building Code and Local Amendments
- 2000 International Residential Code and Local Amendments
- 1994 Nebraska Accessibility Guidelines (Patterned after and similar to ADA guidelines)
- 1989 Fair Housing Act As Amended Effective March 12, 1989
- 1979 Zoning Ordinance of the City of Lincoln as Amended including 1994 Parking Lot Lighting Standards
- 1992 Lincoln Plumbing Code (The Lincoln Plumbing Code contains basically the 1990 National Standard Plumbing Code and local community Amendments.)
- 1999 National Electrical Code and Local Amendments
- 1997 Uniform Mechanical Code and Local Amendments
- 1994 Lincoln Gas Code
- 2000 NFPA 101 Life Safety Code
- 2000 Local Amendments International Firecode
- Applicable NFPA National Fire Code Standards